

# **RICHLAND COUNTY**

## **ADMINISTRATION AND FINANCE COMMITTEE**

### **AGENDA**



**TUESDAY MARCH 26, 2024**

**6:00 PM**

**COUNCIL CHAMBERS**

# Richland County Council 2024-2025



Deirrek Pugh  
District 2  
Vice Chair



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



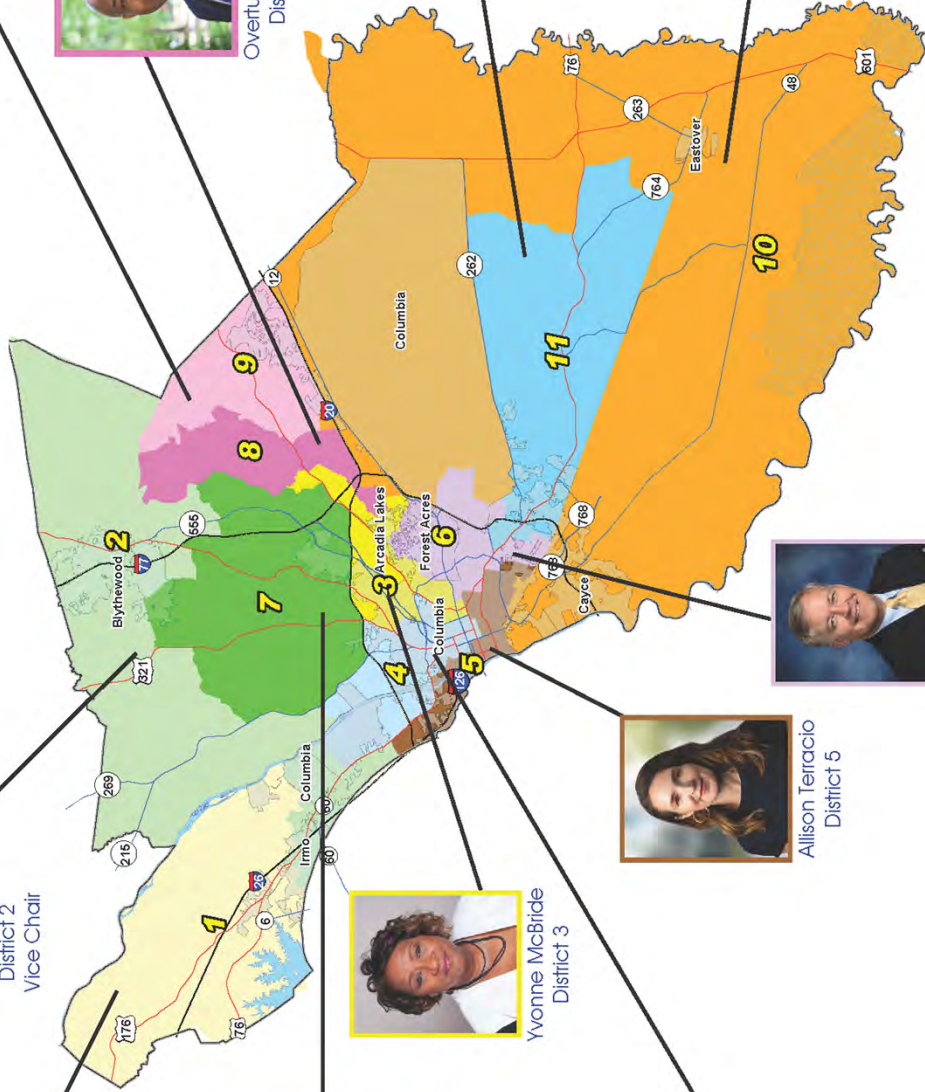
Chakisse Newton  
District 11



Cheryl English  
District 10



Jessica Mackey  
District 9  
Chair





**Richland County  
Administration and Finance Committee**

**AGENDA**

March 26, 2024 - 6:00 PM  
2020 Hampton Street, Columbia, SC 29204

The Honorable Derrek Pugh	The Honorable Yvonne McBride	The Honorable Paul Livingston	The Honorable Don Weaver	The Honorable Overture Walker, Chair
County Council District 2	County Council District 3	County Council District 4	County Council District 6	County Council District 8

1. **CALL TO ORDER** The Honorable Overture Walker
  
2. **APPROVAL OF MINUTES** The Honorable Overture Walker
  - a. February 27, 2024 **[PAGES 5-6]**
  
3. **APPROVAL OF AGENDA** The Honorable Overture Walker
  
4. **ITEMS FOR ACTION** The Honorable Overture Walker
  - a. Animal Care - Animal Care Ordinance Revision **[PAGES 7-59]**
  
  - b. Community Planning & Development - Building Inspections Division - Town of Eastover Intergovernmental Agreement **[PAGES 60-74]**
  
  - c. Community Planning & Development - Conservation - Cemetery Protection Ordinance **[PAGES 75-82]**
  
  - d. Utilities - Greenlake Gravity Sewer Rehabilitation **[PAGES 83-85]**
  
  - e. Department of Public Works - Engineering - Springwood Lakes High Hazard Potential Dam Rehabilitation **[PAGES 86-94]**
  
5. **ADJOURN** The Honorable Overture Walker



Special Accommodations and Interpreter Services Citizens may be present during any of the County's meetings. If requested, the agenda and backup materials will be made available in alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), as amended and the federal rules and regulations adopted in implementation thereof. Any person who requires a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in the public meeting may request such modification, accommodation, aid or service by contacting the Clerk of Council's office either in person at 2020 Hampton Street, Columbia, SC, by telephone at (803) 576-2061, or TDD at 803-576-2045 no later than 24 hours prior to the scheduled meeting.



Richland County Council  
ADMINISTRATION AND FINANCE COMMITTEE  
**MINUTES**  
February 27, 2024 – 6:00 PM  
Council Chambers  
2020 Hampton Street, Columbia, SC 29204

COUNCIL MEMBERS PRESENT: Overture Walker, Chair (arrived at 6:03 PM); Derrek Pugh, Yvonne McBride, Paul Livingston, and Don Weaver

OTHERS PRESENT: Allison Terracio, Cheryl English, Jesica Mackey, Ashiya Myers, Stacey Hamm, Michelle Onley, Angela Weathersby, Lori Thomas, Anette Kirylo, Patrick Wright, Ashley Fullerton, Tamar Black, Jennifer Wladischkin, Michael Byrd, Kyle Holsclaw, Bill Davis, Jackie Hancock, Leonardo Brown, Quinton Epps, Dale Welch, John Thompson, and Dante Roberts

1. **CALL TO ORDER** – Councilman Paul Livingston called the meeting to order at approximately 6:00 PM.
2. **APPROVAL OF MINUTES**
  - a. **December 14, 2023** – Ms. McBride moved to approve the minutes as distributed, seconded by Mr. Weaver.  
  
In Favor: Pugh, McBride, Livingston, and Weaver  
  
Not Present: Walker  
  
The vote in favor was unanimous.
3. **ADOPTION OF AGENDA** – Ms. McBride moved to adopt the agenda as published, seconded by Mr. Pugh.  
  
In Favor: Pugh, McBride, Livingston, and Weaver  
  
Not Present: Walker  
  
The vote in favor was unanimous.
4. **ELECTION OF CHAIR** – Mr. Pugh moved to nominate Mr. Walker for the position of Chair, seconded by Mr. Livingston.  
  
In Favor: Pugh, McBride, Livingston, and Weaver  
  
Not Present: Walker  
  
The vote in favor was unanimous.
5. **ITEMS FOR ACTION**
  - a. **Community Planning & Development/Department of Public Works – Professional Services – Town of Blythewood Intergovernmental Agreement** – Mr. Leonardo Brown, County Administrator, stated staff recommends approval of this item. This is a continuation of an agreement we have had with the Town of Blythewood to provide said services.  
  
Mr. Livingston moved to forward to Council with a recommendation to approve an Intergovernmental Agreement between Richland County and the Town of Blythewood for Engineering Services and Infrastructure Maintenance, including the review of land development projects, stormwater review, and the maintenance of roadways, seconded by Mr. Weaver.  
  
In Favor: Pugh, McBride, Livingston, Weaver, and Walker  
  
The vote in favor was unanimous.
  - b. **Department of Public Works – Engineering Division – Summit Ridge Sidewalk Construction** – Mr. Brown stated this project is funded through the County Transportation Committee (CTC) and Richland County

Roads and Drainage. It is consistent with a recommendation for the construction of a sidewalk project. Corley Construction LLC, a registered SLBE and minority-owned business in Richland County, was the lowest responsive and responsible bidder.

Mr. Pugh moved to forward to Council with a recommendation to award the Summit Ridge Drive sidewalk construction project to Corley Construction, LLC for \$222,070 and to include a 10% contingency for a total approved amount of \$244,277, second by Ms. McBride.

Mr. Walker inquired if there would be traffic disruption during the construction period.

The County Engineer, Shirani Fuller, indicated the majority of the work will be off the road since this is a sidewalk project. She noted there will be a lane closure when they do the pour.

Mr. Walker inquired if there are plans to notify the residents before the project begins.

Mr. Brown responded that the staff would work with the Communications team to get the information to the constituents.

Ms. Mackey requested they avoid peak hours for lane closures when they do the work.

Ms. Fuller replied staff would speak with the contractor regarding Ms. Mackey's request. She noted they held a community meeting approximately six months ago and provided handouts/flyers. They will have another community meeting to provide specific dates prior to construction beginning.

Ms. McBride inquired if this sidewalk was a part of the prioritization list.

Mr. Michael Maloney, Public Works Director, stated that there is an organized list of sidewalks in the Transportation Penny. Regarding Public Works, they are looking at where there are still gaps connecting neighborhoods. This project will connect Lower Summit and Summit Parkway to provide access to schools on Hardscrabble. Traditionally, Public Works includes sidewalks in the annual plan that comes to Council in January each year.

In Favor: Pugh, McBride, Livingston, Weaver, and Walker

The vote in favor was unanimous.

- c. County Utilities – Quail Creek Sewer Extension – Mr. Brown stated staff recommends approval of the award of a contract to Williams Infrastructure, LLC. The funding is in the Southeast Sewer and Water Project funding allocation. The project will replace the pump with a 10" gravity sewer line.

Mr. Pugh moved to forward to Council with a recommendation to approve the award of a contract to Williams Infrastructure, LLC for the Quail Creek Sewer Extension Project. The project's total cost is \$586,044, which includes a 20% contingency. Ms. McBride seconded the motion.

In Favor: Pugh, McBride, Livingston, Weaver, and Walker

The vote in favor was unanimous.

- d. Community Planning & Development – Conservation Division – Mill Creek Bridge Replacement – Mr. Brown stated this item was previously approved. There were some engineering estimates that did not include certain considerations on the property in order to get the materials to the site. Additionally, the costs approved and considered prior to COVID significantly changed. The request is to approve the removal and replacement by the lowest, responsive, and responsible bidder, Republic Contracting Corporation, in the amount of \$1,145,149.

Mr. Livingston moved to forward to Council with a recommendation to approve the request to remove and replace the Mill Creek Bridge damaged during a flood in February 2020 by the lowest, responsive, and responsible bidder, Republic Contracting Corporation, in the amount of \$1,145,149, seconded by Mr. Weaver.

In Favor: Pugh, McBride, Livingston, Weaver, and Walker

The vote in favor was unanimous.

6. **ADJOURNMENT** – Mr. Pugh moved to adjourn the meeting, seconded by Mr. Weaver.

In Favor: Pugh, McBride, Livingston, Weaver, and Walker

The vote in favor was unanimous.

The meeting adjourned at approximately 6:19 PM.



**RICHLAND COUNTY  
ADMINISTRATION**

2020 Hampton Street, Suite 4069  
Columbia, SC 29204  
803-576-2050



**Agenda Briefing**

<b>Prepared by:</b>	Sandra Haynes	<b>Title:</b>	Director
<b>Department:</b>	Animal Services	<b>Division:</b>	
<b>Date Prepared:</b>	March 5, 2024	<b>Meeting Date:</b>	March 26, 2024
<b>Legal Review</b>	Tish Gonzalez via email	<b>Date:</b>	March 6, 2024
<b>Budget Review</b>	Maddison Wilkerson via email	<b>Date:</b>	March 8, 2024
<b>Finance Review</b>	Stacey Hamm via email	<b>Date:</b>	March 8, 2024
<b>Approved for consideration:</b>	Assistant County Administrator	Aric A Jensen, AICP	
<b>Meeting/Committee</b>	Administration & Finance		
<b>Subject</b>	Animal Care Ordinance Revision		

**RECOMMENDED/REQUESTED ACTION:**

Staff recommends that County Council approves the proposed revisions to Chapter 5, Animals and Fowl, of the County Code of Ordinances.

Request for Council Reconsideration:  Yes

**FIDUCIARY:**

Are funds allocated in the department’s current fiscal year budget?	<input checked="" type="checkbox"/>	Yes	<input 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 ordinance revision is not anticipated to affect the current level of funding.

*Applicable department/grant key and object codes:* 1100306200

**OFFICE OF PROCUREMENT & CONTRACTING FEEDBACK:**

Not applicable.

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

**REGULATORY COMPLIANCE:**

S. C. Code of laws Title 47, Animals, Livestock and Poultry

Richland County Code of Ordinances, Chapter 5: Animals and Fowl

#### MOTION OF ORIGIN:

There is no associated motion of origin.

#### STRATEGIC & GENERATIVE DISCUSSION:

For the past year, Animal Care Director Sandra Haynes and Assistant County Administrator Aric Jensen have met with community stakeholders to discuss potential updates to the Richland County Animal Care Ordinance. Periodic updates are necessary to keep the County current with evolving professional practices, technology, and changes in the community.

The proposed revisions include a new subsection to address the tethering of pets. This subsection is being added to clarify and educate citizens and enforcement officers regarding acceptable and safe methods of tethering. The goal is to reduce the number of pets that are injured and/or abused by persons using improper tethering methods.

Other subsections of the ordinance have been reorganized and/or clarified with the express purpose of making the ordinance easier to understand. The end goals are to educate pet owners and the residents, and to make the County's regulations easier to enforce consistently and uniformly.

This code update process included creating a stakeholder committee composed of internal and external stakeholders vested in animal care. Internal stakeholders are County Council, County Administration, Legal Department, Animal Services, Community Planning and Development, Business Service Center, Ombudsman, and Richland County Sheriff's Department. External stakeholders are Pawmetto Lifeline, The Humane Society of South Carolina, City of Columbia, Town of Irmo, Town of Blythewood, Animal Mission, and the Animal Care subcommittee. The stakeholder committee will continue to meet quarterly to discuss and share information.

The proposed amendments will bring the County's animal care ordinance current with industry standards and practices. Should Council choose not to approve the proposed amendments, the County will continue to operate under the existing regulations.

#### ASSOCIATED STRATEGIC GOAL, OBJECTIVE, AND INITIATIVE:

- Goal 1: Foster Good Governance
  - Objective 1.5: Collaborate with other governments.
    - Initiative: Establish best practices using peer-to-peer neighbors, like entities and related professional associations to measure achievement of best practices via workshops, fairs, or another constructive events
    - Initiative: Build relationships with non-profit governmental organizations, municipalities, state, and federal organizations across all departments to determine points of parity

#### ATTACHMENTS:

1. Chapter 5 - Animal Care Ordinance Redlined version
2. Chapter 5 - Animal Care Ordinance revised
3. Summary of ordinance revisions



**Richland County**  
**STATE OF SOUTH CAROLINA**  
**COUNTY COUNCIL FOR RICHLAND COUNTY**  
**ORDINANCE NO. -16HR**

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 5, ANIMALS AND FOWL.

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 5, Animals and Fowl, is hereby amended by the deletion of the language contained therein and the substitution of the following language:

**CHAPTER 5: ANIMALS ~~AND FOWL~~**

**Sec. 5-1. Definitions.**

Whenever used in this chapter, unless a contrary intention is clearly evidenced, the following terms shall be interpreted as herein defined.

*Abandon.* ~~The owner or custodian's failure to provide for its animal the necessities of life and well-being or shall mean~~ to desert, forsake, or ~~intend to~~ give up absolutely ~~an-its~~ animal without securing another owner or custodian. This section does not include the responsible release of community cats trapped, sterilized, and released back into the community.

*Abuse.* ~~shall mean the~~The act of any ~~owner or custodian~~person who deprives ~~any-its~~ animal of necessary sustenance or shelter, or of a person who inflicts unnecessary pain or suffering upon ~~any~~ animal, or of a person causingcauses these things to be done.

*Animal.* ~~shall mean, in~~In addition to dogs and cats, any organism of the kingdom of Animalia, other than a human being.

*Animal Care Officer.* ~~shall mean any A~~ person employed by the county to enforce the animal care program or anyan official with legal enforcement authority thereof.

*Animal Care Facility.* ~~shall mean any Any~~ premises designated or selected by the county for the purpose of impounding, care, adoption, or euthanasia of animals held under the authority of this chapter.

*At large.* ~~shall mean an animal running off the premises of the owner or keeper and not under the physical control of the owner or keeper by means of a leash or other similar restraining device, or an animal on its owner's premises but not~~Not under restraint or confinement. A dog properly within the enclosed boundaries of a dog park shall not be considered at large. For the purposes of this definition, a dog park shall mean an enclosed area, owned and/or operated by the

county, any municipality, or private entity, designed, intended, and used for domestic dogs to play and exercise off-leash in a controlled environment under the supervision of their owners.

Commercial pet breeder. Any person, partnership, corporation, association, or establishment engaged in a business, occupation, profession, or activity in which one or more dogs are owned, kept, harbored, or boarded and used for a stud for which a fee is charged and/or used for breeding purposes for which a fee is charged for the offspring.

Community Cat, also called “free-roaming cat,” shall mean a domestic cat that is no longer in a domesticated environment or one of its descendants and that lives outdoors full-time, has little or no human contact, is not well-socialized to humans, and has no known owner. Pets and/or house cats which are outside outdoors periodically, and stray cats (lost or abandoned house pets) are specifically excluded from this definition.

Custodian. Any person who, regardless of the length of time, keeps, has charge of, shelters, feeds, harbors, or takes care of any animal, or is otherwise acting as the owner of an animal. A custodian is not necessarily the owner.

Dangerous or vicious animal. shall mean:

(a) Dangerous or vicious animal means:

- (1) Any animal, which the owner or custodian knows, or reasonably should know, has the propensity, tendency, or disposition to, without provocation, attack, to cause injury to, or to otherwise endanger the safety of human beings, or domestic animals, or livestock; or
- (2) Any animal which bites or attacks a human being, or domestic animal, or livestock one or more times without provocation, whether or not such bite or attack occurs on the premises of the animal’s owner; or
- (3) Any animal, which is while not under restraint or confinement, and which commits one or more unprovoked acts, without provocation, and those acts that causes a person to reasonably believe that the animal will bite or attack and cause bodily injury to a human being, or domestic animal, or livestock; or
- (4) Any animal owned, kept or harbored by its owner or custodian primarily, or in part, for the purpose of animal fighting or an animal which has been trained for animal fighting.

(b) An animal shall not be deemed dangerous or vicious if:

- (1) The animal bites, attacks, or commits an unprovoked act upon, as described in subsection (a):
  - a. A human being or animal assaulting its owner or custodian;
  - b. A human being or animal trespassing upon the property of its owner or custodian. For the purpose of this definition, trespassing means entering or remaining upon the property of another without permission or legal privilege; or
  - c. A human being or animal which has abused or tormented it;

- (2) The animal is protecting or defending its offspring or another animal; or
- (3) The animal is acting in defense of an attack upon its owner or custodian or other person.

*Domestic.* ~~shall mean any animal which~~ To shares the genetic makeup and/or physical appearance of its ancestors which were historically domesticated for human companionship and service.

*Feral animal.* An animal which may be an individual domesticated animal who is no longer in a domesticated environment, or one of their descendants.

*Fowl.* Birds kept for domestic, or utility purposes including, but not limited to, chickens, hens, roosters, guineas, ducks, geese, turkeys, emus, and poultry.

*Harboring.* Allowing an animal to, regardless of the length of time, remain, be lodged, or be fed upon or within ~~any~~ premise which the person occupies or owns. Premises include, but is not limited to, dwellings, buildings, yards, and enclosures.

*Impound.* The humane confinement of the animal by an Animal Care Officer at an animal care facility.

*Livestock.* Cattle, sheep, horses, goats, swine, mules, asses, and other animals ordinarily raised or used on a farm.

*Non-domestic* ~~shall mean any animal which shares the genetic makeup and/or physical appearance of its ancestors which were not historically domesticated for human companionship and service.~~

*Nuisance* ~~shall mean an animal that disturbs the rights of, threatens the safety of, or damages a member of the general public, or interferes with the ordinary use and enjoyment of their property or public property.~~

*Owner.* ~~shall mean any~~ AnyA person who:

- (1) Has a property right in ~~an the~~ animal;
- (2) Keeps or harbors ~~an the~~ animal, ~~or who~~ has it in ~~his or her~~its care, or acts as its custodian; or
- (3) Permits ~~an the~~ animal to remain on or about ~~any~~ premises ~~occupied by him or her~~it owns or occupies.

*Pet.* ~~shall mean a domestic~~ Domestic dog (*canis lupus familiaris* ~~seants familiaris~~) and/or a domestic cat (*felis catus* ~~domestietus~~). When applicable, pet shall also mean ~~any~~an animal kept lawfully for pleasure rather than utility or commercial purposes, including fowl.

*Provocation.* ~~shall mean any~~ Any ~~An~~ act done towards an animal that a reasonable person would expect to enrage such an animal to the extent ~~that~~ the animal would be likely to, ~~or did,~~ bite, ~~or~~ attack, and/or cause bodily injury. ~~Provocation including includes,~~ but is not limited to, teasing, harassing, beating, torturing, injuring, or intentionally causing pain to an animal. ~~Where~~ When an animal is attacked on ~~its owner's~~ the property of its owner or custodian by another

animal off its owner's or custodian's property, the attack will be presumed unprovoked, absent clear evidence to the contrary. Provocation does not include ~~any~~ actions on the part of an individual that pertain to reasonable efforts of self-defense, ~~or~~ defense of others, or defense of another animal.

Seizure. The removal of an animal from an individual's property or possession, without the consent of the owner or custodian, by an Animal Care Officer as a result of a violation or alleged violation of the provisions of this chapter or to satisfy an order entered by the court.

Shelter. ~~shall mean any~~ Unless stated otherwise, a structure reasonably expected to protect the animal from exposure to ~~appropriately sized for the pet to stand or lie in a normal manner.~~ The structure must have a roof, three sides, appropriate sized opening for the entry and exit and a floor so as to protect the pet from the elements of weather or adverse conditions where such exposure could cause the animal physical suffering or impairment.

Tether. To fasten, chain, tie, secure, or restrain an animal by a collar or harness to ~~anya~~ dog house, tree, fence, or other stationary object or structure.

Under restraint or confinement. Under restraint or confinement shall mean an animal that is:

- ~~(1) on~~ On the premises of its owner or ~~keeper-custodian indoors;~~
- ~~(2) On the premises of its owner or custodian outdoors by means of on~~ a leash or other similar restraining device or, ~~within a fenced-in area or other similar restraining device;~~
- ~~(3) , or is on~~ On the premises of its owner or ~~keeper-custodian and while~~ accompanied by ~~the-its~~ owner/keeper or custodian; or
- ~~(4) an animal that is off~~ Off the premises of its owner or ~~keeper-custodian but is~~ while accompanied by its owner or ~~keeper-custodian~~ and is under the physical control of such owner or ~~keeper-custodian~~ by means of a leash or other similar restraining device.

Unincorporated area of the county. The unincorporated area of Richland County and all areas located in municipalities with which Richland County has an agreement for animal services.

Wild or feral animal shall mean any An animal which is not naturally tame or gentle, and which is of a wild nature or disposition, and which is capable of killing, inflicting serious injury upon, or causing disease among human beings or domestic animals and having known tendencies as a species to do so.

**Sec. 5-2. License for dogs and cats; Differential county and commercial pet breeder licenses, license fees; rabies vaccination tags.**

For the purpose of this section, pet shall mean domestic dog and/or domestic cat.

(a)

(b) It shall be unlawful for the owner or custodian of ~~anya~~ pet to fail to obtain a current county pet license for ~~anya~~ pet over four (4) months of age, ~~a current county pet license.~~

(1) The county Animal Services Department shall annually provide a sufficient number of durable tags suitable for pets, numbered from one (1) upwards, on which shall be stamped the year and the words "pet license." Such tags must be worn by all pets within the unincorporated area of the county at all times.

(2) The county Animal Services Department shall maintain the name and address of each party to whom a license and tag have been issued under the provisions of this section and shall keep the same on file in the offices of the department for the purpose of identification.

(3) It shall be unlawful for the ~~The~~ owner or custodian of ~~anya~~ pet over four (4) months of age ~~to fail to vaccinate the pet and obtain~~ ~~must also have~~ a current rabies vaccination tag showing that such pet has been vaccinated by a licensed veterinarian. No license will be issued unless proof of ~~inoculation~~ vaccination is shown.

~~(b)(4)~~ ~~Any~~A pet owner or custodian who moves into the unincorporated area of the county for the purpose of establishing residency shall have thirty (30) ~~business~~ calendar days in which to obtain the license.

(c) License fees.

(1) ~~The annual~~ Annual license fees. Annual license fees for fertile and sterilized pets shall be established ~~and approved~~ by the county council. Licenses will expire one (1) year after the date of issue; and owners/~~custodians~~ must renew the license prior to its expiration ~~will have until the end of the month of original issue to renew the licenses.~~

(2) Exemptions from annual license fees. The following owner/custodian classifications of fertile pets shall be exempt from paying the higher license fee for fertile pets. These exempt persons shall be required to purchase a license for their fertile pet and will pay the same license fee as required for sterilized pets:

a. ~~Any~~A pet owner or custodian who can furnish a statement from a licensed veterinarian that the pet, due to health reasons, could not withstand sterilization surgery;

b. ~~Any~~An owner or custodian of a purebred pet who can furnish proof of participation in a nationally recognized conformation or performance event occurring within the past twelve (12) months; or

c. ~~Any~~An owner or custodian of a dog currently being used for hunting purposes who can furnish proof the dog has been properly registered with a nationally recognized organization which sanctions hunting tests and/or field trials.

~~(c) (3) Any An owner or custodian of a dog which is trained to be an assistance/service dog shall be required to obtain an annual license but shall not be required to pay a license fee.~~

~~(d) The Animal Care Department shall annually provide a sufficient number of durable tags suitable for pets, numbered from one (1) upwards, on which shall be stamped the year and the words "pet license." Such tags must be worn by all pets in the county at all times.~~

### Sec. 5-3. Permit for commercial pet breeding.

~~(a) For the purpose of this section, *pet* shall mean domestic dog and domestic cat. A commercial pet breeder is permitted to operate in the unincorporated area of the county so long as the breeder obtains from the county Animal Services Department a commercial pet breeder permit and meets all other requirements established by federal, state, or local laws. The breeder permit application process should begin prior to anya litter being delivered.~~

~~(e) (b) It shall be unlawful for a commercial pet breeder to fail to obtain a county commercial pet breeder permit license from the county Animal Services Department. The requirements for such To obtain a license are as follows commercial pet breeder permit:~~

~~(1) Individuals engaged or intending to engage in breeding as a business, occupation, or profession must obtain a commercial pet breeder license from the Animal Care Department. Additionally, such breeders must obtain a separate business license through the County's Business Service Center.~~

~~(1) Applicants Before applying for a permit, the applicant must first have obtained:~~

~~a. A County Business License issued by the Richland County Business Service Center; and~~

~~(2)b. County pet licenses and rabies vaccinations for all pets that have reached the age of over four (4) months of age kept or harbored by the breeder as set forth in Section 5-2, currently licensed with a county pet license, before applying for the commercial pet breeder license.~~

~~(2) The permit applicant must complete a commercial pet breeder permit application. An application is complete when filled out properly and accompanied by a copy of a valid County business license and proof of pet licensing and vaccination, where applicable. Incomplete applications will not be accepted.~~

~~(3) The permit applicant must pass an inspection. The Animal Care Department Animal Services Department, through its Animal Care Officers, shall conduct an inspection of the property premise upon which the pets are primarily kept to ensure the following requirements, along with the requirements set forth in Section 5-4, are met: for the license requested by the applicant to determine whether the applicant qualifies to hold a license pursuant to this section.~~



~~(4)(3)~~ During an inspection, an Animal Care Officer will be looking for the following:

~~(1)a.~~ The enclosure or other area(s) where the pets are ~~being~~ kept ~~should~~ beis constructed in such a manner that ~~any~~ pets housed there will be adequately and comfortably kept in any season of the year;

~~(2)b.~~ ~~The location of all pet enclosures should be in such a position so that they can~~ The enclosure or other area(s) where the pets are kept is able to be easily cleaned and sanitized. ~~Any kennels or yards that are connected or are used to confine the pets must be~~ and kept clean and free from accumulations of feces, filth, mud, and debris;

~~(3)c.~~ Every pet on the premises ~~should have~~ has constant access to a clean and fresh water supply. ~~All pets must also have~~ and an adequate amount of ~~appropriate~~ food appropriate to maintain each pet's normal condition of health;

~~d.~~ The premises ~~must be~~ where the pets are kept is set up in such a manner as to ~~not allow prevent~~ pets to from straying beyond their enclosed confines or other areas and. ~~The setup must also prevent~~ the public and stray animals from obtaining entrance into thereto or gaining making contact with ~~any the~~ pets on the premises;

~~(4)e.~~ Permits shall be displayed in a conspicuous place inside of the physical location shown on the application.

~~f.~~ The above-listed requirements must be maintained throughout the period of time for which the permit is issued ~~Every pet that has reached the age of four (4) months on the premises must have a valid pet license on file with Richland County and~~ failure to maintain these requirements may result in a revocation of the permit.

~~(5)~~ (c) Restrictions:

~~(5)(1)~~ A ~~license permit~~ will not be issued to an applicant who has been previously found guilty of violating ~~that has pled no contest, or has been found to have violated~~ any federal, state, or local laws or regulations pertaining to animal cruelty within five (5) years of the date of application.

~~(6)~~ ~~License application should be made prior to any litter being delivered.~~

~~(7)(2)~~ A permit will only be valid if there also exists a valid business license and only for the applicant and ~~A commercial pet breeder license is not transferrable to another person or location listed on the application.~~ The permit is non-transferable.



- ~~(8) The annual inspection fee for a county commercial pet breeder license shall be established and approved by county council. The license shall expire one (1) year after the date of issue.~~
- ~~(9) Any violations or alleged violation found under the provisions of this Chapter shall be grounds for the suspension/revocation of the commercial pet breeder license/permit. The county Animal Services Department shall determine, in its sole discretion, whether the permit is to be revoked and shall communicate the revocation to the breeder in writing. Revocation means the breeder shall cease all commercial breeding activity until a new valid permit is issued or the revocation is rescinded and failure to do so will subject the breeder to penalties. The breeder may appeal the revocation by submitting to the Animal Services Director a writing setting forth the reasons for the appeal. Only what is submitted in writing will be considered. The written appeal must be received by the Animal Services Director within seven (7) business days of the revocation notice and the Animal Services Director will review the written appeal and issue its determination to rescind or uphold the revocation within thirty (30) calendar days of receipt of the appeal, if deemed necessary by the Animal Care Department. Reinstatement of such license shall be determined on a case-by-case basis. The commercial pet breeder license of any licensee whose license has been suspended shall remain inactive and all breeding shall cease until the license has been reinstated or a new license is issued~~
- ~~(3) In addition to the inspection fee for the commercial pet breeder license, a pet breeder is required to adhere to the licensing requirements of the county pet license as set forth in subsections (a) and (b) of this section, so that there is a requirement of one (1) commercial pet breeder license per breeder in addition to one (1) county pet license per pet that has reached a minimum age of four (4) months and is still in the commercial pet breeder's custody.~~
- ~~(d) The annual fee for a commercial pet breeder permit is non-refundable and shall be established by county council. The permit shall expire one (1) year after the date of issue.~~
- ~~(e) The county Animal Services Department shall maintain the name and address of each party to whom a permit has been issued under the provisions of this section and shall keep the same on file in the offices of the department for the purpose of identification.~~

**~~Sec. 5-3. Exemptions from differential licensing fees.~~**

- ~~(a) The following classifications of owners of pets shall be exempt from paying the higher license fee for fertile pets. These exempt persons shall be required to purchase a license for their pet and will pay the same license fee as required for sterilized pets:~~
- ~~— Any owner of a pet who can furnish a statement from a licensed veterinarian that the pet, due to health reasons, could not withstand spay/neuter surgery;~~

- ~~(2) Any owner of one or more purebred pets who can furnish proof of participation in a nationally recognized conformation or performance events within the past twelve months;~~
- ~~(2) Any owner of a dog that is currently being used for hunting purposes and has properly been registered with a nationally recognized organization which sanctions hunting tests and/or field trials. Such registration must be accompanied by proper documentation that will be required to receive this exemption.~~
- ~~(a) Any owner of a dog which is trained to be an assistance/service dog for its owner shall be required to obtain an annual license but shall not be required to pay any license fee.~~
- ~~(a) The county Animal Care Department shall maintain the name and address of each party to whom a license and tag have been issued under the provisions of this chapter and shall keep the same on file in the offices of the department for the purpose of identification.~~

**Sec. 5-4. Animal care, generally.**

- (a) It shall be unlawful for an owner or custodian to fail to provide its animals with:
  - (1) Necessary sustenance, such as sufficient good and wholesome food, in an adequate amount to sustain flesh or permit normal growth and an adequate amount of clean water that is not sour, filthy, or spoiled. Food and water should be of the appropriate amounts and type for the species;
  - (2) Proper protection from the weather;
  - (3) Veterinary care when needed to prevent suffering or care for a diseased, sick, or injured animal;
  - (4) Humane care and treatment. It shall be unlawful for a person to tease, molest, beat, cruelly treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit dogfighting or other combat between animals or between animals and humans; or
  - (5) Proper shelter. Proper shelter for an animal primarily kept outdoors and unattended includes, but is not limited to:
    - a. Dogs.
      - 1. The shelter should be of weatherproof construction, have a roof, enclosed sides, a doorway, and a solid level floor raised at least two inches from the ground. There shall be no cracks or openings other than the entrance except that rainproof openings for ventilation are acceptable in hot weather.
      - 2. The shelter shall be small enough to allow the dog to maintain warmth and body heat, but large enough to allow the dog to stand, turn around, and lie down.
      - 3. When the real or effective temperature is forty (40) degrees Fahrenheit or below, a sufficient amount of dry bedding, such as

cedar shavings or straw, must be provided to insulate against the cold and dampness.

4. The following is not considered proper shelter: Storage buildings, sheds, crates, pet carriers, barrels, screened porches, patios, or balconies, nor the areas under lean-tos, covered porches, decks, vehicles, or houses.

b. Livestock.

1. The shelter should provide protection from heavy rain, snow, and high wind and provide sufficient shade in the summer.
2. The shelter for large livestock and healthy horses and cattle does not have to be manmade. Natural shelters, such as trees, are acceptable. However, a windbreak must be provided.
3. The shelter for small livestock and unhealthy horses and cattle must be in the form of a barn or pen of sufficient capacity and strength to properly accommodate the number of animals contained therein.

(b) It shall be unlawful for a person to leave anyan untethered pet outdoors unattended for two (2) continuous hours or longer without access to fresh water and shelter, as defined in this chapter, regardless of temperature.

(c) It shall be unlawful for a person to leave anyan untethered pet outdoors unattended for thirty (30) minutes or longer during a consecutive four (4) hour period when:

(1) The temperature is below forty (40) degrees Fahrenheit for a sustained four (4) hour period, unless adequate shelter, as defined in this chapter, is provided to protect the animal from the elements; or

(2) The temperature is above ninety (90) degrees Fahrenheit for a sustained four (4) hour period, unless adequate shade is provided to protect the animal from the elements.

(d) It shall be unlawful for a person to improperly collar or harness a pet. Collars and harnesses must be made of leather, nylon, or similar material and properly fitted for the pet's measurements and body weight so as to not choke or impede the pet's normal breathing or swallowing and to not cause pain or injury to the pet. Logger chains, towing chains, and similar items are not permitted to be used as collars or harnesses. Pet-safe metal collars, chain collars, prong collars, or choke collars are permitted to be used while the pet is accompanied by its owner/keeper or custodian.

(e) It shall be unlawful for a person to expose an animal to a known poisonous substance, whether mixed with food or not, so that the same shall be reasonably expected to be eaten by the animal; EXCEPT that it shall not be unlawful for a person to expose on their own property pest or vermin deterrent substances to prevent the spread of disease or the

destruction of crops, livestock, or property. In no instance shall a feral or community cat or domestic animal be considered vermin.

(f) It shall be unlawful for a person to fail to remove from a shelter or confinement area excrement, debris, standing water, or mud. No person shall fail to keep a shelter or confinement area clean, odor-free, and free of bloodsucking insects that are carriers of disease.

(g) No person, except a licensed veterinarian, shall perform an operation to crop, notch, or split an animal's ears and/or tail.

(h) It shall be unlawful for a person to dye or color artificially ~~any~~ animal, including fowl, with products not identified as pet-safe or to bring such dyed or colored animal into the unincorporated area of the county.

(i) It shall be unlawful for ~~any~~ owner or custodian to abandon an animal in the unincorporated area of the county.

### **~~Community Cat Diversion Program.~~**

~~(a) — Purpose. It is the intent of this section to create a Community Cat Diversion Program ("Program") within Richland County in order to reduce cat overpopulation in an effective and humane way by using the Trap, Neuter, and Return (TNR) method.~~

~~(a) — Scope. This section shall apply only to healthy free roaming and Community Cats. Well-socialized, friendly, or abandoned house pets do not qualify for the Program as they depend on humans for survival. The Superintendent of Animal Services, or his/her designee, shall make the decision as to whether a cat qualifies for the Program.~~

~~(a) — Procedures:~~

~~(0) — Any Community Cat either trapped or seized by an animal care officer or turned into the animal care facility by a citizen shall be:~~

~~–Assessed by a veterinarian to determine the condition of health;~~

~~–Spayed or neutered, as needed;~~

~~–Vaccinated for rabies, feline viral rhinotracheitis, calicivirus, and panleukopenia; and;~~

~~–Ear tipped for identification.~~

~~(0) — All cats entering the animal care facility shall be immediately assessed for Program qualification; those unqualified shall be processed in accordance with this chapter.~~

~~(0) — Any Community Cat entering the Program shall be returned on the third day after spay/neutering or as soon as practicable thereafter to the area where it was trapped or seized. Any Community Cat which meets all the requirements in section (c)(1), above, that is trapped, seized, or brought to the animal care facility may be immediately returned to the same community. However, a Community Cat will be relocated if a request from a property owner~~

~~within the community requests that the cat be relocated to a location other than where it was trapped.~~

~~The county shall have no liability for cats in the Program.~~

~~(1) — Community Cats are exempt from licensing and related fees.~~

#### **Sec. 5-5. Running at large—~~restraint.~~**

- (a) ~~It is unlawful for an animal to be at large.~~ All animals must be kept under restraint or confinement ~~and anyan.~~ Any animal not so restrained or confined will be deemed unlawfully running at large ~~in the unincorporated area of the county. Provided, however, this~~ This subsection shall not apply to domestic cats that have been spayed or neutered/sterilized or community cats trapped, sterilized, and released those cats in the Community Cat Diversion Program.
- (b) Dogs ~~that are~~ participating in hunting events, obedience trials, conformation shows, tracking tests, herding trials, lure courses, and other events similar in nature shall not be considered “at large.”
- ~~(c) Dogs properly within the enclosed boundaries of a dog park shall not be considered at large. A dog park shall mean an enclosed area, owned and/or operated by the county, a municipality, or private entity, designed, intended, and used for domestic dogs to play and exercise off-leash in a controlled environment under the supervision of their owners or custodians. In the interest of public safety, if an Animal Care Officer witnesses an animal not under restraint, the officer may exercise the authority to pursue the animal(s) onto private property and/or into an enclosed fenced yard. This authority may only be exercised if it has been determined by the officer that the animal is clearly able to enter and exit from the premises unrestrained and presents an immediate threat of bodily harm to public safety such as, but not limited to: aggressively charging, attempting to bite, or displaying obvious unprovoked acts of aggression. Such pursuit shall end at such time as the animal is no longer at large and/or is under restraint. If an immediate threat to public safety is absent, then a search warrant must be executed in order to enter an enclosed fenced yard.~~
- ~~(e)(d) Any~~ An animal found running at large may be impounded by an Animal Care Officer and may be redeemed pursuant to Section 5-17 only upon authorization by the county Animal Services Department, with assurance from the owner or custodian that proper care and custody will be maintained.

#### **Sec. 5-6. Nuisance animals.**

- (a) It shall be unlawful for an owner or custodian to keep an animal in such a manner so as to constitute a nuisance. The actions of an animal constitute a nuisance when the animal disturbs the rights of, threatens the safety of, or damages a member of the general public or interferes with the ordinary use and enjoyment of their property or public property.

(b) By way of example, and not of limitation, the following acts or actions by the owner or custodian of any animal are hereby declared to be a nuisance and are, therefore, unlawful:

- (1) Failure to exercise sufficient restraint necessary to control the animal as required by Section 5-5;
- (2) Attracting stray and/or feral cats to an area by means of providing food, water, and/or shelter. This provision does not apply to citizens performing these acts to trap, sterilize, and release community cats;
- (3) Allowing or permitting an animal to damage the property of another including, but not limited to, turning over garbage containers or damaging gardens, flowers, or vegetables;
- (4) Maintaining an animal in a manner which could or does lead to the animal biting or attacking a human being, domestic animal, or livestock one or more times without provocation, whether or not such bite or attack occurs on the premises of the animal's owner.
- (5) Maintaining animals in an environment of unsanitary conditions which results in offensive odors or is dangerous to the animal or to the public's health, welfare, or safety;
- (6) Maintaining property in a manner that is offensive, annoying, or dangerous to the public's health, welfare, or safety because of the number, type, variety, density, or location of the animals on the property;
- (7) Maintaining an animal that is diseased and dangerous to the public's health, welfare, or safety;
- (8) Maintaining an animal that habitually or repeatedly chases, snaps at, or attacks pedestrians, bicycles, or vehicles; or
- (9) Failure to keep female animals in heat confined in a building or secured enclosure in such a manner as will not create a nuisance by attracting other animals

(c) An animal determined to be a nuisance by an Animal Care Officer may be caught or seized and impounded pursuant to this chapter and may be redeemed pursuant to Section 5-17 only upon authorization by the county Animal Services Department, with evidence presented by the owner or custodian that the situation creating the nuisance has been abated.**Removal of excrement.**

~~The owner of every animal shall be responsible for the removal of any excretions deposited by his or her animal on public walks and ways, recreation areas, or private property other than that of the owner.~~

**Sec. 5-7. Dangerous or vicious animal.**

(a) The Animal Services Director or its designee shall have the authority to determine if an animal is dangerous or vicious. Upon determining an animal is dangerous or vicious, the Animal Services Director or its designee shall serve written notice of such determination upon the owner or custodian at their last known address.

(b) The owner or custodian of a dangerous or vicious animal shall properly confine the animal at all times. Proper confinement is as follows:

(1) Dogs:

- a. If the animal is indoors, the animal must be kept in such a manner as to prevent the animal from, without provocation, attacking, causing injury to, or otherwise endangering the safety of individuals or other animals also located indoors.
- b. If the animal is outdoors and attended, the animal shall be muzzled, on a leash or attached to a similar physical restraining device, and under the physical control of the owner or custodian at all times.
- c. If the animal is outdoors and unattended, in addition to the requirements set forth in Section 5-4(a), the animal must be confined in a locked pen or "run" area that consists of a secured top and at least four (4) sides which are at least six (6) feet high. The shelter floor must be concrete or the sides must be buried at least twelve (12) inches in the ground.
- d. Proper confinement provisions of this subsection shall not apply to ~~any~~ animal owned by a licensed security company while the animal is patrolling the premises at the direction of the company. However, when off of the patrolled premises, the animal shall be properly confined as set forth in this subsection.

(2) Other animals:

- a. If the animal is indoors, the animal must be kept in such a manner as to prevent the animal from, without provocation, attacking, causing injury to, or otherwise endangering the safety of individuals or other animals also located indoors.
- b. If the animal is outdoors and attended, the animal must be restrained on a leash or attached to a similar physical restraining device, and under the control of the owner or custodian at all times.
- c. If the animal is outdoors and unattended, the animal must be confined in a locked pen or "run" area that is set up in such a manner as to prevent the animal from straying beyond its enclosed confines and prevents the public and other animals from obtaining entrance into or making contact with the animal.



d. The Animal Services Director may, at its discretion and dependent upon the type of animal, set forth other reasonable requirements in the interest of protecting the public's health, welfare, or safety. These additional requirements shall be communicated to the owner or custodian in writing.

(c) The premises upon which a dangerous or vicious animal is kept or harbored must have posted a sign visible to the public cautioning the public to beware of the animal located on the premises. By way of example, and not limitation, a sign reading "Beware of Dog" or "Beware of Animals" is sufficient.

### **Injured or diseased animals.**

~~Anyone striking a domestic animal with a motor vehicle or bicycle shall notify the county Animal Care Department who will then take action necessary to make proper disposition of the animal.~~

~~Any domestic animal received by the animal care facility in critical condition from wounds, injuries, or disease may receive sustaining treatment by a licensed veterinarian until such time as the owner of the animal is contacted. Every effort possible shall be made to contact the owner or veterinarian of the animal via information obtained from its tag or microchip. Any such animal in critical condition, as described in this section, may be humanely destroyed if the owner or veterinarian of the animal cannot be contacted within two (2) hours. If the animal is in severe pain it may be destroyed immediately with agreement from a licensed veterinarian.~~

### **Sec. 5-8. Tethering.**

(a) It shall be unlawful to tether a pet outdoors for two (2) continuous hours or longer, unless:

(1) The pet is older than six (6) months;

(2) The tether is a minimum of twelve (12) feet in length and has swivel-type termination at both ends and the tether weight does not exceed ten (10) percent of the pet's body weight. Logger chains, towing chains, and other similar tethering devices are not acceptable;

(3) The tether must be attached to the pet with a buckle-type collar or a body harness. Logger chains, towing chains, and similar items are not permitted to be used as collars or harnesses. Pet-safe metal collars, chain collars, prong collars, or choke collars are permitted to be used while the pet is accompanied by its owner/keeper or custodian;

(4) The pet is tethered so as to prevent injury, strangulation, or entanglement with objects, vegetation, or other tethered animals;

(5) The pet has access to fresh water and shelter, as defined in this chapter;

(6) The pet is not sick or injured;

(7) Every female confined by a tether and unattended is sterilized; and

(8) The temperature is above forty (40) degrees and less than ninety (90) degrees Fahrenheit, EXCEPT:

a. If the temperature is below forty (40) degrees Fahrenheit for a sustained four (4) hour period, the animal may be tethered for thirty (30) minutes in a consecutive four (4) hour period so long as adequate bedding and shelter, as defined in this chapter, are provided to protect the animal from the elements; or

~~—If the temperature is above ninety (90) degrees Fahrenheit for a sustained four (4) hour period, the animal may be tethered for thirty (30) minutes in a consecutive four (4) hour period so long as shade is provided to protect the animal from the elements. **Nuisance animals.**~~

~~(-) It shall be unlawful for any person to own, keep, possess, or maintain an animal in such a manner so as to constitute a nuisance. By way of example, and not of limitation, the following acts or actions by an owner or possessor of any animal are hereby declared to be a nuisance and are, therefore, unlawful:~~

~~(0) Failure to exercise sufficient restraint necessary to control an animal as required by Section 5-5;~~

~~(0) Allowing or permitting an animal to damage the property of anyone other than its owner, including, but not limited to, turning over garbage containers or damaging gardens, flowers, or vegetables.;~~

~~(0) Failure to maintain a dangerous animal in a manner other than that which is described as lawful in Section 5-416(c);~~

~~(0) Maintaining animals in an environment of unsanitary conditions which results in offensive odors or is dangerous to the animal or to the public health, welfare or safety.;~~

~~(0) Maintaining animals in an environment of unsanitary conditions which results in offensive odors or is dangerous to the animal or to the public health, welfare or safety.;~~

~~(0) Maintaining his or her property in a manner that is offensive, annoying, or dangerous to the public health, safety, or welfare of the community because of the number, type, variety,, density, or location of the animals on the property.;~~

~~(0) Allowing or permitting an animal to bark, whine, or howl in an excessive, unwarranted, and continuous or untimely fashion, or make other noise in such a manner so as to result in a serious annoyance or interference with the reasonable use and enjoyment of neighboring premises;~~

~~(0) Maintaining an animal that is diseased and dangerous to the public health;~~

~~(0) Maintaining an animal that habitually or repeatedly chases, snaps at, attacks, or barks at pedestrians, bicycles, or vehicles.~~

~~(-) An animal that has been determined to be a nuisance by the Animal Care Department may be impounded and may not be returned to the owner until said owner can produce evidence to demonstrate that the situation creating the nuisance has been abated.~~

~~(m) Every female animal in heat shall be kept confined in a building or secure enclosure in such a manner as will not create a nuisance by attracting other animals.~~

~~— Sec. 5-9. Animal care, generally.~~

~~(o) It shall be unlawful for an owner to fail to provide his or her animal(s) with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and humane care and treatment.~~

~~(p) It shall be unlawful for a person to beat, cruelly treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit any dogfight or other combat between animals or between animals and humans.~~

~~(q) It shall be unlawful for a person to dye or color artificially any animal or fowl, including but not limited to rabbits, baby chickens, and ducklings, or to bring any dyed or colored animal or fowl into the county.~~

~~(r)b. \_\_\_\_\_ It shall be unlawful for any owner to abandon an animal in the unincorporated area of the county.~~

**Sec. 5-109. Sale of animals.**

(a) No person shall sell, trade, barter, auction, lease, rent, give away, or display for commercial purpose, any animal, on any roadside, public right-of-way, public property, commercial parking lot, or sidewalk adjacent thereto, or at any flea market, fair, or carnival. ~~Licensed pet shops, commercial kennels, municipal and/or county animal care facilities, and licensed pet rescue organizations are exempt from the requirements of this subsection.~~

(b) No person shall offer an animal as an inducement to purchase a product, commodity, or service.

(c) No person shall sell, offer for sale, or give away any pet under eight (8) weeks of age, except as to surrender to a municipal and/or county animal care facility or to a licensed pet rescue organization.

~~(d) \_\_\_\_\_ This section does not apply to licensed pet shops, commercial kennels, municipal and/or county animal care facilities, and licensed pet rescue organizations.~~

**Sec. 5-110. Care of animals during transport.**

During the transportation, of an animal, the animal must be provided with adequate space and ventilation, and must not be confined in one area for more than twenty-four (24) consecutive hours without being adequately exercised, rested, fed, and watered.

**Sec. 5-11. Injured or diseased animals.**

(a) Anyone striking a domestic or feral dog or cat with a vehicle shall notify the county Animal Services Department who will then take action necessary to make proper disposition of the animal. Vehicle, as defined in this section, includes all self-propelled and non-self-propelled vehicles, such as motor vehicles and bicycles.

(b) AnyA domestic or feral dog or cat received by an animal care facility in critical condition from wounds, injuries, or disease may receive sustaining treatment by a licensed veterinarian until such time as the animal's owner, custodian, or veterinarian is contacted. Every effort shall be made to effectuate contact via information obtained from the animal's tag or microchip. Any such animal in critical condition, as described in this section, may be euthanized if the owner, custodian, or veterinarian cannot be contacted within two (2) hours of receipt of the animal. If the animal is in severe pain it may be euthanized immediately by agreement between the animal care facility superintendent and a licensed veterinarian.

#### **Sec. 5-12. Removal of excrement.**

The owner or custodian of every animal shall be responsible for the removal of excretions deposited by their animal on public property, in recreation areas, or on the private property of another.

#### **Sec. 5-13. Prohibited, exceptions.**

(a) Except as provided in subsection (b), it shall be unlawful for **anya** person to publicly display or exhibit, sell, keep, harbor, own, or act as custodian of:

- (1) Non-domestic members of the cat family (Felidae);
- (2) Wolf-dog hybrids, and/or a animal containing any percentage of wolf;
- (3) Badgers, wolverines, weasels, skunks, and minks (in the family of Mustelidae);
- (4) Raccoons (Procyonidae);
- (5) Bear (Ursidae);
- (6) Nonhuman primates which include apes, monkeys, baboons, macaques, lemurs, marmosets, tamarins, and other species of the order primates (Haplorrhini);
- (7) Bats (Chiroptera);
- (8) Semi-aquatic reptiles in the order of Alligators, crocodiles, and caimans (Crocodylia);
- (9) Scorpions (Scorpiones);
- (10) Constricting snakes of the following species: Reticulated Python (Python reticulatus), Burmese Python (Python bivittatus), Indian rock Python (Python molurus), African Rock Python (Python Sebae), and Anaconda (Eunectes murinus - all types);
- (11) Venomous reptiles;
- (12) Lizards over two feet which is a member of the family carnivorous and frugivorous lizards (Varanidae);
- (13) Non-domesticated members of the order placental mammals (Carnivora);

(14) Other wildlife not listed;

(15) Animals of mixed domestication and feral lineage; or

(16) Other animals where its behavior, size, temperament, breed, or capacity for inflicting serious injury is or may be detrimental to the health, welfare, or safety of people or animals in the immediate surrounding area.

(b) The prohibitions contained in subsection (a) shall not apply in the following circumstances:

(1) The keeping of such animals in a public zoo, a bona fide education or medical institution, by a humane society, or in a museum where they are kept as live specimens for the public to view or for the purpose of instruction, research, or study;

(2) The keeping of such animals for exhibition to the public by a bona fide traveling circus, carnival, exhibit, or show pursuant to properly obtained federal, state, and/or local licenses and/or permits;

(3) The keeping of such animals in a licensed veterinary hospital for treatment; or

(4) The keeping of such animals by a wildlife rescue organization with appropriate federal, state, and/or local licenses and/or permits obtained from applicable regulatory bodies.

**Sec. 5-~~12~~14. Seizure and right of entry to protect abandoned, neglected, or cruelly treated animals.**

(a) If the owner or custodian does not give permission, the Animal Care Officer may obtain a search warrant to enter onto any privately owned premises of which an Animal Care Officer suspects a violation of this chapter exists thereupon which it is suspected a violation of this chapter exists. Once upon the premises, the officer may examine such the animal and may take immediately seize custody of the animal when, in his or her the officer's sole opinion, it requires removal of the animal from the premises is necessary for the immediate protection of the animal or the public, and shall issue a uniform ordinance summons to the owner or custodian. If an Animal Care Officer witnesses an animal in distress and in need of immediate medical attention, the officer may exercise the authority to enter onto private property (yard only) and/or into an enclosed fenced yard to seize the animal. If the animal is not in need of immediate medical care, then a search warrant must be executed in order to enter onto private property (yard only) and/or into an enclosed fenced yard.

(b) If the animal cannot be seized in a safe and efficient manner, the Animal Care Officer may tranquilize the animal by use of a tranquilizer gun.

(c) The After the animal is seized pursuant to this section, the Animal Care Officer shall thereafter petition the appropriate magistrate for a civil hearing and order pursuant to Section 5-16.

(d) Nothing in this section shall be construed as to prohibit the immediate euthanizing of an animal after the initial seizure and without regard to a civil hearing or the uniform ordinance summons criminal proceeding when:

(1) The animal is determined by the animal care facility superintendent or its designee, in agreement with a licensed veterinarian, to be a danger to other animals or persons at the animal care facility, infectious to other animals, in pain, or near death; or

(2) The animal is determined by the animal care facility superintendent or its designee, in agreement with a licensed veterinarian, to be critically injured or ill and must be euthanized for humane purposes.

~~(a) , which shall be a civil proceeding. The hearing shall be set not more than ten (10) business days from the date of the seizure of the animal to determine whether the owner, if known, is able to adequately provide for the animal and is a fit person to own the animal until final disposition of the uniform ordinance summons (criminal proceeding). The Animal Care Officer shall cause to be served upon the owner, if known and residing within the jurisdiction wherein the animal is found, written notice at least five (5) business days prior to the hearing of the time and place of the hearing. If the owner is not known or cannot be found within the jurisdiction wherein the animal was found, the Animal Care Officer shall post a copy of the notice at the property where the animal was seized. The pet or animal shall remain in the custody and care of the Animal Care Department until conclusion of the civil hearing before the magistrate. During or after the final uniform ordinance summons proceeding, the magistrate shall make the final determination as to whether the animal is returned to the owner or whether title is transferred to the Animal Care Department whereby the animal may be put up for adoption or humanely destroyed. The court, in either proceeding, in determining whether the owner is able to adequately provide for the animal or is a fit person to own the animal, may take into consideration, among other things, the owner's past record of convictions under this chapter, or one similar thereto, and the owner's mental and physical condition.~~

~~If the magistrate, after conclusion of either the civil or criminal proceeding, orders the return of the animal to its owner, the animal care facility shall release the animal upon receipt from the owner of all redemption fees as described in Section 5-14, below. If the owner does not pay the redemption fees within five (5) business days of the magistrate's order of final disposition of the animal after conclusion of the criminal proceeding, the animal shall become the property of the Animal Care Department, shall not be released to the owner, and may be placed for adoption or euthanized.~~

~~(b) Nothing in this section shall be construed to prohibit the euthanization of a critically injured or ill animal for humane purposes at any time after the initial seizure of the animal.~~

**Sec. 5-~~13~~15. Impounding, surrender.**

(a) AnyAn animal found within the unincorporated area of the county as a result of a violation or alleged violation by the owner or custodian, whether known or unknown, of

~~the in violation of the~~ provisions of this chapter may be caught or seized and impounded by an Animal Care Officer~~county authorities~~. If ~~an the~~ animal cannot be caught or seized in a safe, ~~and~~ efficient manner, the Animal Care Officer ~~animal care personnel~~ may tranquilize the animal by use of a tranquilizer gun.

~~—The Animal Care Department may, thereafter, make available for adoption or humanely destroy impounded animals which are not positively identifiable and not redeemed within five (5) business days, except as provided in subsection (I) below, animals impounded at the animal care facility, which are deemed by the Superintendent of Animal Services, or his/her designee, in agreement with a licensed veterinarian, to constitute a danger to other animals or persons at the facility, or which are infectious to other animals, in pain or near death, may be humanely destroyed immediately.~~

~~(a) When a person arrested is, at the time of the an arrest, in charge of an animal, the county Animal Care Department~~Animal Services Department may take charge of the animal and deposit the animal in a safe place of custody or impound the animal at its animal care facility.

~~(a) The county may transfer title of all animals held at its animal care facility after the legal detention period has expired and its owner has not claimed the animal.~~

~~(a) A positively identifiable animal is one which bears or wears a legible and traceable current permanent number, county license tag or rabies vaccination tag pursuant to Section 5-2; or traceable number, tattoo or microchip pursuant to S.C. Code 47-3-510 (Supp. 1999).~~

~~—The owner of a positively identifiable impounded animal shall be notified at the owner's last known address by registered mail if attempts by telephone are not successful. The owner has fourteen (14) business days from the date of mailing to redeem the animal from the animal care facility. Redemption costs will include the cost of mailing, plus any established costs, fines, fees or other charges. If the owner does not redeem the animal within fourteen (14) business days of the date of the mailing, the animal will be deemed abandoned and becomes the property of the animal care facility. For animals impounded at the animal care facility, the Superintendent of Animal Services, or his/her designee in agreement with a licensed veterinarian, shall either place the animal for adoption or have the animal humanely destroyed, pursuant to S.C. Code 47-3-540 (Supp. 1999).~~

~~—Notwithstanding the above and except as provided in subsection (f), below, positively identifiable animals impounded at the animal care facility, which are deemed by the Superintendent of Animal Services, or his/her designee, in agreement with a licensed veterinarian to constitute a danger to other animals or persons at the facility, or which are infectious to other animals, in pain or near death, may be humanely destroyed at any time.~~

~~(d) Any animal found "at large" may be impounded by the Animal Care Officer and may not be redeemed by its owner unless such redemption is authorized by the county Animal~~



Care Department, with assurance from the owner that proper care and custody will be maintained.

- (d) Any animal that has been determined by the Animal Care Department to be a dangerous or vicious animal, and is not properly confined as described in Section 5-16(c), below, or is otherwise in violation of this chapter, may be impounded by the Animal Care Department. Such animals shall not be euthanized unless the owner has surrendered the animal to the animal care facility and has completed and signed a surrender form or until a final uniform ordinance summons proceeding (criminal proceeding) is held before an appropriate magistrate and the magistrate has determined that the animal should be euthanized.

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— If the owner does not give permission, the Animal Care Officer may obtain a search warrant to enter any premises upon which it is suspected a violation of this chapter exists. Once upon the premises, the officer may examine such animal and may take immediate custody of the animal when, in his or her opinion, it requires removal from the premises for the immediate protection of the animal or the public, and shall issue a uniform ordinance summons to the owner. The Animal Care Officer shall thereafter petition the appropriate magistrate for a hearing, which shall be a civil proceeding. The hearing shall be set not more than ten (10) business days from the date of the seizure of the animal to determine whether the owner, if known, is able to adequately provide for the animal, adequately confine the animal as defined in Section 5-16 (c), and is a fit person to own the animal until final disposition of the uniform ordinance summons (criminal proceeding). The Animal Care Officer shall cause to be served upon the owner, if known and residing within the jurisdiction wherein the animal is found, written notice at least five (5) business days prior to the hearing of the time and place of the hearing. If the owner is not known or cannot be found within the jurisdiction wherein the animal was found, the Animal Care Officer shall post a copy of the notice at the property where the animal was seized. The pet or animal shall remain in the custody and care of the Animal Care Department until conclusion of the civil hearing before the magistrate. During or after the final uniform ordinance summons proceeding, the magistrate shall make the final determination as to whether the animal is returned to the owner or whether title is transferred to the Animal Care Department whereby the animal may be put up for adoption or humanely destroyed. The court, in either proceeding, in determining whether the owner is able to adequately provide for the animal, adequately confine the animal as defined in Section 5-16 (c), or is a fit person to own the animal, may take into consideration, among other things, the owner's past record of convictions under this chapter, or one similar thereto, and the owner's mental and physical condition.

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— If the magistrate, after conclusion of either the civil or criminal proceeding, orders the return of the animal to its owner, the animal care facility shall release the animal upon receipt from the owner of all redemption fees as described in Section 5-14, below. If the

~~owner does not pay the redemption fees within five (5) business days of the magistrate's order of final disposition of the animal after conclusion of the criminal proceeding, the animal shall become the property of the Animal Care Department, shall not be released to the owner, and may be placed for adoption or euthanized.~~

~~(b)~~

~~(c) Nothing in this subsection (f) shall be construed as to prohibit the immediate euthanizing euthanization of a critically injured or ill an animal for humane purposes at any time after impoundment impoundment of the animal and without regard to a civil hearing or the uniform ordinance summons criminal proceeding when:~~

~~(1) The animal is determined by the animal care facility superintendent or its designee, in agreement with a licensed veterinarian, to be a danger to other animals or persons at the animal care facility, infectious to other animals, or in pain or near death; or~~

~~(2) The animal is determined by the animal care facility superintendent or its designee, in agreement with a licensed veterinarian, to be critically injured or ill and must be euthanized for humane purposes.-~~

~~(e) An owner or custodian may surrender its Any animal surrendered to the animal care facility upon the completion of a signed surrender form. Upon surrender, the animal shall become the property of the county Animal Services Department with title to ownership vested therein and may be adopted placed for adoption or euthanized at any time provided there is a completed and signed surrender form on file for the animal concerned.~~

~~(f)(d) It shall be unlawful for anya person to furnish false information on the animal surrender form.~~

**Sec. 5-1416. Civil hearing petition and hearing procedure.**

~~(a) Except as provided otherwise in this chapter, an Animal Care Officer may, upon its own initiative, petition the appropriate magistrate for a civil hearing when:~~

~~(1) A person suspected of violating any provision of this chapter is charged by an Animal Care Officer with such violation; or~~

~~(2) An Animal Care Officer finds an animal within the unincorporated area of the county as a result of a violation or alleged violation by the owner or custodian, whether known or unknown, of the provisions of this chapter.~~

~~(b) The civil hearing will be held (prior to the uniform ordinance summons criminal proceeding) to determine physical custody of the animal and at the conclusion of that hearing, the magistrate shall issue an order with its determination of whether the animal remains with or is returned to the owner or custodian or whether title to ownership is transferred to the county Animal Services Department.~~

- (c) The civil hearing shall be set not more than ten (10) business days from the date the animal was impounded. The Animal Care Officer or its designee shall, at least five (5) business days prior to the civil hearing, serve written notice of the time and place of the civil hearing upon the owner or custodian if known and residing within the jurisdiction wherein the animal is found. If the owner or custodian is unknown or cannot be found within the jurisdiction wherein the animal was found, the Animal Care Officer shall post a copy of the civil hearing notice at the property where the animal was seized
- (d) In determining whether the owner or custodian is able to adequately provide for the animal or is a fit person to own or have custody of the animal, the magistrate may take into consideration the owner or custodian's convictions under this chapter and convictions similar thereto, the owner or custodian's mental and physical condition, and other applicable criteria; and
- (1) Notwithstanding subsection (2), if the civil hearing is held in response to a violation or alleged violation of this chapter and the magistrate orders the animal to remain with or be returned to its owner or custodian, the animal care facility shall release the animal pursuant to Section 5-17, provided that all other redemption requirements are met; or
- (2) If the civil hearing is held in response to a violation or alleged violation of Section 5-7 and the magistrate orders the animal to remain with or be returned to its owner or custodian, the magistrate is to include in its order that the animal is not to be released until the magistrate receives from the Animal Care Officer confirmation the owner or custodian has proper confinement for the animal as defined in Section 5-7, provided that all other redemption requirements are met.
- (e) If the owner or custodian does not redeem the animal within seven (7) business days of the issuance of the magistrate's order, the animal shall become the property of the county Animal Services Department and may be placed for adoption or euthanized.
- (f) Nothing in this section shall be construed as to prohibit the immediate euthanizing of an animal after seizure or impoundment and without regard to a civil hearing or the uniform ordinance summons criminal proceeding when:
- (1) The animal is determined by the animal care facility superintendent or its designee, in agreement with a licensed veterinarian, to be a danger to other animals or persons at the animal care facility, infectious to other animals, or in pain or near death; or
- (2) The animal is determined by the animal care facility superintendent or its designee, in agreement with a licensed veterinarian, to be critically injured or ill and must be euthanized for humane purposes.

### **Sec. 5-17. Redemption.**

- (a) The owner or ~~keeper-custodian~~ of ~~any~~ animal ~~that has been impounded under pursuant to the provisions of this chapter, and which has not been determined by the Animal Care~~

~~Department to be dangerous or vicious, shall have the right to redeem such pet animal at any time within the legal detention period outlined in Section 5-13 prior to the applicable redemption deadline upon payment of all fees, established and required by the Animal Care facility. No pet will be released without proof of inoculation vaccination, and without an implanted microchip, provided that all other redemption requirements have been met. The fees set forth shall be doubled for any pet impounded twice or more within the same 12-month period. An animal attempted to be redeemed after the redemption deadline may not be released to the owner or custodian without due cause as determined solely by the Animal Services Director or its designee.-~~

~~(b) No fertile pet shall be redeemed unless one of the exceptions in Section 5-3(a) has been met. The requirements that a pet Impounded animals must be spayed or neutered before being redeemed prior to redemption, unless the owner or custodian of the animal can provide:~~

- ~~(1) A statement from a licensed veterinarian that the animal, due to health reasons, could not withstand sterilization surgery;~~
- ~~(2) Proof of participation in a nationally recognized conformation or performance event occurring within the past twelve (12) months; or~~
- ~~(3) Proof the animal is currently being used for hunting purposes and has properly been registered with a nationally recognized organization which sanctions hunting tests and/or field trials.~~

~~(c) Positively identifiable animals:~~

- ~~(1) A positively identifiable animal is one which bears or wears a legible and traceable current permanent number, county license tag or rabies vaccination tag, tattoo, or microchip pursuant to S.C. Code of Laws Annotated Section 47-3-510 (1999) or one which is known by the county Animal Services Department to belong to an owner or custodian positively identifiable by the county Animal Services Department.~~
- ~~(2) With the exception of an animal to be released by a magistrate's order, the county Animal Services Department shall notify the owner or custodian of a positively identifiable impounded animal at the last known address by registered mail that the dog is in its possession. The owner or custodian has fourteen (14) calendar days from the date of mailing to notify the county Animal Services Department or the animal care facility that they will redeem the animal and (14) calendar days from that notification to redeem the animal from the animal care facility. The animal must be redeemed pursuant to Section 5-17, provided that all other redemption requirements are met.~~
- ~~(3) Animals released pursuant to a magistrate's order must be redeemed within seven (7) business days after the issuance of the order, provided that all other redemption requirements are met.~~

(d) Non-positively identifiable animals must be redeemed within five (5) calendar days of impound.

(e) If the owner or custodian of an animal impounded at the animal care facility fails to redeem the animal within the prescribed time, the animal will be deemed abandoned, shall become the property of the county Animal Services Department with title to ownership vested therein, and may be placed for adoption or euthanized.

(b)(f) \_\_\_\_\_ shall not be waived pursuant to the exceptions in Section 5-3 (a) if If the animal has been impounded more than once for a violations of this chapter. In such instances, the pet animal shall be spayed or neutered by the animal care facility, regardless of whether proof pursuant to subsection (b) is provided, and the costs of such shall be added to all other required redemption fees.

—The fees set out in this section shall be doubled for any pet impounded twice or more within the same 12-month period.

### **Sec. 5-1518. Adoption.**

(a) AnyAn animal impounded under the any provisions of this chapter, which is the property of the county Animal Services Department, may, at the end of the legal detention period, be adopted, provided the new owner will agree to comply with the provisions contained herein and pays all applicable fees.

(b) Any pet surrendered to the Animal Care Department or animal care facility may be adopted at any time provided there is a completed and signed surrender form on file for the animal concerned.

(e)(b) \_\_\_\_\_ Those individuals adopting puppies or kittens too young to be neutered, or spayed, or receive rabies inoculations vaccinations at the time of adoption will pay the cost of these procedures at the time of adoption and be given an appointment for a later time date to have these procedures performedaccomplished. In the event the The fees paid for these procedures will be refunded if the animal is deceased prior to the appointment date, the applicable portion of the adoption fee will be returned.

### **Sec. 5-16. Prohibited, exceptions.**

(a) Except as provided in subsection 5-16 (d), it shall be unlawful for any person to sell, own, keep, harbor, or act as custodian of a:

(0) Non-domestic member of the family felidae;

(0) Wolf dog hybrid containing any percentage of wolf;

(0) Badger, wolverine, weasel, skunk and mink;

(0) Raccoon;

(0) Bear;

- ~~(0) Nonhuman primate to include ape, monkey, baboon, macaque, lemur, marmoset, tamarin and other species of the order primates;~~
- ~~(0) Bat;~~
- ~~(0) Alligator, crocodile and caiman;~~
- ~~(0) Scorpion;~~
- ~~(0) Constricting snake of the following species: reticulated python, python reticulatus; Burmese/Indian rock python, python molurus; rock python, python sebae, and anaconda, eunectes murlnus;~~
- ~~(0) Venomous reptile;~~
- ~~(0) Any snake or other animal where the animal's behavior, size, temperament, breed, or capacity for inflicting serious injury is or may be detrimental to the safety and welfare of citizens in the immediate surrounding area;~~
- ~~(0) Any lizard over two feet which is a members of the family varanidae;~~
- ~~(0) Any non-domesticated member of the order Carnivora;~~
- ~~(0) Any wild or feral animal; or~~
- ~~(0) Any animal of mixed domestication and feral lineage.~~
- ~~(a) It shall be lawful for any person to own, keep, harbor, act as custodian of any make not listed in subsection 5-16(a); provided, however, it shall be unlawful to expose such snake to public view or contact, or exhibit either gratuitously or for a fee, within the unincorporated areas of the county on public or private property, except as provided in subsection 5-16(d).~~
- ~~(a) It shall be unlawful for a person owning or harboring or having the care or the custody of a dangerous or vicious animal to permit the animal to go unconfined. A dangerous or vicious animal is unconfined as the term is used in this section if the animal is not securely confined indoors or confined in a securely enclosed and locked pen or "run" area upon the person's premises. The pen or run area also must have either: 1) sides six (6) feet high, or 2) a secure top. If the pen or structure has no bottom secured to the sides, the sides must be embedded into the ground at a depth of no less than one (1) foot. However, the provisions of this subsection shall not apply to any animal that is owned by a licensed security company and is on patrol in a confined area.~~
- ~~(a) The prohibitions contained in subsections (a) and (b) above, shall not apply in the following circumstances:
  - ~~(0) The keeping of such animals in a public zoo, bona fide education or medical institution, humane society, or museum where they are kept as live specimens for the public to view, or for the purpose of instruction, research, or study;~~~~



~~(1) The keeping of such animals for exhibition to the public by a bona fide traveling circus, carnival, exhibit or show, properly licensed and permitted by state and local law;~~

~~— The keeping of such animals in a bona fide, licensed veterinary hospital for treatment;~~

~~(2) The keeping of such animals by a wildlife rescue organization with appropriate permits from any state or local regulatory body.~~

**Sec. 5-1719. Interference with animal care officers.**

It shall be unlawful for ~~any~~ person to interfere with, hinder, or molest an Animal Care Officer in the performance of ~~his or her~~ their duty or seek to release ~~any~~ pet animal in the custody of an Animal Care Officer without such officer's consent.

**Sec. 5-1820. Complainant's identification ~~to remain confidential.~~**

~~Any~~ A person reporting a violation of this chapter and/or requesting a summons be issued must provide identification to the Animal Care Officer. The identity, or information tending to reveal the identity, of ~~any~~ an individual who in good faith makes a complaint or otherwise discloses information, which alleges a violation of this chapter, shall remain confidential, unless the complainant authorizes the release of ~~his or her~~ their identity.

**Sec. 5-1921. Penalties.**

(a) ~~Any~~ A person who violates the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to a fine not exceeding five hundred dollars (\$500.00) or imprisonment not exceeding thirty (30) days, or both. Each day's continuing violation shall constitute a separate and distinct offense.

~~(b) The~~ Any An owner or ~~person having charge or custody~~ custodian of an animal ~~convicted of violating Section 5-4(a)(4) of this chapter~~ cruelly used who is convicted of any violation of this chapter forfeits ownership, charge, or custody of the animal and at the discretion of the court, the person ~~who is charged with or~~ convicted of ~~a such~~ violation of ~~this chapter must~~ may be ordered to pay all costs incurred by the county Animal Services Department prior to the conviction to care for the animal and related expenses.

SECTION II. Severability. If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

SECTION III. Conflicting Ordinances. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION IV. Effective Date. This ordinance shall be effective from and after \_\_\_\_\_, 2024.

RICHLAND COUNTY COUNCIL





**Richland County**  
**STATE OF SOUTH CAROLINA**  
**COUNTY COUNCIL FOR RICHLAND COUNTY**  
**ORDINANCE NO. -16HR**

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 5, ANIMALS AND FOWL.

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 5, Animals and Fowl, is hereby amended by the deletion of the language contained therein and the substitution of the following language:

**CHAPTER 5: ANIMALS**

**Sec. 5-1. Definitions.**

Whenever used in this chapter, unless a contrary intention is clearly evidenced, the following terms shall be interpreted as herein defined.

*Abandon.* The owner or custodian's failure to provide for its animal the necessities of life and well-being or to desert, forsake, or give up absolutely its animal without securing another owner or custodian. This section does not include the responsible release of community cats trapped, sterilized, and released back into the community.

*Abuse.* The act of an owner or custodian who deprives its animal of necessary sustenance or shelter, or of a person who inflicts unnecessary pain or suffering upon an animal, or of a person causing these things to be done.

*Animal.* In addition to dogs and cats, any organism of the kingdom of Animalia, other than a human being.

*Animal Care Officer.* A person employed by the county to enforce the animal care program or an official with legal enforcement authority thereof.

*Animal Care Facility.* A premise designated or selected by the county for the purpose of impound, care, adoption, or euthanasia of animals held under the authority of this chapter.

*At large.* Not under restraint or confinement.

*Commercial pet breeder.* A person, partnership, corporation, association, or establishment engaged in a business, occupation, profession, or activity in which one or more dogs are owned, kept, harbored, or boarded and used for a stud for which a fee is charged and/or used for breeding purposes for which a fee is charged for the offspring.

*Community Cat*, also called “free-roaming cat.” A domestic cat that is no longer in a domesticated environment or one of its descendants and that lives outdoors full-time and has no known owner. Pets and/or house cats which are outdoors periodically are specifically excluded from this definition.

*Custodian*. A person who, regardless of the length of time, keeps, has charge of, shelters, feeds, harbors, or takes care of any animal, or is otherwise acting as the owner of an animal. A custodian is not necessarily the owner.

*Dangerous or vicious animal*.

(a) Dangerous or vicious animal means:

- (1) An animal which the owner or custodian knows, or reasonably should know, has the propensity, tendency, or disposition to, without provocation, attack, cause injury to, or otherwise endanger the safety of human beings, domestic animals, or livestock;
- (2) An animal which bites or attacks a human being, domestic animal, or livestock one or more times without provocation, whether or not such bite or attack occurs on the premises of the animal’s owner;
- (3) An animal, while not under restraint or confinement, which commits one or more acts, without provocation, that causes a person to reasonably believe the animal will bite or attack and cause bodily injury to a human being, domestic animal, or livestock; or
- (4) An animal kept or harbored by its owner or custodian primarily, or in part, for the purpose of animal fighting or which has been trained for animal fighting.

(b) An animal shall not be deemed dangerous or vicious if:

- (1) The animal bites, attacks, or commits an unprovoked act upon, as described in subsection (a):
  - a. A human being or animal assaulting its owner or custodian;
  - b. A human being or animal trespassing upon the property of its owner or custodian. For the purpose of this definition, trespassing means entering or remaining upon the property of another without permission or legal privilege; or
  - c. A human being or animal which has abused or tormented it;
- (2) The animal is protecting or defending its offspring or another animal;
- (3) The animal is acting in defense of an attack upon its owner or custodian or other person.

*Domestic*. To share the genetic makeup and/or physical appearance of its ancestors which were historically domesticated for human companionship and service.

*Feral animal*. An animal which may be an individual domesticated animal who is no longer in a domesticated environment, or one of their descendants.

*Fowl.* Birds kept for domestic, or utility purposes including, but not limited to, chickens, hens, roosters, guineas, ducks, geese, turkeys, emus, and poultry.

*Harboring.* Allowing an animal to, regardless of the length of time, remain, be lodged, or be fed upon or within a premise which the person occupies or owns. Premises include, but is not limited to, dwellings, buildings, yards, and enclosures.

*Impound.* The humane confinement of the animal by an Animal Care Officer at an animal care facility.

*Livestock.* Cattle, sheep, horses, goats, swine, mules, asses, and other animals ordinarily raised or used on a farm.

*Owner.* A person who:

- (1) Has a property right in the animal;
- (2) Keeps or harbors the animal, has it in its care, or acts as its custodian; or
- (3) Permits the animal to remain on or about premises it owns or occupies.

*Pet.* Domestic dog (*canis lupus familiaris*) and/or domestic cat (*felis catus*). When applicable, pet shall also mean an animal kept lawfully for pleasure rather than utility or commercial purposes, including fowl.

*Provocation.* An act done towards an animal that a reasonable person would expect to enrage such an animal to the extent the animal would be likely to, or did, bite, attack, and/or cause bodily injury. Provocation includes, but is not limited to, teasing, harassing, beating, torturing, injuring, or intentionally causing pain to an animal. When an animal is attacked on the property of its owner or custodian by another animal off its owner's or custodian's property, the attack will be presumed unprovoked, absent clear evidence to the contrary. Provocation does not include actions on the part of an individual that pertain to reasonable efforts of self-defense, defense of others, or defense of another animal.

*Seizure.* The removal of an animal from an individual's property or possession, without the consent of the owner or custodian, by an Animal Care Officer as a result of a violation or alleged violation of the provisions of this chapter or to satisfy an order entered by the court.

*Shelter.* Unless stated otherwise, a structure reasonably expected to protect the animal from exposure to the elements of weather or adverse conditions where such exposure could cause the animal physical suffering or impairment.

*Tether.* To fasten, chain, tie, secure, or restrain an animal by a collar or harness to a dog house, tree, fence, or other stationary object or structure.

*Under restraint or confinement.* Under restraint or confinement shall mean an animal that is:

- (1) On the premises of its owner or custodian indoors;
- (2) On the premises of its owner or custodian outdoors on a leash or other similar restraining device or within a fenced-in area;

- (3) On the premises of its owner or custodian while accompanied by its owner or custodian; or
- (4) Off the premises of its owner or custodian while accompanied by its owner or custodian and is under physical control of such owner or custodian by means of a leash or other similar restraining device.

*Unincorporated area of the county.* The unincorporated area of Richland County and all areas located in municipalities with which Richland County has an agreement for animal services.

**Sec. 5-2. License for dogs and cats; rabies vaccination tags.**

- (a) For the purpose of this section, *pet* shall mean domestic dog and/or domestic cat.
- (b) It shall be unlawful for the owner or custodian of a pet to fail to obtain a current county pet license for a pet over four (4) months of age.
  - (1) The county Animal Services Department shall annually provide a sufficient number of durable tags suitable for pets, numbered from one (1) upwards, on which shall be stamped the year and the words “pet license.” Such tags must be worn by all pets within the unincorporated area of the county at all times.
  - (2) The county Animal Services Department shall maintain the name and address of each party to whom a license and tag have been issued under the provisions of this section and shall keep the same on file in the offices of the department for the purpose of identification.
  - (3) It shall be unlawful for the owner or custodian of a pet over four (4) months of age to fail to vaccinate the pet and obtain a current rabies vaccination tag showing that such pet has been vaccinated by a licensed veterinarian. No license will be issued unless proof of vaccination is shown.
  - (4) A pet owner or custodian who moves into the unincorporated area of the county for the purpose of establishing residency shall have thirty (30) calendar days in which to obtain the license.
- (c) License fees.
  - (1) Annual license fees. Annual license fees for fertile and sterilized pets shall be established by the county council. Licenses will expire one (1) year after the date of issue and owners/custodians must renew the license prior to its expiration.
  - (2) Exemptions from annual license fees. The following owner/custodian classifications of fertile pets shall be exempt from paying the higher license fee for fertile pets. These exempt persons shall be required to purchase a license for their fertile pet and will pay the same license fee as required for sterilized pets:

- a. A pet owner or custodian who can furnish a statement from a licensed veterinarian that the pet, due to health reasons, could not withstand sterilization surgery;
  - b. An owner or custodian of a purebred pet who can furnish proof of participation in a nationally recognized conformation or performance event occurring within the past twelve (12) months; or
  - c. An owner or custodian of a dog currently being used for hunting purposes who can furnish proof the dog has been properly registered with a nationally recognized organization which sanctions hunting tests and/or field trials.
- (3) An owner or custodian of a dog which is trained to be an assistance/service dog shall be required to obtain an annual license but shall not be required to pay a license fee.

**Sec. 5-3. Permit for commercial pet breeding.**

- (a) For the purpose of this section, *pet* shall mean domestic dog and domestic cat. A commercial pet breeder is permitted to operate in the unincorporated area of the county so long as the breeder obtains from the county Animal Services Department a commercial pet breeder permit and meets all other requirements established by federal, state, or local laws. The breeder permit application process should begin prior to a litter being delivered.
- (b) It shall be unlawful for a commercial pet breeder to fail to obtain a county commercial pet breeder permit from the county Animal Services Department. To obtain a commercial pet breeder permit:
  - (1) Before applying for a permit, the applicant must first have obtained:
    - a. A County Business License issued by the Richland County Business Service Center; and
    - b. County pet licenses and rabies vaccinations for all pets over four (4) months of age kept or harbored by the breeder as set forth in Section 5-2.
  - (2) The permit applicant must complete a commercial pet breeder permit application. An application is complete when filled out properly and accompanied by a copy of a valid County business license and proof of pet licensing and vaccination, where applicable. Incomplete applications will not be accepted.
  - (3) The permit applicant must pass an inspection. The Animal Services Department, through its Animal Care Officers, shall conduct an inspection of the premise upon which the pets are primarily kept to ensure the following requirements, along with the requirements set forth in Section 5-4, are met:

- a. The enclosure or other area(s) where the pets are kept is constructed in such a manner that pets housed there will be adequately and comfortably kept in any season of the year;
- b. The enclosure or other area(s) where the pets are kept is able to be easily cleaned and sanitized and kept clean and free from accumulations of feces, filth, mud, and debris;
- c. Every pet on the premises has constant access to a clean and fresh water supply and an adequate amount of food appropriate to maintain each pet's normal condition of health;
- d. The premise where the pets are kept is set up in such a manner as to prevent pets from straying beyond their enclosed confines or other areas and prevents the public and stray animals from obtaining entrance thereto or making contact with the pets on the premise;
- e. Permits shall be displayed in a conspicuous place inside of the physical location shown on the application.
- f. The above-listed requirements must be maintained throughout the period of time for which the permit is issued and failure to maintain these requirements may result in a revocation of the permit.

(c) Restrictions:

- (1) A permit will not be issued to an applicant who has been previously found guilty of violating any federal, state, or local laws or regulations pertaining to animal cruelty within five (5) years of the date of application.
- (2) A permit will only be valid if there also exists a valid business license and only for the applicant and location listed on the application. The permit is non-transferable.
- (3) Any violation or alleged violation of this chapter shall be grounds for the revocation of the permit. The county Animal Services Department shall determine, in its sole discretion, whether the permit is to be revoked and shall communicate the revocation to the breeder in writing. Revocation means the breeder shall cease all commercial breeding activity until a new valid permit is issued or the revocation is rescinded and failure to do so will subject the breeder to penalties. The breeder may appeal the revocation by submitting to the Animal Services Director a writing setting forth the reasons for the appeal. Only what is submitted in writing will be considered. The written appeal must be received by the Animal Services Director within seven (7) business days of the revocation notice and the Animal Services Director will review the written appeal and issue its determination to rescind or uphold the revocation within thirty (30) calendar days of receipt of the appeal.



- (d) The annual fee for a commercial pet breeder permit is non-refundable and shall be established by county council. The permit shall expire one (1) year after the date of issue.
- (e) The county Animal Services Department shall maintain the name and address of each party to whom a permit has been issued under the provisions of this section and shall keep the same on file in the offices of the department for the purpose of identification.

**Sec. 5-4. Animal care, generally.**

- (a) It shall be unlawful for an owner or custodian to fail to provide its animals with:
  - (1) Necessary sustenance, such as sufficient good and wholesome food, in an adequate amount to sustain flesh or permit normal growth and an adequate amount of clean water that is not sour, filthy, or spoiled. Food and water should be of the appropriate amounts and type for the species;
  - (2) Proper protection from the weather;
  - (3) Veterinary care when needed to prevent suffering or care for a diseased, sick, or injured animal;
  - (4) Humane care and treatment. It shall be unlawful for a person to tease, molest, beat, cruelly treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit dogfighting or other combat between animals or between animals and humans; or
  - (5) Proper shelter. Proper shelter for an animal primarily kept outdoors and unattended includes, but is not limited to:
    - a. Dogs.
      - 1. The shelter should be of weatherproof construction, have a roof, enclosed sides, a doorway, and a solid level floor raised at least two inches from the ground. There shall be no cracks or openings other than the entrance except that rainproof openings for ventilation are acceptable in hot weather.
      - 2. The shelter shall be small enough to allow the dog to maintain warmth and body heat, but large enough to allow the dog to stand, turn around, and lie down.
      - 3. When the real or effective temperature is forty (40) degrees Fahrenheit or below, a sufficient amount of dry bedding, such as cedar shavings or straw, must be provided to insulate against the cold and dampness.
      - 4. The following is not considered proper shelter: Storage buildings, sheds, crates, pet carriers, barrels, screened porches, patios, or balconies, nor the areas under lean-tos, covered porches, decks, vehicles, or houses.

b. Livestock.

1. The shelter should provide protection from heavy rain, snow, and high wind and provide sufficient shade in the summer.
  2. The shelter for large livestock and healthy horses and cattle does not have to be manmade. Natural shelters, such as trees, are acceptable. However, a windbreak must be provided.
  3. The shelter for small livestock and unhealthy horses and cattle must be in the form of a barn or pen of sufficient capacity and strength to properly accommodate the number of animals contained therein.
- (b) It shall be unlawful for a person to leave an untethered pet outdoors unattended for two (2) continuous hours or longer without access to fresh water and shelter, as defined in this chapter, regardless of temperature.
- (c) It shall be unlawful for a person to leave an untethered pet outdoors unattended for thirty (30) minutes or longer during a consecutive four (4) hour period when:
- (1) The temperature is below forty (40) degrees Fahrenheit for a sustained four (4) hour period, unless adequate shelter, as defined in this chapter, is provided to protect the animal from the elements; or
  - (2) The temperature is above ninety (90) degrees Fahrenheit for a sustained four (4) hour period, unless adequate shade is provided to protect the animal from the elements.
- (d) It shall be unlawful for a person to improperly collar or harness a pet. Collars and harnesses must be made of leather, nylon, or similar material and properly fitted for the pet's measurements and body weight so as to not choke or impede the pet's normal breathing or swallowing and to not cause pain or injury to the pet. Logger chains, towing chains, and similar items are not permitted to be used as collars or harnesses. Pet-safe metal collars, chain collars, prong collars, or choke collars are permitted to be used while the pet is accompanied by its owner/keeper or custodian.
- (e) It shall be unlawful for a person to expose an animal to a known poisonous substance, whether mixed with food or not, so that the same shall be reasonably expected to be eaten by the animal; EXCEPT that it shall not be unlawful for a person to expose on their own property pest or vermin deterrent substances to prevent the spread of disease or the destruction of crops, livestock, or property. In no instance shall a feral or community cat or domestic animal be considered vermin.
- (f) It shall be unlawful for a person to fail to remove from a shelter or confinement area excrement, debris, standing water, or mud. No person shall fail to keep a shelter or confinement area clean, odor-free, and free of bloodsucking insects that are carriers of disease.

- (g) No person, except a licensed veterinarian, shall perform an operation to crop, notch, or split an animal's ears and/or tail.
- (h) It shall be unlawful for a person to dye or color artificially an animal, including fowl, with products not identified as pet-safe or to bring such dyed or colored animal into the unincorporated area of the county.
- (i) It shall be unlawful for an owner or custodian to abandon an animal in the unincorporated area of the county.

**Sec. 5-5. Running at large.**

- (a) It is unlawful for an animal to be at large. All animals must be kept under restraint or confinement and an animal not so restrained or confined will be deemed unlawfully running at large. This section shall not apply to domestic cats that have been sterilized or community cats trapped, sterilized, and released.
- (b) Dogs participating in hunting events, obedience trials, conformation shows, tracking tests, herding trials, lure courses, and other events similar in nature shall not be considered at large.
- (c) Dogs properly within the enclosed boundaries of a dog park shall not be considered at large. A dog park shall mean an enclosed area, owned and/or operated by the county, a municipality, or private entity, designed, intended, and used for domestic dogs to play and exercise off-leash in a controlled environment under the supervision of their owners or custodians.
- (d) An animal found running at large may be impounded by an Animal Care Officer and may be redeemed pursuant to Section 5-17 only upon authorization by the county Animal Services Department, with assurance from the owner or custodian that proper care and custody will be maintained.

**Sec. 5-6. Nuisance animals.**

- (a) It shall be unlawful for an owner or custodian to keep an animal in such a manner so as to constitute a nuisance. The actions of an animal constitute a nuisance when the animal disturbs the rights of, threatens the safety of, or damages a member of the general public or interferes with the ordinary use and enjoyment of their property or public property.
- (b) By way of example, and not of limitation, the following acts or actions by the owner or custodian of an animal are hereby declared to be a nuisance and are, therefore, unlawful:
  - (1) Failure to exercise sufficient restraint necessary to control the animal as required by Section 5-5;
  - (2) Attracting stray and/or feral cats to an area by means of providing food, water, and/or shelter. This provision does not apply to citizens performing these acts to trap, sterilize, and release community cats;

- (3) Allowing or permitting an animal to damage the property of another including, but not limited to, turning over garbage containers or damaging gardens, flowers, or vegetables;
  - (4) Maintaining an animal in a manner which could or does lead to the animal biting or attacking a human being, domestic animal, or livestock one or more times without provocation, whether or not such bite or attack occurs on the premises of the animal's owner.
  - (5) Maintaining animals in an environment of unsanitary conditions which results in offensive odors or is dangerous to the animal or to the public's health, welfare, or safety;
  - (6) Maintaining property in a manner that is offensive, annoying, or dangerous to the public's health, welfare, or safety because of the number, type, variety, density, or location of the animals on the property;
  - (7) Maintaining an animal that is diseased and dangerous to the public's health, welfare, or safety;
  - (8) Maintaining an animal that habitually or repeatedly chases, snaps at, or attacks pedestrians, bicycles, or vehicles; or
  - (9) Failure to keep female animals in heat confined in a building or secured enclosure in such a manner as will not create a nuisance by attracting other animals
- (c) An animal determined to be a nuisance by an Animal Care Officer may be caught or seized and impounded pursuant to this chapter and may be redeemed pursuant to Section 5-17 only upon authorization by the county Animal Services Department, with evidence presented by the owner or custodian that the situation creating the nuisance has been abated.

**Sec. 5-7. Dangerous or vicious animal.**

- (a) The Animal Services Director or its designee shall have the authority to determine if an animal is dangerous or vicious. Upon determining an animal is dangerous or vicious, the Animal Services Director or its designee shall serve written notice of such determination upon the owner or custodian at their last known address.
- (b) The owner or custodian of a dangerous or vicious animal shall properly confine the animal at all times. Proper confinement is as follows:
  - (1) Dogs:
    - a. If the animal is indoors, the animal must be kept in such a manner as to prevent the animal from, without provocation, attacking, causing injury to, or otherwise endangering the safety of individuals or other animals also located indoors.

- b. If the animal is outdoors and attended, the animal shall be muzzled, on a leash or attached to a similar physical restraining device, and under the physical control of the owner or custodian at all times.
- c. If the animal is outdoors and unattended, in addition to the requirements set forth in Section 5-4(a), the animal must be confined in a locked pen or "run" area that consists of a secured top and at least four (4) sides which are at least six (6) feet high. The shelter floor must be concrete or the sides must be buried at least twelve (12) inches in the ground.
- d. Proper confinement provisions of this subsection shall not apply to an animal owned by a licensed security company while the animal is patrolling the premises at the direction of the company. However, when off of the patrolled premises, the animal shall be properly confined as set forth in this subsection.

(2) Other animals:

- a. If the animal is indoors, the animal must be kept in such a manner as to prevent the animal from, without provocation, attacking, causing injury to, or otherwise endangering the safety of individuals or other animals also located indoors.
- b. If the animal is outdoors and attended, the animal must be restrained on a leash or attached to a similar physical restraining device, and under the control of the owner or custodian at all times.
- c. If the animal is outdoors and unattended, the animal must be confined in a locked pen or "run" area that is set up in such a manner as to prevent the animal from straying beyond its enclosed confines and prevents the public and other animals from obtaining entrance into or making contact with the animal.
- d. The Animal Services Director may, at its discretion and dependent upon the type of animal, set forth other reasonable requirements in the interest of protecting the public's health, welfare, or safety. These additional requirements shall be communicated to the owner or custodian in writing.

- (c) The premises upon which a dangerous or vicious animal is kept or harbored must have posted a sign visible to the public cautioning the public to beware of the animal located on the premises. By way of example, and not limitation, a sign reading "Beware of Dog" or "Beware of Animals" is sufficient.

**Sec. 5-8. Tethering.**

- (a) It shall be unlawful to tether a pet outdoors for two (2) continuous hours or longer, unless:
  - (1) The pet is older than six (6) months;

- (2) The tether is a minimum of twelve (12) feet in length and has swivel-type termination at both ends and the tether weight does not exceed ten (10) percent of the pet's body weight. Logger chains, towing chains, and other similar tethering devices are not acceptable;
- (3) The tether must be attached to the pet with a buckle-type collar or a body harness. Logger chains, towing chains, and similar items are not permitted to be used as collars or harnesses. Pet-safe metal collars, chain collars, prong collars, or choke collars are permitted to be used while the pet is accompanied by its owner/keeper or custodian;
- (4) The pet is tethered so as to prevent injury, strangulation, or entanglement with objects, vegetation, or other tethered animals;
- (5) The pet has access to fresh water and shelter, as defined in this chapter;
- (6) The pet is not sick or injured;
- (7) Every female confined by a tether and unattended is sterilized; and
- (8) The temperature is above forty (40) degrees and less than ninety (90) degrees Fahrenheit, EXCEPT:
  - a. If the temperature is below forty (40) degrees Fahrenheit for a sustained four (4) hour period, the animal may be tethered for thirty (30) minutes in a consecutive four (4) hour period so long as adequate bedding and shelter, as defined in this chapter, are provided to protect the animal from the elements; or
  - b. If the temperature is above ninety (90) degrees Fahrenheit for a sustained four (4) hour period, the animal may be tethered for thirty (30) minutes in a consecutive four (4) hour period so long as shade is provided to protect the animal from the elements.

**Sec. 5-9. Sale of animals.**

- (a) No person shall sell, trade, barter, auction, lease, rent, give away, or display for commercial purpose, an animal, on any roadside, public right-of-way, public property, commercial parking lot, or sidewalk adjacent thereto, or at any flea market, fair, or carnival.
- (b) No person shall offer an animal as an inducement to purchase a product, commodity, or service.
- (c) No person shall sell, offer for sale, or give away a pet under eight (8) weeks of age, except to surrender to a municipal and/or county animal care facility or to a licensed pet rescue organization.
- (d) This section does not apply to licensed pet shops, commercial kennels, municipal and/or county animal care facilities, and licensed pet rescue organizations.

**Sec. 5-10. Care of animals during transport.**

During the transportation of an animal, the animal must be provided with adequate space and ventilation, and must not be confined in one area for more than twenty-four (24) consecutive hours without being adequately exercised, rested, fed, and watered.

**Sec. 5-11. Injured or diseased animals.**

- (a) Anyone striking a domestic or feral dog or cat with a vehicle shall notify the county Animal Services Department who will then take action necessary to make proper disposition of the animal. Vehicle, as defined in this section, includes all self-propelled and non-self-propelled vehicles, such as motor vehicles and bicycles.
- (b) A domestic or feral dog or cat received by an animal care facility in critical condition from wounds, injuries, or disease may receive sustaining treatment by a licensed veterinarian until such time as the animal's owner, custodian, or veterinarian is contacted. Every effort shall be made to effectuate contact via information obtained from the animal's tag or microchip. Any such animal in critical condition, as described in this section, may be euthanized if the owner, custodian, or veterinarian cannot be contacted within two (2) hours of receipt of the animal. If the animal is in severe pain it may be euthanized immediately by agreement between the animal care facility superintendent and a licensed veterinarian.

**Sec. 5-12. Removal of excrement.**

The owner or custodian of every animal shall be responsible for the removal of excretions deposited by their animal on public property, in recreation areas, or on the private property of another.

**Sec. 5-13. Prohibited, exceptions.**

- (a) Except as provided in subsection (b), it shall be unlawful for a person to publicly display or exhibit, sell, keep, harbor, own, or act as custodian of:
  - (1) Non-domestic members of the cat family (Felidae);
  - (2) Wolf-dog hybrids, and/or a animal containing any percentage of wolf;
  - (3) Badgers, wolverines, weasels, skunks, and minks (in the family of Mustelidae);
  - (4) Raccoons (Procyonidae);
  - (5) Bear (Ursidae);
  - (6) Nonhuman primates which include apes, monkeys, baboons, macaques, lemurs, marmosets, tamarins, and other species of the order primates (Haplorrhini);
  - (7) Bats (Chiroptera);
  - (8) Semi-aquatic reptiles in the order of Alligators, crocodiles, and caimans (Crocodylia);



- (9) Scorpions (Scorpiones);
  - (10) Constricting snakes of the following species: Reticulated Python (*Python reticulatus*), Burmese Python (*Python bivittatus*), Indian rock Python (*Python molurus*), African Rock Python (*Python Sebae*), and Anaconda (*Eunectes murinus* - all types);
  - (11) Venomous reptiles;
  - (12) Lizards over two feet which is a member of the family carnivorous and frugivorous lizards (Varanidae);
  - (13) Non-domesticated members of the order placental mammals (Carnivora);
  - (14) Other wildlife not listed;
  - (15) Animals of mixed domestication and feral lineage; or
  - (16) Other animals where its behavior, size, temperament, breed, or capacity for inflicting serious injury is or may be detrimental to the health, welfare, or safety of people or animals in the immediate surrounding area.
- (b) The prohibitions contained in subsection (a) shall not apply in the following circumstances:
- (1) The keeping of such animals in a public zoo, a bona fide education or medical institution, by a humane society, or in a museum where they are kept as live specimens for the public to view or for the purpose of instruction, research, or study;
  - (2) The keeping of such animals for exhibition to the public by a bona fide traveling circus, carnival, exhibit, or show pursuant to properly obtained federal, state, and/or local licenses and/or permits;
  - (3) The keeping of such animals in a licensed veterinary hospital for treatment; or
  - (4) The keeping of such animals by a wildlife rescue organization with appropriate federal, state, and/or local licenses and/or permits obtained from applicable regulatory bodies.

**Sec. 5-14. Seizure and right of entry to protect abandoned, neglected, or cruelly treated animals.**

- (a) If the owner or custodian does not give permission, the Animal Care Officer may obtain a search warrant to enter onto privately owned premises of which an Animal Care Officer suspects a violation of this chapter exists thereon. Once upon the premises, the officer may examine the animal and may immediately seize the animal when, in the officer's sole opinion, removal of the animal from the premises is necessary for the immediate protection of the animal or the public, and shall issue a uniform ordinance summons to the owner or custodian.

- (b) If the animal cannot be seized in a safe and efficient manner, the Animal Care Officer may tranquilize the animal by use of a tranquilizer gun.
- (c) After the animal is seized pursuant to this section, the Animal Care Officer shall petition the appropriate magistrate for a civil hearing and order pursuant to Section 5-16.
- (d) Nothing in this section shall be construed as to prohibit the immediate euthanizing of an animal after the initial seizure and without regard to a civil hearing or the uniform ordinance summons criminal proceeding when:
  - (1) The animal is determined by the animal care facility superintendent or its designee, in agreement with a licensed veterinarian, to be a danger to other animals or persons at the animal care facility, infectious to other animals, in pain, or near death; or
  - (2) The animal is determined by the animal care facility superintendent or its designee, in agreement with a licensed veterinarian, to be critically injured or ill and must be euthanized for humane purposes.

**Sec. 5-15. Impounding, surrender.**

- (a) An animal found within the unincorporated area of the county as a result of a violation or alleged violation by the owner or custodian, whether known or unknown, of the provisions of this chapter may be caught or seized and impounded by an Animal Care Officer. If the animal cannot be caught or seized in a safe and efficient manner, the Animal Care Officer may tranquilize the animal by use of a tranquilizer gun.
- (b) When a person is, at the time of an arrest, in charge of an animal, the county Animal Services Department may take charge of the animal and deposit the animal in a safe place of custody or impound the animal at its animal care facility.
- (c) Nothing in this subsection shall be construed as to prohibit the immediate euthanizing of an animal after impoundment and without regard to a civil hearing or the uniform ordinance summons criminal proceeding when:
  - (1) The animal is determined by the animal care facility superintendent or its designee, in agreement with a licensed veterinarian, to be a danger to other animals or persons at the animal care facility, infectious to other animals, or in pain or near death; or
  - (2) The animal is determined by the animal care facility superintendent or its designee, in agreement with a licensed veterinarian, to be critically injured or ill and must be euthanized for humane purposes.
- (d) An owner or custodian may surrender its animal to the animal care facility upon the completion of a signed surrender form. Upon surrender, the animal shall become the property of the county Animal Services Department with title to ownership vested therein and may be placed for adoption or euthanized. It shall be unlawful for a person to furnish false information on the animal surrender form.

**Sec. 5-16. Civil hearing petition and hearing procedure.**

- (a) Except as provided otherwise in this chapter, an Animal Care Officer may, upon its own initiative, petition the appropriate magistrate for a civil hearing when:
  - (1) A person suspected of violating any provision of this chapter is charged by an Animal Care Officer with such violation; or
  - (2) An Animal Care Officer finds an animal within the unincorporated area of the county as a result of a violation or alleged violation by the owner or custodian, whether known or unknown, of the provisions of this chapter.
- (b) The civil hearing will be held (prior to the uniform ordinance summons criminal proceeding) to determine physical custody of the animal and at the conclusion of that hearing, the magistrate shall issue an order with its determination of whether the animal remains with or is returned to the owner or custodian or whether title to ownership is transferred to the county Animal Services Department.
- (c) The civil hearing shall be set not more than ten (10) business days from the date the animal was impounded. The Animal Care Officer or its designee shall, at least five (5) business days prior to the civil hearing, serve written notice of the time and place of the civil hearing upon the owner or custodian if known and residing within the jurisdiction wherein the animal is found. If the owner or custodian is unknown or cannot be found within the jurisdiction wherein the animal was found, the Animal Care Officer shall post a copy of the civil hearing notice at the property where the animal was seized
- (d) In determining whether the owner or custodian is able to adequately provide for the animal or is a fit person to own or have custody of the animal, the magistrate may take into consideration the owner or custodian's convictions under this chapter and convictions similar thereto, the owner or custodian's mental and physical condition, and other applicable criteria; and
  - (1) Notwithstanding subsection (2), if the civil hearing is held in response to a violation or alleged violation of this chapter and the magistrate orders the animal to remain with or be returned to its owner or custodian, the animal care facility shall release the animal pursuant to Section 5-17, provided that all other redemption requirements are met; or
  - (2) If the civil hearing is held in response to a violation or alleged violation of Section 5-7 and the magistrate orders the animal to remain with or be returned to its owner or custodian, the magistrate is to include in its order that the animal is not to be released until the magistrate receives from the Animal Care Officer confirmation the owner or custodian has proper confinement for the animal as defined in Section 5-7, provided that all other redemption requirements are met.
- (e) If the owner or custodian does not redeem the animal within seven (7) business days of the issuance of the magistrate's order, the animal shall become the property of the county Animal Services Department and may be placed for adoption or euthanized.

- (f) Nothing in this section shall be construed as to prohibit the immediate euthanizing of an animal after seizure or impoundment and without regard to a civil hearing or the uniform ordinance summons criminal proceeding when:
  - (1) The animal is determined by the animal care facility superintendent or its designee, in agreement with a licensed veterinarian, to be a danger to other animals or persons at the animal care facility, infectious to other animals, or in pain or near death; or
  - (2) The animal is determined by the animal care facility superintendent or its designee, in agreement with a licensed veterinarian, to be critically injured or ill and must be euthanized for humane purposes.

**Sec. 5-17. Redemption.**

- (a) The owner or custodian of an animal impounded pursuant to the provisions of this chapter shall have the right to redeem such animal prior to the applicable redemption deadline upon payment of all fees, proof of vaccination, and an implanted microchip, provided that all other redemption requirements have been met. The fees set forth shall be doubled for a pet impounded twice or more within the same 12-month period. An animal attempted to be redeemed after the redemption deadline may not be released to the owner or custodian without due cause as determined solely by the Animal Services Director or its designee.
- (b) Impounded animals must be spayed or neutered prior to redemption, unless the owner or custodian of the animal can provide:
  - (1) A statement from a licensed veterinarian that the animal, due to health reasons, could not withstand sterilization surgery;
  - (2) Proof of participation in a nationally recognized conformation or performance event occurring within the past twelve (12) months; or
  - (3) Proof the animal is currently being used for hunting purposes and has properly been registered with a nationally recognized organization which sanctions hunting tests and/or field trials.
- (c) Positively identifiable animals:
  - (1) A positively identifiable animal is one which bears or wears a legible and traceable current permanent number, county license tag or rabies vaccination tag, tattoo, or microchip pursuant to S.C. Code of Laws Annotated Section 47-3-510 (1999) or one which is known by the county Animal Services Department to belong to an owner or custodian positively identifiable by the county Animal Services Department.
  - (2) With the exception of an animal to be released by a magistrate's order, the county Animal Services Department shall notify the owner or custodian of a positively identifiable impounded animal at the last known address by registered mail that

the dog is in its possession. The owner or custodian has fourteen (14) calendar days from the date of mailing to notify the county Animal Services Department or the animal care facility that they will redeem the animal and (14) calendar days from that notification to redeem the animal from the animal care facility. The animal must be redeemed pursuant to Section 5-17, provided that all other redemption requirements are met.

- (3) Animals released pursuant to a magistrate's order must be redeemed within seven (7) business days after the issuance of the order, provided that all other redemption requirements are met.
- (d) Non-positively identifiable animals must be redeemed within five (5) calendar days of impound.
- (e) If the owner or custodian of an animal impounded at the animal care facility fails to redeem the animal within the prescribed time, the animal will be deemed abandoned, shall become the property of the county Animal Services Department with title to ownership vested therein, and may be placed for adoption or euthanized.
- (f) If the animal has been impounded more than once for a violation of this chapter, the animal shall be spayed or neutered by the animal care facility, regardless of whether proof pursuant to subsection (b) is provided, and the costs of such shall be added to all other required redemption fees.

#### **Sec. 5-18. Adoption.**

- (a) An animal impounded under any provision of this chapter, which is the property of the county Animal Services Department, may be adopted, provided the new owner agrees to comply with the provisions contained herein and pays all applicable fees.
- (b) Individuals adopting puppies or kittens too young to be neutered, spayed, or receive rabies vaccinations at the time of adoption will pay the cost of these procedures at the time of adoption and be given an appointment for a later date to have these procedures performed. The fees paid for these procedures will be refunded if the animal is deceased prior to the appointment date.

#### **Sec. 5-19. Interference with animal care officers.**

It shall be unlawful for a person to interfere with, hinder, or molest an Animal Care Officer in the performance of their duty or seek to release an animal in the custody of an Animal Care Officer without such officer's consent.

#### **Sec. 5-20. Complainant's identification.**

A person reporting a violation of this chapter and/or requesting a summons be issued must provide identification to the Animal Care Officer. The identity, or information tending to reveal the identity, of an individual who in good faith makes a complaint or otherwise discloses information, which alleges a violation of this chapter, shall remain confidential, unless the complainant authorizes the release of their identity.

**Sec. 5-21. Penalties.**

- (a) A person who violates the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to a fine not exceeding five hundred dollars (\$500.00) or imprisonment not exceeding thirty (30) days, or both. Each day's continuing violation shall constitute a separate and distinct offense.
- (b) An owner or custodian of an animal convicted of violating Section 5-4(a)(4) of this chapter forfeits ownership, charge, or custody of the animal and at the discretion of the court, the person convicted of such violation may be ordered to pay all costs incurred by the county Animal Services Department prior to the conviction to care for the animal and related expenses.

SECTION II. Severability. If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

SECTION III. Conflicting Ordinances. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION IV. Effective Date. This ordinance shall be effective from and after \_\_\_\_\_, 2024.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Jesica Mackey, Chair

ATTEST THIS THE \_\_\_\_ DAY  
OF \_\_\_\_\_, 2024.

\_\_\_\_\_  
Anette Kirylo  
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

Tid Congales 02/29/2024  
Approved As To LEGAL Form Only  
No Opinion Rendered As To Content

First Reading:  
Second Reading:

Public Hearing:  
Third Reading:

DRAFT



<b>Current Ordinance (2017)</b>	<b>Proposed Changes</b>
<ul style="list-style-type: none"> <li>• Sec. 5-1 Definitions</li> </ul>	<ul style="list-style-type: none"> <li>• Additional definitions added</li> </ul>
<ul style="list-style-type: none"> <li>• Sec. 5-2 Differential County License</li> </ul>	<ul style="list-style-type: none"> <li>• Pet Licenses and Commercial Breeder Permits have been separated. <ul style="list-style-type: none"> <li>○ Sec. 5-2 License for dogs and cats; rabies vaccination tags</li> <li>○ Sec. 5-3 Permit for commercial pet breeding</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>• Sec. 5-4 Community Cat Diversion Program</li> </ul>	<ul style="list-style-type: none"> <li>• Removed</li> </ul>
<ul style="list-style-type: none"> <li>• Sec. 5-5 Running at large - restraint</li> </ul>	<ul style="list-style-type: none"> <li>• Sec. 5-5 Running at large <ul style="list-style-type: none"> <li>○ Addition of (c)</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>• Sec. 5-6 Removal of excrement</li> </ul>	<ul style="list-style-type: none"> <li>• Moved to Sec. 5-12</li> </ul>
<ul style="list-style-type: none"> <li>• Sec. 5-7 Injured or diseased animals</li> </ul>	<ul style="list-style-type: none"> <li>• Moved to Sec 5-11 <ul style="list-style-type: none"> <li>○ Separated into (a) and (b)</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>• Sec. 5-8 Nuisance animals</li> </ul>	<ul style="list-style-type: none"> <li>• Sec. 5-6 Nuisance animals <ul style="list-style-type: none"> <li>○ Separated (a) to (a) and (b)</li> <li>○ Addition of (b)(2) – cat provision</li> <li>○ Removal of (6) – Barking</li> <li>○ Move (c) to (b)(9)</li> <li>○ Addition of (c)</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>• Sec. 5-9 Animal care, generally</li> </ul>	<ul style="list-style-type: none"> <li>• Sec. 5-4 Animal care, generally <ul style="list-style-type: none"> <li>○ Section has been greatly expanded</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>• Sec. 5-10 Sale of animals</li> </ul>	<ul style="list-style-type: none"> <li>• Moved to Sec. 5-9</li> </ul>
<ul style="list-style-type: none"> <li>• Sec. 5-11 Care of animals during transport</li> </ul>	<ul style="list-style-type: none"> <li>• Moved to Sec. 5-10</li> </ul>
<ul style="list-style-type: none"> <li>• Sec. 5-12 Seizure and right of entry to protect abandoned, neglected, or cruelly treated animals</li> </ul>	<ul style="list-style-type: none"> <li>• Moved to Sec. 5-14 <ul style="list-style-type: none"> <li>○ Changes to (a)</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>• Sec. 5-13 Impounding; surrender</li> </ul>	<ul style="list-style-type: none"> <li>• Moved to Sec. 5-15 <ul style="list-style-type: none"> <li>○ Condensed</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>• Sec 5-14 Redemption</li> </ul>	<ul style="list-style-type: none"> <li>• Moved to Sec. 5-17 <ul style="list-style-type: none"> <li>○ Expanded</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>• Sec. 5-15. Adoption</li> </ul>	<ul style="list-style-type: none"> <li>• Moved to Sec. 5-18 <ul style="list-style-type: none"> <li>○ Removed (b)</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>• Sec. 5-16 Prohibited; exception</li> </ul>	<ul style="list-style-type: none"> <li>• Moved to Sec. 5-13 <ul style="list-style-type: none"> <li>○ Removed section (c)</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>• Sec. 5-17 Interference with animal care officers</li> </ul>	<ul style="list-style-type: none"> <li>• Moved to Sec. 5-19</li> </ul>

<ul style="list-style-type: none"> <li>• Sec 5-18 Complainant's identification to remain confidential</li> </ul>	<ul style="list-style-type: none"> <li>• Moved to Sec. 5-20</li> </ul>
<ul style="list-style-type: none"> <li>• Sec. 5-19 Penalties</li> </ul>	<ul style="list-style-type: none"> <li>• Moved to Sec. 5-21</li> </ul>
	<ul style="list-style-type: none"> <li>• Addition of Sec. 5-7 Dangerous or vicious animal</li> </ul>
	<ul style="list-style-type: none"> <li>• Addition of Sec. 5-8 Tethering</li> </ul>
	<ul style="list-style-type: none"> <li>• Addition of Sec. 5-16 Civil hearing petition and hearing procedures</li> </ul>

**RICHLAND COUNTY  
ADMINISTRATION**

2020 Hampton Street, Suite 4069  
Columbia, SC 29204  
803-576-2050



**Agenda Briefing**

<b>Prepared by:</b>	Michael Zaprzalka	<b>Title:</b>	Building Official
<b>Department:</b>	Community Planning & Development	<b>Division:</b>	Building Inspection
<b>Date Prepared:</b>	February 8, 2024	<b>Meeting Date:</b>	March 26, 2024
<b>Legal Review</b>	Elizabeth McLean via email	<b>Date:</b>	March 14, 2024
<b>Budget Review</b>	Maddison Wilkerson via email	<b>Date:</b>	February 29, 2024
<b>Finance Review</b>	Stacey Hamm via email	<b>Date:</b>	March 8, 2024
<b>Approved for consideration:</b>	Assistant County Administrator	Aric A Jensen, AICP	
<b>Meeting/Committee</b>	Administration & Finance		
<b>Subject</b>	Town of Eastover Intergovernmental Agreement for Building Inspections Services		

**RECOMMENDED/REQUESTED ACTION:**

Staff recommends approval of an Intergovernmental Agreement (IGA) between the Town of Eastover and Richland County. Richland County recognizes the mutual benefit derived from the Town of Eastover contracting with Richland County to provide essential code inspections and plan review services to the citizens. This agreement is strictly to provide building code inspections and plan reviews of all residential and commercial buildings for renovations, repairs, additions, and new construction within the Town of Eastover’s jurisdictional limits. Richland County will provide these services through the Building Inspections Division of the Community Planning and Development Department.

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:**

Per the agreement, Richland County would re-coup all fees for services provided by the Richland County Building Inspection Division. Exhibit "A" of the agreement provides the fee schedule for all inspections and re-inspections of newly permitted projects as adopted by County Council.

*Applicable department/grant key and object codes:* 1100232000

**OFFICE OF PROCUREMENT & CONTRACTING FEEDBACK:**

Not applicable.

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

There are no legal concerns regarding this matter.

**REGULATORY COMPLIANCE:**

S.C. Code Ann. §6-9-50 (1976, as amended)

Chapter 6: Buildings and building regulations, Richland County Code of Ordinances

#### **MOTION OF ORIGIN:**

There is no associated council motion of origin

#### **STRATEGIC & GENERATIVE DISCUSSION:**

The Town of Eastover has requested Richland County to aid with residential and commercial building code inspections and plan reviews. The Town of Eastover no longer has a building official with the requisite skills and licensing to perform these duties. In 2019, the County Council approved a similar agreement, but it has expired. The newly elected Mayor has requested the re-establishment of the agreement.

Under the proposed IGA, the Building Inspections Division of Richland County's Community Planning and Development Department will provide all plan reviews, permitting, and inspections for residential and commercial projects. The Town of Eastover will administer the zoning and land-use aspects of the permitting process. In a typical submittal, an applicant would apply for and receive zoning approval from the Town, and then apply for a construction permit to from the County. Richland County will collect all fees, and applicants in the Town would pay the same building fees as applicants in unincorporated Richland County, as shown in Exhibit A of the agreement.

The services for building code inspections and plan reviews will be handled by licensed County Inspectors and Plan examiners as required by the South Carolina LLR. The Building Official of Richland County shall interpret provisions of the applicable Building Code(s).

This Agreement shall continue unless terminated by either party upon such party giving six month written notice to the other party of its intent to terminate this agreement or upon the Town of Eastover's employment of a Certified Building Official.

#### **ASSOCIATED STRATEGIC GOAL, OBJECTIVE, AND INITIATIVE:**

- Goal 1: Foster good governance
  - Objective 1.5: Collaborate with other governments
    - Initiative: Build relationships with non-profit governmental organizations, municipalities, state, and federal organizations across all departments to determine points of parity
- Goal 4: Plan for growth through Inclusive and equitable infrastructure
  - Initiative: Evaluate how Richland County may support other community partners to provide services to enhance the quality of life for Richland County residents.

#### **ADDITIONAL COMMENTS FOR CONSIDERATION:**

In the previous two agreements (2015, 2019), the same building inspection services were provided to the Town of Eastover. There is a limited cost to the Building Inspections Division as these services are provided to the surrounding areas outside of the Eastover township limits. The actual volume of permitting and inspections inside of the Town is very small. In 2015, there were 25 building permits issued totaling \$1613.51 fees collected. In 2019, there were 15 permits issued totaling \$3649.69 fees collected.

**ATTACHMENTS:**

1. Town of Eastover IGA
2. Exhibit A: Richland County Fee Schedule
3. Exhibit B: Richland Ordinance, Chapter 6: Buildings and Building Regulations
4. Exhibit C: 2021 South Carolina Mandated Code Adoptions Bulletin

STATE OF SOUTH CAROLINA    )  
   )  
   )  
 COUNTY OF RICHLAND         )    INTERGOVERNMENTAL AGREEMENT  
   )    BETWEEN THE TOWN OF EASTOVER,  
   )    SOUTH CAROLINA; AND RICHLAND  
   )    COUNTY, SOUTH CAROLINA

THIS INTERGOVERNMENTAL AGREEMENT is made and entered into, in duplicate, this \_\_\_\_ day of \_\_\_\_\_, 2024, by and between the Town of Eastover and the County of Richland, South Carolina.

WHEREAS, it is the desire of the Town of Eastover to partner with Richland County in the provision of required building code permitting, inspection and plan review of residential and commercial buildings within the Town of Eastover for the purpose of providing code compliance for construction; and

WHEREAS, the Councils of Town of Eastover and Richland County recognize the mutual benefit derived from Town of Eastover contracting with Richland County to provide essential code inspections and plan review services; and

WHEREAS, in order compensate Richland County for the services provided, Town of Eastover agrees that Richland County shall recoup costs for permitting, inspections and plan review as indicated below;

NOW, THEREFORE, in consideration of the services and agreement described herein, the parties hereto agree as follows:

1. Richland County agrees to provide building services, including permitting, plan review, and code inspections, within the Town limits of Eastover. Town of Eastover agrees that in order to recoup the costs associated with the services provided under this Agreement, Richland County shall collect fees for such services as set out on the most current Richland County Fee Schedule, as it may be amended from time to time, which is attached as Exhibit A. Richland County agrees that any fee assessed to an applicant within Town of Eastover shall be the same as the fee assessed for the same or comparable service within the unincorporated areas of Richland County.
2. The parties hereto agree that all permitting and communication with contractors and builders shall go through the Richland County Building and Inspections Division.
3. Town of Eastover and Richland County agree that services for inspections and plan review will be handled by state licensed inspectors and plans examiners, as required by South Carolina Department of Labor, Licensing and Regulation (LLR).
4. The Town of Eastover agrees that Richland County shall enforce within the Town limits of Eastover, the current edition of the Building Codes as adopted by the County and all other building codes adopted in Chapter 6 of the Richland County Code of Ordinances. All building code interpretations shall be made by the County Building Official. Building code interpretations of the Building Official of Richland County

may be appealed to the Richland County Building Code Board of Appeals. In the event that an appeal is taken to circuit court based on the Board's decision, the Town of Eastover agrees to pay the costs and expenses of legal counsel for the Board's defense and for the time any employee is required to testify during the appeal.

5. The County services provided pursuant to this Agreement shall be limited to building permitting, plan review, and related code inspection services only. This agreement does not contemplate zoning services, and such agreement for zoning services, if any, shall be negotiated and entered into separately.
6. This Agreement shall commence on the date set forth above and shall continue unless terminated by either party upon such party giving six month written notice to the other party of its intent to terminate this agreement or upon the Town of Eastover's employment of a Certified Building Official.
7. This Agreement may be amended, modified or changed only upon the written agreement between the County Council for Richland County and the Town Council for Eastover.

IN WITNESS WHEREOF WE THE UNDERSIGNED have this \_\_\_\_\_ day of \_\_\_\_\_, 2023, set our hand and seal hereon.

TOWN OF EASTOVER:

WITNESSES:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

RICHLAND COUNTY:

WITNESSES:

\_\_\_\_\_  
Chair of County Council

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## EXHIBIT A

**RICHLAND COUNTY FEE SCHEDULE**

Permit fees for each category of work will be calculated on a per-building basis and shall be based on the total contract price or total value of work to be done or the per square foot values, for construction, as reported in the international codes council building safety journal for building valuation data, with one and two family dwellings calculates as follows: Average \$57.92 (less than 2,500 square feet of heated area); Best \$73.72 (2,500 square feet or more of heated area). The following dollar value and schedule will be used in calculating permit fees for each category of work to be performed.

- (1) **Commercial construction and renovation:** Building, plumbing, gas, mechanical, roofing, sign, pool, barrier, storage, decks, building and fire protection, hood and/or fire suppression, electrical, communications, Security, sound and telephone systems:

TOTAL VALUE	FEE
Up to - \$5000.00	\$52.66
\$5000.01 - \$100,000	\$52.66 for the first \$5000.00 plus \$9.48 per \$1000.00 or fraction thereof
\$100,000.01 - \$1,000,000	\$953.26 for the first \$100,000 plus \$4.21 for each additional \$1000.00 or fraction thereof
\$1,000,000.01 - \$5,000,000	\$4,742.26 for the first \$1,000,000 plus \$3.16 for each additional \$1000.00 or fraction thereof
Over \$5,000,000	\$17,382.26 for the first \$5,000,000 plus \$2.10 for each additional \$1000.00 or fraction thereof

- (2) **One and two-family dwelling construction and renovation and townhouses:** Building, plumbing, gas, mechanical, electrical, roofing, pool, barrier, deck, storage. Townhomes include fire protection communications, security, sound and telephone systems due to firewalls:

TOTAL VALUE	FEE
Up to - \$5000.00	\$21.07
Over \$5000	\$21.07 for the first \$5,000 & \$4.21 for each additional \$1000.00 or fraction thereof

- (3) **Construction Trailer permits:** \$52.66

- (4) **Demolition permits:**

A) Residential Storage or garage detached	\$75.00
B) One story residence	\$75.00
C) Two story residence	\$75.00
D) Commercial Building	\$75.00
E) Three-story or more	\$75.00plus



(5) Land **development/Zoning Permits:** (one and two family only)

Detached garage and/or storage building:	\$5.27
Single Family dwelling under \$10,000	\$5.27
Single family dwelling \$10,000 or more	\$10.53
Two Family dwellings	\$15.80

(6) **Moving Permit:** (SEE NOTE:) \$52.66

**NOTE:** All structures, modular units and mobile homes moved within or into Richland County require zoning, building, and may require plan approvals prior to moving and relocation. All permits shall be obtained and fees paid prior to any move. All structures and modular units are classified as new construction for code compliance and are permitted as new construction. Permit shall be good for a maximum of 120 days from date of issuance and structure or modular unit completed and final inspections made with certificate of occupancy issued.

(7) **Miscellaneous/additional fees:**

(A) **Re-Inspection:** The fee for re-inspections resulting from work not being ready for inspection or being disapproved after the first re-inspection, shall be \$31.59 and \$52.66 for each additional re-inspection.

(B) **Commencing work without a permit:**  
Where work requiring a permit is started prior to obtaining the permit, the applicable fee shall be double the amount of the usual permit fee.

(C) **Inspections:** Where no fee is indicated, or the inspection is not required: Residential \$26.33; Commercial \$52.66

(D) **Plan review fee:** (Plan review fees shall be paid in advance for commercial projects, to include townhouses.)

Residential: One- and Two-Family construction	20 % of permit fee.
Commercial Construction & Townhouses:	40 % of permit fee.

**Note:** Percent (%) of permit fee is based on total construction cost.

(E) **Structures located within the floodplain:** Elevation certificates and inspections checklist fee of \$52.66 shall be required for new construction, additions, renovations, fences, pools, storage buildings and similar structures.

(F) **Electrical, Plumbing, Gas and HVAC Subcontractors:** Permits are not required for new construction, additions and remodeling work for residential property permitted by a licensed builder provided that the subcontractors are licensed with South Carolina division of LLR, have business license with Richland County, and are listed on the building permit application. Any subcontractor changes shall be reported before new subcontractor's work commences.

(G) Permit Transfer fee:	\$5.27
(H) Permit Refund fee: (less inspections made.	\$10.53
(I) Appeal of Building Official's decision:	\$26.33
(J) Manufactured home set up or de-title fee:	\$142.18
(k) Residential Metal buildings or contract price	\$15.26 sq. ft.

(L)	Open decks or open porches or contract price	\$15.26 sq. ft.
(M)	Pole buildings based on contract price	\$7.90 sq. ft.
(N)	Garages attached/detached no room over, storage building, and screen porches:	\$28.96 sq. ft.
(O)	Residential Boarded Structure fee:	\$26.33
(P)	Mix Use and Commercial Boarded fee:	\$52.66

**Section 6-51. Elimination of a permit fee for sub-contractor provided a South Carolina licensed general or residential contractor has already secured a single-family residential permit and paid the fee.**

**(a) Notwithstanding any other provision of this chapter, when a licensed contractor secures a building permit for the construction of a building or structure, and appropriate permit fee prescribed by the building permit fee schedule will be paid by the contractor. Subcontractor(s) performing work for a licensed contractor will obtain permit(s) for their respective appurtenances, and pay a fee, except for a single-family residence. Trade application will display the contractor's name and building permit number so that all permits relating to the same construction can be assimilated. Under extenuating circumstances, the Building Official shall have the authority to adjust the building permit fee.**

**RICHLAND COUNTY BUILDING CODES AND INSPECTIONS FEE SCHEDULE**

Permit fees for each category of work will be calculated on a per-building basis and shall be based on the total contract price or total value of work to be done or the per square foot values, for construction, as reported in the international code council building safety journal for building valuation data, with one and two family dwellings calculates as follows Average \$57.92 (less than 2,500 square feet of heated area); Best \$73.72 (2,500 square feet or more of heated area). The following dollar value and schedule will be used in calculating permit fees for each category of work to be performed.

- (1) **Commercial construction and renovation:** Building, plumbing, gas, mechanical, roofing, sign, pool, barrier, storage, deck, building and fire protection, hood and/or fire suppression, electrical, communications, Security, sound and telephone systems:

TOTAL VALUE	FEE
Up to - \$5000.00	\$52.66
\$5000.01 - \$100,000	\$52.66 for the first \$5000.00 plus \$9.48 per \$1000.00 or fraction thereof
\$100,000.01 - \$1,000,000	\$953.26 for the first \$100,000 plus \$4.21 for each additional \$1000.00 or fraction thereof
\$1,000,000.01 - \$5,000,000	\$4,742.26 for the first \$1,000,000 plus \$3.16 for each additional \$1000.00 or fraction
Over \$5,000,000	\$17,382.26 for the first \$5,000,000 plus \$2.10 for each additional \$1000.00 or fraction thereof

- (2) **One and two-family dwelling construction and renovation and townhouses:**

Building, plumbing, gas, mechanical, electrical, roofing, pool, barrier, deck, storage.

Townhomes include fire protection communications, security, sound and telephone systems due to firewalls:

TOTAL VALUE	FEE
Up to - \$5000.00	\$21.07
Over\$5000	\$21.07 for the first \$5,000 & \$4.21 for each additional \$1000.00 or fraction thereof

- (3) **Construction Trailer permits:** \$52.66

- (4) **Demolition permits:**

(A) Residential Storage or garage detached	\$75.00
(B) One story residence	\$75.00
(C) Two story residence	\$75.00
(D) Commercial Building	\$75.00
(E) Three-story or more	\$75.00
(F) Mobile Home	\$75.00

- (5) **Land development/Zoning Permits:** (one and two family only)

(A) Detached garage and/or storage building:	\$5.27
(B) Single Family dwelling \$10,000 or less	\$5.27
(C) Single Family dwelling \$10,000 or greater	\$10.53
(D) Two Family dwellings	\$15.80

- (6) **Moving Permits:** (See Note) \$52.66

**NOTE:** All structures, modular units and mobile homes moved within or into Richland County require zoning, building, and may require plan approvals prior to moving and relocation. All permits shall be obtained and fees paid prior to any move. All structures and modular units are classified as new construction for code compliance and are permitted as new construction. Permit shall be good for a maximum of 180 days from date of issuance and structure or modular unit completed and final inspections made with certificate of occupancy issued.

**(6) Miscellaneous/additional fees:**

**(A) Re-inspection:** The fee for inspections resulting from work not ready for inspection or disapproved after the first re-inspection, shall be **\$31.59** and **\$52.66** for each additional re-inspection.

**(B) Commencing work without a permit:**  
Where work requiring a permit begins prior to obtaining a permit, the applicable fee shall be double the amount of the usual permit fee.

**(C) Inspections: Where no other fee is indicated, or the inspection is not required: \$26.33**

**(D) Plan review fee:** Plan review fees shall be paid in advance for commercial projects, to include townhouses.

Residential: One and Two Family construction	<b>20% of Permit Fee</b>
Commercial Construction & Townhouses:	<b>40% of Permit Fee</b>

**Note:** Percent (%) of permit fee is based on **total** construction cost.

**(E) Structures located within the floodplain:** Elevation certificates and inspections checklist fee of \$52.66 shall be required for new construction, additions, renovations, fences, pools, storage buildings and similar structures.

**(F) Electrical, Plumbing, Gas and HVAC Subcontractor:** Permits are not required for new construction, additions and remodeling work for residential property permitted by a licensed builder provided that the subcontractors are licensed with South Carolina division of LLR, have business license with Richland County, and are listed on the building permit application. Any subcontractor changes shall be reported before new subcontractor's work commences.

- |  |                        |
|--|------------------------|
| <b>(G)</b> Permit Transfer fee:  | <b>\$5.27</b>          |
| <b>(H)</b> Permit Refund fee:(less inspections made  | <b>\$10.53</b>         |
| <b>(I)</b> Appeal of Building Official's decision:   | <b>\$26.33</b>         |
| <b>(J)</b> Manufactured home set up or de-title fee:                                       | <b>\$142.18</b>        |
| <b>(K)</b> Residential Metal buildings or contract price                                   | <b>\$15.26 sq. ft.</b> |
| <b>(L)</b> Open decks or open porches or contract price                                    | <b>\$15.26 sq. ft.</b> |
| <b>(M)</b> Pole buildings based on contract price  | <b>\$7.90 sq. ft.</b>  |
| <b>(N)</b> Garages attached/detached no room over,<br>storage building, and screen porches | <b>\$28.96 sq. ft.</b> |
| <b>(O)</b> Residential Boarded Structure fee:  | <b>\$26.33</b>         |
| <b>(P)</b> Mix Use and Commercial Boarded fee:   | <b>\$52.66</b>         |

**Section 6-51(a) Notwithstanding any other provision of this chapter, when a licensed contractor secures a building permit for the construction of a building or structure, an appropriate permit fee prescribed by the building permit fee schedule will be paid by the contractor. Subcontractor(s) performing work for a licensed contractor will obtain permit(s) for their respective appurtenances, and pay a fee, except for a single-family residence. Trade qualifications, license and state bond as required shall be provided for all work. The subcontractor's application will display the contractor's name and building permit number so that all permits relating to the same construction can be assimilated. Under extenuating circumstances, the building official shall have the authority to adjust the building permit fee.**

Attachment 3  
RICHLAND COUNTY  
FILED  
2021 APR 29 PM 2:20  
JEANETTE W. McBRIDE  
C.C.R., G.S., & F.C.

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. 008-20HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 6, BUILDINGS AND BUILDING REGULATIONS; SO AS TO CODIFY THE 2018 EDITIONS OF THE INTERNATIONAL RESIDENTIAL CODE, THE INTERNATIONAL BUILDING CODE, THE INTERNATIONAL FIRE CODE, THE INTERNATIONAL PLUMBING CODE, THE INTERNATIONAL FUEL GAS CODE, THE INTERNATIONAL MECHANICAL CODE, THE INTERNATIONAL EXISTING BUILDING CODE, THE INTERNATIONAL SWIMMING POOL AND SPA CODE, THE INTERNATIONAL PROPERTY MAINTENANCE CODE AND THE 2009 SOUTH CAROLINA ENERGY CONSERVATION CODE, AND THE 2017 NATIONAL ELECTRIC CODE (NFPA 70).

WHEREAS, State Law enables the South Carolina Building Codes Council to regulate the adoption and enforcement of building codes in the state of South Carolina; and

WHEREAS, the South Carolina Building Codes Council has mandated that the 2018 editions of the International Residential Code with SC modifications, the International Building Code with SC modifications, the International Fire Code with SC modifications, the International Plumbing Code, the International Fuel Gas Code with SC modifications, and the International Mechanical Code with SC modifications are to be used for commercial and/or residential construction, effective January 1, 2020; and

WHEREAS, codification of the latest building codes is in the public interest as it provides accurate information to interested citizens.

NOW, THEREFORE, pursuant to the authority granted by the Constitution and the General Assembly of the State of South Carolina, BE IT ENACTED BY THE COUNTY COUNCIL FOR RICHLAND COUNTY:

SECTION I. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article III, Building Codes; Section 6-82, Adopted; is hereby amended to read as follows:

**Sec. 6-82. Adopted.**

(a) There is hereby adopted by the County Council the 2018 South Carolina Residential Code, including Chapter I (Administration), and all amendments thereto, as is all published by the International Code Council, Inc. The 2018 South Carolina Residential Code is the published version of the 2018 International Residential Code with South Carolina Modifications and may be referenced interchangeably. The construction, alteration, repair, or demolition of every one- and two-family dwelling structure and accessory structures shall conform to the requirements of this Code.

(b) There is hereby adopted by the county council the 2018 South Carolina Building Code, including Chapter 1 (Administration), and all amendments thereto, and specifically, as is all published by the International Code Council, Inc. The 2018 South Carolina Building Code is the published version of the 2018 International Building Code with South Carolina Modifications and may be referenced interchangeably. The construction, alteration, repair, or demolition of every building or structure (other than a one or two family dwelling structure) shall conform to the requirements of this Code.

(c) There is hereby adopted by the County Council the 2018 South Carolina Existing Building Code, including Chapter 1 (Administration), and all amendments thereto, as published by the International Code Council, Inc. The 2018 South Carolina Existing Building Code is the published version of the 2018 International Existing Building Code with South Carolina Modifications and may be referenced interchangeably. The installation, workmanship, construction, maintenance or repair of existing buildings shall conform to the requirements of this Code

SECTION II. The Richland County Code of Ordinance, Chapter 6, Buildings and Building Regulations; Article V, Fire Prevention Code; Section 6-113, Purpose is hereby amended to read as follows:

**Sec. 6-113. Purpose.**

The purpose of this article is to apply the provisions of the 2018 edition of the South Carolina Fire Code to all buildings and structures that are not regulated by the 2018 edition of the South Carolina Residential Code. The 2018 South Carolina Fire Code is the published version of the 2018 International Fire Code with South Carolina Modifications and may be referenced interchangeably.

SECTION III. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article V, Fire Preservation Code; Section 6-114, Adopted; applicability, etc.; Subsection (a); is hereby amended to read as follows:

(a) There is hereby adopted by the county council the 2018 edition of the South Carolina Fire Code, including Chapter 1 (Administration), and all amendments thereto, as published by the International Code Council, Inc.

SECTION IV. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article VI, Gas Code; Section 6-125, Purpose; is hereby amended to read as follows:

**Sec. 6-125. Purpose.**

The purpose of this article is to provide for regulating the installation, alteration, and maintenance of all piping extending from the point of delivery of gas for use as a fuel and designated to convey or carry the same gas appliances, and regulating the installation and maintenance of appliances designated to use such gas as a fuel, in all buildings and structures that are not regulated by the 2018 edition of the South Carolina Residential Code.

SECTION V. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article VI, Gas Code; Section 6-126, Adopted; is hereby amended to read as follows:

**Sec. 6-126. Adopted.**

There is hereby adopted by the county council the 2018 edition of the South Carolina Fuel/Gas Code, and all amendments thereto, as published by the International Code Council, Inc. The 2018 South Carolina Fuel/Gas Code is the published version of the 2018 International Fuel/Gas Code with South Carolina Modifications and may be referenced interchangeably. The installation, workmanship, construction, maintenance, or repair of all gas work shall conform to the requirements of this Code.

SECTION VI. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article VII, Mechanical Code; Section 6-139, Purpose; is hereby amended to read as follows:

**Sec. 6-139. Purpose.**

The purpose of this article is to provide for regulating the installation, alteration, and maintenance of all mechanical systems and other related appurtenances that are not regulated by the 2018 edition of the South Carolina Residential Code.

SECTION VII. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article VII, Mechanical Code; Section 6-140, Adopted; is hereby amended to read as follows:

**Sec. 6-140. Adopted.**

There is hereby adopted by the county council the 2018 South Carolina Mechanical Code, including Chapter 1 (Administration), and all amendments thereto, as published by the International Code Council, Inc. The 2018 South Carolina Mechanical Code is the published



version of the 2018 International Mechanical Code with South Carolina Modifications and may be referenced interchangeably. The installation of mechanical systems, including alterations, repair, replacements, equipment, appliances, fixtures, and/or appurtenances shall conform to these Code requirements.

SECTION VIII. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article VIII, Plumbing Code; Section 6-153, Purpose; is hereby amended to read as follows:

**Sec. 6-153. Purpose.**

The purpose of this article is to provide for regulating the installation, alteration, and maintenance of all plumbing and other related appurtenances that are not regulated by the 2015 2018 edition of the South Carolina Residential Code.

SECTION IX. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article VIII, Plumbing Code; Section 6-154, Adopted; is hereby amended to read as follows:

**Sec. 6-154. Adopted.**

There is hereby adopted by the county council the 2018 South Carolina Plumbing Code, including Chapter 1 (Administration), and all amendments thereto, as published by the International Code Council, Inc. The 2018 South Carolina Plumbing Code is the published version of the 2018 International Plumbing Code with South Carolina Modifications and may be referenced interchangeably. The installation, workmanship, construction, maintenance or repair of all plumbing work shall conform to the requirements of this Code.

SECTION X. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article IV, Electrical Code; Section 6-96, Purpose; is hereby amended to read as follows:

**Sec. 6-96. Purpose.**

The purpose of this article is to provide for regulating the installation, alteration, and maintenance of all electrical installations that are not regulated by the 2018 edition of the International Residential Code.

SECTION XI. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article IV, Electrical Code; Section 6-97, Adopted; is hereby amended to read as follows:

**Sec. 6-97. Adopted.**

The workmanship, construction, maintenance or repair of all electrical work shall conform to the requirements set forth in the 2017 edition of the National Electrical Code (NFPA 70) with SC modifications, published by the National Fire Prevention Association.

SECTION XII. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article IX, Swimming Pool Code; Section 6-168, Requirements; is hereby amended to read as follows:

**Sec. 6-168. Adoption and requirements.**

There is hereby adopted by the county council the 2018 International Swimming Pool and Spa (ISPSC) Code with Modifications, including Chapter 1 (Administration), and all amendments thereto, as published by the International Code Council, Inc. The installation, workmanship, construction, maintenance or repair of all work shall conform to the requirements of this Code. In addition to the requirements imposed by the 2018 edition of the International Swimming Pool and Spa (ISPSC) Code with Modifications, the following administrative requirements are hereby enacted:

(1) A licensed swimming pool contractor shall be responsible for securing a permit from the County Building Official for the installation of any in-ground swimming pool or spa.

(2) In the event an approved wall, fence, or other substantial structure to completely enclose the proposed pool is not in existence at the time an application is made for the permit to install a pool, it shall be the responsibility of the property owner to have the enclosure installed prior to the final inspection and, further, to ensure that said structure remains in place as long as the swimming pool exists.

SECTION XIII. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article X, Property Maintenance; Section 6-182, Adoption; is hereby amended to read as follows:

**Sec. 6-182. Adopted.**

The 2018 edition of the International Property Maintenance Code and all amendments thereto, as published by the International Code Council, Inc., is hereby adopted verbatim and incorporated by reference.

SECTION XIV. Severability. If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

SECTION XV. Conflicting Ordinances Repealed. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION XVI. Effective Date. This ordinance shall be effective from and after May 5, 2020.

RICHLAND COUNTY COUNCIL

BY: Paul Livingston  
Paul Livingston, Chair

ATTEST THIS THE 20 DAY  
OF MAY, 2020.

Michelle Onley  
Michelle Onley  
Deputy Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

Elizabeth J. M.  
Approved As To LEGAL Form Only.  
No Opinion Rendered As To Content.

First Reading: March 3, 2020  
Second Reading: April 21, 2020  
Public Hearing: April 7, 2020  
Third Reading: May 5, 2020





## 2021 South Carolina Code Adoptions

On October 6, 2021, the South Carolina Building Codes Council adopted the latest editions of the mandatory codes and appendices with modifications, as referenced in S.C. Code Ann. §6-9-50 (1976, as amended), to be enforced by all municipalities and counties in South Carolina. The Council established the implementation date for local jurisdictions as **January 1, 2023**.

The adopted modifications and the mandatory codes are as follows:

2021 South Carolina Building Code or the 2021 International Building Code with SC modifications  
 2021 South Carolina Residential Code or the 2021 International Residential Code with SC modifications  
 2021 South Carolina Fire Code or the 2021 International Fire Code with SC modifications  
 2021 South Carolina Plumbing Code or the 2021 International Plumbing Code with SC modifications  
 2021 South Carolina Mechanical Code or the 2021 International Mechanical Code with SC modifications  
 2021 South Carolina Fuel Gas Code or the 2021 International Fuel Gas Code with SC modifications  
 2009 South Carolina Energy Conservation Code  
 2020 National Electrical Code (NFPA 70) with SC modifications

Print and PDF download versions of the 2021 South Carolina codes are available for pre-order from the [ICC website](#).

The International Codes are to be used in conjunction with the latest [code modifications](#) approved by the Council. Only the modifications approved and listed on the Council's website are valid for use in the State. Building code modifications that have not been approved by the Council are invalid and cannot be adopted, employed or enforced by municipalities and counties.

The latest edition of ICC/ANSI A117.1, Accessible and Useable Buildings and Facilities, is adopted by the [Accessibility Act](#), S.C. Code Ann. § 10-5-210 et seq., and is mandatory for use in all municipalities and counties within the State.

The Building [Energy Standard Act](#) is adopted by statute and mandatory for use in all jurisdictions within the state.

Additional information can be found on the South Carolina Building Codes Council's [website](#).

**RICHLAND COUNTY  
ADMINISTRATION**

2020 Hampton Street, Suite 4069  
Columbia, SC 29204  
803-576-2050



**Agenda Briefing**

<b>Prepared by:</b>	John McKenzie	<b>Title:</b>	Analyst
<b>Department:</b>	Community Planning & Development	<b>Division:</b>	Conservation
<b>Date Prepared:</b>	March 4, 2024	<b>Meeting Date:</b>	March 26, 2024
<b>Legal Review</b>	Christopher Zeigler via email	<b>Date:</b>	March 12, 2024
<b>Budget Review</b>	Maddison Wilkerson via email	<b>Date:</b>	March 7, 2024
<b>Finance Review</b>	Stacey Hamm via email	<b>Date:</b>	March 8, 2024
<b>Approved for consideration:</b>	Assistant County Administrator	Aric A Jensen, AICP	
<b>Meeting/Committee</b>	Administration & Finance		
<b>Subject</b>	New Ordinance for Cemetery Protection		

**RECOMMENDED/REQUESTED ACTION:**

Staff requests approval of a proposed ordinance (attached) to better protect graves, graveyards, tombs, mausoleums, Native American burial grounds or burial mounds, and other repositories of human remains in Richland County.

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:**

There is no anticipated fiscal impact.

*Applicable department/grant key and object codes:* Not applicable

**OFFICE OF PROCUREMENT & CONTRACTING FEEDBACK:**

Not applicable.

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

There are no legal concerns regarding this matter.

**REGULATORY COMPLIANCE:**

South Carolina Code of Laws, Section 16-17-600.

#### **MOTION OF ORIGIN:**

There is no associated Council motion of origin.

#### **STRATEGIC & GENERATIVE DISCUSSION:**

After the recent desecration of a cemetery by a private party, Conservation Division staff and the Richland County Conservation Commission (RCCC) initiated the proposed ordinance to deter future events by strengthening and expanding the penalties for engaging in such activity. The draft ordinance was prepared by the County Attorney' Office and allows for the imposition of civil penalties in addition to existing state criminal penalties.

The proposed ordinance specifically protects graves, graveyards, tombs, mausoleums, Native American burial grounds or burial mounds, and other repositories of human remains. Additionally, subsection (D) requires that any development or ground disturbance work cease immediately upon discovery or notification, and that the parties must inform the County and other agencies of the discovery.

#### **ASSOCIATED STRATEGIC GOAL, OBJECTIVE, AND INTIATIVE:**

The proposed ordinance meets the goals in the Strategic Plan for Richland County as outlined below:

- 1) Foster Good Governance - Objectives 1.1 and 1.2: The ordinance was proposed with realistic and achievable goals and a shared vision and agreement with county leadership.
- 4) Plan for Growth through Inclusive and Equitable Infrastructure – Objective 4.1: The protection of cultural and historical resources and properties is a component of smart growth.
- 5) Achieve Positive Public Engagement - Objectives 5.1, 5.2, 5.5,5.6, and 5.7: The proposed ordinance meets these objectives by protecting cultural and historical resources of Richland County that are cherished by its citizens and appreciated by visitors.

#### **ADDITIONAL COMMENTS FOR CONSIDERATION:**

Richland County Council created the Richland County Conservation Commission (RCCC) by ordinance in 1998. The RCCC is charged with promoting the protection of the County's natural, historic, and cultural resources and promoting nature-based recreation and eco- and heritage tourism. The ordinance further protects Richland County's graves, graveyards, tombs, mausoleums, Native American burial grounds or burial mounds. This is a strategic goal of the RCCC. The RCCC unanimously recommended the proposed ordinance for County Council consideration at its January 22, 2024 meeting (see attached minutes).

County Council considered a rezoning request at the February 27, 2024 Zoning Public Hearing that required steps to protect a recently identified historic cemetery. (RC PROJECT: 23-026MA, APPLICANT: Tony Lawton, LOCATION: 113 Sease Road, TAX MAP NUMBER: R04003-02-17) Minutes for this hearing are not yet available. The Richland County Code of Ordinances, Chapter 18: Offenses, would be amended by adding the proposed ordinance (Section 18-10).

#### **ATTACHMENTS:**

1. Cemetery Protection Ordinance
2. Richland County Conservation Commission January 22, 2024 Meeting Minutes

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_\_-24HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 18, OFFENSES; BY ADDING SECTION 18-10 SO AS TO PROHIBIT THE DESECRATION OF A GRAVESITE, CEMETERY, OR BURIAL GROUND 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 18, Offenses, is hereby amended by adding Section 18-10 to read:

“Section 18-10. (A) It is unlawful for a person to willfully and knowingly, and without proper legal authority, to:

- (1) obliterate, vandalize, or desecrate a burial ground where human skeletal remains are buried, a grave, graveyard, tomb, mausoleum, Native American burial ground or burial mound, or other repository of human remains;
- (2) deface, vandalize, injure, or remove a gravestone or other memorial monument or mark commemorating a deceased person or group of persons, whether located within or outside of a recognized cemetery, Native American burial ground or burial mound, memorial park, or battlefield; or
- (3) obliterate, vandalize, or desecrate a park, Native American burial ground or burial mound, or other area clearly designated to preserve and perpetuate the memory of a deceased person or group of persons.

(B) In addition to being subject to the criminal penalties provided in the South Carolina Code of Laws, Section 16-17-600, an infraction of this Section is punishable by a fine of up to five hundred dollars (\$500). Each day’s continued violation constitutes a separate and distinct offense. A violation is deemed continued if a person:

- (1) continually engages in an activity prohibited pursuant to subsection (A);
- (2) fails to report a previously committed activity prohibited pursuant to subsection (A) to an appropriate County or State entity; or
- (3) fails to undertake remedial actions addressing a previously committed activity prohibited pursuant to subsection (A).

(C) This section shall be enforced by the county sheriff’s department and code enforcement officers commissioned by County Council pursuant to the provisions of Section 1-12 of this Code of Ordinances.

(D) During any construction, development, re-development, or ground disturbing activity, if a person discovers or is otherwise put on notice of any known or probable gravesites on the subject lot, including but not limited to human remains, grave stones, grave markers, ground depressions,

historical markers, historic maps, plats or surveys, photographs, or other indicators of probable gravesites, the person must immediately cease any ground disturbing work and report such notice to the Department of Community Planning and Development Services, as well as the county coroner and the appropriate state agencies including the state historic preservation office and the South Carolina Department of Health and Environmental Control. No further ground disturbing activities shall commence until authorization to proceed is issued by the State and County in accordance with state law.”

SECTION II. Conflicting Ordinances. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION III. Effective Date. This ordinance shall be enforced from and after \_\_\_\_\_.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Jesica Mackey, Chair

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2024.

\_\_\_\_\_  
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:



**2020 Hampton Street • Room 3063A**  
**Columbia, SC 29204**  
**(803) 576-2080**  
**January 22, 2024**  
**4<sup>th</sup> Floor Conference Room**  
**January Meeting Minutes**

**Attendance**

Commissioner	District	Present
Charles Weber	1	Yes
James Young	2	Yes
Wayman Stover	3	Yes
Glenice Pearson	4	Yes
Kip Dillihay	5	Yes
John Grego	6	Yes
Robert Squirewell	7	Yes
Deborah DePaoli	8	Yes
Khali Gallman	9	Yes
Darrell Jackson Jr.	10	No
Gail Rodriguez	11	No

Staff & Visitors	Affiliation
John McKenzie	Conservation Division
Val Morris	Conservation Division
Quinton Epps	Conservation Division
Aric Jensen	Assistant County Administrator

**Call to Order**

Grego welcomed everyone and called the meeting to order with a quorum at 3:32 pm. Members, staff, and guests met in-person or by Zoom.

**Approval of Agenda**

- ⇒ **Weber moved to amend the agenda to add the Mill Creek Bridge proposal as an action item which was seconded by Young. Motion passed unanimously.**

**Approval of Minutes**

- ⇒ **Young moved to approve November minutes which was seconded by Stover. Motion passed unanimously.**

**Report of the Chair**

- **Officer Elections – action item:** Elections for Richland County Conservation Commission (RCCC).
- ⇒ **Weber moved to retain the slate of officers from the previous year which was seconded by Stover. Motion passed unanimously.**
- **John Grego, RCCC, Chair**
  - **Khali Gallman, Historic Preservation Committee, Chair**
  - **Charles Weber, Natural Resource Committee, Chair**
  - **Robert Squirewell, RCCC, Treasurer**

- **Rules of Procedure – action item:** Grego reported the DRAFT Rules of Procedure need to be updated to provide for the current names of the RCCC committees and other items.

⇒ **Young moved to approve the Rules of Procedure as amended which was seconded by Stover. Motion passed unanimously.**

- **Congaree Biosphere Region - update:** Grego reported the Congaree Biosphere Region is getting closer to adopting their by-laws. Additionally, he mentioned the 2024 Congaree Research Symposium which features Congaree Biosphere Region will take place on February 1<sup>st</sup> through February 2<sup>nd</sup> 2024. In conclusion, Grego reported he along with others will arrange a lunch or dinner with Cliff McCreedy, the Science and Stewardship Coordinator for National Park Service who is a supporter of the Lower Richland Tourism Plan (LRTP).
- **Greenway Advisory Committee - update:** Grego reported Permit approvals/plans for the Crane Creek Greenway have been submitted to City of Columbia, DHEC and Army Corps of Engineer. In addition, access points, Devine Street crossing at Crowson Road and dedicated right-of-way were discussed for the Gills Creek Greenway.
- **Columbia Rowing Club Operating Agreement:** Grego reported the agreement was approved by County Council and has made its way up to administration for the signature process.
- **Advocacy – update:** Stover, Dilihay, Grego and Gallman reported they spoke with councilmembers giving them updates about the projects with the RCCC.

### **Report from Community Planning & Development**

- **Land Development Code-Remapping Restart – update:** Jensen reported a draft of the Olympia Historic Plan is being viewed by different organizations like the City of Columbia and Richland County Planning and Zoning Board for their input. Jensen also commended RCCC for their efforts with the Historic Preservation Plan (HPP).

### **Treasurer’s Report**

- **FY23–24 General Budget – update:** Squirewell reported money was moved in the budget, (line items 529500 and 531400) to help with upkeep and landscaping for Pinewood Lake Park and to purchase a tractor. No other major changes were made to the budget.
- **FY24-25 Proposed Budget – update:** Epps reported the proposed FY24-25 budget is similar to last year, however he will add line items for the Lower Richland Tourism Plan Implementation, and remove items for Historic Preservation Plan (HPP), Heritage Tourism Marketing Plan (HTMP) Implementation, Mill Creek Bridge Replacement. In conclusion, he spoke about the work in progress for purchasing the Cabin Branch properties

### **Historic Preservation Committee (HPC) Report**

- **HTMP Implementation RFP – action item:**

- ⇒ **Gallman moved to proceed with the HTMP Implementation which was seconded by Weber. Motion passed unanimously.**

There was discussion about the urgency in moving forward with the implementation to avoid losing the funds for the project. Pearson stated she felt the committee wasn't given ample time to discuss the plan especially during the December holidays. McKenzie stated the HTMP was on the agenda as an action plan since last March and was included in the FY23-24 budget.

- **Historic Preservation Plan RFP – action item:**

- ⇒ **Gallman moved to proceed with the HPP which was seconded by Weber. Motion passed. Pearson and Squirewell opposed the vote stating they support the plan but disagree with some of the verbiage.**

- **Cemetery Protection Ordinance – action item:**

- ⇒ **Gallman moved to proceed with the Cemetery Protection Ordinance which was seconded by Young. Motion passed unanimously.**

#### **Natural Resources Committee (NRC) Report**

- **Forestry Stewardship Plan – action item:**

- ⇒ **Weber moved to proceed with the Forestry Stewardship Plan which was seconded by Young. Motion passed unanimously.**

- **Mill Creek Bridge – action item:** Epps reported he budgeted the replacement cost to be about \$700,000.00, after the solicitation was done the lowest bid came in at \$1,145,479.00. Epps proposed transferring \$445,149.00 from the Acquisition budget the Construction budget for the replacement of the Mill Creek Bridge.

- ⇒ **Weber moved to accept the proposal Epps made for the replacement of the Mill Creek Bridge which was seconded by Young. Motion passed unanimously.**

- **Scout Motors – update:** Weber reported Scout Motors has received their permits from the Army Corps of Engineers (ACE), they will resume development at the site.
- **Potential Property Purchase – update:** Weber reported still a work in progress.
- **Bates Old River – update:** Grego reported he put together a draft email for the staff to review regarding the Columbia Rowing Club and Richland County Recreation Commission (RCRC).
- **Mitigation Bank Credits – update:** Weber reported still a work in progress.

#### **Conservation Program Analyst's Report**



- **Fabel Easement – update:** McKenzie reported still a work in progress no new updates.
- **Lake Elizabeth Conservation Easement – update:** McKenzie reported still a work in progress no new updates.
- **Benedict College grant – update:** McKenzie reported the project is completed.
- **FY23-24 RCCC Grants – update:** McKenzie reported all of the grantee’s submitted their quarterly reports on time and everyone is on track.
- **Zoom Grant Evaluation Training – update:** McKenzie reported he created a document to be sent out with links on how to review grants.
- **Events – update:** McKenzie report COACH Documentary will be premiered on Saturday, March 2,2024 at Trinity Baptist Church, 2521 Richland Street, Columbia, SC.

⇒ **Grego moved to extend the meeting by 10 minutes which was seconded by Weber. Motion passed unanimously.**

#### **Conservation Manager’s Report**

- **Annual Work Plan – action item:** Epps reported Grego will present the Annual Work Plan to County Council on March 19, 2024. Epps gave a brief overview of the items Grego will cover during the presentation.

⇒ **Weber moved to approve the Annual Work Plan which was seconded by Young. Motion passed unanimously.**

- **Staff Vacancy - update:** Epps reported he had an applicant for the Land Planner position, however the applicant declined the offer. He also reported Chelsea Holliday has been hired as the new Administrative Assistant, with a start date of February 12, 2024. In addition, he reported in conjunction with the Planning Department he was able to hire a Sustainability Planner, Jessica Thompson who will start the same date as Holliday.
- **New Business:** Grego reported on the behalf of RCCC he purchased three trees in honor of Mildred Myers, a former commissioner who passed away in November 2023.

- **Public Input:** None reported

- **Adjournment:**

⇒ **At 5:06 pm, Weber moved to adjourn the meeting, which was seconded by Young. Motion passed unanimously.**

Respectfully submitted, Val Morris

**RICHLAND COUNTY  
ADMINISTRATION**

2020 Hampton Street, Suite 4069  
Columbia, SC 29204  
803-576-2050



**Agenda Briefing**

<b>Prepared by:</b>	Bill Davis	<b>Title:</b>	Director
<b>Department:</b>	Utilities	<b>Division:</b>	
<b>Date Prepared:</b>	March 4, 2024	<b>Meeting Date:</b>	March 26, 2024
<b>Legal Review</b>	Patrick Wright via email	<b>Date:</b>	March 7, 2024
<b>Budget Review</b>	Maddison Wilkerson via email	<b>Date:</b>	March 15, 2024
<b>Finance Review</b>	Stacey Hamm via email	<b>Date:</b>	March 18, 2024
<b>Approved for consideration:</b>	Assistant County Administrator	John M. Thompson, Ph.D., MBA, CPM, SCEM	
<b>Meeting/Committee</b>	Administration & Finance		
<b>Subject</b>	Greenlake Subdivision Gravity Sewer System Rehabilitation		

**RECOMMENDED/REQUESTED ACTION:**

Staff recommends that County Council approve awarding the rehabilitation phase to Vortex Companies.

Request for Council Reconsideration:  Yes

**FIDUCIARY:**

Are funds allocated in the department’s current fiscal year budget?	<input checked="" type="checkbox"/>	Yes	<input 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 estimated total cost for this project is \$750,000 which includes a 25% contingency. The Community Development Block Grant (CDBG) will fund about \$460,000, and the Utilities Department will fund the match.

*Applicable department/grant key and object codes:* Match: 2110367000/4892301.538200  
CDBG: 1202992010/4892300.526703

**OFFICE OF PROCUREMENT & CONTRACTING FEEDBACK:**

There are no concerns from Procurement.

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

There are no legal concerns regarding this matter.

**REGULATORY COMPLIANCE:**

Rehabilitating the collection system would aid in reducing the amount of inflow & infiltration (I&I) primarily from groundwater entering the system. Reduced I&I would, in turn, aid in the reduction of the Sanitary Sewer Overflows (SSOs), which could lead to potential regulatory and health issues. We would also greatly reduce sources of sewer line blockages, such as roots, and the additional costs associated with collecting, pumping, and treating groundwater from the system. Monitoring showed for a recent rain event the pumps ran about 60% longer when compared to a dry weather day. It is not uncommon

for pump run times to increase following rain events, but reducing the volume of I&I will most definitely lower the amount of wasted energy associated with rain getting into the sewer system.

#### **MOTION OF ORIGIN:**

There is no associated motion of origin.

#### **STRATEGIC & GENERATIVE DISCUSSION:**

The Greenlake collection system was built in the late 1980s and early 1990s, and many of the gravity sewer lines have reached the end of their useful life. Constructing a new sewer system has become a very costly capital expenditure. Using trenchless technology allows the County to rehabilitate sewer lines using a very effective alternative.

The cost for constructing a new 8" sewer line can be 125% more than the trenchless technology methods recommended. Staff recommend Cured-In-Place Pipe (CIPP) and Pipe Bursting, which are two trenchless technologies for rehabilitating sewer lines. These methods of rehabilitation completely renew the life expectancy of the sewer assets in a very cost-effective way.

The gravity sewer lines in the subdivision will be inspected using closed-circuit television (CCTV). This is the best way to identify sources of inflow and infiltration (I&I) and other defects. Once the lines are inspected they will be rated from one (1) through five (5), where 1 is in the best condition, and 5 is the highest priority for rehabilitation. This project will focus on categories 3, 4, and 5, which represent the system's highest risk of failure. This project will reduce the amount of I&I entering the County's collection system, and the associated costs of collecting and inadvertently treating groundwater entering the system. The proposed project would include approximately 15,000 ft of CIPP and associated repairs to manholes and individual lateral connections. The Greenlake Collection System Rehabilitation will improve the sewer flow, thereby reducing sanitary sewer outflows (SSOs), and it will lessen the residents' potential for sewer back-ups. This project will be a subdivision-wide solution.

Should Council deny the request, Richland County Utilities Department staff will address issues as they arise and may face potential regulatory issues if SSOs occur. This project will also help reduce staff deployment time for line repairs and response to emergencies during SSOs and system backups. Additional cost savings include the operation and maintenance of the pumps and other equipment as well as reduced run times associated with I&I. Renewal of the aging piping will increase the life and overall reliability of the system.

Prices for the project will be obtained from Houston-Galveston Area Council (H-GAC) Cooperative Purchasing Program. Through this procurement-approved program, local governments are allowed to purchase services which have already been competitively solicited and awarded by HGAC in compliance with County procurement guidelines and federal grant regulations. Federal guidelines encourage the use of cooperative purchasing agreements which allow for expedited procurement timelines and reduced administrative costs. Vortex Company is a local and national provider of sewer rehabilitation services.

**ASSOCIATED STRATEGIC GOAL, OBJECTIVE, AND INITIATIVE:**

- Goal 1: Foster Good Governance
  - Objective 1.5: Collaborate with other governments
- Goal 6: Establish Operational Excellence
  - Objective 6.7: Address current and future resource needs



**Agenda Briefing**

<b>Prepared by:</b>	Shirani W Fuller	<b>Title:</b>	County Engineer
<b>Department:</b>	Public Works	<b>Division:</b>	Engineering
<b>Date Prepared:</b>	March 6, 2024	<b>Meeting Date:</b>	March 26, 2024
<b>Legal Review</b>	Patrick Wright via email	<b>Date:</b>	March 14, 2024
<b>Budget Review</b>	Maddison Wilkerson via email	<b>Date:</b>	March 11, 2024
<b>Finance Review</b>	Stacey Hamm via email	<b>Date:</b>	March 11, 2024
<b>Approved for consideration:</b>	Assistant County Administrator	John M. Thompson, Ph.D., MBA, CPM, SCEM	
<b>Meeting/Committee</b>	Administration & Finance		
<b>Subject</b>	Springwood Lake- High Hazard Potential Dam Rehabilitation Grant		

**RECOMMENDED/REQUESTED ACTION:**

The Department of Public Works recommends approval of the design services for the Springwood Lake high hazard dam rehabilitation.

Request for Council Reconsideration:  Yes

**FIDUCIARY:**

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

**ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER:**

Richland County received notification from the South Carolina Department of Environmental Health (SCDHEC) that the Springwood Lake high hazard dam was selected for grant funding in the amount of \$373,750 (65%). This grant is for the design of repairs to Springwood Lake dam to bring the dam into compliance with current safety regulations. A previous grant in the amount of \$201,250 (35%) from the State General Assembly is being used as matching funds.

*Applicable department/grant key and object codes:*     \$373,750     SCDHEC grant (code TBD)  
    \$201,250     1200992030/4844200/526200

**OFFICE OF PROCUREMENT & CONTRACTING FEEDBACK:**

Not applicable.

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

The legal concerns are that usually, if the County is a pass-through, it only receives and distributes money to other entities. For this project, the County is taking the responsibility of procurement, submitting to FEMA requirements, and possibly some level of oversight and responsibility that could open the County up to liability that it would otherwise not have, for property it does not own.

#### REGULATORY COMPLIANCE:

Springwood Lake dam is noncompliant with state and federal regulations for dam safety. The dam is classified as a high-hazard (i.e., a Class 1) dam, and its overall condition is assessed as “Unsatisfactory” by the South Carolina Department of Health and Environmental Control (SCDHEC). This rating, as established by the U.S. Army Corps of Engineers for the National Inventory of Dams, means “A dam safety deficiency is recognized that requires immediate or emergency remedial action for problem resolution.” This grant and the ultimate repair of this dam are critical for the safety of the surrounding area.

#### MOTION OF ORIGIN:

There is no Council motion of origin.

#### STRATEGIC & GENERATIVE DISCUSSION:

Through the Department of Homeland Security Appropriations Act, 2022 (Pub. L. No. 117-103) as well as the Infrastructure Investment and Jobs Act (Pub. L. No. 117-58), the Rehabilitation of High Hazard Potential Dams (HHPD) Grant Program, under the administration of FEMA’s National Dam Safety Program (NDSP), has made federal funds available to states for pass through to non-Federal governmental organizations to rehabilitate eligible high hazard potential dam (HHPDs) that fail to meet minimum state dam safety standards and pose an unacceptable risk to life and property.

Richland County is a recipient of the FY22 HHPD Grant for the design of Springwood Lake Dam. The Springwood Lake Community is composed of approximately 400 homes encompassing a series of ponds, the largest of which is Springwood Lake for which the community is named. The lake has a surface area of 32 acres with a maximum pre-flood storage capacity of approximately 233 acre-feet of water and a normal pool storage capacity of 191 acre-feet.

Springwood Lake Dam is a DHEC regulated, high hazard dam that impounds Little Jackson Creek to form the Springwood Lake. It was initially constructed in 1954, and has become an amenity for the Springwood Lake Community, and serving to convey Creekwood Drive across the lake. Currently, the dam also serves as a de facto flood control structure by regulating downstream flow, including stormwater flow, in Little Jackson Creek. Approximately 250 feet downstream of the dam is the westbound lane of I-20. Within 1000 feet downstream of the dam is Firelane Rd, Deer Park Apartments, and Lowes Home Improvement.

By accepting grant funding, the County is required to submit to FEMA a completed county-wide Flood Mitigation Plan and a Hazard Mitigation Plan that incorporates “all dam risks” by January 2025.

#### ASSOCIATED STRATEGIC GOAL, OBJECTIVE, AND INITIATIVE:

- Goal 4: Plan for growth through inclusive and equitable infrastructure
  - Objective 4.1: Establish plans and success metrics that allow for smart growth
  - Objective 4.2: Coordinate departments to prepare for anticipated growth in areas by providing water, sewer, and roads in necessary locations
  - Objective 4.3: Create excellent facilities

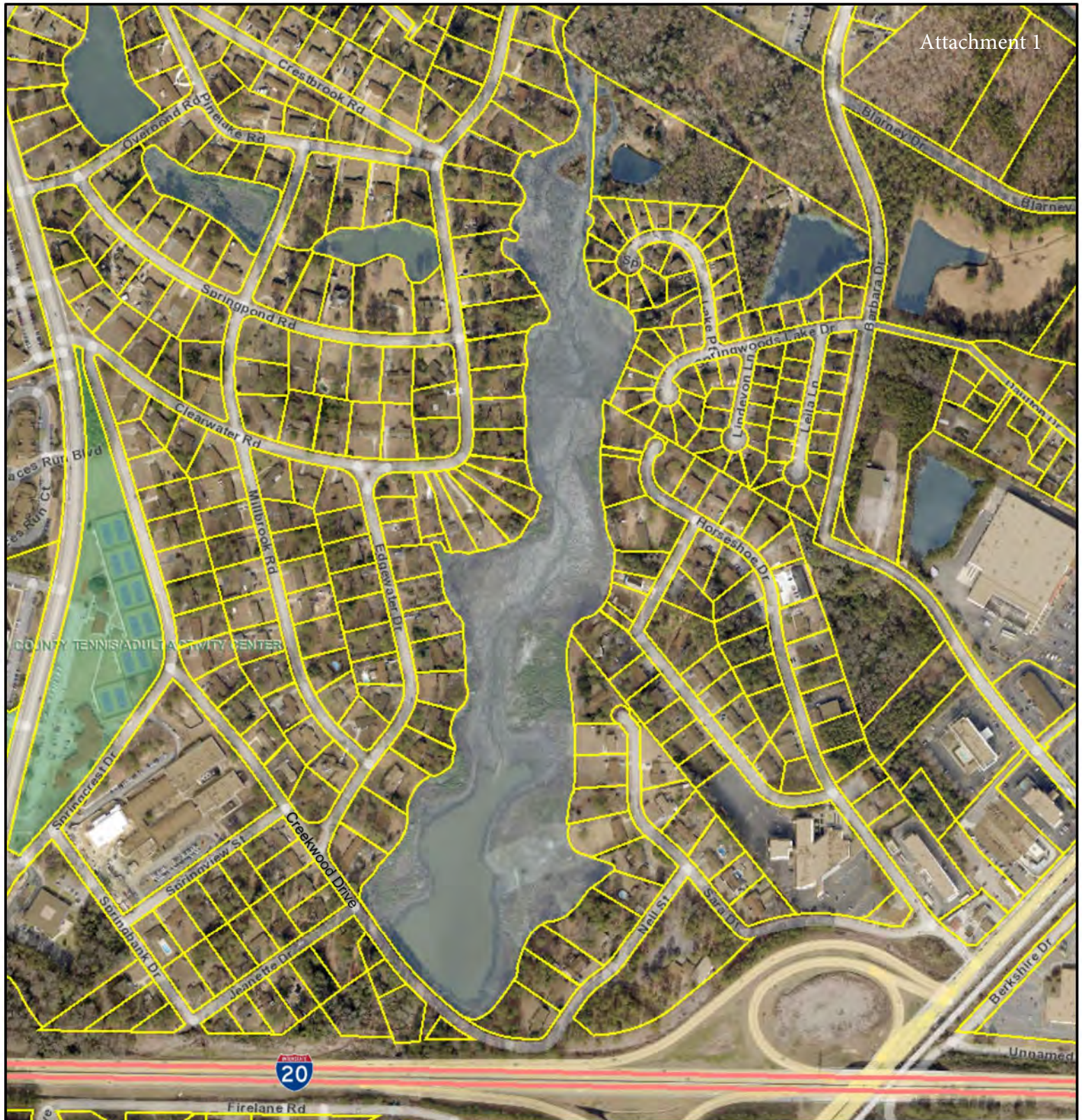
**ADDITIONAL COMMENTS FOR CONSIDERATION:**

Staff is seeking pre-approval to award of professional services based on the bids meeting the available funding. Pre-approval will enable staff to stay on track with the project timeline and meet pre-determined deadlines. The ability to use SCDHEC funding reduces the overall cost to the residents of financing the project and assists the County in protecting the public and private assets that could be damaged if the dam were to fully breach.

**ATTACHMENTS:**

1. Map
2. Request for Proposal





# RICHLAND COUNTY

SOUTH CAROLINA  
DEPARTMENT OF PUBLIC WORKS

DATE: 3/6/2024

SCALE: NTS

## Springwood Lake Dam

ENGINEERING DIVISION

FIGURE 1





February 28, 2024

**Request for Proposal for Springwood Lake Dam Rehabilitation (design)**

**Project Description:**

Through the Department of Homeland Security Appropriations Act, 2022 (Pub. L. No. 117-103) as well as the Infrastructure Investment and Jobs Act (Pub. L. No. 117-58), the Rehabilitation of High Hazard Potential Dams (HHPD) Grant Program, under the administration of FEMA's National Dam Safety Program (NDSP), has made federal funds available to states for FFY22 for pass through to non-Federal governmental organizations or nonprofit organizations to rehabilitate eligible HHPDs that fail to meet minimum state dam safety standards and pose an unacceptable risk to life and property.

Richland County is a recipient of the FY22 HHPD Grant for the design of Springwood Lake Dam (D0558). The Springwood Lake Community is composed of approximately 400 homes encompassing a series of ponds, the largest of which is Springwood Lake for which the community is named. The lake has a surface area of 32 acres with a maximum pre-flood storage capacity of approximately 233 acre-feet of water and a normal pool storage capacity of 191 acre-feet.

Springwood Lake Dam, D 0558, is a DHEC regulated, high hazard dam that impounds Little Jackson Creek to form the Springwood Lake. The dam is located at Latitude 34.074831, Longitude -80.952988. It was initially constructed in 1954, presumably as an amenity for the Springwood Lake Community, and serving to convey Creekwood Drive across the lake. Currently, the dam also serves as a de facto flood control structure by regulating downstream flow, including stormwater flow, in Little Jackson Creek. Downstream of the dam, Little Jackson Creek flows under interstate I-20.

The County is seeking proposals to complete the preliminary project requirements, complete the semi-quantitative risk assessment, finalize the repair design, assist with bid document drafting, and preparing the project for construction.

**Detailed Scope of Services:** The scope of work proposed to be completed with grant funding is addressed in the following sections.

*1.Semi-Quantitative Risk Assessment*

A risk analysis is required to be performed by the Grant NOFO. The first scope item to be performed with grant funding will be to complete a comprehensive SQRA performed in compliance with the US Department of Interior Bureau of Reclamation Best Practice on Dam and Levee Safety Risk Analysis (Version 4.1) – Appendix A. Development of a comprehensive dam breach inundation map at pre-flood full pool elevations and at 0.5 and 1.0 foot lower than pre-flood full pool elevations. Perform a SQRA workshop to identify, quantify, and prioritize dam failure modes which will be prioritized with estimated probabilities developed for each mode. Based on the results, an SQRA Risk Report, with risk matrices will be prepared and submitted to DHEC. Upon completion of the project, the SQRA will be included as a standalone appendix in the Springwood Lake Emergency Action Plan.

*2.Dam Breach Analysis*

A dam breach analysis will be completed to confirm the high hazard class of the dam and receive agency approval. The dam breach is anticipated to require detailed analysis of the breach flow path and inundation area for the 100-year, 50% PMF, and 100% PMF under sunny day and storm conditions. A HEC-RAS model of the breach flow path will be created to generate danger reach maps for inclusion in the EAP. A summary of the computations and results will be prepared for the H&H Report.

Outputs from the modeling will be used to generate updated danger reach maps, ACER charts, and an updated breach analysis narrative. Graphics will be provided to the County for inclusion in the Emergency Action Plan (EAP). The results, maps, and graphics from the dam breach analysis will be incorporated into the updated Flood Plain Management Plan and the EAP.

### *3. Permitting*

The following permits have been identified and will be obtained as part of this project:

- US Army Corps of Engineers Wetlands Delineation
- US Army Corps of Engineers Jurisdictional Determination
- DHEC Water Quality Certification (Section 401)
- DHEC Dam Modification Permit
- Richland County SWPP/NOI (includes Land Disturbance and NPDES Notification)
- SCDOT Encroachment Permit

### *4. Discipline Specific Scope Tasks*

Based on observed damages, repairs to Springwood Lake Dam will require a multi-disciplined approach to a comprehensive design. The analysis will fully document the hydrologic and hydraulic models, inputs, and the results as well as including all back-up calculations and the engineer's design notes.

H&H design will be used to drive design requirements for spillway sizing, normal pool reservoir water level elevation, and freeboard requirements. The results of the hydrologic and hydraulic analysis will be included in a technical design report for the overall project.

### *5. Geotechnical Design*

The Springwood Lake Dam is an earthen embankment dam that has documented occurrences of internal erosion (“piping”), settlement, deep voids (improperly termed “sinkholes” in the ASDSO Report), development in the crest of the dam, and visually observed voids underlying the concrete lined auxiliary spillway channel. Repairs will be designed under the direction of a Professional Engineer licensed in the State of South Carolina, who is experienced in earthen dam design. The following analysis and tasks have been identified to be completed:

Seismicity

Subsurface Investigation

Geotechnical Laboratory Testing

Analysis and Design

### *6. Survey and Utility Coordination*

Some surveying and utility location has been completed during the preparatory phase of the project. The scope of the services outlined below is to obtain supplemental information to support the H&H design, geotechnical design, repair plan development, and inundation mapping. Surveying to be performed during this phase of the design will be to fill in data gaps and/or obtain additional information as necessary.

Additional field survey to produce a topographic survey, on 1-foot contour intervals will be collected. The survey will include the dam, reservoir, spillways and appurtenant structures, Creekwood Drive, and the SCDOT bridge over the auxiliary spillway. Surveyors will locate and identify dam crest elevation, upstream and downstream toe elevations, water levels, bottom of pond elevations, spillway intakes (location, size, and invert elevation), spillway systems (location, invert elevations, outfalls, and plunge pools), siphons (location, size, and invert elevation), roads (shoulders, pavement width, and curb and gutter), drainage infrastructure (including invert elevation of pipes, inlets, manholes, catch basins, and ditches), and utilities. Additional or supplemental information pertaining to the reservoir will be collected that may include location, width, top of water elevation, and normal pool water level extents.

Field data will also be collected at the spillway system discharge locations, the plunge pool locations, bottom of stream elevations, width of plunge pools, top of water elevations, and their confluence with Little Jackson Creek. Data will also



be collected from the plunge pool confluences to generate cross sections every 100 feet downstream for a distance of 500 feet downstream of the bridge on Firelane Road.

Relevant field data will be collected at the SCDOT culvert locations traversed by I-20 East and I-20 West including locations, dimensions, and invert elevations. Surveyors will also collect any additional field data necessary to plot the wetlands delineation (conducted and flagged by others).

From the fieldwork a detail survey will be plotted that in addition to containing the information collected as described above will detail Creekwood Drive with stationing set every 50 feet, cross sections of the dam embankments at the stations, control points, benchmarks, and details of the SCDOT bridge over the auxiliary spillway (location, dimensions, elevations, foundation element locations and sizes, and under bridge details of the concrete lining of the auxiliary spillway. Surveys will be drafted in MicroStation DGN file format or AutoCAD DWG file format, whichever is preferred or requested.

#### *7.Repair Design and Bid Document Assistance*

Upon completion of the field studies, detailed repair plans will be drafted. Plan preparation will begin with conceptual plans, approximately 35% complete. When complete, the plans will be presented to the County for review and comment.

As modeling and design are finalized and based on comments from the reviewers, plans will be advanced to 65% complete. At this stage, plans will be submitted to regulatory agencies to begin the permitting process. Also, the Design Team, the County, DHEC, and SCDOT Representatives will meet on-site to review the plans, discuss the repairs, note any additional items that need to be included in the plans, discuss any Right of Way permissions that may be needed for construction, and to collect additional comments. Once comments and review items are received, they will be addressed, and plans will move into the final design stage.

When the plans are 90% complete, they will be provided to the County for final review and comment. Once estimated quantities are generated, an Engineer's Opinion of Probable Construction Costs will be generated. Any final comments from the stakeholders will be incorporated and the plans will be ready to issue for construction.

Additionally, when the plans are 90% complete, the technical specifications will be drafted then circulated for review and comment. All comments will be addressed and submitted to the County with the Issued for Construction Plans for the County to begin final preparation of the bid package. Additionally, a grant package will be prepared for additional funding through the HHPD grant program repair construction.

#### *8.Public Outreach and Stakeholder Engagement*

This project is very visible and public interest is expected to grow as the project moves through the design and construction phases. An essential element of this project will be to regularly update the public and stakeholders (community, elected officials, Richland County, SCDOT, DHEC, and other regulatory agencies) as the project progresses.

This is expected to entail updating the homeowner's association at their regularly scheduled meetings and other meetings as requested by Richland County. The County will host a page on their website dedicated to the project to provide easily accessible information at any time.

#### *9.SCDOT Engagement*

The bridge over the auxiliary spillway is an SCDOT owned infrastructure asset. When the Creekwood Drive is reopened, the bridge will actively convey traffic again. Therefore, any work on, under, or near the bridge will have to be coordinated with the SCDOT. This is, at a minimum, expected to necessitate obtaining an Encroachment Permit for repairs to the auxiliary spillway system and excavation at the approaches.

The design and repair of Springwood Lake Dam will return the dam to an elevation that corresponds to the final subgrade elevation of Creekwood Drive. Once the final subgrade elevation has been attained, the SCDOT is anticipated to reconstruct and reopen Creekwood Drive.



### *10.O&M Plan and Floodplain Management Development and Emergency Action Plan Update*

Development of both an O&M Plan and a Floodplain Management Plan is required under approved grant funding for this project. Both plans will be completed as required in the NOFO, according to generally accepted engineering principles. The existing EAP is approximately 20 years old.

The O&M plan will outline routine maintenance tasks for maximizing the continued safe functioning of the dam and addressing adverse conditions at early stages prior to them becoming major dam safety issues. Copies will be provided to the Dam Owner for immediate implementation following construction.

The Floodplain Management Plan and EAP will be developed according to DHEC guidelines and recommendations, with input from the Richland County Floodplain Manager. It is expected that the EAP will include the inundation maps, action trigger levels, requirements for routine inspections, contact information for key members of the Springwood Lakeside Property Owners Association, first responders, Richland County Engineering Staff, DHEC staff, SCDOT staff, Deer Creek Apartments, and businesses located downstream of the dam. It will also include requirements for regular updating of contact information and suggestions for regular exercising of the EAP.

#### *Deliverable with deadline:*

\*FEMA requires the County to have an approved Hazard Mitigation Plan that incorporates “all dam risks,” submitted by January 2025.

\*FEMA requires a Flood Plain Management Plan be developed in cooperation with Richland County, DHEC, and local emergency response officials by January 2025.

### **CONTENT OF STATEMENT**

The statements must be 10 pages or less and contain the following information:

- A. Performance History:  
Provide a list of recent projects performed by the local office that closely relates to this Sidewalk Project. Please indicate if projects were completed within time and budget limitations.
- B. Personnel Experience:  
Provide information on the individuals that would be assigned to this project and their role during the project. Provide information on the project representative that will be responsible for day-to-day contact with Richland County.
- C. Availability:  
Provide information concerning your firm’s availability and a project schedule.
- D. Cost Proposal:  
Provide cost proposal to complete all activities described above.

### **CLOSING**

Thank you for your time and consideration for this project. Please provide your proposal through Bonfire. All questions concerning this RFP should be directed to the Procurement Office through BonFire.

Sincerely,



Shirani W Fuller, PE  
County Engineer  
Richland County  
Department of Public Works

