

**RICHLAND COUNTY
DEVELOPMENT AND SERVICES
COMMITTEE**

AGENDA



TUESDAY SEPTEMBER 26, 2023

5:00 PM

COUNCIL CHAMBERS

Richland County Council 2023



Deirek Pugh
District 2



Jason Branham
District 1



Gretchen Barron
District 7



Yvonne McBride
District 3



Paul Livingston
District 4



Allison Terracio
District 5



Don Weaver
District 6



Overture Walker
District 8
Chair



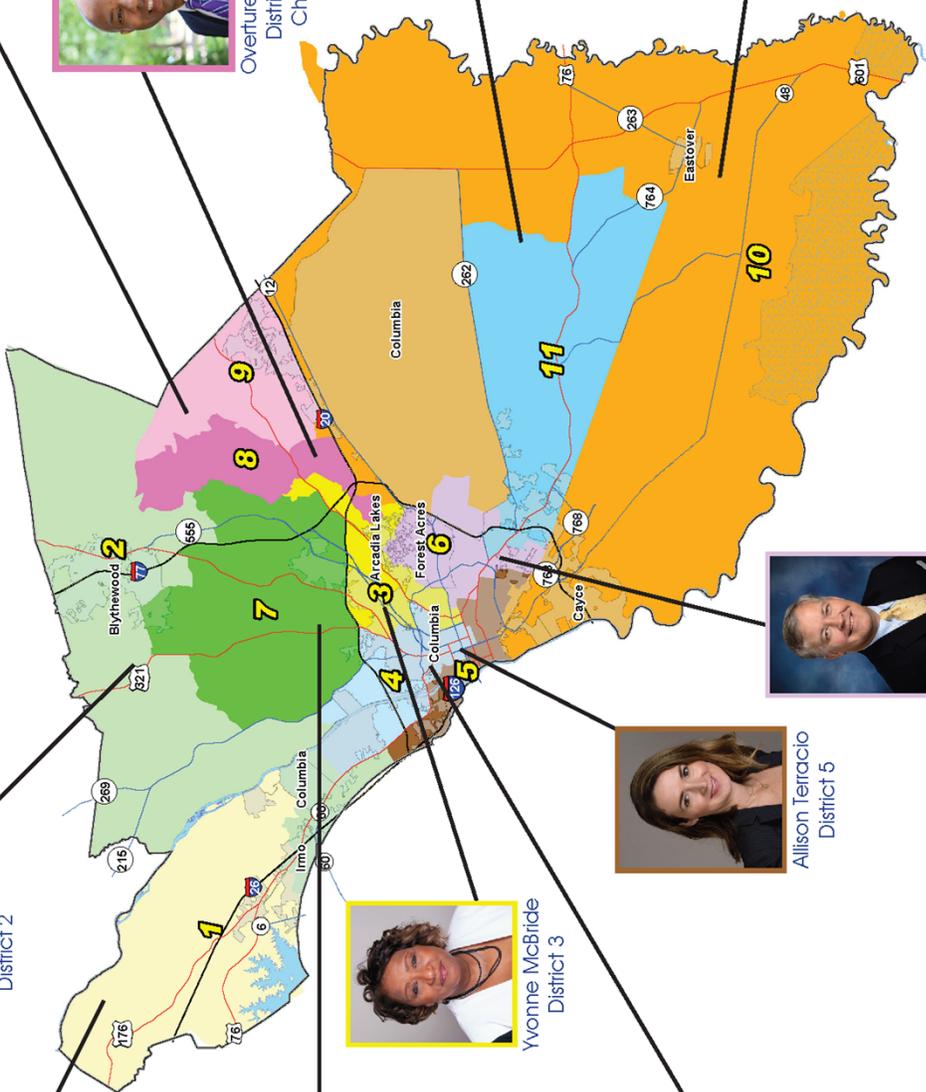
Chakisse Newton
District 11



Cheryl English
District 10



Jessica Mackey
District 9
Vice Chair





**Richland County
Development and Services Committee**

AGENDA

September 26, 2023 - 5:00 PM
2020 Hampton Street, Columbia, SC 29204

The Honorable Derrek Pugh	The Honorable Allison Terracio	The Honorable Gretchen Barron	The Honorable Cheryl English	The Honorable Chakisse Newton, Chair
County Council District 2	County Council District 5	County Council District 7	County Council District 10	County Council District 11

1. **CALL TO ORDER** The Honorable Chakisse Newton

2. **APPROVAL OF MINUTES** The Honorable Chakisse Newton
 - a. June 27, 2023 **[PAGES 5-8]**

3. **ADOPTION OF AGENDA** The Honorable Chakisse Newton

4. **ITEMS FOR ACTION** The Honorable Chakisse Newton
 - a. Short-Term Rentals **[PAGES 9-20]**
 1. Direct the Administrator to create regulations for the operation of Short Term Rentals (STRs) in unincorporated Richland County. Those regulations would be listed as an amendment to the current Ordinance relating to residential rental property regulations similar to the Absentee Landlord Ordinance that is currently being considered. Consideration should be given to licensing, safety measures, number of occupants allowed, effects on infrastructure such as sewer and water, EMS and Law Enforcement potential response and not having them create a nuisance in the neighborhood. [Malinowski - December 6, 2022]

 2. Direct the County Administrator to work with staff to ensure the proposed Short Term Rental Ordinance requires each homeowner who wishes to provide a short-term rental to obtain a business license and pay accommodation taxes. [Malinowski (Terracio), January 3, 2023]

5. **FOR DISCUSSION/PRELIMINARY ACTION**
 - a. I move to direct the Administrator to conduct a review of the rank weeds and vegetation ordinance and

recommend any updates that would improve the effectiveness of the ordinance particularly as it relates to safety, enforcement, and blight reduction. [Newton – August 30, 2022] [\[PAGES 21-22\]](#)

6. ITEMS PENDING ANALYSIS: NO ACTION REQUIRED

The Honorable Chakisse Newton

- a. Direct the Administrator to research and present to Council current laws and benefits of enacting impact fees in Richland County. The purpose is to help reduce the tax burden on residents by not having to pay the complete cost of development in Richland County. [Malinowski (Pugh; Newton), January 3, 2023]
- b. I move to direct the Administrator to review and update the illegal dumping ordinance, including raising fines up to \$5,000.00, jail time, and community service (picking up debris on roadways) [English, June 6, 2023]

7. ADJOURNMENT

The Honorable Chakisse Newton



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Richland County Council
DEVELOPMENT AND SERVICES COMMITTEE
MINUTES
June 27, 2023 – 5:00 PM
Council Chambers
2020 Hampton Street, Columbia, SC 29204

COUNCIL MEMBERS PRESENT: Chakisse Newton, Chair; Allison Terracio, Gretchen Barron, and Cheryl English (arrived at 5:14 PM)

NOT PRESENT: Pugh

OTHERS PRESENT: Don Weaver, Jason Branham, Michelle Onley, Ashiya Myers, Angela Weathersby, Patrick Wright, Stacey Hamm, Leonardo Brown, Aric Jensen, Anette Kirylo, Lori Thomas, Kyle Holsclaw, Zachary Cavanaugh, Chelsea Bennett, Michael Byrd, Susan O’Cain, Dale Welch, Geo Price, Quinton Epps, Dante Roberts, and John Thompson

1. **CALL TO ORDER** – Councilwoman Chakisse Newton called the meeting to order at approximately 5:00 PM.

Ms. Newton noted that Mr. Pugh is traveling and unable to attend tonight’s committee meeting.

2. **APPROVAL OF MINUTES**

- a. May 23, 2023 – Ms. Barron moved to approve the minutes as distributed, seconded by Ms. Terracio.

In Favor: Terracio, Barron, English, and Newton

Not Present: Pugh

The vote in favor was unanimous.

3. **ADOPTION OF AGENDA** – Ms. Terracio moved to adopt the agenda as published, seconded by Ms. Barron.

In Favor: Terracio, Barron, English, and Newton

Not Present: Pugh

The vote in favor was unanimous.

4. **ITEMS FOR ACTION**

- a. Proposed Land Development Code Zoning Map and Text Amendments – Mr. Aric Jensen, Assistant County Administrator, stated he met with Mr. Geo Price, Deputy Community Planning and Development Director/Zoning Administrator, before the start of the meeting. Mr. Price will be able to address any questions that may arise. He noted the objective is to forward the zoning map to Council. Following that, any desired text amendments. There have been changes to the text or zoning maps since the previous meeting.

Ms. Newton stated in order to complete the Land Development Code, the zoning map needs to be approved by Council. Once that has happened, we will be able to go back and edit the text of the Land Development code.

Mr. Patrick Wright, County Attorney, indicated the Land Development Code is both the text and map. Currently, Council has approved the text, but the Code is incomplete until the maps are approved. Ms. Newton stated the recommendation is to send the maps to Council for approval, with an effective date set fair enough into the future to allow for editing of the text before the maps go into effect.

Mr. Branham stated we ran into an issue with the implementing ordinance when we placed a specific date in it, and then Council went back and amended it so that there was a triggering event instead of a

date. He inquired if we could do the same in this case and make the map effective once Council has had an opportunity to vote on each text amendment.

Mr. Wright stated that because there is a brand-new code and an ordinance, there must be an effective date when the map takes effect.

Mr. Branham inquired if we could include an effective and include a caveat “so long as Council has had the opportunity to vote on the Planning Commission’s text amendment recommendations.”

Mr. Wright responded he did not believe you could do it that way. If there is a different date other than the effective date you initially proposed, you could amend the ordinance.

Mr. Branham suggested including a specific period after a triggering event (i.e., 90 days after the text amendments are voted on).

Mr. Wright replied you need a date when the new code/law will take effect.

Mr. Branham inquired if that could be established later, ensuring Council has an opportunity to vote on the text amendments before the map becomes effective.

Mr. Wright pointed out you could give First Reading of the text amendments on the same day you approve Third Reading of the map.

Mr. Branham inquired if that is something that can be established at this meeting.

Mr. Wright responded if you know the date(s), that will be the effective date(s).

For clarification, Ms. Newton stated if a motion to approve the map was to move forward, on Third Reading of the map, you could have a First Reading of the text amendments. Would we defer the additional readings of the text amendments?

Mr. Wright asserted every ordinance has an effective date, which can be the date it is approved or a future date. You could have the effective date of the new code, which is the text and the map, take place on the same day as the amendments.

Mr. Branham maintained there has been a gap in trust between the public and the County. He believes it would be beneficial if the body could create something that gives confidence to the public that the text amendment recommendations will be heard and voted on by Council before the map becomes effective.

Ms. Barron acknowledged this process needs to strengthen the trust between Richland County and its citizens. She noted when she reviewed the minutes from the previous meeting, a timeline was requested from the staff. She would have liked to have the timeline provided before this meeting. It is difficult to make an informed decision without having information ahead of time to mull over. Now we are expected to vote on it. She asserted she is uncomfortable with us moving forward with a document we already know is challenged. She is aware Mr. Wright said this is how it must be. She did some research, and it’s her understanding that you can implement the recommendation of the Planning Commission or portions thereof. She suggested an opinion from the Attorney General to determine if Mr. Wright is correct or if something else could be done. We need to move this document forward, but she wants to ensure we have exhausted all our options.

Mr. Wright indicated what the body did was bifurcate the Land Development Code. You have approved a part of the Code. You cannot amend something that is not complete. Once it is complete, you can make whatever amendments you want.

Ms. Barron stated we voted to separate it, but when did we vote to put it back together?

Mr. Wright responded it was automatic. The map was to have taken effect in May 2022. Council decided to delay the implementation, so we have been in limbo for the last year and a half. You can make amendments, but you must have a complete Code before it can be amended.

Ms. Barron stated, for clarification, we voted to separate the Code. Once we approved what we separated, it automatically went back to one document.

Mr. Wright stated the Code is one document. What Council did was approve one part of the Code but did not address the second part, which is the map. The text and the map go together. Right now, we have the text, but we do not have the map.

Ms. Barron indicated she would vote no because she is uncomfortable with the process.

Mr. Branham stated he believes Council has expressed its objectives. The Administrator suggested t we could make a report out of the committee to express their intention to the body and the public. He is requesting the County Attorney and staff to assist the body with achieving its objectives.

Mr. Wright stated his job is to ensure Richland County is on legally sound ground, and he believes you will not be on legally sound ground if you do not follow the process outlined.

Ms. Newton stated when the text was approved in 2021, the idea was that we would take that time to speak with the community so we could edit the text. An overly optimistic timeframe was put on those community conversations, and it was presumed the map would pass in May 2022. What happened instead was when we went to the community, there was so much feedback and concerns that we did not see the point of passing maps to go with text that no one wanted. It is her understanding from the County Attorney that once too much time had passed, we could not go back and edit the text. For the record, she does not intend to keep the text passed in November 2021 without amendment. The only pathway to do so is to approve the map. She recommends sending the map representing the Code we want and having those maps go into effect on a future date (i.e., May 2024). If this motion were to go to Council, we would immediately start discussing the proposed text amendments. In addition, she would suggest having a Council work session to discuss the recommendations in detail.

Ms. Barron acknowledged they do not like the path forward outlined by the County Attorney, but they have to respect his opinion. She also requested the timeline proposed by the staff.

Mr. Branham requested that Council adopt the version of the zoning map recommended by the Planning Commission and not make the map effective until the text amendments can be voted on.

Mr. Wright reiterated the recommendation is to have the zoning map and text amendments take effect simultaneously, which is the only viable path forward.

Ms. Newton stated she wants us to have enough time to have community feedback. Therefore, she does not want us to get into a situation where we set a date, and something becomes effective that we do not desire.

Mr. Price proposed an effective date of May 7, 2024. During the intervening period, it would allow any potential community outreach Council desires, Council work sessions, and the consultant, Clarion, to implement this into the Land Development Code to ensure there are no additional conflicts.

Ms. Newton inquired should Council approve the text amendments before the May 7, 2024, effective date, could the effective date be changed to take effect earlier?

Mr. Wright responded Council could always change the effective date, but it would require Three Readings and a public hearing.

Ms. Newton stated, for clarification, once the Land Development Code is unified, we can amend it as needed.

Mr. Wright replied in the affirmative.

Ms. Terracio moved to forward to Council with a recommendation to approve the zoning maps with an effective date of May 7, 2024, seconded by Ms. English.

Ms. Newton inquired if Ms. Terracio's motion is for the most recent map recommended by the Planning Commission.

Ms. Terracio responded in the affirmative. In addition, she would support a Council work session.

Ms. Barron asserted her "no" vote is not about the maps not going forward. It is about getting it right. She does think a work session is needed and wishes one was held when she first came on Council. It was noted the Clerk's Office provided her with a copy of the Land Development Code for her to review before she took office.

Ms. Newton declared this process has been delayed so we can get community feedback. She acknowledged that she hates the process the law says we must follow. It is confusing and convoluted, but we have to follow the laws even if we do not like it. Her "yes" vote is to affirm that she is 100% committed to making the text amendments to make it better for the community.

In Favor: Terracio, English, and Newton

Opposed: Barron

Not Present: Pugh
The vote was in favor.

Ms. Newton directed staff to schedule a work session in September to discuss the Land Development Code and make the frequently assisted questions available to the constituents.

Mr. Branham requested to update the interactive map for the public to utilize.

Ms. Newton noted citizens zoned rural have up to a year to come to Council and disagree with the recommendation and request, free of charge, to change the zoning designation.

5. **ITEMS FOR PRELIMINARY ACTION**

a. Short-Term Rentals:

1. Direct the Administrator to create regulations for the operation of Short Term Rentals (STRs) in unincorporated Richland County. Those regulations would be listed as an amendment to the current Ordinance relating to residential rental property regulations similar to the Absentee Landlord Ordinance that is currently being considered. Consideration should be given to licensing, safety measures, number of occupants allowed, effects on infrastructure such as sewer and water, EMS and Law Enforcement potential response and not having them create a nuisance in the neighborhood. [MALINOWSKI - December 6, 2022]
2. Direct the County Administrator to work with staff to ensure the proposed Short Term Rental Ordinance requires each homeowner who wishes to provide a short-term rental to obtain a business license and pay accommodation taxes. [TERRACIO - January 3, 2023]

Ms. Newton stated staff will present a draft ordinance pertaining to Items 5(a) and (b) at the September 26, 2024, committee meeting.

6. **ITEMS PENDING ANALYSIS: NO ACTION REQUIRED**

- a. I move to direct the Administrator to conduct a review of the rank weeds and vegetation ordinance and recommend any updates that would improve the effectiveness of the ordinance particularly as it relates to safety, enforcement, and blight reduction. [Newton - August 30, 2022] – Ms. Newton noted staff anticipates providing draft ordinance revisions at the September 26, 2024, committee meeting.
- b. Direct the Administrator to research and present to Council current laws and benefits of enacting impact fees in Richland County. The purpose is to help reduce the tax burden on residents by not having to pay the complete cost of development in Richland County. [PUGH, BARRON, and NEWTON - January 3, 2023] – Mr. Brown indicated the County does not have a subject matter expert; therefore, they have put aside funds to bring a subject matter expert/consultant on board.

Ms. Newton noted the committee did make a motion to provide funding to support the procuring of the subject matter expert, but it did not make it to Council. She inquired if that motion needs to come to Council, and, if so, will it be before the body.

Mr. Brown responded by forwarding the motion to Council; it would cover him in the future, but he does not feel it is necessary.

Ms. Newton suggested the County Administrator and Clerk's Office decide if the motion should go on the Council agenda for action.

- c. I move to direct the Administrator to review and update the illegal dumping ordinance, including raising fines up to \$5,000.00, jail time, and community service (picking up debris on roadways) [English and Terracio, June 6, 2023] – Mr. Brown stated staff had not had an opportunity to review the ordinance. He noted the County is continuing to address illegal dumping in neighborhoods. Hopefully, the County will have a campaign encouraging individuals to report illegal dumping. There are services available to County residents to have these large items picked up, so there is no reason to dump the items illegally.

Ms. English suggested addressing this similarly to how we handled the fireworks ordinance. (i.e., 1st Offense: \$1,500; 2nd Offense: \$3,000; and 3rd Offense: \$5,000). She noted there is nothing more disheartening than seeing discarded mattresses on the side of the road.

7. **ADJOURNMENT** – Ms. Terracio moved to adjourn the meeting, seconded by Ms. Barron.

In Favor: Terracio, Barron, English, and Newton

Not Present: Pugh

The vote in favor was unanimous.

The meeting adjourned at approximately 5:57 PM.



Agenda Briefing

Prepared by:	Zach Cavanaugh	Title:	Director
Department:	Community Planning & Development	Division:	Business Service Center
Date Prepared:	September 6, 2023	Meeting Date:	September 26, 2023
Legal Review	Christopher Ziegler via email	Date:	September 14, 2023
Budget Review	Abhijit Deshpande via email	Date:	September 19, 2023
Finance Review	Stacey Hamm via email	Date:	September 19, 2023
Approved for consideration:	Assistant County Administrator	Aric A Jensen, AICP	
Meeting/Committee	Development & Services		
Subject	Short Term Rental Draft Ordinance		

RECOMMENDED/REQUESTED ACTION:

Staff has completed a draft of the Short-Term Rental (STR) ordinance and request the Committee’s feedback on any additions, deletions, and amendments it may deem necessary.

Request for Council Reconsideration: Yes

FIDUCIARY:

Are funds allocated in the department’s current fiscal year budget?	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
If not, is a budget amendment necessary?	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No

ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER:

The Business Service Center would need two additional staff members to implement and manage the Short-Term Rental program for Richland County. One staff member would be responsible for the in-office needs of the STR ordinance, and the second staff member would handle the field compliance aspect of the ordinance.

The STR program can be supported with existing funding for FY23-24, however as the program grows the Business Service Center will require funding for two additional full-time employees in FY24-25.

Cost Breakdown,	Start-Up Cost
Salaries	\$69,677.40 - \$107,195.40
FICA Employer's Share	\$5,330.32
SC Regular Retirement	\$12,932.13
Vehicle	\$27,475
Computers	\$2,800
Monitors	\$1,000
Mobile Devices	\$1,122.72
Membership & Dues	\$200
Training	1,000
Desk Phones	\$400
Desk/Chairs	\$2,000
Uniforms and Equipment	\$500
Office Supplies	\$500

Minimum start-up Cost Total	\$124,937.57
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Cost Breakdown	Annual Cost
Salaries	\$69,677.40 - \$107,195.40
FICA Employer's Share	\$5,330.32
SC Regular Retirement	\$12,932.13
Mobile Devices	\$622.72
Membership & Dues	\$200
Training	\$1,000
Uniforms and Equipment	\$500
Office Supplies	\$500
Minimum Annual cost Total	\$90,762.57

Applicable department/grant key and object codes:

- 1100174000-511100- Salaries & Wages
- 1100174000-512200 - FICA Employer's Share
- 1100174000-513100 - SC Regular Retirement
- 1100174000-531300- Automotive Equipment
- 1100174000-521000- Office Supplies
- 1100174000-529500- Non-Capital Assets Under \$5,000
- 1100174000-526200- Beepers/Cell Phones/Pagers
- 1100174000-521400- Membership & Dues
- 1100174000-526400- Employee Training
- 1100174000-524100- Uniforms & Equipment

OFFICE OF PROCUREMENT & CONTRACTING FEEDBACK:

Not applicable.

COUNTY ATTORNEY’S OFFICE FEEDBACK/POSSIBLE AREA(S) OF LEGAL EXPOSURE:

The County Attorney’s Office recommended verbiage changes to the agenda briefing which have been included.

REGULATORY COMPLIANCE:

It is anticipated that within the foreseeable future short-term rental (STR) units will be permitted in Richland County, either as a result of proposed South Carolina bill H3253, or through amendments to the Richland County Code. As such, Council has directed the County Administrator to prepare a short-term rental ordinance for its consideration.

The proposed STR ordinance has been prepared in consultation with the County Attorney’s Office, the Building Inspections Department, and the Emergency Services Department to assure compliance with applicable state statutes, building codes, and life-safety codes.

MOTION OF ORIGIN:

1. Direct the Administrator to create regulations for the operation of Short-Term Rentals (STRs) in unincorporated Richland County. Those regulations would be listed as an amendment to the current Ordinance relating to residential rental property regulations similar to the Absentee Landlord Ordinance that is currently being considered. Consideration should be given to licensing, safety measures, number of occupants allowed, effects on infrastructure such as sewer and water, EMS and Law Enforcement potential response and not having them create a nuisance in the neighborhood. [Malinowski, 06 December 2022]
2. Direct the County Administrator to work with staff to ensure the proposed Short-Term Rental Ordinance requires each homeowner who wishes to provide a short-term rental to obtain a business license and pay accommodation taxes. [Malinowski (Terracio), 03 January 2023]

Council Member	The Honorable Bill Malinowski, Formerly of District 1, and the Honorable Allison Terracio, District 5
Meeting	Regular Session
Date	December 6, 2022; January 3, 2023

STRATEGIC & GENERATIVE DISCUSSION:

Staff requests feedback from the Development & Services Committee regarding the proposed Short-Term Rental (STR) ordinance. The Richland County STR ordinance draft is a combination of the City of Columbia's newly adopted ordinance and the time-tested Hilton Head Islands ordinance. Sections from both ordinances were used to create Richland County's STR ordinance which aligns with the current capabilities within the Business Service Center along with the STR business community.

By passing a STR ordinance, Richland County will have an effective tool to gain compliance from the operation of STRs within unincorporated Richland County. This will ensure Richland County is promoting public safety by mitigating public nuisance complaints that can come from some STRs who are currently operating unregulated in unincorporated Richland County. An STR ordinance would also generate business license tax and local accommodation tax revenue.

The proposed STR ordinance would require owners and operators of an STR to obtain a Richland County business license if the STR unit is located within unincorporated Richland County, along with the collection and remittance of Local Accommodation Tax (3%) each month. This is the same requirement already in place for hotel/motels operating in unincorporated Richland County.

The increased business license tax revenue from the STR program is projected to be \$70,800 annually if 500 short term rentals are licensed with an annual gross revenue of \$100,000.

The increased revenue from local accommodation taxes from 500 licensed STRs with an annual gross revenue of \$100,000 is projected to be \$1,500,000.

If Richland County does not pass a STR ordinance it would forego the annual collection of business license tax revenue and monthly local accommodation tax revenue from this industry type.

ASSOCIATED STRATEGIC GOAL, OBJECTIVE, AND INITIATIVE:

- Objective 1.5 - Collaborate with other governments: Richland County collaborated with multiple governmental agencies who already have and operate STR programs to develop the proposed ordinance draft.
- Objective 3.1 - Align budget to priorities and seek alternative revenue sources: Adopting a STR ordinance would allow Richland County to collect additional business license and local accommodation tax revenue.

ATTACHMENTS:

1. Richland County Short-Term Rental (STR) Ordinance Draft
2. House Bill 3253

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ____-23HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 16, LICENSES AND MISCELLANEOUS BUSINESS REGULATIONS; BY ADDING ARTICLE VII ENTITLED "SHORT-TERM RENTALS" SO AS TO ESTABLISH CERTAIN REQUIREMENTS FOR PROPERTIES BEING USED AS SHORT-TERM RENTALS, TO DEFINE NECESSARY TERMS, AND TO PROVIDE PENALTIES.

Pursuant to the authority granted by the Constitution of the State of South Carolina and the General Assembly of the State of South Carolina, BE IT ENACTED BY RICHLAND COUNTY COUNCIL:

SECTION I. The Richland County Code of Ordinances, Chapter 16, is hereby amended by adding:

ARTICLE VII. SHORT-TERM RENTALS

Section 16-80. Unless otherwise specified, the requirements and provisions of this article shall apply to owner-occupied and non-owner-occupied short-term rentals (collectively called "short-term rentals") made available to occupants for periods of less than 30 consecutive days in the unincorporated area of Richland County. This article does not apply to rentals rented for a period of more than thirty (30) days or hotels, motels, bed and breakfast establishments, or inns that are subject to and compliant with the County's business license and other applicable Code requirements.

Section 16-81. (a) Unless otherwise expressly stated, the following terms shall, for the purposes of this article, mean:

- (1) Citation means a charge or formal written accusation of violation of a county, state or federal law, regulation or ordinance.
- (2) Guest means any person who occupies a short-term rental.
- (3) Overnight occupancy means the occupancy of a premises between the hours of 12:00 am and 7:00 am.

- (4) Owner-occupied means a property that is lawfully classified as owner-occupied by the Richland County Assessor's Office and is receiving the four percent special assessment ratio.
- (5) Non-owner occupied means a property that is not classified as owner-occupied by the Richland County Assessor's Office and is primarily used for rent for transient occupancy by guests.
- (6) Responsible local representative means a person having his or her place of residence or business office within 45 miles of the short-term rental property and designated by the property owner as the agent responsible for operating such property or portion of property in compliance with the county's ordinances and having been authorized by appointment to accept service of process on behalf of the owner pursuant to Rule 4(d)(1) of the South Carolina Rules of Civil Procedure.
- (7) Short-term rental means leasing of a short-term rental property or permitting the occupancy of a short-term rental property or other property by a lease or any other form of agreement. Hotels, motels, bed and breakfast establishments, and inns are excluded from this definition.
- (8) Short-term rental property means any residential property, either owner occupied or non-owner occupied, in the unincorporated area of Richland County that, in whole or in part, is offered for lease or occupancy under a lease or any other form of agreement for periods of less than thirty (30) days.
- (9) Transient occupancy means the lease or occupancy of a guest for a period of not more than thirty (30) consecutive days.

Section 16-82. The following regulations apply to all properties being used as a short-term rental in the unincorporated area of Richland County:

- (a) Any advertisement for a short-term rental by the owner or responsible local representative is deemed sufficient to determine that a property or portion of a property is being offered as a short-term rental.
- (b) The owner or responsible local representative offering a property or portion of a property as a short-term rental shall obtain a business license and comply with all

business license and revenue collection laws of the Richland County and State of South Carolina.

- (c) The owner or responsible local representative of a permitted short-term rental shall ensure the short-term rental property complies with all County ordinances at all times
- (d) A safety inspection to ensure compliance with the provisions of this Article may be performed by the County or its designated third-party as deemed necessary by the County. The County must provide the owner or responsible local representative with 24-hour notice unless a serious violation of a county, state or federal law, regulation or ordinance exists and immediate remediation is necessary to protect the health, safety, and welfare of the immediate area.
- (e) The property owner or responsible local representative shall maintain the following which shall be made available to the County upon request:
 - (1) For a period of two years, records demonstrating compliance with these provisions, including but not limited to, information demonstrating residency, if required, and the number of days per calendar year the residential unit has been rented as a short-term rental; and
 - (2) The name and phone number of each short-term guest that booked the short-term rental for the previous two years.
- (f) The property owner or responsible local representative must be willing to take phone calls at all times to address issues with the short-term rental. The responsible local representative must be authorized to accept service of process on behalf of the owner.
- (g) The guest making the booking or reservation for a short-term rental shall be at least 18 years of age.
- (h) The short-term rental shall not be available for occupancy for a period of less than one night.
- (i) At a minimum, the following shall be made available in written form to each short-term guest:
 - (1) Emergency contact numbers

- (2) The name and contact information for the owner or responsible local representative;
 - (3) Instructions or a diagram of the designated parking spaces; and
 - (4) All short-term rental property rules imposed on guests by the owner.
- (j) Two parking spaces per short-term rental property must be made available and designated. Guests must be notified of the parking plan and the maximum number of vehicles allowed.
 - (k) The maximum overnight occupancy of a short-term rental shall not exceed two persons, excluding minor children, per bedroom, as defined in the International Building Code, plus two additional people per dwelling unit.
 - (l) The owner or responsible local representative shall be responsible for determining that any guest occupying the short-term rental is listed in the booking or reservation for the short-term rental.

Section 16-83. Violations

- (a) It is a violation of this Article to:
 - (1) lease or advertise a property or portion of a property as a short-term rental without first complying with the requirements of this Article; or
 - (2) otherwise fail to comply with a requirement of this Article.
- (b) In addition to appropriate civil and equitable remedies for the enforcement of this Article, an owner or responsible local representative who violates the provisions of this Article is deemed guilty of an infraction. An infraction is subject to punishment under the general penalty provisions of Section 1-8 of this Code of Ordinances. Each day of violation is considered a separate offense.

SECTION II. Effective Date. This ordinance shall be enforced from and after _____
_____.

RICHLAND COUNTY COUNCIL

By: _____
Overture Walker, Chair

Attest this _____ day of
_____, 2023.

Anette Kirylo
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

Approved As To LEGAL Form Only.
No Opinion Rendered As To Content.

First Reading:
Second Reading:
Public Hearing:
Third Reading:

South Carolina General Assembly
125th Session, 2023-2024

H. 3253**STATUS INFORMATION**

General Bill

Sponsors: Reps. Hewitt, Oremus, Kilmartin, May, Atkinson, Hayes, Connell, Hager, Kirby, Bailey, Schuessler, Haddon and Robbins

Document Path: LC-0082PH23.docx

Introduced in the House on January 10, 2023

Currently residing in the House

Summary: Short-term rentals

HISTORY OF LEGISLATIVE ACTIONS

Date	Body	Action Description with journal page number
12/8/2022	House	Prefiled
12/8/2022	House	Referred to Committee on Medical, Military, Public and Municipal Affairs
1/10/2023	House	Introduced and read first time (House Journal-page 110)
1/10/2023	House	Referred to Committee on Medical, Military, Public and Municipal Affairs (House Journal-page 110)
2/1/2023	House	Member(s) request name added as sponsor: J. Moore
2/16/2023	House	Member(s) request name added as sponsor: May, Atkinson, Hayes, Connell, Hager, Kirby, Bailey, Schuessler
2/21/2023	House	Member(s) request name removed as sponsor: J. Moore
3/1/2023	House	Member(s) request name added as sponsor: Haddon
3/29/2023	House	Member(s) request name added as sponsor: Robbins

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VERSIONS OF THIS BILL

12/08/2022

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A BILL

11 TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 6-1-195 SO AS
12 TO PROHIBIT A GOVERNING BODY OF A MUNICIPALITY, COUNTY, OR OTHER
13 POLITICAL SUBDIVISION OF THE STATE FROM ENACTING OR ENFORCING AN
14 ORDINANCE, RESOLUTION, OR REGULATION THAT PROHIBITS THE RENTAL OF A
15 RESIDENTIAL DWELLING TO A SHORT-TERM GUEST, TO PROVIDE PENALTIES, AND TO
16 DEFINE TERMS.

17
18 Be it enacted by the General Assembly of the State of South Carolina:

19
20 SECTION 1. Article 1, Chapter 1, Title 6 of the S.C. Code is amended by adding:

21
22 Section 6-1-195. (A) Notwithstanding another provision of law, a governing body of a
23 municipality, county, or other political subdivision of the State may not enact or enforce an ordinance,
24 resolution, or regulation that prohibits the rental of a residential dwelling to a short-term guest.

25 (B) A municipality, county, or other political subdivision of the State that enacts or enforces an
26 ordinance, resolution, or regulation that violates the provisions of subsection (A) may not:

27 (1) assess or collect the six percent property assessment ratio for qualifying real property pursuant
28 to Section 12-43-220(e); and

29 (2)(a) receive any distributions from the Local Government Fund pursuant to Chapter 27, Title 6;
30 and

31 (b) the Office of the State Treasurer shall withhold the municipality's, county's, or political
32 subdivision's State Aid to Subdivisions Act distribution until the ordinance, resolution, or regulation
33 in violation of subsection (A) is repealed.

34 (C) This section supersedes and preempts any ordinance, resolution, or regulation enacted by a
35 municipality, county, or other political subdivision of the State that purports to prohibit the rental of a
36 residential dwelling to a short-term guest.

37 (D) For purposes of this section:

38 (1) "Residential dwelling" means any building, structure, or part of the building or structure, that
39 is used or intended to be used as a home, residence, or sleeping place by one or more persons to the
40 exclusion of all others.

41 (2) "Short term rental" means a residential dwelling that is offered for rent for a fee and for fewer

1 than twenty-nine consecutive days.

2 (3) “Short term guest” means a person who rents a short-term rental.

3

4 SECTION 2. This act takes effect upon approval by the Governor.

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Item Pending Analysis

Prepared by:	Aric Jensen, AICP	Title:	Assistant County Administrator
Department:	Administration	Division:	
Contributor:	Christopher Ziegler	Title:	Deputy County Attorney
Date Prepared:	September 21, 2023	Meeting Date:	September 26, 2023
Approved for Consideration:	County Administrator	Leonardo Brown, MBA, CPM	
Committee:	Development & Services		
Agenda Item/Council Motion:	I move to direct the Administrator to conduct a review of the rank weeds and vegetation ordinance and recommend any updates that would improve the effectiveness of the ordinance particularly as it relates to safety, enforcement, and blight reduction. [Newton – 30 August 2022]		

EXECUTIVE SUMMARY (NARRATIVE STATUS):

At the request of Council, Richland County Administration organized a review of existing County ordinance Sec. 18-4 Weeds and Rank Vegetation. At this time, County staff has prepared an initial draft ordinance and is meeting with the departments that will be involved with its enforcement. It is anticipated that the draft ordinance will be presented to the committee at its October meeting.

Below is a summary of the research and the recommended amendments to date.

1. The phrase "rank vegetation" is no longer common industry nomenclature. South Carolina Code and industry practitioners now use the phrase "noxious vegetation" to refer to plants that are undesirable or invasive for a given region. The proposal is to revise the Sec. 18-4 title to "Unsafe and Noxious Vegetation."
2. There exist both Federal and State noxious weed acts (7 U.S.C. Ch. 61 § 2801 et seq "Federal Noxious Weed Act of 1974"; South Carolina Code Sec. 46-23-10 "South Carolina Noxious Weed Act"). Both acts are referenced in the recommended revisions.
3. Clemson University Agricultural Extension maintains a periodically updated list of plants that are invasive and/or noxious to South Carolina. This list is not a regulatory document; Council would have to adopt it or create a Richland County specific list.
4. The existing ordinance makes a distinction between residential and commercial properties; however, the regulatory standards are not differentiated, and there is no stated reason or justification for the distinction. Furthermore, the existing ordinance excludes undeveloped residential properties from being declared a nuisance, but not undeveloped commercial properties. The proposal is to replace these sections with language defining rural and developed properties, which is a more useful distinction, and for the committee to discuss what standards are appropriate for each.

5. The standards for determining what is "unsafe vegetation" are expanded and more explicit.
6. The language for notices of violation, fines, and related actions are updated to current practices.

KEY ACCOMPLISHMENTS/MILESTONES:

- Completed first draft
- In process of circulating draft and receiving input from internal stakeholders

PENDING ACTIONS/DELIVERABLES AND ANTICIPATED COMPLETION DATES:

- Draft to Committee for review at its October 2023 meeting