

**RICHLAND COUNTY COUNCIL
REGULAR SESSION
JUNE 3, 2008
6:00 P.M.**

CALL TO ORDER **Honorable Joseph McEachern, Chairman**

INVOCATION **Honorable Damon Jeter**

PLEDGE OF ALLEGIANCE **Honorable Damon Jeter**

PRESENTATIONS

Geometrics Alternative Surfacing Program for Dirt Roads

CITIZEN'S INPUT

APPROVAL OF MINUTES

Regular Session: May 20, 2008 [Pages 7-13]

ADOPTION OF AGENDA

REPORT OF COUNTY ATTORNEY FOR EXECUTIVE SESSION ITEMS

- a. Contractual Matter Regarding Legal Representation**
- b. Intergovernmental Agreement—City of Cayce**

REPORT OF THE COUNTY ADMINISTRATOR

- a. Recognition of Sgt. Samuel Jackson, Correctional Supervisor of the Year**
- b. Update on Potential Purchase of 2 Properties**
- c. Business License Work Session**
- d. Use of Fill in the Floodplain**
- e. Columbia Venture—Cayce Annexation**
- f. Update on Solid Waste Contracts**
- g. Update on the Retail Study**
- h. Employee Grievance**

REPORT OF THE CLERK OF COUNCIL

- a. **Community Relations Council Luncheon, Convention Center, 12:30-2:00 p.m.**

REPORT OF THE CHAIRMAN

PUBLIC HEARING ITEMS

- 1.c., 1.d., 1.e., 2.e.

APPROVAL OF CONSENT ITEMS

- 1.a., 1.b., 1.c., 1.d., 1.e., 2.a., 2.b., 2.c., 3.c., 3.d., 3.f., 3.g., 4.a., 4.b., 4.c., 4.d., 4.e., 4.f.

1. THIRD READING ITEMS

- a. **An Ordinance amending the Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article 1, in general, so as to amend the requirements pertaining to sexually oriented businesses and make clarifications pertaining to all businesses [CONSENT] [Pages 14-31]**
- b. **An Ordinance amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article VI, Supplemental Use Standards; Section 26-151, Permitted Uses with Special Requirements; Subsection (c), Standards; Paragraph (66), Sexually Oriented Businesses, so as to amend requirements pertaining to sexually Oriented Businesses [CONSENT] [Pages 32-51]**
- c. **An Ordinance authorizing the issuance and sale of not to exceed \$5,500,000 in general obligation bonds Series 2008, or such other appropriate series designation, of Richland County, South Carolina; fixing the form and details of the bonds; authorizing the Administrator of the County to determine certain matters relating to the bonds; providing for the payment of the bonds and disposition of the proceeds thereof; and other matters relating thereto regarding the Richland County Sheriff's Department and LRADAC [CONSENT] [PUBLIC HEARING] [Pages 52-80]**
- d. **An Ordinance amending the Richland County Code of Ordinances, Chapter 2 Administration; Article VII, Boards,**

Commissions and Committees; Section 2-236, Boards and Commissions created and recognized; so as to clarify language regarding members' terms for the Business Service Center Appeals Board [CONSENT] [PUBLIC HEARING] [Pages 81-82]

- e. **An Ordinance amending the Fiscal Year 2007-2008 Budget Ordinance to increase the General Fund Human Resources Budget by \$50,000 and to increase the Solid Waste Budget by \$700,000 [CONSENT] [PUBLIC HEARING] [Pages 83-84]**

2. SECOND READING ITEMS

- a. **08-12MA
Martin Marietta, Inc.
Robert Fuller
RU to HI (293.2 acres)
Unburden Storage
TMS #06500-01-04 (p)
3600 feet back from Monticello Road [CONSENT] [Page 85]**
- b. **08-13MA
Village at Sandhills
Charles Kahn
RG-2 to C-3, C3 to C-1 & C1 to RG-2
Swap Parcels
TMS # 22900-02-09(p)
Marketplace Commons & Fashion Drive [CONSENT] [Pages 86-88]**
- c. **An Ordinance allowing owners (or their agents) certain parcels of Land along Decker Corridor in Richland County, South Carolina, to make application for the use of the development standards of the "CRD Corridor Redevelopment Overlay District" [CONSENT] [Pages 89-93]**
- d. **An Ordinance amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article VII, General Development, Site, and Performance Standards, so as to Establish A Green Code Setting Forth Optional Standards for Certain parcels that may benefit from the application of environmental protection standards. [Pages 94-112]**
- e. **An Ordinance to amend the Richland County Code of Ordinances; Chapter 18, Offenses; by adding a new section therein for the purpose of establishing regulations and requirements relating to smoking of tobacco products in the unincorporated areas of**

Richland County [Deferred at 5-20-08 Council Meeting] [PUBLIC HEARING] [Pages 113-118]

3. REPORT OF DEVELOPMENT AND SERVICES COMMITTEE

- a. **Request to approve an extension of the American Engineering Construction Management Contract, the Power Engineering Resident Contract Representative Contract, and the Power Engineering Consultant Services Contract for the purpose of completing the Broad River Waste Water Treatment Plant construction project**
- b. **Request to approve a change order in the amount of approximately \$290,000.00 with Crowder Construction Company for the purpose of Constructing an additional influent force main line at the Broad River Waste Water Treatment Plant**
- c. **An Ordinance amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article III, Building Code, Section 6-82; Article IV, Electrical Code, Sections 6-96 and 6-97; Article V, Fire Prevention Code; Article VI, Gas Code; Article VII, Mechanical Code; Article VIII, Plumbing Code, Sections 6-153 and 6-154; Article IX, Swimming Pool Code, Sections 6-168 and 6-169; Article X, Property Maintenance, Section 6-182; so as to adopt the 2005 edition of the National Electrical Code and the 2006 editions of the Residential Code, International Building Code, International Fire Code, International Mechanical Code, International Plumbing Code, and International Property Maintenance Code [CONSENT] [Pages 119-124]**
- d. **Request to approve the awarding of a contract to Center for Watershed Protection in the amount of \$248,532.85 the purpose of developing the Crane Creek Watershed Management Plan [CONSENT]**
- e. **Ordinance authorizing the transfer of deed to the City of Columbia for Jim Hamilton Boulevard [Pages 125-129]**
- f. **Request to approve the awarding of a construction contract to First Class Construction, LLC., for Phase I of the Judicial Center Courtyard Repairs project in the amount of \$171,600.00 [CONSENT]**
- g. **Request to approve the purchase of a replacement tri-axle dump truck for the Roads and Drainage Division of the Department of Public Works for an amount not to exceed \$125,000.00 [CONSENT]**

4. REPORT OF ADMINISTRATION AND FINANCE

- a. **Request to amend the 2008 County Holiday Schedule [CONSENT]**
- b. **Request to award a contract to the Pollock Company for copier services [CONSENT]**
- c. **Request to renew a contract with ABL in the amount of \$1,383,428.48 for food service management at the Alvin S. Glenn Detention Center [CONSENT]**
- d. **Request to renew a contract with W. B. Guimarin & Company in the amount of \$139,560.00 for maintenance of the climate control systems at the Alvin S. Glenn Detention Center [CONSENT]**
- e. **Request to approve purchase orders and contracts to support the operations of the Emergency Services Department (Diesel & Gasoline, EMS Radio Service, Fire Service radio, and 911 Equipment Service Agreement) [CONSENT]**
- f. **Request to renew a contract with Correct Care Solutions in the amount of \$3,217,350.00 for inmate medical services at the Alvin S. Glenn Detention Center [CONSENT]**
- g. **Request to renew a contract with Honeywell, Inc. in the amount of \$249,288.00 for maintenance coverage on the fire and security systems at the Alvin S. Glenn Detention Center**

5. RULES AND APPOINTMENTS COMMITTEE [Pages 130-131]

A. Notification of Vacancies

- 1. **Board of Zoning Appeals—1**
- 2. **Central Midland Council of Governments—2**
- 3. **East Richland Public Service Commission—1**

B. Notification of Appointments

- 1. **Building Codes Board of Adjustments and Appeals-1**
- 2. **Business Service Center Appeals Board-1 [Pages 132-133]**
- 3. **Central Midlands Regional Transit Authority-1 [Pages 134-137]**

4. **Employee Grievance Committee-1 [Pages 138-139]**

5. **Internal Audit-1**

6. **Midlands Workforce Board—1 [Page 140]**

C. **Motion Period**

1. **Motion Period—Amendment to the Current Rule**

2. **Motion Period—Bringing Motions to Council that have been held in Committee for more than six months**

6. **CITIZEN'S INPUT**

7. **MOTION PERIOD**

8. **ADJOURNMENT**

MINUTES OF



RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, MAY 20, 2008 6:00 p.m.

In accordance with the Freedom of Information Act, a copy of the agenda was sent to radio and TV stations, newspapers, persons requesting notification, and was posted on the bulletin board located in the lobby of the County Administration Building.

MEMBERS PRESENT:

Chair	Joseph McEachern
Member	Joyce Dickerson
Member	Norman Jackson
Member	Damon Jeter
Member	Paul Livingston
Member	Bill Malinowski
Member	Mike Montgomery
Member	L. Gregory Pearce, Jr.
Member	Bernice G. Scott
Member	Kit Smith

OTHERS PRESENT – Michelle Cannon-Finch, Milton Pope, Tony McDonald, Roxanne Matthews, Joe Cronin, Jennifer Dowden, Tamara King, Larry Smith, Joseph Kocy, Anna Almeida, Jennie Sherry-Linder, Daniel Driggers, Audrey Shifflett, Pam Davis, Bill Peters, Teresa Smith, Monique Walters, Michelle Onley

CALL TO ORDER

The meeting was called to order at approximately 6:03 p.m.

INVOCATION

The Invocation was given by the Honorable Kit Smith

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Kit Smith

PRESENTATIONS

Lower Richland High School Resolution, Girls Basketball Team [JACKSON] – Mr. Jackson and Ms. Scott presented the Lower Richland High School Girls Basketball Team with a resolution to honor their 3rd consecutive State Championship win.

LRADAC Presentation, Ms. Debbie Francis, Executive Director – Ms. Francis gave a brief update on LRADAC and the construction of the new building on Colonial Drive.

POINT OF PERSONAL PRIVILEGE – Ms. Scott recognized that Councilman Jackson's wife, Sandra, was in the audience.

Final Report of the Richland County Transportation Study Commission: Report of Final Recommendations, Dr. Caroline Whitson – Dr. Whitson presented the Transportation Study Commission's final report and recommendations to Council.

ADOPTION OF AGENDA

Mr. Pope requested that the following items be deleted from the Report of the County Administrator and Report of the County Attorney for Executive Session Items: Update of Potential Purchases of Properties—2 and Project CAGE.

Mr. Smith requested that Splash vs. Richland County be deleted from the Report of the County Attorney for Executive Session Items.

Mr. Pearce moved, seconded by Mr. Malinowski, to approve the agenda as amended. The vote in favor was unanimous.

CITIZENS' INPUT

No one signed up to speak.

APPROVAL OF MINUTES

Regular Session: May 6, 2008 – Mr. Montgomery moved, seconded by Mr. Livingston, to approve the minutes as distributed. The vote in favor was unanimous.

REPORT OF THE COUNTY ADMINISTRATOR

On Premises Signs Work Session – This item was taken up during the Motion Period.

HR/Personnel Work Session – This item was taken up during the Motion Period.

Financial Auditing Services Contract [deferred from 05/06/08] – This item was taken up as Item 3.a. on the agenda.

Budget Items: 2nd Reading and Public Hearing Meeting Dates Updates – Mr. Pope reminded Council of the dates for the Public Hearing, 2nd Reading and 3rd Reading on the FY 2008-2009 Budget. The Public Hearing will be held on June 2nd at 6:00 p.m. with the 2nd Reading of the Budget immediately following. The 3rd Reading of the budget will be held on June 12th at 5:00 p.m.

Solid Waste Collection Contracts – This item was taken up in Executive Session.

REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION ITEMS

The following items were potential Executive Session items:

- a. **Solid Waste Contracts**
- b. **Contractual Matter**

REPORT OF THE CLERK OF COUNCIL

There was not a report at this time.

REPORT OF THE CHAIRMAN

Mr. McEachern stated that he had requested that a resolution for Dr. Charles Steele, Jr., President of Southern Christian Leadership Conference, be added to the motion list.

Mr. Pearce stated that he and Mr. McEachern had attended the opening of the Children's Hospital at Palmetto Richland earlier in the day.

PUBLIC HEARING ITEMS

- **An Ordinance Ratifying the Business License Fee Schedule Adopted by Council on October 16, 2007** – No one signed up to speak.
- **An Ordinance Amending the Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article 1, Business Licenses; Section 16-5, Classification and Rates; so as to incorporate the Business License fee Schedule by reference** – No one signed up to speak.
- **An Ordinance Amending the Fiscal Year 2007-2008 General Fund Budget by two hundred and forty thousand dollars (\$240,000). This includes funding for consulting work associated with the utility system evaluation** – No one signed up to speak.

APPROVAL OF CONSENT ITEMS

Ms. Hutchinson moved, seconded by Ms. Dickerson, to approve the following consent items:

- **08-08MA, SC Research Authority, M-1 to GC (26.86 Acres), High Density Multi-Use Development, TMS# 17200-02-11, Powell Rd. & Technology Circle [Third Reading]**
- **An Ordinance Amending the Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article 1, Business Licenses; Section 16-5, Classification and Rates; so as to incorporate the Business License Fee Schedule by reference [Third Reading]**
- **An Ordinance Amending the Fiscal Year 2007-2008 General Fund Budget by two hundred and forty thousand dollars (\$240,000). This includes funding for consulting work associated with the utility system evaluation [Third Reading]**
- **An Ordinance Authorizing the issuance and sale of not to exceed \$5,500,000 in general obligation bonds, Series 2008, or such other appropriate series designation, of Richland County, South Carolina; fixing the form and details of the bonds; authorizing the Administrator of the County to determine certain matters relating to the bonds; providing for the payment of the bonds and the disposition of the proceeds thereof; and other matters relating thereto regarding the Richland County Sheriff's Department and LRADAC [Second Reading]**
- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; Article VII, Boards, Commissions and Committees; Section 2-326, Boards and Commissions created and recognized; so as to clarify language regarding members' terms for the Business Service Center Appeals Board [Second Reading]**
- **An Ordinance Amending the Fiscal Year 2007-2008 Budget Ordinance to increase the General Fund Human Resources Budget by (\$50,000) and to increase the Solid Waste Budget by (\$700,000)**

The vote was in favor.

THIRD READING ITEMS

An Ordinance Ratifying the Business License Fee Schedule adopted by Council on October 16, 2007 – Mr. Montgomery moved, seconded by Ms. Scott, to approve this item with the contingency that a work session be scheduled regarding the implementation of the fee. The vote in favor was unanimous.

An Ordinance Amending the Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article 1, in general, so as to amend the requirements pertaining to sexually oriented businesses and make clarifications pertaining to all businesses – Mr. Livingston moved, seconded by Ms. Scott, to defer this item until the June 3rd Council meeting. The vote in favor was unanimous.

An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article VI, Supplemental Use Standards; Section 26-151,

Permitted Uses with Special Requirements; Subsection (c), Standards; Paragraph (66), Sexually Oriented Businesses, so as to amend requirements pertaining to sexually oriented businesses – Mr. Livingston moved, seconded by Ms. Scott, to defer this item until the June 3rd Council meeting. The vote in favor was unanimous.

SECOND READING ITEMS

An Ordinance to amend the Richland County Code of Ordinances; Chapter 18, Offenses; by adding a new section therein for the purpose of establishing regulations and requirements relating to smoking of tobacco products in the unincorporated areas of Richland County – Mr. Livingston moved, seconded by Ms. Dickerson, to defer this item until the June 3rd meeting. The vote in favor was unanimous.

REPORT OF THE ADMINISTRATION AND FINANCE COMMITTEE

Request to award a contract for financial auditing services – Mr. Montgomery moved, seconded by Mr. Pearce, to approve the recommendation of Procurement and award the contract to Elliott Davis. A discussion took place.

The vote was in favor.

A Resolution to appoint and commission Code Enforcement Officers for the proper security, general welfare and convenience of Richland County for the following individuals:

- a. Patrick Bradshaw
- b. Joseph Galvin
- c. Sharon T. Long
- d. John Stephen White

Mr. Livingston moved, seconded by Mr. Malinowski, to approve this item. The vote in favor was unanimous.

CITIZENS' INPUT

No one signed up to speak.

EXECUTIVE SESSION

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Council went into Executive Session at approximately 6:50 p.m. and came out at approximately 7:32 p.m.
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- a. **Solid Waste Contracts** – Administrator will bring a report back regarding the contracts.
- b. **Contractual Matter** – Mr. Montgomery moved, seconded by Mr. Pearce, to grant the request to release the two requested parcels from the lien. The vote in favor was unanimous.

MOTION PERIOD

Approval of a motion to add the Renaissance Foundation and Black Expo to list of hospitality recipients in the hospitality ordinance [McEachern] – Mr. McEachern referred this item to the A&F committee.

On Premise Signs [McEachern] – Mr. McEachern requested that the Clerk of Council poll Council with possible dates in July for this work session to be held.

HR/Personnel Work Session [McEachern] – Mr. McEachern requested that the Clerk of Council poll Council with possible dates in July for this work session to be held.

Daycare & Nurseries in Communities [Dickerson] – Ms. Dickerson referred to the D&S Committee the possibility of regulating the number of daycares in communities.

Blythewood High School Track & Field Team Winning State Championship [McEachern/Dickerson] – Mr. McEachern moved, seconded by Ms. Dickerson, to adopt a resolution to recognize the Blythewood Track & Field Team on their State Championship. The vote in favor was unanimous.

Dr. Steele Resolution – Ms. Scott moved, seconded by Ms. Dickerson, to adopt a resolution for Dr. Charles Steele, Jr. The vote in favor was unanimous.

Community Care Facilities – Ms. Scott requested an update on the regulations regarding community care facilities.

New Employee Medical Insurance – Mr. Jackson referred to the A&F Committee the possibility of new employees paying a portion of the medical insurance premiums.

Report on Pending Motions – Mr. Jackson referred to the Rules & Appointments Committee a report on all motions that were made more than six months ago.

Fees and Licensing of Dump Sites – Mr. Jackson referred to the D&S Committee the possibility of imposing fees and licensing regulations on all businesses that store waste on site.

ADJOURNMENT

The meeting adjourned at approximately 7:51 p.m.

Joseph McEachern, Chair

Valerie Hutchinson, Vice-Chair

Joyce Dickerson

Norman Jackson

Damon Jeter

Paul Livingston

Bill Malinowski

Mike Montgomery

L. Gregory Pearce, Jr.

Bernice G. Scott

Kit Smith

The minutes were transcribed by Michelle M. Onley

**STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-08HR**

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 16, LICENSES AND MISCELLANEOUS BUSINESS REGULATIONS; ARTICLE 1, IN GENERAL, SO AS TO AMEND REQUIREMENTS PERTAINING TO SEXUALLY ORIENTED BUSINESSES, AND MAKE CLARIFICATIONS PERTAINING TO ALL BUSINESSES.

WHEREAS, sexually oriented businesses require special supervision from the public safety agencies of the County in order to protect and preserve the health, safety, and welfare of patrons of such businesses as well as citizens of the County; and

WHEREAS, upon review of numerous studies, case law, analyses, and observations, the County concludes that sexually oriented businesses, as a category of business, are associated with a wide variety of negative secondary effects, including but not limited to, personal and property crimes, tax evasion, public safety risks, prostitution, potential spread of disease, lewdness, public indecency, illicit sexual activity, illicit drug use and drug trafficking, adverse impacts on surrounding properties, litter, and sexual assault and exploitation; and

WHEREAS, the Richland County Council has a substantial government interest in minimizing and controlling these adverse effects and thereby protecting the health, safety and welfare of the citizenry; protect the citizens from crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods and deter the spread of urban blight; and

WHEREAS, the County's interest in regulating sexually oriented businesses extends to future secondary effects that could occur in the County related to current sexually oriented businesses as well as sexually oriented businesses that may locate in the County in the future; and

WHEREAS, the County recognizes its constitutional duty to interpret, construe, and amend its laws and ordinances to comply with constitutional requirements as they are announced; and

WHEREAS, it is not the intent of this ordinance to suppress any speech activities protected by the United States Constitution or the South Carolina Constitution, but to enact an ordinance to further the content-neutral governmental interests of the County, to wit, the controlling of secondary effects of sexually oriented businesses.

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

SECTION I. The Richland County Code of Ordinances, Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Sections 16-1 through 16-3 is hereby amended as follows:

Section 16-1. License Required.

- (1) — Every person engaged or intending to engage in any calling, business, occupation or profession, whether or not it is listed in the rate classification index portion of ~~this chapter~~ the Business License Fee Schedule, in whole or in part, within the unincorporated areas of the county is required to submit a completed application for a business license accompanied by the appropriate fees for the privilege of doing business in the county and to obtain a business license as herein provided, except those as noted in Section 16-7.
- (2) — ~~Any business holding a state occupational license or registering with the Secretary of State's Office listing an address in unincorporated Richland County creates a presumption of business conduct and thus requires the business to have a business license. Other State agencies, professional organizations, or County departments who have a record for the business listing an address in unincorporated Richland County also create a presumption of business conduct and requires the business to have a business license.~~

Section 16-2. Definitions.

The following words, terms, and phrases, when used in this article shall have the meaning ascribed herein, except where the context clearly indicates or requires a different meaning:

- (1) "*Business*" means a calling, occupation, profession or activity engaged in with the object of gain, benefit or advantage, either directly or indirectly. A charitable organization shall be deemed a business unless the entire proceeds of its operation are devoted to charitable purposes.
- (2) "*Charitable organization*" means a person:
 - (a) determined by the Internal Revenue Service to be a tax exempt organization pursuant to Section 501(c)(3) of the Internal Revenue Code; or
 - (b) that is or holds itself out to be established for any benevolent, social welfare, scientific, educational, environmental, philanthropic, humane, patriotic, public health, civic, or other eleemosynary purpose, or for the benefit of law enforcement personnel, firefighters, or other persons who protect the public safety; or

- (c) that employs a charitable appeal as the basis of solicitation or an appeal that suggests that there is a charitable purpose to a solicitation, or that solicits or obtains contributions solicited from the public for a charitable purpose.
- (3) “*Charitable purpose*” means a purpose described in Section 501(c)(3) of the Internal Revenue Code or a benevolent, social welfare, scientific, educational, environmental, philanthropic, humane, patriotic, public health, civic, or other eleemosynary objective, including an objective of an organization of law enforcement personnel, firefighters, or other persons who protect the public safety if a stated purpose of the solicitations includes a benefit to a person outside the actual service membership of the organization.
- (4) “*Classification*” means a division of businesses by major groups subject to the same license rate as determined by a calculated index of ability to pay based on national averages, benefits, equalization of tax burden, relationships of services, or other basis deemed appropriate by County Council.
- (5) “*Construction Manager*” means any self-employed individual, firm, partnership, corporation, or group which supervises or coordinates construction of any building, highway, sewer, grading, improvement, re-improvement, structure, or part thereof. Notwithstanding payment by fixed price, commission, fee, or wage, said “construction manager” shall be classified in the category of “construction contractors” for purposes of this article and shall pay a license fee based upon the total cost of the undertaking supervised or coordinated, except as otherwise exempted.
- (6) “*Contractor*” means any self-employed individual (not reporting income taxes on the IRS Form W2), firm, partnership, corporation, or group performing a service or providing a product subsequent to a contract signed by that party and another party.
- (7) “*County*” means the County of Richland.
- (8) “*Drinking Place*” means any business which obtains the majority, not necessarily at least 50.1%, of its gross income from the sale or provision of alcohol for onsite consumption.
- (89) “*Gross income*” means the total revenue of a business, received or accrued, for one (1) calendar or fiscal year, collected or to be collected by a business within the county, excepting there from business done wholly outside of the county on which a license fee is paid to some other county or a municipality and fully reported to Richland County.

Gross income for brokers or agents means gross commissions received or retained, unless otherwise specified. Gross income for business license fee purposes shall not include taxes collected for a governmental entity (such as sales

taxes), escrow funds, or funds that are the property of a third party. The value of bartered goods or trade-in merchandise shall be included in gross income. The gross income for business license purposes may be verified by inspection of returns and reports filed with the Internal Revenue Service, the South Carolina Department of Revenue, the South Carolina Department of Insurance, or other government agency.

(910) "*Gross receipts*" means the value proceeding or accruing from the sale of tangible personal property, including merchandise and commodities of any kind and character and all receipts, by the reason of any business engaged in, including interest, dividends, discounts, rentals of real estate or royalties, without any deduction on account of the cost of the property sold, the cost of the materials used, labor or service cost, interest paid, or any other expenses whatsoever, and without any deductions on account of losses.

(11) "*Insurance company*" refers to a businesses which meets the definition established in South Carolina Code of Laws, § 38-1-20, Definitions: an insurer defined as "any corporation, ... or aggregation of individuals engaging or proposing or attempting to engage as principals in any kind of insurance [defined as a "contract whereby one undertakes to indemnify another or pay a specified amount upon determinable contingencies"] or surety business, including the exchanging of reciprocal or interinsurance contracts between individuals, partnerships, and corporations", and does not meet the criteria for a health maintenance organization as covered by South Carolina Code of Laws, § 38-33-140(D).

(1012) "*License official*" means a county employee who is designated to administer this article, and/or his/her designee(s).

(1113) "*Person*" means any individual, firm, partnership, LLP, LLC, cooperative, nonprofit membership, corporation, joint venture, professional association, estate, trust, business trust, receiver, syndicate, holding company, or other group or combination acting as a unit, in the singular or plural, and the agent or employee having charge or control of a business in the absence of the principals.

(14) "*Sexually Oriented Business*" means a sexually oriented business as defined within Section 26-22 of the Richland County Code of Ordinances.

Section 16-3. General Purpose and Duration.

(1) The requirement of a business license levied by this article is for the purpose of assuring that a business conducted within unincorporated Richland County complies with all applicable State and County regulations and requirements in order to protect the health, safety and welfare of the citizens of the County providing such regulation as may be required by the businesses subject thereto

~~and for the purpose of raising revenue for the general fund through a privilege tax. Each license that is issued shall be valid for one calendar year, beginning on January 1 and expiring on December 31. This time period shall be considered a license year. The provisions of this article and the rates set out in this article shall remain in effect from year to year as amended by the County Council. Additionally, the requirement of a business license fee levied by this article serves to establish an excise tax for the privilege of doing business within unincorporated Richland County.~~

- (2) Each license that is issued shall be valid for one calendar year, beginning on January 1 and expiring on December 31. This time period shall be considered a license year. The provisions of this article and the rates set out in this article shall remain in effect from year to year as amended by the County Council.

SECTION II. The Richland County Code of Ordinances, Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Sections 16-6 through 16-7 is hereby amended as follows:

Section 16-6. Registration Required.

- (1) The owner, agent, or legal representative of every business subject to this article, whether listed in the classification index or not, shall register the business and make application for a business license on or before the due date of each year. A new business shall be required to have a business license prior to operation within any unincorporated area of the county.
- (2) Application shall be on a form provided by the License Official, which shall contain the Social Security Number and/or the Federal Employer's Identification Number, the South Carolina Retail License Number (if applicable), the business name as reported on the South Carolina income tax return, the business name as it appears to the public at the physical location, and all information about the applicant and the business deemed reasonably necessary appropriate to carry out the purpose of this article by the License Official. Applicants may be required to submit copies of portions of state and federal income tax returns reflecting gross income figures.
- (3) The applicant shall certify ~~under oath~~ that the information given in the application is true, that the gross income is accurately reported, or estimated for a new business, without any unauthorized deductions, that all funds due to the County have been paid, and that all other licenses and permits required by the County or State to do business in the County have been obtained.
- (4) No business license shall be issued until the applicant ~~satisfies all indebtedness to the County,~~ has obtained all other licenses and/or permits required by the County or State to do business in the County, ~~have been obtained, first submits documents necessary to establish compliance with Richland County Zoning Ordinance,~~

Building Code, Electrical Code, Mechanical Code, Plumbing Code, Roofing Code and other regulatory Codes as adopted by the County Council and paid in full any associated license and permit fees or business-related fees and taxes, including any late fees or penalties.

- ~~(5)~~ As a prerequisite to submittal of a business license application, the premises and real property to be used as a business must be in compliance with all applicable state and local health, fire, zoning and building codes or regulations. The applicant must submit to the License Official any documentation in the possession of the applicant or that can be reasonably obtained by the applicant that shows that the premises is currently in compliance with the Richland County Zoning Ordinance, Building Code, Electrical Code, Mechanical Code, Plumbing Code, Roofing Code and other applicable regulatory Codes as adopted by the County Council.

The License Official may provide a form on which compliance shall be certified by the officials administering the aforementioned codes or regulations. In the event that such a compliance form is used, the applicable aforementioned officials shall determine compliance with their respective codes or regulations and inform the License Official of their determination within thirty (30) calendar days from the earliest date of receipt of the compliance form by any one of the health, fire, zoning and building officials.

If the License Official does not receive a particular determination of compliance from an official administering the aforementioned codes and regulations on or before this thirty-day time period, that compliance determination not received by the License Official shall be deemed approved. All other compliance determinations received before the thirty-day period expires shall be unaffected by any other compliance determination that fails to meet the thirty-day time period.

- ~~(56)~~ Insurance agents and brokers shall report the name of each insurance company for which a policy was issued and the total premiums collected for each company for each type of insurance coverage on a form approved by the License Official. An insurance agent not employed by an insurance company or employed by more than one insurance company shall be licensed as a broker.
- ~~(67)~~ Fireworks Sales: Any establishment desiring to sell fireworks must first acquire the Annual State Board of Pyrotechnic Safety License and must meet all regulations pursuant to the provisions of Regulation 19-405, S.C. Code of Laws for 1976. Prior approval of the Richland County Sheriff's Department is required as governed by regulations of the State Fire Marshal pursuant to the 1976 Code, Chapter 9 of Title 23, and Chapter 43 of Title 39, governing the transportation and use of pyrotechnics.

- (78) Miscellaneous Sales (Antique Malls, Flea Markets or Leased Space Sales): Any person leasing space for the sale of merchandise from an established business shall be required to have a business license, whether or not the sales are made through a central cash register. Furthermore, it shall be the responsibility of the ~~lesor~~ lessor of the spaces to advise the business license office of persons leasing space.

Section 16-7, Deductions, Exemptions, Charitable Organizations, and Determination of Classification

- (1) No deductions from gross income shall be made except income from business done wholly outside of the county jurisdiction on which a license fee is paid to another county or to any municipality, taxes collected for a governmental entity, or income which cannot be taxed pursuant to State or Federal law. The applicant shall have the burden to establish the right to deduction by satisfactory records and proof by including with the business license application, either new or renewing, a separate itemized list showing all deductions claimed, or no deductions will be allowed. Deductions will be approved as authorized by this section.
- (2) (a) No person shall be exempt from the requirements of this article by reason of the lack of an established place of business within the County, unless exempted by State or Federal law. ~~No person shall be exempt from this article by reason of the payment of any other tax or fee, unless exempted by State law, and no person shall be relieved of the liability for the payment of any other tax or fee by reason of the application of this article. The following businesses, occupations or professions are exempt from the requirements of this article:~~
1. Teachers;
 2. Ministers, pastors, preachers, rabbis and other leaders of commonly recognized religious faiths;
 3. Telephone, telegraph, gas and electric and other utilities or providers regulated by the South Carolina Public Service Commission;
 4. Insurance companies; and
 5. An entity which is exempt from license tax under any state law other than South Carolina Code of Laws, § 4-9-30(12), or a subsidiary or affiliate of any such exempt entity.
- (b) No person shall be exempt from this article by reason of the payment of any other tax or fee, unless exempted by State law, and no person shall be relieved of the liability for the payment of any other tax or fee by reason of the application of this article.
- (3) In lieu of the license required by Section 16-1, a participant in a single annual event of not more than ten consecutive calendar days in length may be issued a permit at the rate of \$10.00 on gross income on the first \$10,000.00 \$2,000 and \$1.20 on each additional

\$1,000.00 of gross income or fraction thereof. This permit will be valid only for the time period specified thereon and can be obtained for no more than one event annually. Organizers of such events may pay for and obtain a business license on behalf on all its vendors at a rate of \$10 per vendor or on the previous year's income generated by the event based upon the rate above, whichever is greater.

Inspections prior to the issuance of a permit may be waived. Inspections may be conducted during the event. For purposes of this subsection, an event is defined as participation by a group of exhibitors or others where displays are established in individual booths or stalls for the purpose of presenting to the audience goods, wares, merchandise or services offered for sale, rent or promotional purposes or for the general good will of the exhibitors. An event may be a trade show, an antique show, a craft show, or any other type of show fitting this definition.

- (4) Notwithstanding any provision to the contrary, businesses and individuals defined as "contractor" herein shall be exempt from the provisions of this article in the following manner:

The business license fee shall be reduced by excluding that portion of the business' gross income generated from work done for which a Richland County building permit was obtained and a building permit fee paid (by either the general contractor or subcontractor responsible for that work), pursuant to the provisions of Section 6-51 of the Richland County Code of Ordinances.

If all income of a contractor is generated from work done for which a building permit fee is paid (by either the general contractor or subcontractor responsible for that work), said contractor shall be exempt from paying any business license fee. Such an exempt contractor shall still submit a business license application by the deadline with documentation attached establishing such contractor's right to an exemption.

Income generated from work done for which a Richland County building permit is not required, such as general repairs, shall be subject to a business license fee on that income.

- (5) Charitable organizations which have exemptions from state and federal income taxes and/or are 501(c)(3) organizations according to the IRS Tax Code and where all proceeds are devoted to charitable purposes are exempt from a business license fee. Documentation of the claim to this exemption must be provided.
- (6) The provisions of this article shall not extend to persons who grow their own agricultural produce or products, and use the Columbia State Farmers' Market, or other farmers' markets officially recognized by the County, to sell their produce directly to consumers.
- (7) The License Official shall determine the appropriate classification for each business.

SECTION III. The Richland County Code of Ordinances, Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Sections 16-10 is hereby amended as follows:

Section 16-10, Administration, Enforcement.

- (1) The License Official shall administer the provisions of this article, collect license fees, issue licenses, make or initiate investigations and audits to ensure compliance, initiate denial or revocation procedures, report violations to the appropriate department, and assist in prosecution of violators, produce forms, make reasonable regulations relating to the administration of this article, and perform such other duties as may be assigned by the County Administrator.
- (2) The Planning and Development Services Department, Building Codes and Inspections Department, Fire Marshal's Office, and Sheriff's Department, in addition to the License Official, are hereby empowered to make or initiate investigations to ensure compliance with the provisions of this article and to initiate prosecution of violations.

SECTION IV. The Richland County Code of Ordinances, Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Sections 16-13 is hereby amended as follows:

Section 16-13, Delinquent License Fees, Partial Payment.

- (1) A license fee shall be considered delinquent if all or any part of such fee has not been paid on or before March 15 of each calendar year. Businesses providing business license payments by the deadline but which have: a) indebtedness to the County, or b) have not yet obtained other necessary permits or licenses, or c) have not met other requirements necessary to obtain a business license, as specified in Section 16-6, shall accrue penalties until the indebtedness is cleared, the permits or licenses obtained, or met the other requirements necessary to obtain a business license, at which time the business license application processing may continue.
- (2) Partial payment may be accepted by the License Official to toll imposition of penalties as authorized in Section 16-22 on the portion paid; provided, however, no business license shall be issued or renewed until the full amount of the balance due, with penalties, has been paid.

SECTION V. The Richland County Code of Ordinances, Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Sections 16-15 through 16-21 is hereby amended as follows:

Section 16-15. Denial of License.

- (1) The License Official ~~may~~ shall deny a license to an applicant ~~when~~ if:
 - (a) the application is incomplete;
 - (b) the application contains a misrepresentation, false or misleading statement, evasion or suppression of a material fact;

- (c) the applicant has given a bad check or tendered illegal consideration for any license fee;
- (d) within five years from the date of application, the applicant has been convicted of or pled guilty or nolo contendere any crime(s) or offense(s) under a law or article regulating or relating to business, a crime involving moral turpitude, or an unlawful sale of merchandise or prohibited goods; South Carolina Code of Laws, Title 16, Crimes and Offenses, Chapter 13, Forgery, Larceny, Embezzlement, False Pretenses and Cheats; Chapter 14, the Financial Transaction Card Crime Act; or South Carolina Code of Laws, § 39-15-1190, Sale of Goods or Services with a Counterfeit Mark; or the same crime or offense in another jurisdiction;
- ~~(e) the applicant has been convicted of engaging in an unlawful activity or nuisance related to the business;~~
- (e) the premises and parcel of real property to be used for the business activity for which a license is sought is not in compliance with applicable state and/or local health, fire, zoning, and building codes and regulations.
- (f) the business activity for which a license is sought ~~by a business~~ is unlawful ~~or constitutes a public nuisance per se; or~~
- ~~(g) the business, regardless of ownership, has proven to be a public nuisance; or~~
- (g) the business constitutes a public nuisance as determined by a court of law.
- ~~(h) the business owner has proven to be a public nuisance.~~

A decision of the License Official shall be subject to appeal to the Business Service Center Appeals Board as herein provided. Denial shall be written with reasons stated.

Section 16-16. Sexually Oriented Businesses, Drinking Places, or other similar establishments.

- ~~(1) No license to operate a sexually oriented business, drinking place, or other similar establishment shall be issued to, or in the name of, a corporation, association, or a trade name as such. Any application for a corporation, association, or trade name shall be made by the officers for its use, and such officers shall identify in the application the name by which the business will be operated. In addition, such officers in making an application shall be held to assume all responsibility there under as individuals, and shall be subject to all the provisions and penalties set forth herein or in any other article of the Richland County Code of Ordinances.~~

- ~~(2) No person shall be eligible for such license if he/she or the person who will have actual control and management of the business proposed to be operated:~~
- ~~(a) is a minor;~~
 - ~~(b) is not of good repute, as evidenced by a background check or by conducting a reference check with law enforcement agencies; or~~
 - ~~(c) has had a license revoked or denied under the provisions of this article within a three-year period immediately preceding the filing of the application.~~
- ~~(3) Applicants for businesses herein described, in addition to the license application(s) required under Section 16-1 of this article, shall complete a sworn, notarized statement on a form prepared by the License Official for the purpose of establishing his/her qualifications to operate a business identified in this section. The owner(s) of the premises whereon such business is proposed to be located shall signify their consent to the application by signing and notarizing the form in an appropriate place provided therein or on a separate form established for this purpose.~~
- ~~(4) Owners of sexually oriented businesses and/or drinking establishments are responsible for ensuring all their contractors have current, valid business licenses and maintain a list of their current contractors' names, business license numbers, and a copy of a photo ID for each contractor on file.~~
- (1) No license to operate a drinking place shall be issued to, or in the name of, a corporation, association, or a trade name as such. Any application for a corporation, association, or trade name shall be made by the officers for its use, and such officers shall identify in the application the name by which the business will be operated. In addition, such officers in making an application shall be held to assume all responsibility there under as individuals, and shall be subject to all the provisions and penalties set forth herein or in any other article of the Richland County Code of Ordinances.
- (2) In addition to the reasons for denial of a license set forth in Section 16-15 of this article, the License Official shall deny a business license to an applicant for a Drinking Place if the applicant or an agent of such applicant who has or will have actual authority to control and manage the business proposed to be operated:
- (a) is a minor;
 - (b) has had an alcohol liquor license issued in the name of the applicant or other officer pursuant to South Carolina Code of Laws, § 61-6-10 et seq. suspended, revoked, or not renewed within a two-year period immediately preceding the filing of the application; or

(c) has had a business license revoked or denied under the provisions of this article within a three-year period immediately preceding the filing of the application.

Section 16-17. Sexually Oriented Businesses.

- (1) The purpose of this section is to regulate sexually oriented businesses in order to promote the health, safety, and general welfare of the citizens of Richland County, and to establish reasonable and uniform regulations to prevent or reduce to any extent the deleterious secondary effects of sexually oriented businesses within the County. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of or reasonable access to any communicative materials or expression. Similarly, it is neither the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials or expression protected by the First amendment of the United States Constitution, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution or exhibition of obscenity.
- (2) Based on evidence of the adverse secondary effects of sexually oriented businesses presented in hearings and reports made available to the Richland County Council, and on the findings, interpretations, and narrowing constructions incorporated in the cases of *City of Littleton v. Z.J. Gifts D-4, LLC*, 124 S. Ct. 2219 (2003); *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *Pap's A.M. v. City of Erie*, 529 U.S. 277 (2000); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 427 U.S. 50 (1976); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *California v. LaRue*, 409 U.S. 109 (1972); *Chesapeake B & M, Inc. v. Harford County*, 58 F.3d 1005 (4th Cir. 1995); *Giovani Carandola, Ltd. v. Fox*, 470 F.3d 1074 (4th Cir. 2006); *Centaur v. Richland County*, 392 S.E.2d 165 (S.C. 1990); *U.S. v. Pendergrass*, Petition to Enter a Ple of Guilty and Plea Agreement on the Charge of Tax Evasion (3:06-00147, M.D. Tenn. 2007); and other cases; and on reports of secondary effects occurring in and around sexually oriented businesses, including, but not limited to, Phoenix, Arizona (1979); Minneapolis, Minnesota (1980); Houston, Texas (1987); Indianapolis, Indiana (1984); Amarillo, Texas (1977); Garden Grove, California (1991); Los Angeles, California (1977); Whittier, California (1978); Austin, Texas (1986); Seattle, Washington (1989); Oklahoma City, Oklahoma (1986); El Paso, Texas (1986); New York City, New York (1994); Dallas, Texas (1997); Newport News, Virginia (1996); New York Times Square Study (1994); Phoenix, Arizona (1995-1998); Greensboro, North Carolina (2003); Toledo, Ohio (2002); Centralia, Washington 2004; Greensboro, North Carolina (2003); and also from the reports of "Sexually Oriented Businesses: An Insider's View," by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, January 12, 2000; "Survey of Appraisers Fort Worth & Dallas, Effects of Land Uses on Surrounding

Property Values.” by Duncan Associates, September 2004; and the Report of the Attorney General’s Working Group on the Regulation of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota), the Richland County Council finds:

- (a) Sexually oriented businesses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, tax evasion, public safety risks, prostitution, potential spread of disease, lewdness, public indecency, illicit sexual activity, illicit drug use and drug trafficking, , negative impacts on surrounding properties, litter, and sexual assault and exploitation.
- (b) Each of the foregoing negative secondary effects constitutes a harm which the County has a substantial government interest in preventing and/or abating in the future. This substantial government interest in preventing secondary effects, which is the County’s rationale for this ordinance, exists independent of any comparative analysis between sexually oriented and non-sexually oriented businesses. Additionally, the County’s interest in regulating sexually oriented businesses extends to future secondary effects that could occur in the County related to current sexually oriented businesses in the future as well as sexually oriented businesses that may locate in the County in the future. The County finds that the cases and secondary effects documentation relied on in this ordinance are reasonably believed to be relevant to said secondary effects.
- (3) No license to operate a sexually oriented business shall be issued to, or in the name of, a corporation, association, or a trade name as such. Any application for a corporation, association, or trade name shall be made by the officers for its use, and such officers shall identify in the application the name by which the business will be operated. In addition, such officers in making an application shall be held to assume all responsibility there under as individuals, and shall be subject to all the provisions and penalties set forth herein or in any other article of the Richland County Code of Ordinances.
- (4) During the time in which an application for a pre-existing Sexually Oriented Business is pending, the applicant may continue its business activity and shall not be subject to citations for violations of any provision of this article, nor any enforcement proceedings pursuant to this article or Section 1-8 of this Code of Ordinances.
- (5) The License Official shall approve or deny an application for a license for a Sexually Oriented Business within thirty days (30) calendar days from the date of receipt of the application. If the License Official fails to either approve or deny the application within thirty calendar days, then the application shall be deemed

approved and business activity may begin or continue immediately, notwithstanding the fact that no license has been issued.

(6) In addition to the reasons for denial of a license set forth in Section 16-15 of this article, the License Official shall deny a business license to an applicant for a Sexually Oriented Business if the applicant or an agent of such applicant who has or will have actual authority to control and manage the business proposed to be operated:

(a) is under the age of eighteen;

(b) within five years of the date of application, has been convicted of or pled guilty or nolo contendere to any of the following crimes: South Carolina Code of Laws, § 16-15-90, § 16-15-100, § 16-15-305, § 16-15-325, § 16-15-335, § 16-15-342, § 16-15-345, § 16-15-355, § 16-15-365, § 16-15-385, § 16-15-387, § 16-15-395, § 16-15-405, § 16-15-410, § 16-15-415, or § 16-15-425, or of the same crime in any other jurisdiction.

(7) Applicants for a Sexually Oriented Business herein described, in addition to the license application(s) required under Section 16-1 of this article, shall complete a sworn, notarized statement on a form prepared by the License Official for the purpose of establishing his/her qualifications to operate a business identified in this section.

(8) Owners of sexually oriented businesses are responsible for ensuring all their contractors have current, valid business licenses and maintain a list of their current contractors' names, business license numbers, and a copy of a photo ID for each contractor on file.

Section 16-18. Revocation of License.

When the License Official determines that:

- (a) a license has been mistakenly or improperly issued or issued contrary to law; or
- (b) a licensee has breached any condition upon which the license was issued or has failed to comply with any provision of this article; or
- (c) a licensee has obtained a license through a fraud, misrepresentation, a false or misleading statement, evasion or suppression of a material fact in the license application; ~~or has given a bad check or tendered illegal consideration for any license fee; or~~
- (d) has given a bad check or tendered illegal consideration for any license fee;
or

- ~~(d) — a licensee has been convicted of an offense under a law or article regulating or relating to business, a crime involving moral turpitude, or an unlawful sale of merchandise or prohibited goods; or~~
- ~~(e) — a licensee has been convicted of engaging in an unlawful activity or nuisance related to the business; or~~
- (e) the business activity for which a license was obtained has proven to be a public nuisance as determined by a court of law ~~per se~~; or
- (f) the business, ~~regardless of ownership~~, has proven to be a public nuisance as determined by a court of law; ~~or~~
- (h) — The business owner has proven to be a public nuisance;

~~the License Official shall give written notice to the licensee or the person in control of the business within the County by personal service or certified mail that the license is suspended pending a hearing before the Business Service Center Appeals Board for the purpose of determining whether the license should be revoked. The notice shall state the time and place at which the hearing is to be held, which shall be within thirty (30) days from the date of service of the notice, or as soon as reasonably possible. The notice shall contain a brief statement of the reasons for suspension and proposed revocation and a copy of the applicable provisions of this article.~~

the License Official shall give written notice of intent to revoke to the licensee or the person in control of the business within the County by personal service or certified mail stating the License Official's basis for revocation and setting forth a date and time for a hearing before the Business Service Center Appeals Board for the purpose of determining whether the license should be revoked. The hearing shall be held within thirty (30) days from the date of service of the notice. A licensee who received proper notice yet fails to appear or defend at the revocation hearing waives his or her right to contest the revocation.

Section 16-19. Appeals.

- (1) Any person aggrieved by a final assessment, charge backs from an audit, or a revocation or a denial of a business license by the License Official wishing to appeal ~~may~~ must first file a written appeal with the License Official for decision by the Business Service Center Appeals Board. The License Official is authorized to reject an appeal for failure to comply with the requirements of this subsection. The following requirements for submission of an appeal must be strictly complied with:
 - a. The appeal must be in writing and state the reasons for the appeal.
 - b. The appeal shall be filed with the License Official within ten calendar (10) days after the payment of all applicable fees and penalties, or within ten calendar days after notification of an assessment, charge-backs of an audit, or notice of denial or revocation is received.

- c. The written notice of appeal must be accompanied by an administrative fee (which shall be determined by the License Official) that will be used to partially defray the costs incurred in connection with the administration of appeals. Payment under protest of all applicable fees and penalties, an assessment, or audit charge backs shall be a condition precedent to appeal. The fee will be refunded in the event of final resolution of the appeal in favor of the appellant.
- (2) An appeal or a hearing on revocation shall be held by the Appeals Board within thirty (30) calendar days, ~~or as soon as reasonably possible~~, after receipt of a request for appeal or service of notice of suspension. The applicant or licensee shall be given written notice as to the date and time of the meeting. At the meeting, all parties have the right to be represented by counsel, and to present testimony and evidence, ~~and to cross-examine witnesses~~. The proceedings shall be recorded and transcribed at the expense of the party so requesting. The rules of evidence and procedure prescribed by the Board shall govern the hearing.

The Board shall, by majority vote of members present, render a written decision based upon findings of fact and the application of the standards herein which shall be served upon all parties or their representatives within fifteen (15) calendar days, ~~or as soon as reasonably possible~~, after the hearing. The decision of the Board shall be final unless appealed to County Council within ten (10) calendar days after service of the Board's decision. County Council shall review the record and without further hearing affirm, modify, or deny the appeal in the event of an error of fact by the Board. The decision of Council shall be final unless appealed to a court of competent jurisdiction within ten (10) calendar days after service of the County Council's decision.

Section 16-20. Consent, Franchise or Business License Fee Required.

The annual fee for use of streets or public places authorized by a consent agreement or franchise agreement shall be set pursuant to the agreement, and shall be consistent with limits set by State law. Existing franchise agreements shall continue in effect until expiration dates in the agreements. Franchise and consent fees shall not be in lieu of or be credited against business license fees unless specifically provided by the franchise or consent agreement.

Section 16-21. Confidentiality.

Except in accordance with proper judicial order, pursuant to an appeal, or as otherwise provided by law, it shall be unlawful for any official or employee to divulge or make known in any manner the amount of income or any particulars set forth or disclosed in any report or return required under this article. Nothing in this section shall be construed to prohibit the publication of statistics so classified as to prevent the identification of particular reports or returns.

SECTION VI. The Richland County Code of Ordinances, Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; is hereby amended as follows:

Section 16-22. Criminal and Civil Penalties, Injunctive Relief.

- a. Criminal Penalty. Any person violating any provision of this article shall be deemed guilty of a misdemeanor and upon conviction shall be subject to punishment under the general penalty provisions of Section 1-8 of this Code of Ordinances: that is, shall be subject to a fine of up to \$500.00 or imprisonment for not more than thirty (30) days or both. Each day of violation shall be considered a separate offense. Punishment for violation shall not relieve the offender of liability for delinquent fees, penalties, and costs provided for herein.
- b. Civil Penalty. For non-payment of all or any part of the license fee, the License Official shall levy and collect a penalty of five (5%) percent of the unpaid fee for each month or portion thereof after the due date until paid. Penalties shall not be waived.
- c. Injunctive Relief. The County may seek injunctive relief in a court of competent jurisdiction as a means of enforcing the provisions of this article.

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

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

SECTION IX. Effective Date. All sections of this ordinance shall be effective on and after _____, 2008.

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST THIS THE ____ DAY

OF _____, 2008

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

Approved As To LEGAL Form Only

No Opinion Rendered As To Content

First Reading:	February 4, 2008
Second Reading:	February 19, 2008
Public Hearing:	March 4, 2008
Third Reading:	June 3, 2008

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-08HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE VI, SUPPLEMENTAL USE STANDARDS; SECTION 26-151, PERMITTED USES WITH SPECIAL REQUIREMENTS; SUBSECTION (C), STANDARDS; PARAGRAPH (66), SEXUALLY ORIENTED BUSINESSES; SO AS TO AMEND REQUIREMENTS PERTAINING TO SEXUALLY ORIENTED BUSINESSES.

WHEREAS, sexually oriented businesses require special supervision from the public safety agencies of the County in order to protect and preserve the health, safety, and welfare of patrons of such businesses as well as citizens of the County; and

WHEREAS, upon review of numerous studies, case law, analyses, and observations, the County concludes that sexually oriented businesses, as a category of business, are associated with a wide variety of negative secondary effects, including but not limited to, personal and property crimes, public safety risks, prostitution, potential spread of disease, lewdness, public indecency, illicit sexual activity, illicit drug use and drug trafficking, adverse impacts on surrounding properties, litter, and sexual assault and exploitation; and

WHEREAS, the Richland County Council has a substantial government interest in minimizing and controlling these adverse effects and thereby protecting the health, safety and welfare of the citizenry; protect the citizens from crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods and deter the spread of urban blight; and

WHEREAS, the County's interest in regulating sexually oriented businesses extends to future secondary effects that could occur in the County related to current sexually oriented businesses as well as sexually oriented businesses that may locate in the County in the future; and

WHEREAS, the County recognizes its constitutional duty to interpret, construe, and amend its laws and ordinances to comply with constitutional requirements as they are announced; and

WHEREAS, it is not the intent of this ordinance to suppress any speech activities protected by the United States Constitution or the South Carolina Constitution, but to enact an ordinance to further the content-neutral governmental interests of the County, to wit, the controlling of secondary effects of sexually oriented businesses.

WHEREAS, the secondary effects information discussed herein is in addition to secondary effects information compiled and considered by the Richland County Council when it

adopted Ordinance 1609-87 HR, which became the original Sexually Oriented Business Ordinance, and subsequent amendments thereto; and

WHEREAS, the Richland County Council finds that documents and public comments in that original legislative record for Ordinance 1609-87HR, as well as the secondary effects information identified in this ordinance, provide legislative support for the original Sexually Oriented Business Ordinance.

Pursuant to the authority 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 26, Land Development; Article 11, Rules of Construction/Definitions; Section 26-22, Definitions; is hereby amended by the deletion of the definition of "Sexually Oriented Business" and the substitution of the following language:

Sexually Oriented Business. An adult arcade, adult bookstore, adult video store, adult cabaret, adult motel, adult motion picture theater, ~~escort agency~~, sexual device shop, or sexual encounter center. As used in this chapter, the following definitions shall apply to such businesses:

- (a) *Adult Arcade.* Any place where the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are characterized by the depicting or describing of specified sexual activities or specified anatomical areas.
- (b) *Adult Bookstore or Adult Video Store.* A commercial establishment which, as one of its principal business purposes, offers for sale or rental (for any form of consideration) ~~any one (1) or more of the following:~~ adult media.
 - ~~(1) Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations, which depict or describe specified sexual activities or specified anatomical areas; or~~
 - ~~(2) Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing specified sexual activities or specified anatomical areas and still be categorized as an adult bookstore or adult video store. Such other business purposes will not serve to exempt such commercial establishment from being categorized as an~~

adult bookstore or adult video store so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe specified sexual activities or specified anatomical areas.

(1) As used in this definition, "principal business purpose or purposes" means the commercial establishment has a substantial portion of its displayed merchandise which consists of said items; or has a substantial portion of the wholesale value of its displayed merchandise which consists of said items; has a substantial portion of the retail value of its displayed merchandise which consists of said items; or derives a substantial portion of its revenues from the sale or rental, for any form of consideration, of said items; or maintains a substantial section of its interior business space for the sale or rental of said items.

(2) As used in this definition, "substantial" means twenty-five percent (25%) or more.

(c) *Adult Cabaret.* A nightclub, bar, restaurant, or similar commercial establishment, which regularly features, regardless of whether alcoholic beverages are served,

persons who appear in a state of nudity or semi-nudity.

(d) *Adult Media.* Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, videocassettes or compact discs, digital video discs, video reproductions, slides, or other visual representations, which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas.

(e) *Adult Motel.* A hotel, motel, or similar commercial establishment that:

(1) Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, slides, compact discs, digital video discs, video reproductions or similar photographic reproductions that are characterized by the depiction or description of specified sexual activities or specified anatomical areas; and

advertises the availability of such material by means of a sign visible from the public right-of-way, or by means of any on or off-premises advertising, including, but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television; or

(2) Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or

- (3) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.
- (f) *Adult Motion Picture Theater.* A commercial establishment ~~that where~~, for any form of consideration, exhibits or shows films, motion pictures, videocassettes, slides, compact discs, digital video discs, video reproductions, or similar photographic reproductions that are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas ~~are regularly shown to more than five (5) persons.~~
- ~~(g) *Characterized By.* To describe the essential character or quality of an item, activity, or thing. As applied in this ordinance, no business shall be classified as a sexually oriented business by virtue of showing, selling or renting materials rated NC-17 or R by the Motion Picture Association of America.~~
- ~~(h) *Child Care Facility.* A facility as defined in S.C. Code Ann. § 20-7-2700(b).~~
- ~~(gf) *Escort.* A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.~~
- ~~(hg) *Escort agency.* A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.~~
- (i) *Establish or Establishment of a Sexually Oriented Business.* Any of the following:
- (1) The opening or commencement of any sexually oriented business as a new business;
 - (2) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
 - (3) The addition of another type(s) of sexually oriented business to any other existing sexually oriented business, such as the addition of an adult video store to an existing sexual device shop; or
 - (4) The relocation of any sexually oriented business.
- ~~(j) *Nude Model Studio.* Any place where a person who appears in a state of nudity or displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. This definition shall not include a~~

~~modeling class operated by a proprietary school licensed by the State of South Carolina, or by a college, junior college, or university in a structure that has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing and where, in order to participate in a class, a student must enroll at least three (3) days in advance of the class. In these situations, no more than one (1) nude model may be present at any one time.~~

- (j) ~~*Nude or a State of Nudity.* The appearance of a person's genitals, pubic area, vulva, anus, anal cleft or cleavage of the buttocks, including the portion of the buttocks within four (4) inches on either side of a vertical line extending upward from the anus, or any simulation thereof; or any portion of a female breast below a horizontal line across the top of the areola at its highest point, or any simulation thereof. This definition shall include the entire lower portion of the female breast. The showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering; or the showing of the female breast with less than a fully opaque covering of any part of the nipple and areola. This definition shall not include the act of a female breast-feeding a child in a public place; nor to infants or toddlers in a public place, nor to exposure of the human female breasts above a horizontal line across the top of the areola exhibited by a dress, blouse, shirt or other similar wearing apparel; nor to exposure of cleavage of the human female breasts exhibited by a dress, blouse, shirt, or similar wearing apparel.~~
- ~~(i) *Permittee and/or licensee.* A person in whose name a permit and/or license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a permit and/or license.~~
- ~~(k) *Person.* An individual, proprietorship, partnership, corporation, association, or other legal entity.~~
- ~~(l) *Premises.* The real property upon which the sexually oriented business is located, and all appurtenances thereto and buildings thereon, including, but not limited to, the sexually oriented business structure, the grounds, private walkways, and parking areas under the ownership, control, or supervision of the sexually oriented business.~~
- ~~(m) *Regularly.* The consistent and repeated doing of the act so described.~~
- ~~(n) *Semi-nude.* A state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices. The showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at that point; or the showing of a majority of the male or female buttocks.~~

~~This definition shall not include the act of a female breast-feeding a child in a public place; nor to infants or toddlers in a public place, nor to exposure of the human female breasts above a horizontal line across the top of the areola~~

exhibited by a dress, blouse, shirt or other similar wearing apparel; nor to exposure of cleavage of the human female breasts exhibited by a dress, blouse, shirt, or similar wearing apparel.

(o) Sex Shop. A commercial establishment that offers for sale:

- 1) Any two of the following categories: 1) adult media, 2) lingerie; or 3) sexual devices; and combination thereof constitutes more than ten percent (10%) of its stock in trade or occupies more than ten percent (10%) of its interior business space.
- 2) More than five percent (5%) of its stock in trade consists of sexual devices; or
- 3) More than five percent (5%) of its interior business space is used for the display of sexual devices.
- 4) Nothing in this definition shall be construed to include any pharmacy, drug store, medical clinic, or any establishment primarily dedicated to providing medical or healthcare products or services.

(p) Sexual Device. Any three (3) dimensional object designed and marketed for stimulation of the male or female human genital organ or anus, or for sadomasochistic use or abuse of oneself or others, and shall include devices such as dildos, vibrators, penis pumps, and physical representations of the human genital organs. Nothing in this definition shall be construed to include devices primarily intended for protection against sexually transmitted diseases or preventing pregnancy.

(ng) Sexual Encounter Center. A business or commercial enterprise that regularly offers, for any form of consideration; physical contact in the form of wrestling or tumbling between persons when one or more of the persons is semi-nude or nude.

- 1) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- 2) Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

(or) Specified Anatomical Areas. The male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals. The human genitals, pubic region, buttocks; the female breast below a point immediately above the top of the areola; or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(ps) Specified Sexual Activities. Any of the following:

- (1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;

- (2) ~~Sex acts, normal or perverted, Actual or simulated including intercourse, oral copulation, and/or sodomy; intercourse, oral copulation, masturbation or sodomy; or~~
- (3) ~~Masturbation, actual or simulated; or~~
- (34) Excretory functions as part of or in connection with any of the activities set forth in subsection (1) through (23) of this definition above.

~~(t) Viewing Room. A room, booth, or other enclosed or partially enclosed area where a patron or patrons of a sexually oriented business would ordinarily be positioned while watching adult media or live entertainment.~~

SECTION II. The Richland County Code of Ordinances; Chapter 26, Land Development; Article VI, Supplemental Use Standards; Section 26-151, Permitted Uses with Special Requirements; Subsection (c), Standards; Paragraph (66), Sexually Oriented Businesses, is hereby amended by the deletion of the language contained therein and the substitution of the following language:

(66) *Sexually oriented businesses.*

a. *Use districts: ~~General Commercial~~, General Commercial and Heavy Industrial*

b. *Purpose and Findings:*

1. ~~It is the purpose of this subsection is to regulate sexually oriented businesses in order to promote the health, safety, morals, and general welfare of the citizens of Richland County. Furthermore, the purpose of these regulations is and to establish reasonable and uniform regulations to prevent or reduce to any extent the continued deleterious location and concentration secondary effects of sexually oriented businesses within the County.~~ The provisions of this subsection have neither the purpose nor the effect of imposing a limitation or restriction on the content of or reasonable access to any communicative materials, ~~including sexually oriented materials or expression~~. Similarly, it is ~~not~~ neither the intent nor effect of these regulations to restrict or deny access by adults to sexually oriented materials or expression protected by the First Amendment of the United States Constitution, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this subsection to condone or legitimize the distribution or exhibition of obscenity ~~obscene material~~.

2. Based on evidence of the adverse secondary effects of sexually oriented businesses presented in hearings and reports made available to the Richland County Council, and on the findings, interpretations, and narrowing

constructions incorporated in the cases of *City of Littleton v. Z.J. Gifts D-4, LLC*, 124 S. Ct. 2219 (2003); *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *Pap's A.M. v. City of Erie*, 529 U.S. 277 (2000); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 427 U.S. 50 (1976); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *California v. LaRue*, 409 U.S. 109 (1972); *Chesapeake B & M, Inc. v. Harford County*, 58 F.3d 1005 (4th Cir. 1995); *Giovani Carandola, Ltd. v. Fox*, 470 F.3d 1074 (4th Cir. 2006); *Centaur v. Richland County*, 392 S.E.2d 165 (S.C. 1990); and other cases; and on reports of secondary effects occurring in and around sexually oriented businesses, including, but not limited to, Phoenix, Arizona (1979); Minneapolis, Minnesota (1980); Houston, Texas (1987); Indianapolis, Indiana (1984); Amarillo, Texas (1977); Garden Grove, California (1991); Los Angeles, California (1977); Whittier, California (1978); Austin, Texas (1986); Seattle, Washington (1989); Oklahoma City, Oklahoma (1986); El Paso, Texas (1986); New York City, New York (1994); Dallas, Texas (1997); Newport News, Virginia (1996); New York Times Square Study (1994); Phoenix, Arizona (1995-1998); Greensboro, North Carolina (2003); Toledo, Ohio (2002); Centralia, Washington (2004); and also from the reports of "Sexually Oriented Businesses: An Insider's View," by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, January 12, 2000; "Survey of Appraisers Fort Worth & Dallas, Effects of Land Uses on Surrounding Property Values, by Duncan Associates, September 2004; and the Report of the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota), the Richland County Council finds:

- (a) Sexually oriented businesses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, public safety risks, prostitution, potential spread of disease, lewdness, public indecency, illicit sexual activity, illicit drug use and drug trafficking, negative impacts on surrounding properties, litter, and sexual assault and exploitation.
- (b) Each of the foregoing negative secondary effects constitutes a harm which the County has a substantial government interest in preventing and/or abating in the future. This substantial government interest in preventing secondary effects, which is the County's rationale for this ordinance, exists independent of any comparative analysis between sexually oriented and non-sexually oriented businesses. Additionally, the County's interest in regulating sexually oriented businesses extends to future secondary effects that could occur in the County related to current sexually oriented businesses in the future as well as sexually oriented businesses that may locate in the County in the future. The County Council finds that the cases

and secondary effects documentation relied on in this ordinance are reasonably believed to be relevant to said secondary effects.

c. *Classification.* Sexually oriented businesses are classified as follows:

1. Adult Arcades;
2. Adult Bookstores or Adult Video Stores;
3. Adult Cabarets;
4. Adult Motels;
5. Adult Motion Picture Theaters;
- ~~6. Adult theaters;~~
6. Sexual Device Shop;
7. Escort agencies; and
- ~~8. Nude model studies; and~~
8. Sexual Encounter Centers.

~~d. *Permit and/or license required:*~~

- ~~1. A person commits a misdemeanor if he or she operates a sexually oriented business without a valid permit and/or license, issued by the county for the particular type of business.~~
- ~~2. An application for a permit and/or license must be made on a form provided by the Richland County Planning Department. The application must be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches.~~
- ~~3. The applicant must be qualified according to the provisions of this section, and the premises must be inspected and found to be in compliance with the law by the health department, fire department, and building official. The health department, fire department, and building official shall complete their~~

~~inspections and certify same to the zoning administrator within twenty-one (21) days of receipt of the application by said zoning administrator.~~

- ~~4. If a person who wishes to operate a sexually oriented business is an individual, he or she must sign the application for a permit and/or license as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who has a ten percent (10%) or greater interest in the business must sign the application for a permit and/or license as applicant. If a corporation is listed as owner of a sexually oriented business or as the entity that wishes to operate such a business, each individual having a ten percent (10%) or greater interest in the corporation must sign the application for a permit and/or license as applicant.~~
- ~~5. The fact that a person possesses other types of state or county permits and/or licenses does not exempt him or her from the requirement of obtaining a sexually oriented business permit and/or license.~~
- ~~e. Issuance of permit and/or license. The zoning administrator shall approve the issuance of a permit and/or license to an applicant within thirty (30) days after receipt of an application unless he or she finds one or more of the following to be true:~~
 - ~~1. An applicant is under eighteen (18) years of age.~~
 - ~~2. An applicant or applicant's spouse is overdue in his payment to the county of taxes, fees, fines, or penalties assessed against him or imposed upon him in relation to a sexually oriented business.~~
 - ~~3. An applicant has failed to provide information reasonably necessary for issuance of the permit and/or license or has falsely answered a question or request for information on the applicant form.~~
 - ~~4. An applicant is residing with a person who has been denied a permit and/or license by the county to operate a sexually oriented business within the preceding twelve (12) months, or residing with a person whose license to operate a sexually oriented business has been revoked within the preceding twelve (12) months.~~
 - ~~5. The premises to be used for the sexually oriented business have not been approved by the health department, fire department, and the building official as being in compliance with applicable laws and ordinances.~~
 - ~~6. The permit and/or license fee required by this ordinance has not been paid.~~

~~7. An applicant of the proposed establishment is in violation of or is not in compliance with any of the provisions of this section.~~

~~8. The permit and/or license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually oriented business. The permit and/or license shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.~~

~~f. Fees. The annual fee for a sexually oriented business permit and/or license is five hundred (\$500.00) dollars.~~

~~g. Inspection.~~

~~1. An applicant or permittee and/or licensee shall permit representatives of the sheriff's department, health department, fire department, planning department, or other county departments or agencies to inspect the premises of a sexually oriented business for the purpose of ensuring compliance with the law, at any time it is occupied or open for business.~~

~~2. A person who operated a sexually oriented business, or his/her agent or employee, commits a misdemeanor if he or she refuses to permit such lawful inspection of the premises at any time it is occupied or open for business.~~

~~h. Expiration of permit and/or license.~~

~~1. Each permit and/or license shall expire one year from the date of issuance and may be renewed only by making application as provided in subsection e. above. Application for renewal should be made at least thirty (30) days before the expiration date, and when made less than thirty (30) days before the expiration date, the expiration of the permit and/or license will not be affected.~~

~~2. When the zoning administrator denies renewal of a license, the applicant shall not be issued a permit and/or license for one (1) year from the date of denial. If, subsequent to denial, the zoning administrator finds that the basis for denial of the renewal permit and/or license has been corrected or abated, the applicant may be granted a permit and/or license, if at least ninety (90) days have elapsed since the date denial became final.~~

~~i. Suspension. The zoning administrator shall suspend a permit and/or license for a period not to exceed thirty (30) days if he or she determines that a permittee and/or licensee or an employee of a permittee and/or licensee has:~~

~~1. Violated or is not in compliance with any provision of this section;~~

- ~~2. Engaged in excessive use of alcoholic beverages while on the sexually oriented business premises;~~
- ~~3. Refused to allow an inspection of the sexually oriented business premises as authorized by this section; or~~
- ~~4. Knowingly permitted gambling by any person on the sexually oriented business premises.~~

~~j. *Revocation.*~~

- ~~1. The zoning administrator shall revoke a permit and/or license if a cause of suspension in subsection i. above occurs and the permit and/or license has been suspended within the preceding twelve (12) months.~~
- ~~2. The zoning administrator shall revoke a permit and/or license if he or she determines that:
 - ~~(a) A permittee and/or licensee gave false or misleading information in the material submitted to the planning department during the application process;~~
 - ~~(b) A permittee and/or licensee or an employee has knowingly allowed possession, use, or sale of controlled substances on the premises;~~
 - ~~(c) A permittee or licensee or an employee has knowingly allowed prostitution on the premises;~~
 - ~~(d) A permittee and/or licensee or an employee knowingly operated the sexually oriented business during a period of time when the permittee's and/or licensee's permit and/or license was suspended;~~
 - ~~(e) A permittee and/or licensee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sexual conduct to occur in or on the permitted and/or licensed premises;~~
 - ~~(f) A permittee and/or licensee is delinquent in payment to the county or state for any taxes or fees past due.~~~~
- ~~3. When the zoning administrator revokes a permit and/or license, the revocation shall continue for one (1) year, and the permittee and/or licensee shall not be issued a sexually oriented permit and/or license for one (1) year from the date revocation became effective. If, subsequent to revocation, the zoning administrator finds that the basis for the revocation has been corrected or~~

~~abated, the applicant may be granted a permit and/or license if at least ninety (90) days have elapsed since the date the revocation became effective.~~

~~k. *Transfer of permit and/or license.* A permittee and/or licensee shall not transfer his/her permit and/or license to another, nor shall a permittee and/or licensee operate a sexually oriented business under the authority of a permit and/or license, at any place other than the address designated in the application.~~

~~ld. *Location of Sexually Oriented Businesses:*~~

- ~~1. A sexually oriented business currently in operation or established subsequent to the enactment of this Ordinance shall comply with the provisions herein.~~
- ~~2. A person commits a misdemeanor if he or she operates or causes to be operated a sexually oriented business outside of a designated GC General Commercial District. All sexually oriented businesses shall be located within a General Commercial District a General Commercial or Heavy Industrial District.~~
- ~~2. A person commits a misdemeanor if he or she operates or causes to be operated a sexually oriented business. A sexually oriented business shall not be located within one thousand (1,000) feet of any place of worship, a public or private elementary or secondary school, a child day care care facility or a pre-school kindergarten, orphanage, a boundary of any residential district, a boundary of a parcel assessed for property tax purposes as residential use by the Richland County Assessor's Office; or a public park adjacent to any residential district, or the property line of a lot devoted to residential use.~~
- ~~3. A person commits a misdemeanor if he or she operates or permits the operation, establishment, substantial enlargement, or transfer of ownership or control of a A sexually oriented business shall not be located within one thousand (1,000) feet of another sexually oriented business.~~
- ~~4. A person commits a misdemeanor if he or she operates or permits ~~t~~the operation, establishment, or maintenance of more than one (1) sexually oriented business is prohibited in the same building, structure, or portion thereof, or the increase of floor areas of any sexually oriented business in any building, structure, or portion thereof containing another sexually oriented business.~~
- ~~5. For the purpose of this Section 26-151(e)(66) subparagraph d. 2., above, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as part of the premises where a sexually oriented business is conducted the nearest property line of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a place of worship,~~

or public or private elementary or secondary school, a child care facility or kindergarten, an orphanage, a public park, a parcel assessed as residential use by the Richland County Assessor, or a residential zoning district, or a residential lot. Presence of a city or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this section.

6. For the purpose of ~~subsection subparagraph d.~~ 3., above, the distance between any two (2) sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the ~~closest exterior wall of the structure in which the businesses are located~~ nearest property line of the premises where a sexually oriented business is conducted to the nearest property line of another premises where a sexually oriented business is conducted.
7. ~~Any sexually oriented business lawfully operating on August 1, 1987 that is in violation of subsections 1. through 6. above, shall be deemed a nonconforming use. The nonconforming use will be permitted to continue for a period not to exceed two (2) years, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty (30) days or more. Such nonconforming uses shall not be increased, enlarged, extended, or altered except that the use may be changed to a conforming use. If two (2) or more sexually oriented businesses are within one thousand (1,000) feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the later established business(es) is nonconforming.~~
8. A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the subsequent location, ~~subsequent to the grant or renewal of the sexually oriented business permit and/or license,~~ of a place of worship, a public or private elementary or secondary school, a child care facility or kindergarten, public park, a boundary of any residential district, a multi-family residential use, or a Planned Development District with a residential component ~~or residential lot~~ within one thousand (1,000) feet of the sexually oriented business. ~~This provision applies only to the renewal of a valid permit and/or license, and does not apply when an application for a permit and/or license is submitted after a permit and/or license has expired or has been revoked.~~

~~m. Additional regulations for adult motels:~~

1. ~~Evidence that a sleeping room in a hotel, motel, or a similar commercial establishment has been rented and vacated two (2) or more times in a period of time that is less than ten (10) hours creates a rebuttable presumption that the establishment is an adult motel as that term is defined in this chapter.~~

~~2. A person commits a misdemeanor, if, as the person in control of a sleeping room in a hotel, motel, or similar commercial establishment that does not have a sexually oriented permit and/or license, he/she rents or sub-rents a sleeping room to a person and, within ten (10) hours from the time the room is rented, he/she rents or sub-rents the same sleeping room again.~~

~~3. For purposes of subsection 2. above, the terms "rent" or "subrent" mean the act of permitting a room to be occupied for any form of consideration.~~

e. *Inspections.* For the purpose of ensuring compliance with the provisions of this chapter, a sexually oriented business shall permit the Zoning Administrator or his/her designee, or representatives of the Sheriff's Department, to inspect the portions of the premises assessable to the public at any time in which the sexually oriented business is open for business.

~~fm.~~ Regulations pertaining to exhibition of sexually explicit films or videos Sexually Oriented Businesses that offer Viewing Room(s).

~~1. A person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than one hundred fifty (150) square feet of floor space, a film, video cassette, or other video reproduction that depicts specified sexual activities or specified anatomical areas, adult media, or live entertainment characterized by emphasis on exposure or display of specified sexual activities or specified anatomical areas, shall comply with the following requirements:~~

~~(a1) Upon application for a sexually oriented permit and/or license, the application shall be accompanied by a A diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted must be provided to the Zoning Administrator. A manager's station may not exceed thirty-two (32) square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six (6) inches. The zoning administrator may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.~~

- (b~~2~~) The ~~application diagram~~ shall be sworn to be true and correct by the applicant.
- (e~~3~~) No alteration in the configuration or location of a manager's station may be made without the prior approval of the zoning administrator.
- (d~~4~~) It is the duty of the owner(s) and operator(s) of the premises to ensure that at least one (1) employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.
- (e~~5~~) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two (2) or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one (1) of the manager's stations. The view required in this ~~subsection~~ subparagraph must be by direct line of sight from the manager's station.
- (f~~6~~) It shall be the duty of the owner(s) and operator(s), and it shall also be the duty of any agents and employees present in the premises, to ensure that the view area specified in ~~subsection~~ subparagraph (e) above remains unobstructed by any doors, walls, merchandise, display racks, or other materials at all times and to ensure that no patron is permitted access to any area of the premises that has been designated as an area in which patrons will not be permitted in the ~~application diagram submitted~~ filed pursuant to ~~subsection~~ subparagraph (a) above.
- (g~~7~~) No viewing room may be occupied by more than one (1) patron or customer at any time.
- (h~~8~~) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one (1) foot-candle as measured at the floor level.
- (i~~9~~) It shall be the duty of the owner(s) and operator(s), and it shall also be the duty of any agents and employees present in the premises, to ensure that the illuminations described above, is maintained at all times that any patron is present in the premises.

(10) No owner or operator shall allow openings of any kind to exist between viewing rooms.

(11) The operator or owner shall, during each business day, regularly inspect the walls between the viewing booths to determine if any openings or holes exist.

(12) The owner or operator shall cause all floor coverings in viewing booths to be nonporous, easily cleanable surfaces with no rugs or carpets.

(13) The owner or operator shall cause all wall surfaces and ceiling surfaces in viewing booths to be constructed of, or permanently covered by, nonporous, easily cleanable material.

~~2. A person having a duty under subsection (a) through (i) of subsection 1, above, commits a misdemeanor if he or she knowingly fails to fulfill that duty.~~

g. Regulations pertaining to adult cabarets and sexual encounter centers. It shall be a violation of this chapter for an employee, independent contractor, or person under a similar arrangement with any owner, operator, manager, agent, shareholder of an adult cabaret or sexual encounter center, while located within an adult cabaret or sexual encounter center, to appear in a manner that does not conform to the definition of semi-nude.

~~eh. Exemptions. It is a defense to prosecution under subsection (a) through (j) of subsection 1 above that a person appearing in a state of nudity did so in a modeling class operated: The following activities or businesses are exempt from the requirements of section 26-151(c)(66):~~

~~1. By a proprietary school licensed by the State of South Carolina; or by a college, junior college, or university supported entirely or partly by taxation; or A business or organization in which a person serves as a model for a drawing, painting, sketching, sculpture or other similar art studio class operated:~~

~~(a). By a university or college or other institution of higher education; or~~

~~(b). By a non-profit arts organization, such as a museum, gallery, artist association or arts cooperative.~~

~~2. By a private college or university that maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or~~

~~3. In a structure:~~

- ~~(a) Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and~~
- ~~(b) Where no more than one (1) nude model is present at any one (1) class; and~~
- ~~(c) Where students participating in the class must enroll at least three (3) days in advance of the class.~~

2. A professional or community theater, or a theater affiliated with an institution of higher education, that produces works of dramatic arts in which actors or actresses occasionally appear on stage in a state of semi-nudity, nudity, or in any state of undress as part of his or her dramatic role.

(i) Administrative Decision-making Process: Appeals.

- (1) Under no circumstances shall staff review and decision-making of an application of a sexually oriented business for a permitted use with special requirements, including determination of completeness, extend beyond fifteen business (15) days from the date of receipt of an application. In the event that a County official is required to take an act or do a thing pursuant to section 26-55 of the Richland County Code of Ordinances and any other section referenced therein, and fails to take such an act or do such a thing within the time prescribed, such failure shall not prevent the exercise of constitutional rights of an applicant. If the County fails to inform an applicant, by any reasonable means, of a decision by the County by the close of business on the fifteenth (15) business day from receipt of application, the application shall be deemed granted and the applicant allowed to commence or continue operation the day after the deadline for action has passed.
- (2) Under no circumstances shall an appeal of an administrative decision pursuant to section 26-58 of the Richland County Code of Ordinances concerning an application by a sexually oriented business for a permitted use with special requirements exceed a time period of seventy-five calendar (75) days from the date of receipt of an appeal to the Board of Zoning Appeals. In the event that a County official, including the Board of Zoning Appeals, is required to take an act or do a thing pursuant to section 26-58 of the Richland County Code of Ordinances and any other section referenced therein, and fails to take such an act or do such a thing within the time prescribed, such failure shall not prevent the exercise of constitutional rights of an applicant. If the County fails to inform an applicant, by any reasonable means, of a decision by the Board of Zoning Appeals by the close of business on the sixtieth (60) calendar day from receipt of an appeal, the application shall be deemed granted and the

applicant allowed to commence or continue operation the day after the deadline for action has passed.

- (j) *Amortization.* Any sexually oriented business in operation before the effective date of this ordinance that does not comply with the location restrictions found in subsection (d) above is permitted to continue its operation for a period not to exceed one year from the effective date of this ordinance. During this period of non-compliance, such continued operation shall not be increased, enlarged, extended, or altered. All sexually oriented businesses must comply with the provisions of subsection (d) above no later than one year from the effective date of this ordinance.

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

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

SECTION V. Effective Date. All sections of this ordinance shall be effective on and after _____, 2008.

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST THIS THE ____ DAY
OF _____, 2008

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: February 5, 2008
Public Hearing: February 26, 2008

Revised April 30, 2008

Second Reading:
Third Reading:

April 15, 2008
_____, 2008

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF NOT TO EXCEED \$5,500,000 GENERAL OBLIGATION BONDS, SERIES 2008, OR SUCH OTHER APPROPRIATE SERIES DESIGNATION, OF RICHLAND COUNTY, SOUTH CAROLINA,; FIXING THE FORM AND DETAILS OF THE BONDS; AUTHORIZING THE ADMINISTRATOR OF THE COUNTY TO DETERMINE CERTAIN MATTERS RELATING TO THE BONDS; PROVIDING FOR THE PAYMENT OF THE BONDS AND THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO.

Pursuant to the authority 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. Findings and Determinations. The County Council (the "County Council") of Richland County, South Carolina (the "County"), hereby finds and determines:

(a) Pursuant to Section 4-9-10, Code of Laws of South Carolina 1976, as amended, the County operates under the Council-Administrator form of government and the County Council constitutes the governing body of the County.

(b) Article X, Section 14 of the Constitution of the State of South Carolina, 1895, as amended (the "Constitution"), provides that each county shall have the power to incur bonded indebtedness in such manner and upon such terms and conditions as the General Assembly shall prescribe by general law. Such debt must be incurred for a public purpose and a corporate purpose in an amount not exceeding eight percent (8%) of the assessed value of all taxable property of such county.

(c) Pursuant to Title 4, Chapter 15 of the Code (the same being and hereinafter referred to as the "County Bond Act"), the governing bodies of the several counties of the State may each issue general obligation bonds to defray the cost of any authorized purpose and for any amount not exceeding their applicable constitutional limit.

(d) The County Bond Act provides that as a condition precedent to the issuance of bonds an election be held and the result be favorable thereto. Title 11, Chapter 27 of the Code of Laws of South Carolina 1976, as amended, provides that if an election be prescribed by the provisions of the County Bond Act, but not be required by the provisions of Article X of the Constitution, then in every such instance, no election need be held (notwithstanding the requirement therefor) and the remaining provisions of the County Bond Act shall constitute a full and complete authorization to issue bonds in accordance with such remaining provisions.

(e) The approximate assessed value of all the taxable property in the County as of June 30, 2007, for purposes of computation of the County's constitutional debt limit, is \$1,223,874,800 which excludes exempt manufacturing property. Eight percent of such sum is \$97,909,184. As of the date hereof, the outstanding general obligation debt of the County subject to the limitation imposed by Article X, Section 14(7) of the Constitution is \$37,284,200. Thus, the County may incur not exceeding \$60,624,984 of additional general obligation debt within its applicable debt limitation.

(f) It is now in the best interest of the County for the County Council to provide for the issuance and sale of not exceeding \$5,500,000 general obligation bonds of the County pursuant to the aforesaid provisions of the Constitution and laws of the State of South Carolina, the proceeds of which will be used to provide funds for: (i) acquiring vehicles for use by the Sheriff's Department for fiscal year 2008-2009; and acquiring land for and constructing and equipping of a new alcohol and drug abuse facility for use by LRADAC, the Behavioral Health Center of the Midlands; (ii) paying costs of issuance of the bonds; and (iii) such other lawful corporate and public purposes as the County Council shall determine.

SECTION 2. Authorization and Details of Bonds. Pursuant to the aforesaid provisions of the Constitution and laws of the State, there is hereby authorized to be issued not exceeding \$5,500,000 aggregate principal amount of general obligation bonds of the County to be designated "Not exceeding \$5,500,000 (or such other amount as may be issued) General Obligation Bonds, Series 2008, of Richland County, South Carolina" (the "Bonds") for the purpose stated in Section 1(f) of this Ordinance.

The Bonds shall be issued as fully registered Bonds registerable as to principal and interest; shall be dated as of the first day of the month in which they are delivered to the initial purchaser(s) thereof; shall be in denominations of \$5,000 or any integral multiple thereof not exceeding principal amount of Bonds maturing each year; shall be numbered from R-1 upward, respectively; shall bear interest from their date payable at such times as hereafter designated by the Administrator of the County (the "Administrator") at such rate or rates as may be determined by the County Council at the time of sale thereof; and shall mature serially in successive annual installments as determined by the Administrator.

Without further authorization, the County Council hereby delegates to the Administrator the authority to determine (a) the maturity dates of the Bonds and the respective principal amounts maturing on such dates; (b) the interest payment dates of the Bonds; (c) redemption provisions, if any, for the Bonds; and (d) the time and date of sale of the Bonds. The County Council further delegates to the Administrator the authority to receive bids on behalf of County Council and the authority to award the Bonds to the lowest bidder therefor, provided the true interest cost does not exceed 6%. After the sale of the Bonds, the Administrator shall submit a written report to County Council setting forth the details of the Bonds as set forth in this paragraph.

With the advice of Bond Counsel, the County Administrator is further authorized to cause the Bonds to be issued with other tax-exempt bonds authorized by County Council under separate ordinance with an appropriate series designation.

Both the principal of and interest on the Bonds shall be payable in any coin or currency of the United States of America which is, at the time of payment, legal tender for public and private debts. The Registrar/Paying Agent shall be Wells Fargo Bank, N.A., Atlanta, Georgia.

SECTION 3. Registration, Transfer and Exchange of Bonds. The County shall cause books (herein referred to as the "registry books") to be kept at the offices of the Registrar/Paying Agent, for the registration and transfer of the Bonds. Upon presentation at its office for such purpose the Registrar/Paying Agent shall register or transfer, or cause to be registered or transferred, on such registry books, the Bonds under such reasonable regulations as the Registrar/Paying Agent may prescribe.

Each Bond shall be transferable only upon the registry books of the County, which shall be kept for such purpose at the principal office of the Registrar/Paying Agent, by the registered owner thereof in person or by his duly authorized attorney upon surrender thereof together with a written instrument of transfer satisfactory to the Registrar/Paying Agent duly executed by the registered owner or his duly authorized attorney. Upon the transfer of any such Bond the Registrar/Paying Agent on behalf of the County shall

issue in the name of the transferee a new fully-registered Bond or Bonds, of the same aggregate principal amount, interest rate and maturity as the surrendered Bond. Any Bond surrendered in exchange for a new registered Bond pursuant to this Section shall be canceled by the Registrar/Paying Agent.

The County and the Registrar/Paying Agent may deem or treat the person in whose name any fully-registered Bond shall be registered upon the registry books as the absolute owner of such Bond, whether such Bond shall be overdue or not, for the purpose of receiving payment of the principal of and interest on such Bond and for all other purposes and all such payments so made to any such registered owner or upon his order shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid, and neither the County nor the Registrar/Paying Agent shall be affected by any notice to the contrary. For every such transfer of Bonds, the County or the Registrar/Paying Agent may make a charge sufficient to reimburse it for any tax, fee or other governmental charge required to be paid with respect to such transfer, and, except as otherwise provided herein, may charge a sum sufficient to pay the cost of preparing each Bond issued upon such transfer, which sum or sums shall be paid by the person requesting such transfer or by the County as a condition precedent to the exercise of the privilege of making such transfer. Neither the County nor the Registrar/Paying Agent shall be obliged to make any such transfer of Bonds during the fifteen (15) days preceding an interest payment date on such Bonds.

SECTION 4. Record Date. The County hereby establishes a record date for the payment of interest or for the giving of notice of any proposed redemption of Bonds, and such record date shall be the fifteenth (15th) day of the calendar month preceding each semiannual interest payment date on such Bond or in the case of any proposed redemption of Bonds, such record date shall be the fifteenth (15th) day prior to the giving of notice of redemption of bonds.

SECTION 5. Mutilation, Loss, Theft or Destruction of Bonds. In case any Bond shall at any time become mutilated in whole or in part, or be lost, stolen or destroyed, or be so defaced as to impair the value thereof to the owner, the County shall execute and the Registrar shall authenticate and deliver at the principal office of the Registrar, or send by registered mail to the owner thereof at his request, risk and expense a new Bond of the same series, interest rate and maturity and of like tenor and effect in exchange or substitution for and upon the surrender for cancellation of such defaced, mutilated or partly destroyed Bond, or in lieu of or in substitution for such lost, stolen or destroyed Bond. In any such event the applicant for the issuance of a substitute Bond shall furnish the County and the Registrar evidence or proof satisfactory to the County and the Registrar of the loss, destruction, mutilation, defacement or theft of the original Bond, and of the ownership thereof, and also such security and indemnity in an amount as may be required by the laws of the State of South Carolina or such greater amount as may be required by the County and the Registrar. Any duplicate Bond issued under the provisions of this Section in exchange and substitution for any defaced, mutilated or partly destroyed Bond or in substitution for any allegedly lost, stolen or wholly destroyed Bond shall be entitled to the identical benefits under this Ordinance as was the original Bond in lieu of which such duplicate Bond is issued, and shall be entitled to equal and proportionate benefits with all the other Bonds of the same series issued hereunder.

All expenses necessary for the providing of any duplicate Bond shall be borne by the applicant therefor.

SECTION 6. Execution of Bonds. The Bonds shall be executed in the name of the County with the manual or facsimile signature of the Chair of the County Council attested by the manual or facsimile signature of the Clerk of the County Council under a facsimile of the seal of the County impressed, imprinted or reproduced thereon; provided, however, the facsimile signatures appearing on the Bonds may be those of the officers who are in office on the date of adoption of this Ordinance. The execution of the Bonds in such fashion shall be valid and effectual, notwithstanding any subsequent change in such offices.

The Bonds shall not be valid or become obligatory for any purpose unless there shall have been endorsed thereon a certificate of authentication. Each Bond shall bear a certificate of authentication manually executed by the Registrar in substantially the form set forth herein.

SECTION 7. Form of Bonds. The Bonds and the certificate of authentication shall be in substantially the form as set forth in Exhibit A attached hereto and incorporated herein by reference.

SECTION 8. Security for Bonds. The full faith, credit and taxing power of the County are hereby irrevocably pledged for the payment of the principal of and interest on the Bonds as they respectively mature, and for the creation of such sinking fund as may be necessary therefor. There shall be levied annually by the Auditor of the County, and collected by the Treasurer of the County, in the same manner as other county taxes are levied and collected, a tax, without limit, on all taxable property in the County sufficient to pay the principal of and interest on the Bonds as they respectively mature and to create such sinking fund as may be necessary therefor.

The County Council, acting through its Chair, shall give the Auditor and Treasurer of the County written notice of the delivery of and payment for the Bonds and they are hereby directed to levy and collect annually, on all taxable property in the County, a tax, without limit, sufficient to pay the principal of and interest on the Bonds as they respectively mature and to create such sinking fund as may be necessary therefor.

SECTION 9. Notice of Initiative and Referendum. The County Council hereby delegates to its Chair and the Administrator the authority to determine whether the Notice prescribed under the provisions of Title 11, Chapter 27, relating to the Initiative and Referendum provisions contained in Title 4, Chapter 9 of the Code of Laws of South Carolina 1976, as amended, shall be given with respect to this Ordinance, such notice being in substantially the form attached hereto as Exhibit B. If such notice is given, the Chair and the Administrator are authorized to cause such notice to be published in a newspaper of general circulation in the County.

SECTION 10. Defeasance. The obligations of the County under this Ordinance and the pledges, covenants and agreements of the County herein made or provided for, shall be fully discharged and satisfied as to any portion of the Bonds, and such Bond or Bonds shall no longer be deemed to be outstanding hereunder when:

(a) Such Bond or Bonds shall have been purchased by the County and surrendered to the County for cancellation or otherwise surrendered to the County or the Paying Agent and is canceled or subject to cancellation by the County or the Paying Agent; or

(b) Payment of the principal of and interest on such Bonds either (i) shall have been made or caused to be made in accordance with the terms thereof, or (ii) shall have been provided for by irrevocably depositing with the Paying Agent in trust and irrevocably set aside exclusively for such payment, (1) moneys sufficient to make such payment, or (2) Government Obligations (hereinafter defined) maturing as to principal and interest in such amounts and at such times as will ensure the availability of sufficient moneys to make such payment and all necessary and proper fees, compensation and expenses of the Paying Agent. At such time as the Bonds shall no longer be deemed to be outstanding hereunder, such Bonds shall cease to draw interest from the due date thereof and, except for the purposes of any such payment from such moneys or Government Obligations, shall no longer be secured by or entitled to the benefits of this Ordinance.

“Government Obligations” shall mean any of the following:

- (a) direct obligations of the United States of America or agencies thereof or obligations, the payment of principal or interest on which, in the opinion of the Attorney General of the United States, is fully and unconditionally guaranteed by the United States of America; and
- (b) Non-callable, U.S. Treasury Securities - State and Local Government Series (“SLGS”).

SECTION 11. Exemption from State Taxes. Both the principal of and interest on the Bonds shall be exempt, in accordance with the provisions of Section 12-2-50 of the Code, from all State, county, municipal, school district and all other taxes or assessments, except estate or other transfer taxes, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise.

SECTION 12. Eligible Securities. The Bonds initially issued (the “Initial Bonds”) will be eligible securities for the purposes of the book-entry system of transfer maintained by The Depository Trust Company, New York, New York (“DTC”), and transfers of beneficial ownership of the Initial Bonds shall be made only through DTC and its participants in accordance with rules specified by DTC. Such beneficial ownership must be of \$5,000 principal amount of Bonds of the same maturity or any integral multiple of \$5,000.

The Initial Bonds shall be issued in fully-registered form, one Bond for each of the maturities of the Bonds, in the name of Cede & Co., as the nominee of DTC. When any principal of or interest on the Initial Bonds becomes due, the Paying Agent, on behalf of the County, shall transmit to DTC an amount equal to such installment of principal and interest. DTC shall remit such payments to the beneficial owners of the Bonds or their nominees in accordance with its rules and regulations.

Notices of redemption of the Initial Bonds or any portion thereof shall be sent to DTC in accordance with the provisions of the Ordinance.

If (a) DTC determines not to continue to act as securities depository for the Bonds, or (b) the County has advised DTC of its determination that DTC is incapable of discharging its duties, the County shall attempt to retain another qualified securities depository to replace DTC. Upon receipt by the County the Initial Bonds together with an assignment duly executed by DTC, the County shall execute and deliver to the successor securities depository Bonds of the same principal amount, interest rate and maturity registered in the name of such successor.

If the County is unable to retain a qualified successor to DTC or the County has determined that it is in its best interest not to continue the book-entry system of transfer or that interests of the beneficial owners of the Bonds might be adversely affected if the book-entry system of transfer is continued (the County undertakes no obligation to make any investigation to determine the occurrence of any events that would permit it to make any such determination), and has made provision to so notify beneficial owners of the Bonds by mailing an appropriate notice to DTC, upon receipt by the County of the Initial Bonds together with an assignment duly executed by DTC, the County shall execute, authenticate and deliver to the DTC participants Bonds in fully-registered form, in substantially the form set forth in Section 2 of this Ordinance in the denomination of \$5,000 or any integral multiple thereof.

Notwithstanding the foregoing, at the request of the purchaser, the Bonds will be issued as one single fully-registered bond and not issued through the book-entry system.

SECTION 13. Sale of Bonds, Form of Notice of Sale. The Bonds shall be offered for public sale on the date and at the time designated by the Administrator. A Notice of Sale shall be distributed to prospective bidders and a summary of such Notice of Sale shall be published in a newspaper of general circulation in the State of South Carolina and/or in a financial publication published in the City of New York not less than seven (7) days prior to the date set for such sale.

The Notice of Sale shall be in substantially the form as set forth in Exhibit C attached hereto and incorporated herein by reference.

SECTION 14. Preliminary and Final Official Statement. The County Council hereby authorizes and directs the Administrator to prepare, or cause to be prepared, a Preliminary Official Statement to be distributed to prospective purchasers of the Bonds together with the Notice of Sale. The County Council authorizes the Administrator to designate the Preliminary Official Statement as “near final” for purposes of Rule 15c2-12 of the Securities Exchange Commission. The Administrator is further authorized to see to the completion of the final form of the Official Statement upon the sale of the Bonds so that it may be provided to the purchaser of the Bonds.

SECTION 15. Filings with Central Repository. In compliance with Section 11-1-85, South Carolina Code of Laws 1976, as amended, the County covenants that it will file or cause to be filed with a central repository for availability in the secondary bond market when requested: (a) a copy of an annual independent audit of the County within thirty (30) days of the County's receipt thereof; and (b) within thirty (30) days of the occurrence thereof, event specific information of an event which adversely affects more than five (5%) percent of the tax revenues of the County or the County's tax base.

SECTION 16. Continuing Disclosure. In compliance with the Securities and Exchange Commission Rule 15c2-12 (the “Rule”) the County covenants and agrees for the benefit of the holders from time to time of the Bonds to execute and deliver prior to closing, and to thereafter comply with the terms of a Disclosure Dissemination Agent Agreement in substantially the form appearing as Exhibit D to this Ordinance. In the event of a failure of the County to comply with any of the provisions of the Continuing Disclosure Certificate, an event of default under this Ordinance shall not be deemed to have occurred. In such event, the sole remedy of any bondholder or beneficial owner shall be an action to compel performance by the Ordinance.

SECTION 17. Deposit and Use of Proceeds. The proceeds derived from the sale of the Bonds shall be deposited with the Treasurer of the County in a special fund to the credit of the County, separate and distinct from all other funds, and shall be expended from time to time and made use of by the County Council as follows:

(a) Any premium shall be placed in the sinking fund established pursuant to Section 4-15-150 of the Code; and

(b) The balance of the proceeds shall be applied for the purposes set forth in this Ordinance including defraying the costs and expenses of issuing the Bonds.

SECTION 18. Notice of Public Hearing. The County Council hereby ratifies and approves the publication of a notice of public hearing regarding the Bonds and this Ordinance, such notice in substantially the form attached hereto as Exhibit E, having been published in *The State*, a newspaper of general circulation in the County, not less than 15 days prior to the date of such public hearing.

SECTION 19. Tax Covenants. The County covenants that no use of the proceeds of the sale of the Bonds shall be made which, if such use had been reasonably expected on the date of issue of such Bonds would have caused the Bonds to be “arbitrage bonds”, as defined in Section 148 of the Internal Revenue Code of 1986 (the “IRC”), and to that end the County hereby shall:

(a) Comply with the applicable provisions of Section 103 and Sections 141 through 150 of the IRC and any regulations promulgated thereunder so long as any of the Bonds are outstanding;

(b) Establish such funds, make such calculations and pay such amounts, in the manner and at the times required in order to comply with the requirements of the IRC relating to required rebates of certain amounts to the United States;

(c) Make such reports of such information at the times and places required by the IRC; and

(d) Not take any action which will, or fail to take any action which failure will, cause interest on the Bonds to become includable in the gross income of the bondholders for federal income tax purposes pursuant to the provisions of the IRC and regulations promulgated thereunder in effect on the date of original issuance of the Bonds.

SECTION 20. Miscellaneous. The County Council hereby authorizes any one or more of the following officials to execute such documents and instruments as necessary to effect the issuance of the Bonds: Chair of the County Council, County Administrator, Clerk to the County Council and County Attorney. The County Council hereby retains McNair Law Firm, P.A. as bond counsel in connection with the issuance of the Bonds.

All rules, regulations, resolutions and parts thereof, procedural or otherwise, in conflict herewith or the proceedings authorizing the issuance of the Bonds are, to the extent of such conflict, hereby repealed and this Ordinance shall take effect and be in full force from and after its adoption.

Enacted this ____ day of _____, 2008.

RICHLAND COUNTY, SOUTH CAROLINA

By: _____
Joseph McEachern, Chairman
Richland County Council

(SEAL)

ATTEST THIS ____ DAY OF
_____, 2008:

Michielle R. Cannon-Finch
Clerk of County Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Date of First Reading:
Date of Second Reading:
Publication of Notice of
Public Hearing:
Date of Public Hearing:
Date of Third Reading:

FORM OF BOND

UNITED STATES OF AMERICA
 STATE OF SOUTH CAROLINA
 COUNTY OF RICHLAND
 GENERAL OBLIGATION BONDS, SERIES 2008A

No. R-

<u>INTEREST</u> <u>RATE</u>	<u>MATURITY</u> <u>DATE</u>	<u>ORIGINAL</u> <u>ISSUE DATE</u>	<u>CUSIP</u>
--------------------------------	--------------------------------	--------------------------------------	--------------

REGISTERED HOLDER: CEDE & CO.

PRINCIPAL AMOUNT: DOLLARS

KNOW ALL MEN BY THESE PRESENTS, that Richland County, South Carolina (the "County"), is justly indebted and, for value received, hereby promises to pay to the registered holder specified above, or registered assigns, the principal amount specified above on the maturity date specified above, upon presentation and surrender of this Bond at the principal office of Wells Fargo, P.A., in the City of Atlanta, State of Georgia (the "Paying Agent"), and to pay interest on such principal amount from the date hereof at the rate per annum specified above until this Bond matures. Interest on this Bond is payable semiannually on _____ and _____ of each year, commencing _____, until this Bond matures, and shall be payable by check or draft mailed to the person in whose name this Bond is registered on the registration books of the County maintained by the registrar, presently Wells Fargo Bank, N.A., in Atlanta, Georgia (the "Registrar"), at the close of business on the fifteenth (15th) day of the calendar month preceding each semiannual interest payment date. The principal of and interest on this Bond are payable in any coin or currency of the United States of America which is, at the time of payment, legal tender for public and private debts; provided, however, that interest on this fully-registered Bond shall be paid by check or draft as set forth above.

This Bond shall not be entitled to any benefit under the Ordinance (hereafter defined), nor become valid or obligatory for any purpose, until the certificate of authentication hereon shall have been duly executed by the Registrar.

For the payment hereof, both principal and interest, as they respectively mature and for the creation of such sinking fund as may be necessary therefor, the full faith, credit and taxing power of the County are irrevocably pledged and there shall be levied annually by the Auditor of the County and collected by the Treasurer of the County, in the same manner as other county taxes are levied and collected, a tax, without limit, on all taxable property in the County sufficient to pay the principal of and interest on this Bond as they respectively mature and to create such sinking fund as may be necessary therefore.

This Bond is one of a series of Bonds of like date of original issue, tenor and effect, except as to number, denomination, date of maturity, redemption provisions, and rate of interest, aggregating _____ Dollars (\$ _____), issued pursuant to and in accordance with the Constitution and laws of the State of South Carolina, including Article X of the Constitution of the State of South Carolina, 1895, as amended; Title 4, Chapter 15, Code of Laws of South Carolina 1976, as amended; Title

11, Chapter 27 of the Code of Laws of South Carolina 1976, as amended; and Ordinance No. _____ duly enacted by the County Council on _____, 2008.

[Redemption Provisions]

This Bond is transferable as provided in the Ordinance, only upon the books of the County kept for that purpose at the principal office of the Registrar by the registered holder in person or by his duly authorized attorney upon surrender of this Bond together with a written instrument of transfer satisfactory to the Registrar duly executed by the registered holder or his duly authorized attorney. Thereupon a new fully-registered Bond or Bonds of the same aggregate principal amount, interest rate redemption provisions, if any, and maturity shall be issued to the transferee in exchange therefor as provided in the Ordinance. The County, the Registrar and the Paying Agent may deem and treat the person in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment of or on account of the principal hereof and interest due hereon and for all other purposes.

Under the laws of the State of South Carolina, this Bond and the interest hereon are exempt from all State, county, municipal, school district and all other taxes or assessments, except estate or other transfer taxes, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise.

It is hereby certified and recited that all acts, conditions and things required by the Constitution and laws of the State of South Carolina to exist, to happen and to be performed precedent to or in the issuance of this Bond exist, have happened and have been performed in regular and due time, form and manner as required by law; that the amount of this Bond, together with all other indebtedness of the County, does not exceed the applicable limitation of indebtedness under the laws of the State of South Carolina; and that provision has been made for the levy and collection of a tax, without limit, on all taxable property in the County sufficient to pay the principal of and interest on this Bond as the same shall respectively mature and to create such sinking fund as may be necessary therefor.

IN WITNESS WHEREOF, RICHLAND COUNTY, SOUTH CAROLINA, has caused this Bond to be signed with the facsimile signature of the Chair of the County Council, attested by the facsimile signature of the Clerk to the County Council and the seal of the County impressed, imprinted or reproduced hereon.

· RICHLAND COUNTY, SOUTH CAROLINA

Chair, County Council

(SEAL)
ATTEST:

Clerk, County Council

[FORM OF REGISTRAR'S CERTIFICATE OF AUTHENTICATION]

Date of Authentication:

This bond is one of the Bonds described in the within mentioned Ordinance of Richland County, South Carolina.

_____ as Registrar

By: _____ Authorized Officer

The following abbreviations, when used in the inscription on the face of this Bond shall be construed as though they were written out in full according to applicable laws or regulations.

TEN COM - As tenants in common

UNIF GIFT MIN. ACT

TEN ENT - As tenants by the entireties

_____ Custodian _____
(Cust.) (Minor)

JT TEN - As joint tenants with right of survivorship and not as tenants in common

under Uniform Gifts to Minors

_____ (State)

Additional abbreviations may also be used though not in list above.

[FORM OF ASSIGNMENT]

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto

_____ (Name and address of Transferee)

the within Bond and does hereby irrevocably constitute and appoint _____ attorney to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated:

_____ Signature Guaranteed:

_____ (Authorizing Officer)

Signature(s) must be guaranteed
by an institution which is a
participant in the Securities
Transfer Agents Medallion
Program (“STAMP”) or similar
program.

NOTICE: The signature to this
agreement must correspond with
the name of the registered holder as
it appears upon the face of the
within Bond in every particular,
without alteration or enlargement or any
change whatever.

Copies of the final approving opinions to be rendered shall be printed on the back of each Bond and preceding the same a certificate shall appear, which shall be signed on behalf of the County with a facsimile signature of the Clerk to the County Council. The certificate shall be in substantially the following form:

[FORM OF CERTIFICATE]

IT IS HEREBY CERTIFIED that the following is a true and correct copy of the complete final approving opinions (except for date and letterhead) of McNair Law Firm, P.A., Columbia, South Carolina, approving the issue of bonds of which the within bond is one, the original of which opinions were manually executed, dated and issued as of the date of delivery of and payment for the bonds and a copy of which is on file with the County Council of Richland County, South Carolina.

RICHLAND COUNTY, SOUTH CAROLINA

By: _____
Clerk, County Council

FORM OF NOTICE

NOTICE IS HEREBY GIVEN that the County Council (the "County Council") of Richland County, South Carolina (the "County"), on _____, 2008, enacted Ordinance No. _____ entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF NOT TO EXCEED \$5,500,000 GENERAL OBLIGATION BONDS, SERIES 2008, OR SUCH OTHER APPROPRIATE SERIES DESIGNATION, OF RICHLAND COUNTY, SOUTH CAROLINA,; FIXING THE FORM AND DETAILS OF THE BONDS; AUTHORIZING THE ADMINISTRATOR OF THE COUNTY TO DETERMINE CERTAIN MATTERS RELATING TO THE BONDS; PROVIDING FOR THE PAYMENT OF THE BONDS AND THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO" (the "Ordinance"). The Ordinance authorizes the issuance and approves the sale of not to exceed \$5,500,000 General Obligation Bonds, Series 2008A (the "Bonds") of the County.

The proceeds of the Bond will be used to provide funds for: (i) acquiring vehicles for use by the Sheriff's Department for fiscal year 2008-2009, and acquiring land for and constructing and equipping of a new alcohol and drug abuse facility for use by LRADAC, the Behavioral Health Center of the Midlands; (ii) paying costs of issuance of the Bonds; and (iii) such other lawful corporate and public purposes as the County Council shall determine.

Unless a notice, signed by not less than five (5) qualified electors of the County, of the intention to seek a referendum is filed both in the office of the Clerk of Court of Richland County and with the Clerk of the County, the initiative and referendum provisions of South Carolina law, Sections 4-9-1210 to 4-9-1230, South Carolina Code of Laws, 1976, as amended, shall not be applicable to the Ordinance. The intention to seek a referendum must be filed within twenty (20) days following the publication of this notice.

/s/Chair, County Council, Richland County,
South Carolina

FORM OF NOTICE OF SALE

\$ _____ GENERAL OBLIGATION BONDS, SERIES 2008A
OF RICHLAND COUNTY, STATE OF SOUTH CAROLINA

Time and Place of Sale: NOTICE IS HEREBY GIVEN that sealed bids, facsimile bids and electronic bids will be received on behalf of Richland County, South Carolina (the "County") in the Administrative Conference Room, 4th Floor, 2020 Hampton Street, Columbia, South Carolina, until 12:00 Noon, South Carolina time, on _____, _____, 2008, at which time said proposals will be publicly opened for the purchase of \$ _____ General Obligation Bonds, Series 2008A, of the County (the "Bonds").

Sealed Bids: Each hand delivered proposal shall be enclosed in a sealed envelope marked "Proposal for \$ _____ General Obligation Bonds, Series 2008A, Richland County, South Carolina" and should be directed to the County Administrator at the address in the first paragraph hereof.

Facsimile Bids: The County will accept the facsimile transmission of a manually signed Official Bid Form at the risk of the Bidder. The County shall not be responsible for the confidentiality of bids submitted by facsimile transmission. Any delay in receipt of a facsimile bid, and any incompleteness or illegible portions of such bid are the responsibility of the bidder. Bids by facsimile should be transmitted to the attention of J. Milton Pope, County Administrator, fax number (803) 576-2138.

Electronic Bids: Electronic proposals must be submitted through i-Deal's Ipreo Electronic Bid Submission System ("Ipreo"). No electronic bids from any other providers of electronic bidding services will be accepted. Information about the electronic bidding services of Ipreo may be obtained from i-Deal, 40 W. 23rd Street, 5th floor, New York, New York 10010, Customer Support, telephone (212) 404-8102.

PROPOSALS MAY BE DELIVERED BY HAND, BY MAIL, BY FACSIMILE TRANSMISSION OR BY ELECTRONIC BID, BUT NO PROPOSAL SHALL BE CONSIDERED WHICH IS NOT ACTUALLY RECEIVED BY THE COUNTY AT THE PLACE, DATE AND TIME APPOINTED, AND THE COUNTY SHALL NOT BE RESPONSIBLE FOR ANY FAILURE, MISDIRECTION, DELAY OR ERROR RESULTING FROM THE SELECTION BY ANY BIDDER OF ANY PARTICULAR MEANS OF DELIVERY OF BIDS.

Book-Entry-Only Bonds: The Bonds will be issued in fully-registered form. One Bond representing each maturity will be issued to and registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), as registered owner of the Bonds and each such Bond will be immobilized in the custody of DTC. DTC will act as securities depository for the Bonds. Individual purchases will be made in book-entry form only, in the principal amount of \$5,000 or any integral multiple thereof not exceeding the principal amount of Bonds maturing each year; Purchasers will not receive physical delivery of certificates representing their interest in the Bonds purchased. The winning bidder, as a condition to delivery of the Bonds, will be required to deposit the Bond certificates representing each maturity with DTC.

The Bonds will be issued in fully-registered form registered as to principal and interest; will be dated _____, 2008; will be in denominations of \$5,000 or any integral multiple thereof not exceeding the principal amount of Bonds maturing in each year; and will mature serially in successive annual installments on _____ in each of the years and in the principal amounts as follows:

<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
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The Bonds will bear interest from the date thereof payable semiannually on _____ and _____ of each year, commencing _____, until they mature.

[Redemption Provisions]

Municipal Bond Insurance: The County has submitted applications to various bond insurers for a policy of insurance relating to the Bonds to be effective as of the date of their issuance. Notice of obtaining a commitment for such insurance will be transmitted via Munifacts. If a bidder for the Bonds desires to have the Bonds so insured, the bidder should specify in its bid for the Bonds whether bond insurance will be purchased. The premium on such bond insurance must be paid at or prior to the closing by the successful bidder. Any failure of the Bonds to be so insured or of any such policy of insurance to be issued shall not constitute cause for a failure or refusal by the purchaser of the bonds to accept delivery of and pay for the Bonds.

Registrar/Paying Agent: Wells Fargo Bank, N.A., Atlanta, Georgia, shall serve as Registrar/Paying Agent for the Bonds.

Bid Requirements: Bidders shall specify the rate or rates of interest per annum which the Bonds are to bear, to be expressed in multiples of 1/20 or 1/8 of 1% and the interest rate specified for any maturity shall not be lower than the interest rate specified for any previous maturity. Bidders are not limited as to the number of rates of interest named, but the rate of interest on each separate maturity must be the same single rate for all Bonds of that maturity from their date to such maturity date. A bid for less than all the Bonds, a bid at a price less than par or a bid which includes a premium in excess of 10% of the par amount of the Bonds will not be considered. In addition to the bid price, the successful bidder must pay accrued interest from the date of the Bonds to the date of full payment of the purchase price.

Award of Bid. The Bonds will be awarded to the bidder or bidders offering to purchase the Bonds at the lowest true interest cost (TIC) to the County. The TIC will be the nominal interest rate which, when compounded semiannually and used to discount all debt service payments on the Bonds (computed at the interest rates specified in the bid and on the basis of a 360-day year of twelve 30-day months) to the dated date of the Bonds, results in an amount equal to the price bid for the Bonds. In the case of a tie bid, the winning bid will be awarded by lot. The County reserves the right to reject any and all bids or to waive irregularities in any bid. Bids will be accepted or rejected no later than 3:00 p.m., South Carolina time, on the date of the sale.

Security: (a) The full faith, credit and taxing power of the County are hereby irrevocably pledged for the payment of the principal of and interest on the Bonds as they respectively mature, and for the creation of such sinking fund as may be necessary therefor. There shall be levied annually by the Auditor of the County, and collected by the Treasurer of the County, in the same manner as other county taxes are levied and collected, a tax, without limit, on all taxable property in the County sufficient to pay the principal of and interest on the Bonds as they respectively mature and to create such sinking fund as may be necessary therefor.

Good Faith Deposit: No good faith deposit is required.

Bid Form: Proposals should be enclosed in a separate sealed envelope marked "Proposal for \$ _____ General Obligation Bonds, Series 2008A, of Richland County, South Carolina" and should be directed to the Chair of the County Council at the address in the first paragraph hereof. It is requested but not required that you submit your bid on the Proposal for Purchase of Bonds supplied with the Official Statement.

Official Statement: Upon the award of the Bonds, the County will prepare an official statement (the "Official Statement") in substantially the same form as the preliminary official statement subject to minor additions, deletions and revisions as required to complete the Official Statement. Within seven (7) business days after the award of the Bonds, the County will deliver the Official Statement to the successful bidder in sufficient quantity to comply with Rule G-32 of the Municipal Securities Rulemaking Board. The successful bidder agrees to supply to the County all necessary pricing information and any Underwriter identification necessary to complete the Official Statement within 24 hours after the award of the Bonds.

Continuing Disclosure: In order to assist the bidders in complying with S.E.C. Rule 15c2-12(b)(5), the County will undertake, pursuant to an ordinance and a Continuing Disclosure Agreement, to provide certain annual financial information and notices of the occurrence of certain events, if material. A description of this undertaking is set forth in the Preliminary Official Statement and will also be set forth in the final Official Statement.

Legal Opinion: The County Council shall furnish upon delivery of the Bonds the final approving opinions of McNair Law Firm, P.A., Columbia, South Carolina, which opinions shall accompany each Bond, together with the usual closing documents, including a certificate of the County that no litigation is pending affecting the Bonds.

Certificate as to Issue Price: The successful bidder must provide a certificate to the County by the date of delivery of the Bonds, stating the initial reoffering price of the Bonds to the public (excluding bond houses and brokers) and the price at which a substantial amount of the Bonds were sold to the public, in form satisfactory to Bond Counsel. A sample copy of such a certificate may be obtained from Bond Counsel.

Delivery: The Bonds will be delivered on or about _____, 2008, in New York, New York, at the expense of the County. The balance of the purchase price then due, including the amount of accrued interest, must be paid in federal funds or other immediately available funds.

Additional Information: The Preliminary Official Statement of the County with respect to the Bonds will be furnished to any person interested in bidding for the Bonds upon request. The Preliminary Official Statement shall be reviewed by bidders prior to submitting a bid. Bidders may not rely on this Notice of Sale as to the complete information concerning the Bonds. Persons seeking additional information should communicate with J. Milton Pope, County Administrator, 2020 Hampton Street, Columbia, South Carolina, 29201, telephone (803) 576-2054 or Francenia B. Heizer, Esquire, McNair Law Firm, P.A., 1301 Gervais Street, 17th Floor, Columbia, South Carolina, 29201, telephone (803) 799-9800, e-mail: fheizer@mcnair.net.

RICHLAND COUNTY, SOUTH CAROLINA
s/ _____
Chair, County Council

FORM OF DISCLOSURE DISSEMINATION AGENT AGREEMENT

This Disclosure Dissemination Agent Agreement (the “Disclosure Agreement”), dated as of _____, 2008, is executed and delivered by Richland County, South Carolina (the “Issuer”) and Digital Assurance Certification, L.L.C., as exclusive Disclosure Dissemination Agent (the “Disclosure Dissemination Agent” or “DAC”) for the benefit of the Holders (hereinafter defined) of the Bonds (hereinafter defined) and in order to provide certain continuing disclosure with respect to the Bonds in accordance with Rule 15c2-12 of the United States Securities and Exchange Commission under the Securities Exchange Act of 1934, as the same may be amended from time to time (the “Rule”).

SECTION 1. Definitions. Capitalized terms not otherwise defined in this Disclosure Agreement shall have the meaning assigned in the Rule or, to the extent not in conflict with the Rule, in the Official Statement (hereinafter defined). The capitalized terms shall have the following meanings:

“Annual Report” means an Annual Report described in and consistent with Section 3 of this Disclosure Agreement.

“Annual Filing Date” means the date, set in Sections 2(a) and 2(f), by which the Annual Report is to be filed with the Repositories.

“Annual Financial Information” means annual financial information as such term is used in paragraph (b)(5)(i) of the Rule and specified in Section 3(a) of this Disclosure Agreement.

“Audited Financial Statements” means the financial statements (if any) of the Issuer for the prior fiscal year, certified by an independent auditor as prepared in accordance with generally accepted accounting principles or otherwise, as such term is used in paragraph (b)(5)(i) of the Rule and specified in Section 3(b) of this Disclosure Agreement.

“Bonds” means the bonds as listed on the attached Exhibit A, with the 9-digit CUSIP numbers relating thereto.

“Certification” means a written certification of compliance signed by the Disclosure Representative stating that the Annual Report, Audited Financial Statements, Voluntary Report or Notice Event notice delivered to the Disclosure Dissemination Agent is the Annual Report, Audited Financial Statements, Voluntary Report or Notice Event notice required to be submitted to the Repositories under this Disclosure Agreement. A Certification shall accompany each such document submitted to the Disclosure Dissemination Agent by the Issuer and include the full name of the Bonds and the 9-digit CUSIP numbers for all Bonds to which the document applies.

“Disclosure Representative” means the Finance Director, the senior member of the Issuer or his or her designee, or such other person as the Issuer shall designate in writing to the Disclosure Dissemination Agent from time to time as the person responsible for providing Information to the Disclosure Dissemination Agent.

“Disclosure Dissemination Agent” means Digital Assurance Certification, L.L.C, acting in its capacity as Disclosure Dissemination Agent hereunder, or any successor Disclosure Dissemination Agent designated in writing by the Issuer pursuant to Section 9 hereof.

“Holder” means any person (a) having the power, directly or indirectly, to vote or consent with respect to, or to dispose of ownership of, any Bonds (including persons holding Bonds through nominees, depositories or other intermediaries) or (b) treated as the owner of any Bonds for federal income tax purposes.

“Information” means the Annual Financial Information, the Audited Financial Statements (if any) the Notice Event notices, and the Voluntary Reports.

“Notice Event” means an event listed in Sections 4(a) of this Disclosure Agreement.

“MSRB” means the Municipal Securities Rulemaking Board established pursuant to Section 15B(b)(1) of the Securities Exchange Act of 1934.

“National Repository” means any Nationally Recognized Municipal Securities Information Repository for purposes of the Rule. The list of National Repositories maintained by the United States Securities and Exchange Commission shall be conclusive for purposes of determining National Repositories. Currently, the following are National Repositories:

1. DPC Data Inc.
One Executive Drive
Fort Lee, New Jersey 07024
(201) 346-0701 (phone)
(201) 947-0107 (fax)
Email: nrmsir@dpccdata.com
2. Interactive Data Pricing and Reference Data, Inc.
Attn: NRMSIR
100 William Street, 15th Floor
New York, New York 10038
(212) 771-6999; (800) 689-8466 (phone)
(212) 771-7390
Email: NRMSIR@interactivedata.com
3. Bloomberg Municipal Repository
100 Business Park
Skillman, NJ 08558
(609) 279-3225 (phone)
(609) 279-5962 (fax)
Email: Munis@Bloomberg.com
4. Standard & Poor’s Securities Evaluations, Inc.
55 Water Street
45th Floor
New York, New York 10041
(212) 438-4595 (phone)
(212) 438-3975 (fax)
Email: nrmsir_repository@sandp.com

“Official Statement” means that Official Statement prepared by the Issuer in connection with the Bonds as listed on Appendix A.

“Repository” means the MSRB, each National Repository and the State Depository (if any).

“State Depository” means any public or private depository or entity designated by the State of South Carolina as a state information depository (if any) for the purpose of the Rule. The list of state information depositories maintained by the United States Securities and Exchange Commission shall be conclusive as to the existence of a State Depository. Currently, the following depositories are listed by the Securities and Exchange Commission as available State Depositories:

1. Municipal Advisory Council of Michigan
1445 First National Building
Detroit, Michigan 48226-3517
(313) 963-0420 (phone)
(313) 963-0943 (fax)
jackie@macmi.com
2. Municipal Advisory Council of Texas
PO Box 2177
Austin, TX 78768-2177
(512) 476-6947 (phone)
(512) 476-6403 (fax)
mac@mactexas.com
3. Ohio Municipal Advisory Council
9321 Ravenna Road, Unit K
Twinsburg, OH 44087-2445
(330) 963-7444 (phone)
(800) 969-OMAC (6622) (phone)
(330) 963-7553 (fax)
sid_filing@ohiomac.com

“Trustee” means the institution identified as such in the document under which the Bonds were issued.

“Voluntary Report” means the information provided to the Disclosure Dissemination Agent by the Issuer pursuant to Section 7.

SECTION 2. Provision of Annual Reports.

(a) The Issuer shall provide, annually, an electronic copy of the Annual Report and Certification to the Disclosure Dissemination Agent, together with a copy for the Trustee, not later than 30 days prior to the Annual Filing Date. Promptly upon receipt of an electronic copy of the Annual Report and the Certification, the Disclosure Dissemination Agent shall provide an Annual Report to each National Repository and the State Depository (if any) not later than 210 days after the end of each fiscal year of the Issuer, commencing with the fiscal year ending June 30, 2009. Such date and each anniversary thereof is the Annual Filing Date. The Annual Report may be submitted as a single document or as separate documents comprising a package, and may cross-reference other information as provided in Section 3 of this Disclosure Agreement.

(b) If on the fifteenth (15th) day prior to the Annual Filing Date, the Disclosure Dissemination Agent has not received a copy of the Annual Report and Certification, the Disclosure

Dissemination Agent shall contact the Disclosure Representative by telephone and in writing (which may be by e-mail) to remind the Issuer of its undertaking to provide the Annual Report pursuant to Section 2(a). Upon such reminder, the Disclosure Representative shall either (i) provide the Disclosure Dissemination Agent with an electronic copy of the Annual Report and the Certification) no later than two (2) business days prior to the Annual Filing Date, or (ii) instruct the Disclosure Dissemination Agent in writing that the Issuer will not be able to file the Annual Report within the time required under this Disclosure Agreement, state the date by which the Annual Report for such year will be provided and instruct the Disclosure Dissemination Agent that a Notice Event as described in Section 4(a)(12) has occurred and to immediately send a notice to each National Repository or the MSRB and the State Depository (if any) in substantially the form attached as Exhibit B.

(c) If the Disclosure Dissemination Agent has not received an Annual Report and Certification by 12:00 noon on the first business day following the Annual Filing Date for the Annual Report, a Notice Event described in Section 4(a)(12) shall have occurred and the Issuer irrevocably directs the Disclosure Dissemination Agent to immediately send a notice to each National Repository or the MSRB and the State Depository (if any) in substantially the form attached as Exhibit B.

(d) If Audited Financial Statements of the Issuer are prepared but not available prior to the Annual Filing Date, the Issuer shall, when the Audited Financial Statements are available, provide in a timely manner an electronic copy to the Disclosure Dissemination Agent, accompanied by a Certificate, together with a copy for the Trustee, for filing with each National Repository and the State Depository (if any).

(e) The Disclosure Dissemination Agent shall:

- (i) determine the name and address of each Repository each year prior to the Annual Filing Date;
- (ii) upon receipt, promptly file each Annual Report received under Section 2(a) with each National Repository, and the State Depository, (if any);
- (iii) upon receipt, promptly file each Audited Financial Statement received under Section 2(d) with each National Repository, and the State Depository (if any);
- (iv) upon receipt, promptly file the text of each disclosure to be made with each National Repository or the MSRB and the State Depository (if any) together with a completed copy of the MSRB Material Event Notice Cover Sheet in the form attached as Exhibit C, describing the event by checking the box indicated below when filing pursuant to the Section of this Disclosure Agreement indicated:
 1. "Principal and interest payment delinquencies," pursuant to Sections 4(c) and 4(a)(1);
 2. "Non-Payment related defaults," pursuant to Sections 4(c) and 4(a)(2);
 3. "Unscheduled draws on debt service reserves reflecting financial difficulties," pursuant to Sections 4(c) and 4(a)(3);
 4. "Unscheduled draws on credit enhancements reflecting financial difficulties," pursuant to Sections 4(c) and 4(a)(4);
 5. "Substitution of credit or liquidity providers, or their failure to perform," pursuant to Sections 4(c) and 4(a)(5);

6. "Adverse tax opinions or events affecting the tax-exempt status of the security," pursuant to Sections 4(c) and 4(a)(6);
7. "Modifications to rights of securities holders," pursuant to Sections 4(c) and 4(a)(7);
8. "Bond calls," pursuant to Sections 4(c) and 4(a)(8);
9. "Defeasances," pursuant to Sections 4(c) and 4(a)(9);
10. "Release, substitution, or sale of property securing repayment of the securities," pursuant to Sections 4(c) and 4(a)(10);
11. "Ratings changes," pursuant to Sections 4(c) and 4(a)(11);
12. "Failure to provide annual financial information as required," pursuant to Section 2(b)(ii) or Section 2(c), together with a completed copy of Exhibit B to this Disclosure Agreement;
13. "Other material event notice (specify)," pursuant to Section 7 of this Agreement, together with the summary description provided by the Disclosure Representative.

- (v) provide the Issuer evidence of the filings of each of the above when made, which shall be by means of the DAC system, for so long as DAC is the Disclosure Dissemination Agent under this Disclosure Agreement.

(f) The Issuer may adjust the Annual Filing Date upon change of its fiscal year by providing written notice of such change and the new Annual Filing Date to the Disclosure Dissemination Agent, Trustee (if any) and the Repositories, provided that the period between the existing Annual Filing Date and new Annual Filing Date shall not exceed one year.

SECTION 3. Content of Annual Reports.

(a) Each Annual Report shall contain Annual Financial Information with respect to the Issuer, including the information provided in the Official Statement under the headings: "Security," "Outstanding Indebtedness," "Assessed Value of Taxable Property in the County," "Estimated True Value of All Taxable Property in the County," "Tax Rates," "Tax Collections for Last Five Years," and "Ten Largest Taxpayers."

(b) Audited Financial Statements prepared in accordance with GAAP as described in the Official Statement will be included in the Annual Report.

Any or all of the items listed above may be included by specific reference from other documents, including official statements of debt issues with respect to which the Issuer is an "obligated person" (as defined by the Rule), which have been previously filed with each of the National Repositories or the Securities and Exchange Commission. If the document incorporated by reference is a final official statement, it must be available from the MSRB. The Issuer will clearly identify each such document so incorporated by reference.

SECTION 4. Reporting of Notice Events.

(a) The occurrence of any of the following events, if material, with respect to the Bonds constitutes a Notice Event:

1. Principal and interest payment delinquencies;
2. Non-payment related defaults;
3. Unscheduled draws on debt service reserves reflecting financial difficulties;
4. Unscheduled draws on credit enhancements relating to the Bonds reflecting financial difficulties;
5. Substitution of credit or liquidity providers, or their failure to perform;
6. Adverse tax opinions or events affecting the tax-exempt status of the Bonds;
7. Modifications to rights of Bond holders;
8. Bond calls;
9. Defeasances;
10. Release, substitution, or sale of property securing repayment of the Bonds;
11. Rating changes on the Bonds;
12. Failure to provide annual financial information as required; and
13. Other material event notice (specify) _____.

The Issuer shall promptly notify the Disclosure Dissemination Agent in writing upon the occurrence of a Notice Event. Such notice shall instruct the Disclosure Dissemination Agent to report the occurrence pursuant to subsection (c). Such notice shall be accompanied with the text of the disclosure that the Issuer desires to make, the written authorization of the Issuer for the Disclosure Dissemination Agent to disseminate such information, and the date the Issuer desires for the Disclosure Dissemination Agent to disseminate the information.

(b) The Disclosure Dissemination Agent is under no obligation to notify the Issuer or the Disclosure Representative of an event that may constitute a Notice Event. In the event the Disclosure Dissemination Agent so notifies the Disclosure Representative, the Disclosure Representative will within five business days of receipt of such notice, instruct the Disclosure Dissemination Agent that (i) a Notice Event has not occurred and no filing is to be made or (ii) a Notice Event has occurred and the Disclosure Dissemination Agent is to report the occurrence pursuant to subsection (c), together with the text of the disclosure that the Issuer desires to make, the written authorization of the Issuer for the Disclosure Dissemination Agent to disseminate such information, and the date the Issuer desires for the Disclosure Dissemination Agent to disseminate the information.

(c) If the Disclosure Dissemination Agent has been instructed by the Issuer as prescribed in subsection (a) or (b)(ii) of this Section 4 to report the occurrence of a Notice Event, the Disclosure

Dissemination Agent shall promptly file a notice of such occurrence with the State Depository (if any) and (i) each National Repository, or (ii) the MSRB.

SECTION 5. CUSIP Numbers. Whenever providing information to the Disclosure Dissemination Agent, including but not limited to Annual Reports, documents incorporated by reference to the Annual Reports, Audited Financial Statements, notices of Notice Events, and Voluntary Reports filed pursuant to Section 7(a), the Issuer shall indicate the full name of the Bonds and the 9-digit CUSIP numbers for the Bonds as to which the provided information relates.

SECTION 6. Additional Disclosure Obligations. The Issuer acknowledges and understands that other state and federal laws, including but not limited to the Securities Act of 1933 and Rule 10b-5 promulgated under the Securities Exchange Act of 1934, may apply to the Issuer, and that the failure of the Disclosure Dissemination Agent to so advise the Issuer shall not constitute a breach by the Disclosure Dissemination Agent of any of its duties and responsibilities under this Disclosure Agreement. The Issuer acknowledges and understands that the duties of the Disclosure Dissemination Agent relate exclusively to execution of the mechanical tasks of disseminating information as described in this Disclosure Agreement.

SECTION 7. Voluntary Reports.

(a) The Issuer may instruct the Disclosure Dissemination Agent to file information with the Repositories, from time to time pursuant to a Certification of the Disclosure Representative accompanying such information (a “Voluntary Report”).

(b) Nothing in this Disclosure Agreement shall be deemed to prevent the Issuer from disseminating any other information through the Disclosure Dissemination Agent using the means of dissemination set forth in this Disclosure Agreement or including any other information in any Annual Report, Annual Financial Statement, Voluntary Report or Notice Event notice, in addition to that required by this Disclosure Agreement. If the Issuer chooses to include any information in any Annual Report, Annual Financial Statement, Voluntary Report or Notice Event notice in addition to that which is specifically required by this Disclosure Agreement, the Issuer shall have no obligation under this Disclosure Agreement to update such information or include it in any future Annual Report, Annual Financial Statement, Voluntary Report or Notice Event notice.

SECTION 8. Termination of Reporting Obligation. The obligations of the Issuer and the Disclosure Dissemination Agent under this Disclosure Agreement shall terminate with respect to the Bonds upon the legal defeasance, prior redemption or payment in full of all of the Bonds, when the Issuer is no longer an obligated person with respect to the Bonds, or upon delivery by the Disclosure Representative to the Disclosure Dissemination Agent of an opinion of nationally recognized bond counsel to the effect that continuing disclosure is no longer required.

SECTION 9. Disclosure Dissemination Agent. The Issuer has appointed Digital Assurance Certification, L.L.C. as exclusive Disclosure Dissemination Agent under this Disclosure Agreement. The Issuer may, upon thirty days written notice to the Disclosure Dissemination Agent and the Trustee, replace or appoint a successor Disclosure Dissemination Agent. Upon termination of DAC's services as Disclosure Dissemination Agent, whether by notice of the Issuer or DAC, the Issuer agrees to appoint a successor Disclosure Dissemination Agent or, alternately, agrees to assume all responsibilities of Disclosure Dissemination Agent under this Disclosure Agreement for the benefit of the Holders of the Bonds. Notwithstanding any replacement or appointment of a successor, the Issuer shall remain liable until payment in full for any and all sums owed and payable to the Disclosure Dissemination Agent. The Disclosure Dissemination Agent may resign at any time by providing thirty days' prior written notice to the Issuer.

SECTION 10. Remedies in Event of Default. In the event of a failure of the Issuer or the Disclosure Dissemination Agent to comply with any provision of this Disclosure Agreement, the Holders' rights to enforce the provisions of this Agreement shall be limited solely to a right, by action in mandamus or for specific performance, to compel performance of the parties' obligation under this Disclosure Agreement. Any failure by a party to perform in accordance with this Disclosure Agreement shall not constitute a default on the Bonds or under any other document relating to the Bonds, and all rights and remedies shall be limited to those expressly stated herein.

SECTION 11. Duties, Immunities and Liabilities of Disclosure Dissemination Agent.

(a) The Disclosure Dissemination Agent shall have only such duties as are specifically set forth in this Disclosure Agreement. The Disclosure Dissemination Agent's obligation to deliver the information at the times and with the contents described herein shall be limited to the extent the Issuer has provided such information to the Disclosure Dissemination Agent as required by this Disclosure Agreement. The Disclosure Dissemination Agent shall have no duty with respect to the content of any disclosures or notice made pursuant to the terms hereof. The Disclosure Dissemination Agent shall have no duty or obligation to review or verify any Information or any other information, disclosures or notices provided to it by the Issuer and shall not be deemed to be acting in any fiduciary capacity for the Issuer, the Holders of the Bonds or any other party. The Disclosure Dissemination Agent shall have no responsibility for the Issuer's failure to report to the Disclosure Dissemination Agent a Notice Event or a duty to determine the materiality thereof. The Disclosure Dissemination Agent shall have no duty to determine, or liability for failing to determine, whether the Issuer has complied with this Disclosure Agreement. The Disclosure Dissemination Agent may conclusively rely upon certifications of the Issuer at all times.

THE ISSUER AGREES TO INDEMNIFY AND SAVE THE DISCLOSURE DISSEMINATION AGENT AND ITS RESPECTIVE OFFICERS, DIRECTORS, EMPLOYEES AND AGENTS, HARMLESS AGAINST ANY LOSS, EXPENSE AND LIABILITIES WHICH THEY MAY INCUR ARISING OUT OF OR IN THE EXERCISE OR PERFORMANCE OF THEIR POWERS AND DUTIES HEREUNDER, INCLUDING THE COSTS AND EXPENSES (INCLUDING ATTORNEYS FEES) OF DEFENDING AGAINST ANY CLAIM OF LIABILITY, BUT EXCLUDING LIABILITIES DUE TO THE DISCLOSURE DISSEMINATION AGENT'S GROSS NEGLIGENCE OR WILLFUL MISCONDUCT.

The obligations of the Issuer under this Section shall survive resignation or removal of the Disclosure Dissemination Agent and defeasance, redemption or payment of the Bonds.

(b) The Disclosure Dissemination Agent may, from time to time, consult with legal counsel (either in-house or external) of its own choosing in the event of any disagreement or controversy, or question or doubt as to the construction of any of the provisions hereof or its respective duties hereunder,

and neither of them shall incur any liability and shall be fully protected in acting in good faith upon the advice of such legal counsel. The fees and expenses of such counsel shall be payable by the Issuer.

SECTION 12. Amendment; Waiver. Notwithstanding any other provision of this Disclosure Agreement, the Issuer and the Disclosure Dissemination Agent may amend this Disclosure Agreement and any provision of this Disclosure Agreement may be waived, if such amendment or waiver is supported by an opinion of counsel expert in federal securities laws acceptable to both the Issuer and the Disclosure Dissemination Agent to the effect that such amendment or waiver does not materially impair the interests of Holders of the Bonds and would not, in and of itself, cause the undertakings herein to violate the Rule if such amendment or waiver had been effective on the date hereof but taking into account any subsequent change in or official interpretation of the Rule; provided neither the Issuer or the Disclosure Dissemination Agent shall be obligated to agree to any amendment modifying their respective duties or obligations without their consent thereto.

Notwithstanding the preceding paragraph, the Disclosure Dissemination Agent shall have the right to adopt amendments to this Disclosure Agreement necessary to comply with modifications to and interpretations of the provisions of the Rule as announced by the Securities and Exchange Commission from time to time by giving not less than 20 days written notice of the intent to do so together with a copy of the proposed amendment to the Issuer. No such amendment shall become effective if the Issuer shall, within 10 days following the giving of such notice, send a notice to the Disclosure Dissemination Agent in writing that it objects to such amendment.

SECTION 13. Beneficiaries. This Disclosure Agreement shall inure solely to the benefit of the Issuer, the Trustee of the Bonds, the Disclosure Dissemination Agent, the underwriter, and the Holders from time to time of the Bonds, and shall create no rights in any other person or entity.

SECTION 14. Governing Law. This Disclosure Agreement shall be governed by the laws of the State of New York (other than with respect to conflicts of laws).

SECTION 15. Counterparts. This Disclosure Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

The Disclosure Dissemination Agent and the Issuer have caused this Continuing Disclosure Agreement to be executed, on the date first written above, by their respective officers duly authorized.

DIGITAL ASSURANCE CERTIFICATION, L.L.C.,
as Disclosure Dissemination Agent

By: _____
Name: _____
Title: _____

RICHLAND COUNTY, SOUTH CAROLINA,
as Issuer

By: _____
Name: _____
Title: _____

EXHIBIT A

NAME AND CUSIP NUMBERS OF BONDS

Name of Issuer Richland County, South Carolina
Obligated Person(s) Daniel Driggers, Finance Director
Name of Bond Issue: General Obligation Bonds, Series 2008A, \$ _____
Date of Issuance: _____, 2008
Date of Official Statement _____, 2008

CUSIP Number: _____ CUSIP Number: _____

EXHIBIT B

NOTICE TO REPOSITORIES OF FAILURE TO FILE ANNUAL REPORT

Name of Issuer Richland County, South Carolina
Obligated Person(s) Daniel Driggers, Finance Director
Name of Bond Issue: General Obligation Bonds, Series 2008A, \$ _____
Date of Issuance: _____, 2008
Date of Official Statement: _____, 2008

NOTICE IS HEREBY GIVEN that the Issuer has not provided an Annual Report with respect to the above-named Bonds as required by the Disclosure Agreement, dated as of _____, 2008, between the Issuer and Digital Assurance Certification, L.L.C., as Disclosure Dissemination Agent. The Issuer has notified the Disclosure Dissemination Agent that it anticipates that the Annual Report will be filed by _____.

Dated: _____

Digital Assurance Certification, L.L.C., as Disclosure
Dissemination Agent, on behalf of the Issuer

cc: Issuer
 Obligated Person

FORM OF NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the County Council of Richland, South Carolina (the "County"), in County Council Chambers located at 2020 Hampton Street, Columbia, South Carolina, at 6:00 p.m. on _____, 2008, or at such other location as proper notice on the main entrance to the said building might specify.

The purpose of the public hearing is to consider an Ordinance providing for the issuance and sale of General Obligation Bonds of Richland County, South Carolina in the aggregate principal amount of not to exceed \$5,500,000 (the "Bonds"), the proceeds of which will be used to provide funds for: (i) acquiring vehicles for use by the Sheriff's Department for fiscal year 2008-2009; and acquiring land for and constructing and equipping of a new alcohol and drug abuse facility for use by LRADAC, the Behavioral Health Center of the Midlands; (ii) paying costs of issuance of the Bonds; and (iii) such other lawful corporate and public purposes as the County Council shall determine.

The full faith, credit and taxing power of the County will be irrevocably pledged for the payment of the principal of and interest on the Bonds as they respectively mature, and for the creation of such sinking fund as may be necessary therefor. There shall be levied annually by the Auditor of the County, and collected by the Treasurer of the County, in the same manner as other county taxes are levied and collected, a tax, without limit, on all taxable property in the County sufficient to pay the principal of and interest on the Bonds as they respectively mature and to create such sinking fund as may be necessary therefor.

At the public hearing all taxpayers and residents of the County and any other interested persons who appear will be given an opportunity to express their views for or against the Ordinance and the issuance of the Bonds.

COUNTY COUNCIL OF RICHLAND COUNTY,
SOUTH CAROLINA

s/ _____
Chair

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-08HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION; ARTICLE VII, BOARDS, COMMISSIONS AND COMMITTEES; SECTION 2-326, BOARDS AND COMMISSION CREATED AND RECOGNIZED; SO AS TO AMEND THE LANGUAGE REGARDING MEMBERS' TERMS FOR THE BUSINESS SERVICE CENTER APPEALS BOARD.

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 2, Administration; Article VII, Boards, Commissions and Committees; Section 2-326, Boards and commissions created and recognized; is hereby amended to read as follows:

(k) Richland County Business Service Center Appeals Board

(4) Terms of Members; Election of Chairperson; Meetings

- a. The term of office of the chairperson and each member of the Appeals Board shall be four (4) years. However, in making the initial appointments, ~~three~~ two members shall be appointed for ~~a an initial~~ term of ~~two~~ four years, ~~two~~ members ~~for an initial term of three years,~~ and ~~two~~ one members shall be appointed for ~~a an~~ initial term of ~~three~~ two years, ~~so that certain of the offices shall expire every~~ year. Thereafter, their successors shall be appointed for terms of four years, or for the balance of any unexpired term. Members may be reappointed for ~~succeeding~~ a consecutive, second terms, for four years, but not for more than two years after expiration after the last served term of office. After this second term, a member may be reappointed for a third term, but only after two years has elapsed from the last day of the last term served. The County Council may terminate for just cause any Board members' terms of office.

SECTION II. Severability. If any section, subsection, or clause of this ordinance shall be deemed 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. All sections of this ordinance shall be effective from and after July 1, 2007.

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST THIS THE _____ DAY
OF _____, 2008.

Michelle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: (, 2008)
Second Reading: (, 2008)
Public Hearing: (, 2008)
Third Reading: (, 2008)

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. __-08HR

AN ORDINANCE AMENDING THE FISCAL YEAR 2007-2008 BUDGET
ORDINANCE TO INCREASE THE GENERAL FUND HUMAN RESOURCES
BUDGET BY (\$50,000) AND TO INCREASE SOLID WASTE BUDGET BY
(\$700,000).

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. That the amount of fifty thousand dollars (\$50,000) be appropriated to the FY 2007-2008 Human Resources Budget. Therefore, the Fiscal Year 2007-2008 General Fund Annual Budget is hereby amended as follows:

REVENUE

Revenue appropriated July 1, 2007 as amended:	\$ 126,934,109
Appropriation of General Fund undesignated fund balance	<u> 50,000</u>
Total General Fund Revenue as Amended:	\$ 126,984,109

EXPENDITURES

Expenditures appropriated July 1, 2007 as amended:	\$ 126,934,109
Change in Human Resources Budget:	<u> 50,000</u>
Total General Fund Expenditures as Amended:	\$ 126,984,109

That the amount of seven hundred thousand dollars (\$700,000) be appropriated to the FY 2007-2008 Solid Waste Fund Budget. Therefore, the Fiscal Year 2007-2008 Solid Waste Fund Annual Budget is hereby amended as follows:

REVENUE

Revenue appropriated July 1, 2007 as amended:	\$ 21,130,131
Appropriation of Revenue	<u> 700,000</u>
Total Solid Waste Fund Revenue as Amended:	\$ 21,830,131

EXPENDITURES

Expenditures appropriated July 1, 2007 as amended:	\$ 21,130,131
--	---------------

Change in Solid Waste Expenditure Budget: 700,000

Total Solid Waste Fund Expenditures as Amended: \$ 21,830,131

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 Repealed. 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 enforced from and after _____, 2008.

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST THIS THE ____ DAY

OF _____, 2008

Michielle R. Cannon-Finch
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:

STATE OF SOUTH CAROLINA
COUNTY COUNCIL OF RICHLAND COUNTY
ORDINANCE NO. ____-08HR

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED AS A PORTION OF TMS # 06500-01-04A FROM RU (RURAL DISTRICT) TO HI (HEAVY INDUSTRIAL DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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 Zoning Map of unincorporated Richland County is hereby amended to change the real property described as a portion of TMS # 06500-01-04A from RU (Rural District) zoning to HI (Heavy Industrial District) zoning.

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

Section IV. This ordinance shall be effective from and after _____, 2008.

RICHLAND COUNTY COUNCIL

By: _____
Joseph McEachern, Chair

Attest this _____ day of
_____, 2008.

Michielle R. Cannon-Finch
Clerk of Council

Public Hearing: May 27, 2008
First Reading: May 27, 2008
Second Reading: June 3, 2008 (tentative)
Third Reading:

STATE OF SOUTH CAROLINA
COUNTY COUNCIL OF RICHLAND COUNTY
ORDINANCE NO. ____-08HR

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED AS A PORTION OF TMS # 22900-02-09; FROM RG-2 (GENERAL RESIDENTIAL DISTRICT) TO C-3 (GENERAL COMMERCIAL DISTRICT); AND FROM C-3 (GENERAL COMMERCIAL DISTRICT) TO C-1 (NEIGHBORHOOD COMMERCIAL DISTRICT); AND FROM C-1 (NEIGHBORHOOD COMMERCIAL DISTRICT) TO C-3 (GENERAL COMMERCIAL DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the property (a portion of TMS # 22900-02-09) described in Exhibit A as parcel “X”, which is attached hereto, from RG-2 General Residential District zoning to C-3 General Commercial District zoning.

Section II. The Zoning Map of unincorporated Richland County is hereby amended to change the property (a portion of TMS # 22900-02-09) described in Exhibit A as parcel “U”, which is attached hereto, from C-3 General Commercial District zoning to C-1 Neighborhood Commercial District zoning.

Section III. The Zoning Map of unincorporated Richland County is hereby amended to change the property (a portion of TMS # 22900-02-09) described in Exhibit A as parcel “V”, which is attached hereto, from C-1 Neighborhood Commercial District zoning to RG-2 General Residential District zoning.

Section IV. 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 V. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section VI. This ordinance shall be effective from and after April 18, 2006.

RICHLAND COUNTY COUNCIL

By: _____
Joseph McEachern, Chair

Attest this _____ day of
_____, 2008.

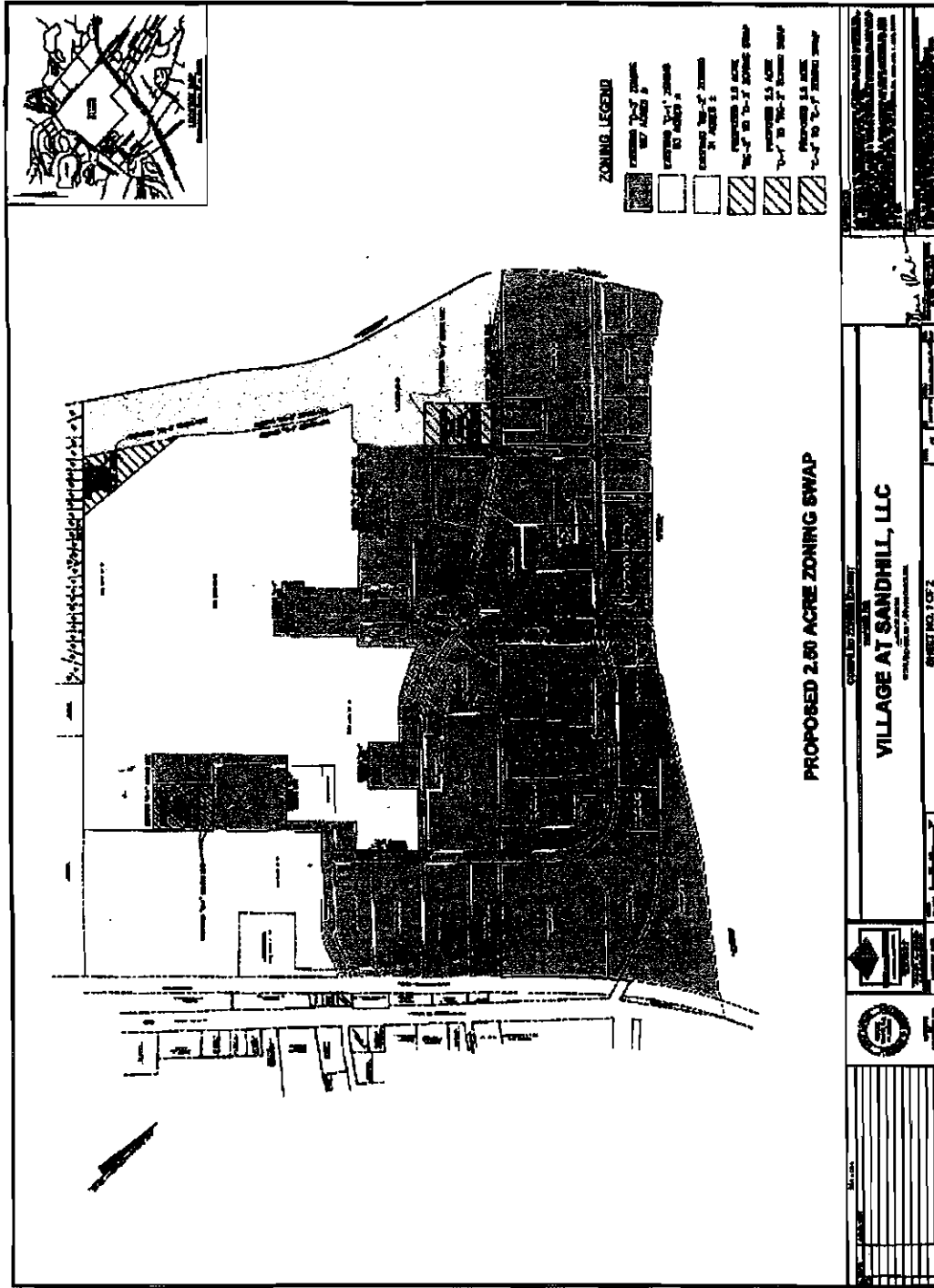
Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: May 27, 2008
First Reading: May 27, 2008
Second Reading: June 3, 2008 (tentative)
Third Reading:

Exhibit A Property Description



STATE OF SOUTH CAROLINA
COUNTY COUNCIL OF RICHLAND COUNTY
ORDINANCE NO. ____-08HR

AN ORDINANCE ALLOWING OWNERS (OR THEIR AGENTS) OF CERTAIN PARCELS OF LAND ALONG THE DECKER CORRIDOR IN RICHLAND COUNTY, SOUTH CAROLINA, TO MAKE APPLICATION FOR THE USE OF THE DEVELOPMENT STANDARDS OF THE "CRD CORRIDOR REDEVELOPMENT OVERLAY DISTRICT".

WHEREAS, on March 18, 2008, County Council enacted Ordinance No. 016-08HR, which established a new zoning district entitled "CRD Corridor Redevelopment Overlay District"; and

WHEREAS, the CRD Overlay District is intended to promote the revitalization of existing underutilized, vacant, or abandoned commercial strips while encouraging reinvestment in and reuse of areas in a manner consistent with the *Comprehensive Plan for Richland County*. Revitalization initiates housing and economic opportunities, which promotes socially vibrant centers of community life through the coordinated efforts of public, private and community organizations; and

WHEREAS, pursuant to Ordinance No. 016-08HR, the CRD Overlay District may be approved and designated by County Council for any area within the county that has already had a Master Plan approved and adopted by the County Council; provided, however, the standards of such district shall remain optional; and

WHEREAS, once a CRD Overlay District is applied to a designated area of the county, the development standards of the underlying district shall remain in place until such time as a property owner applies to the Planning and Development Services Department to have the standards of the CRD Overlay District apply to his/her property; only one set of standards shall apply to any one parcel of land, and a property owner is not allowed to simultaneously use the development standards of both districts; and

WHEREAS, the following parcels of land are included in "The Renaissance Plan for the Decker Blvd/Woodfield Park Area" Master Plan, which was adopted by County Council on June 19, 2007, and are eligible to apply for the CRD Overlay District Standards;

NOW, THEREFORE, 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:

Section I. The owners or agents of the following parcels of land, which are identified by TMS number (and further referenced on Exhibit A, which is attached hereto and incorporated herein), are hereby eligible to apply to the Planning and Development Services Department of Richland County for the development standards found within the CRD Corridor Redevelopment Overlay District:

R16810-03-01	R16815-01-27	R16842-01-30	R16842-02-35	R16908-08-05
R16810-03-02	R16815-01-28	R16842-01-31	R16842-02-36	R16909-03-01
R16811-06-01	R16815-01-29	R16842-01-32	R16842-02-37	R16909-03-02
R16811-06-03	R16815-09-01	R16842-01-33	R16842-02-38	R16909-03-03
R16811-06-05	R16815-09-02	R16842-01-34	R16842-02-39	R16909-03-04
R16811-06-07	R16815-09-03	R16842-01-35	R16842-02-40	R16909-07-01
R16811-06-13	R16815-09-04	R16842-01-36	R16842-02-41	R16909-07-02
R16811-06-14	R16815-09-05	R16842-01-37	R16842-02-42	R16909-07-03
R16811-07-02	R16815-09-06	R16842-01-38	R16842-02-43	R16909-07-04
R16811-07-03	R16815-09-07	R16842-01-39	R16842-02-44	R16909-07-05
R16811-07-04	R16815-09-08	R16842-01-40	R16842-02-45	R16909-07-06
R16811-07-05	R16815-09-09	R16842-01-41	R16842-02-46	R16909-08-01
R16812-05-01	R16815-09-10	R16842-01-42	R16842-02-47	R16909-08-17
R16812-05-02	R16815-09-11	R16842-01-43	R16842-02-48	R16909-08-18
R16812-05-04	R16815-09-12	R16842-01-44	R16842-02-49	R16909-08-19
R16812-05-05	R16815-09-13	R16842-01-45	R16842-02-50	R16909-09-02
R16812-05-06	R16815-09-14	R16842-01-46	R16842-02-51	R16909-09-03
R16812-05-20	R16815-09-15	R16842-01-47	R16842-02-52	R16909-09-04
R16812-05-22	R16815-09-16	R16842-01-48	R16842-02-53	R16909-09-05
R16812-05-24	R16815-09-17	R16842-01-49	R16842-02-54	R16909-09-06
R16812-05-25	R16815-09-18	R16842-01-50	R16842-02-55	R16909-09-07
R16812-05-26	R16815-09-19	R16842-01-51	R16842-02-56	R16909-09-08
R16812-05-27	R16815-09-20	R16842-01-52	R16842-02-57	R16909-09-09
R16812-06-01	R16815-09-21	R16842-01-53	R16842-02-58	R16909-10-04
R16812-06-02	R16815-09-22	R16842-01-54	R16842-02-59	R16909-10-05
R16812-06-03	R16815-09-23	R16842-01-55	R16842-02-60	R16909-10-06
R16812-06-04	R16815-09-24	R16842-01-56	R16842-02-61	R16909-10-07
R16812-06-05	R16815-09-25	R16842-01-57	R16842-02-62	R16909-10-08
R16812-06-06	R16815-09-26	R16842-01-58	R16842-02-63	R16909-10-13
R16812-09-01	R16815-10-02	R16842-01-59	R16842-02-64	R16909-10-16
R16812-09-02	R16815-10-04	R16842-01-60	R16881-00-00	R16910-01-02
R16812-09-03	R16815-10-05	R16842-01-61	R16881-01-01	R16910-01-04
R16812-09-04	R16815-10-06	R16842-01-62	R16881-01-02	R16910-01-06
R16812-09-05	R16815-10-07	R16842-01-63	R16881-01-03	R16910-01-09
R16812-11-01	R16815-10-08	R16842-01-64	R16881-01-04	R16910-01-13
R16812-11-02	R16815-10-11	R16842-02-01	R16881-01-05	R16910-01-14
R16812-11-03	R16815-10-12	R16842-02-02	R16881-01-06	R16910-01-15
R16812-11-04	R16815-10-13	R16842-02-03	R16881-01-07	R16910-01-16
R16812-11-05	R16815-10-14	R16842-02-04	R16881-01-08	R16910-01-19
R16812-11-06	R16842-00-00	R16842-02-05	R16881-01-09	R16910-01-20
R16812-12-02	R16842-01-01	R16842-02-06	R16881-01-10	R16910-01-21
R16812-12-03	R16842-01-02	R16842-02-07	R16881-01-11	R16910-01-22
R16814-01-01	R16842-01-03	R16842-02-08	R16881-01-12	R16910-01-23
R16814-03-01	R16842-01-04	R16842-02-09	R16881-01-13	R16910-01-24
R16814-03-02	R16842-01-05	R16842-02-10	R16881-01-14	R16910-01-25

R16815-01-01	R16842-01-06	R16842-02-11	R16881-01-15	R16910-01-26
R16815-01-02	R16842-01-07	R16842-02-12	R16881-01-16	R16910-01-27
R16815-01-03	R16842-01-08	R16842-02-13	R16881-01-17	R16910-01-28
R16815-01-04	R16842-01-09	R16842-02-14	R16881-01-18	R16910-01-29
R16815-01-05	R16842-01-10	R16842-02-15	R16881-01-19	R16910-01-30
R16815-01-06	R16842-01-11	R16842-02-16	R16881-01-20	R16910-01-31
R16815-01-07	R16842-01-12	R16842-02-17	R16881-02-01	R16910-01-32
R16815-01-08	R16842-01-13	R16842-02-18	R16881-02-02	R16910-02-04
R16815-01-09	R16842-01-14	R16842-02-19	R16881-02-03	R16910-02-05
R16815-01-10	R16842-01-15	R16842-02-20	R16881-02-04	R16910-02-06
R16815-01-11	R16842-01-16	R16842-02-21	R16881-02-05	R16910-03-01
R16815-01-12	R16842-01-17	R16842-02-22	R16906-02-06	R16910-03-02
R16815-01-13	R16842-01-18	R16842-02-23	R16906-02-07	R16910-03-03
R16815-01-14	R16842-01-19	R16842-02-24	R16906-02-39	R16910-03-04
R16815-01-15	R16842-01-20	R16842-02-25	R16906-03-01	R16911-02-01
R16815-01-16	R16842-01-21	R16842-02-26	R16907-02-02	R16911-02-09
R16815-01-17	R16842-01-22	R16842-02-27	R16907-02-03	R16911-02-10
R16815-01-20	R16842-01-23	R16842-02-28	R16907-03-01	R16911-02-11
R16815-01-21	R16842-01-24	R16842-02-29	R16907-03-02	R16911-03-01
R16815-01-22	R16842-01-25	R16842-02-30	R16908-03-13	R16911-03-02
R16815-01-23	R16842-01-26	R16842-02-31	R16908-07-03	R16911-03-03
R16815-01-24	R16842-01-27	R16842-02-32	R16908-08-02	R16911-03-07
R16815-01-25	R16842-01-28	R16842-02-33	R16908-08-03	R16911-03-08
R16815-01-26	R16842-01-29	R16842-02-34	R16908-08-04	

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

Section IV. This ordinance shall be effective from and after _____, 2008.

RICHLAND COUNTY COUNCIL

By: _____
Joseph McEachern, Chair

Attest this _____ day of _____, 2008.

Michielle R. Cannon-Finch

Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: May 27, 2008
First Reading: May 27, 2008
Second Reading: June 3, 2008 (tentative)
Third Reading:

EXHIBIT A



STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-08HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE VII, GENERAL DEVELOPMENT, SITE, AND PERFORMANCE STANDARDS; SO AS TO ESTABLISH A GREEN CODE SETTING FORTH OPTIONAL STANDARDS FOR CERTAIN PARCELS THAT MAY BENEFIT FROM THE APPLICATION OF ENVIRONMENTAL PROTECTION STANDARDS.

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

SECTION I. The Richland County Code of Ordinances, Chapter 26, Land Development; Article II, Rules of Construction/Definitions; Section 26-22, Definitions; is hereby amended to include in the appropriate alphabetical order, the following definitions:

Conservation Area. Any parcel or area of undeveloped land conserved in its natural state for perpetuity through deeds or other legal measures.

Conservation subdivision. A subdivision that concentrates buildings in specific areas on site and maximizes open space, preservation of environmentally sensitive areas.

Neighborhood Green. An open space available for unstructured recreation, its landscaping consists of grassy areas, trees and approximately one-acre or less surrounded by structures/dwellings within the boundaries of the development.

Road, main. The main entrance(s) to a Conservation subdivision, which collects traffic from internal park roads, connecting to arterial roads external to the subdivision.

Road, park. Internal roads, cul-de-sacs or loop roads, which connect to the subdivision Main Road.

SECTION II. The Richland County Code of Ordinances, Chapter 26, Land Development; Article VII, General Development, Site, and Performance Standards; so as to establish a Green code setting forth optional standards for certain parcels that may benefit from the application of environmental protection standards; thereby creating a new section to read as follows:

Sec. 26-186. Green Code standards.

(a) *Purpose.* Green Code standards are intended to encourage the development of residential communities based upon the *Comprehensive Plan for Richland County*, and which are designed to:

- (1) Preserve and protect environmental resources, scenic vistas, and natural and cultivated landscapes; and
- (2) Enhance land, water, air and tree resources by minimizing the area of land disturbance, reducing impervious surface, optimizing stream buffers, preserving tree cover and encouraging retention and protection of Conservation Areas; and
- (3) Reduce infrastructure maintenance costs as a result of efficient community design; and
- (4) Provide a Conservation Area and pedestrian linkages and wildlife corridors among residential communities and to encourage recreation opportunities; and
- (5) Preserve significant historical and archeological features; and to preserve and protect contiguous undeveloped areas within the development.

(b) *Applicability/Establishment.* The owner of property within an RU, RS-E, RS-LD, RS-MD, or RS-HD zoning district may apply the development standards found within this section, in lieu of the development standards set forth for the applicable zoning district, subject to meeting the requirements of this section.

(c) *Application.* A property owner desiring to use the development standards of this section must first submit an application to the Planning department. The application shall be accompanied by an "Existing Features Site Analysis Plan" (see subsection (e), below), and a "Concept Plan" (see subsection (f), below). An application will not be accepted if the property has been clear-cut (i.e. marketable timber has been removed; provided, however, thinning of pine timber is permitted pursuant to a certified forest management plan, with such plan addressing reforestation) within the past twenty-four (24) months. In addition, property must utilize a public sanitary sewer, unless the owner obtains prior approval from DHEC to utilize a well and septic tank system.

(d) *Approval by the County's Soil and Water Department.* A Conservation Area that delineates the land that is to be set aside for conservation purposes must be certified and accepted by the Richland County Soil and Water department. The Planning department shall submit this information to the Soil and Water department for review.

(e) *Existing Features Site Analysis Plan.* At time of development, and prior to preparing the Concept Plan, an Existing Features Site Analysis Plan, sealed by a registered engineer or landscape architect, shall be prepared and submitted by the applicant or developer.

- (1) The purposes of the Existing Features Site Analysis Plan are to:
 - a. Delineate areas that have been identified as worthy of permanent protection as a Conservation Area because of their environmental values.
 - b. Set forth the particulars of the site, including boundary, topographic data (minimum 2 foot contour intervals), existing structures and utility easements. County topographical data, current GIS data other published data will be acceptable.
 - c. Provide the starting point for design of the conservation subdivision with built areas being designed as separate from the areas delineated as worthy of permanent protection.

- (2) The Existing Features Site Analysis Plan shall include, at a minimum, the following information:
 - a. Perennial and intermittent streams, wetlands, and FEMA designated 100-Year Flood Hazard Zones. The source of this information shall also be indicated. USACE approved delineation is not required. Delineation of stream buffers along intermittent streams and perennial streams. The required buffers are:

For an Intermittent stream – a 25 foot buffer on each side, and

For a Perennial stream – a 50 foot buffer on each side.

For a delineated wetland area -- a 50 ft buffer.
 - b. Identification of tree lines, native woodlands, open fields or meadows, peaks or rock outcroppings, and prime agricultural land.
 - c. Delineation of tree resource areas by type, such as hardwoods, pines or mixed; and old or new growth, as determined by existing and published data.
 - d. Delineation of steep slope areas (25% or greater). The plan shall provide for protective vegetative cover on slopes greater than forty percent (40%).
 - e. Identification of historical, archeological or other significant features.

- f. Identification of the Conservation Area, Open Space, or common areas contiguous to the project.
- g. Identification of protected plant species as listed by the South Carolina Department of Natural Resources, to be certified by a registered landscape architect, forester, arborist, biologist, botanist or horticulturist.
- h. The plan also shall include a notarized statement by the landowner that marketable timber has not been removed (provided, however, thinning of pine timber is permitted pursuant to a certified forest management plan, with such plan addressing reforestation) within the past twenty-four (24) months within stream and/or wetland buffer areas in the previous twenty-four (24) months prior to the approval of a Concept Plan.

(f) *Concept Plan.* At time of development application, a Concept Plan shall be submitted by the developer for review and approval in accordance with the requirements and procedures of this chapter. A Concept Plan shall consist of either a site plan or a sketch plan, including the following information:

- (1) Delineation and specifications of a Conservation Area, including calculations, and any "Neighborhood Greens," play areas, or trail system to be constructed.
- (2) A typical detail on the plan indicating minimum lot width, building setback lines, off-street parking, street trees, sidewalks, and street pavement and right-of-way width.
- (3) Minimum Lot width area and percent of floodplain specifications in tabular form; and density calculations (gross and net).

(g) *Conservation Area Requirements.* In order to use the development standards of this section, the Conservation Area shall meet the following requirements:

- (1) *Delineation.* Priority shall be given in delineating Conservation Areas as those areas of significance identified in the Existing Features Site Analysis Plan, around which the built areas are designed.
- (2) *Undeveloped and Natural.* The Conservation Area shall remain undeveloped and natural except for the provision of non-motorized passive recreation opportunities, such as running, walking, biking, and similar outdoor activities. Trail construction and maintenance activities shall be allowed, including trail markers and routine mowing. For trail systems, boardwalks are allowed. Trail wetland and stream bank

mitigation projects are also permitted. Natural vegetation shall not be disturbed, except for utility crossings within the required buffers.

- a. "Primary Conservation Areas" are required to be included in the Conservation Area. These areas shall be covered by a provision for permanent protection and shall include 100-Year floodplains, stream buffer zones, and slopes greater than forty percent (40%) consisting of a contiguous area of at least 5,000 square feet, wetlands, endangered or threatened species or their habitat, archeological sites, cemeteries or burial grounds.
 - b. "Secondary Conservation Areas" are features that are acceptable and desirable for Conservation Area designation, and may be covered by the provisions for permanent protection. These include important historic sites, existing healthy, native forests of at least one (1) contiguous acre, scenic view sheds, peaks and rock outcroppings, prime agriculture lands consisting of at least five (5) contiguous acres, and existing trails that connect the tract to neighboring areas. Also considered Secondary Conservation Areas are "Neighborhood Greens" and storm water management facilities and practices, and these may be constructed and maintained in the Conservation Area. However, "Neighborhood Greens" shall not exceed twenty percent (20%) of the total required Conservation Area.
 - c. Proposed Permanent Lakes that will be used for wet detention shall be credited at fifty percent (50%) of the land area.
 - d. Existing lakes that are used for stormwater detention shall be credited at one hundred percent (100%), and no more than fifty percent (50%) of land area located within a proposed permanent wet stormwater basin may be credited.
- (3) *Exclusions.* The following features are excluded from the minimum amount of Conservation Area that must be set aside:
- a. Residential yards.
 - b. Impervious surfaces in recreation areas shall not be credited.
 - c. Land area within power, gas pipeline easements, sewer line easements or pump stations shall not be credited unless these easements contain sensitive areas and are approved for common use areas.

- d. Land area devoted to public or private streets or any land that has been, or is to be, conveyed to a public agency for such use as parks, schools, or other public facilities, shall not be credited.
 - e. Dry stormwater detention basins shall not be credited.
- (4) *Ownership of Conservation Areas.* Prior to any building permits being issued for the subdivision, the Conservation Area that is delineated on the Final Plat shall be permanently protected by either one or both of the following options:
- a. *Option 1. Conveyance to Qualified Organizations or Entities.* Except for “Neighborhood Greens,” developed recreation areas or Secondary Conservation Areas not desired for permanent protection, the Conservation Area shall be permanently protected by the: 1) recording of a covenant or conveyance of an easement which runs in perpetuity under South Carolina law in favor of any corporation, trust, or other organization holding land for the use of the public or certain governmental entities; or 2) conveyance of a conservation easement running in perpetuity to a third party “qualified organization” recognized by Federal Treasury Regulation Section 1.170A-14(c)(1). Qualified organizations recognized by this Treasury Regulation include, but may not be limited to, governmental entities, local and national land trusts, or other conservation groups that are organized or operated primarily or substantially for one of the conservation purposes specified in the Internal Revenue Code. Governmental entities that qualify to be named in covenants or to receive conservation easements under the Treasury Regulation referred to above for purposes of this section shall include the Federal government, the State of South Carolina, Richland County, or authorities of the State of South Carolina or Richland County. If a covenant is recorded or an easement conveyed in favor of a governmental entity, formal acceptance by the governmental entity or qualified conservation organization shall be obtained prior to the recording of the covenant or conveyance of the easement. The developer shall record the necessary legal instrument to accomplish protection of the Conservation Area prior to, or concurrent with, the recording of the Final Plat. Both the deed and the Final Plat shall contain, at a minimum, the following covenant:

“The Conservation Area conveyed by deed and shown on the Final Plat shall remain permanently protected and shall not be disturbed or cleared except to clean up storm damage, or to create or maintain hiking trails. and shall have the following goals: 1) protection of streams, floodplains and wetlands; 2) protection of

steep slopes; 3) protection of woodlands, open fields and meadows; 4) protection of historical and archeological features; 5) protection of significant wildlife habitats; 6) protection of scenic vistas; and 7) passive recreation and connectivity with nearby open spaces. The following uses may be allowed: passive recreational amenities, such as pervious-surface paths and minimal parking spaces; picnic and restroom facilities (constructed facilities shall not exceed fifteen percent (15%) of the Conservation Area). This covenant is intended to benefit said area to the public and the use of same to the subdivision lot owners and residents, and it shall run in perpetuity.”

- b. Option 2. *Conveyance to the Property Owners' Association.* A deed conveying ownership of the Conservation Area in fee-simple to a property owner's association shall be recorded and delivered prior to, or concurrent with, the recording of the Final Plat for the first phase of the subdivision. The legal instrument shall contain, at a minimum, the same language required to be placed on a deed as stated in Option 1 of this Section.

The property owner's association bylaws or covenants, at a minimum, shall contain the following provisions:

- a. Governance of the association.
- b. Lien rights to the association for maintenance expenses and tax obligations.
- c. Responsibility for maintenance of the open space, including, if applicable, low impact development stormwater management mechanisms.
- d. Responsibility for insurance and taxes.
- e. Automatic compulsory membership of all lot purchasers and their successors; and compulsory assessments.
- f. Conditions and timing of transferring control of the association from the developer to the lot owners.

The property owner's association, or other entity approved in advance by the Planning department, shall be responsible for the continuous maintenance and/or preservation of buffers, Conservation Area, trails and recreation areas.

(h) *Development Requirements.* Subdivisions shall meet the following requirements:

- (1) Minimum Subdivision Size: 10 contiguous acres.
- (2) Lot Area: No minimum.
- (3) Minimum Yard Areas (Setbacks):
 - a. Front: 20 feet; provided, however, the front yard setback may be reduced to 5 feet if dwellings are provided side or rear entry garages.
 - b. Rear: 20 feet.
 - c. Side: 5 feet.
 - d. Corner lots secondary side $\frac{1}{2}$ front or 10 feet
 - e. For alley loaded developments:
 - Front: 10 feet
 - Rear: 15 feet
 - Side: 3 feet, 6 feet combined
 - Corner lots secondary side 10 feet
 - f. For a zero "lot line" development:
 - Front: 15 feet
 - Rear: 15 feet
 - Side: 0 feet, 6 feet combined
 - Corner lots secondary side 7 $\frac{1}{2}$ feet
- (4) Street Frontage Buffer along existing roads: Twenty-five (25) feet in width (not part of any building lot). The street frontage buffer shall remain undisturbed and natural, except for entrance features, necessary street construction activities, right-of-way crossings, public utility easements, and corner right-of-way miters or radii. If the required street frontage buffer is void of vegetation, it shall be planted in accordance to landscape buffer type "A" to provide an effective visual screen, which may include landscaped berms and decorative fences. The street frontage buffer may be counted towards Conservation Area calculations.
- (5) Maximum Height: Three (3) stories above ground level. (For the purpose of this subparagraph, "ground level" shall mean: the average finished ground elevation at the base of a structure to the highest point of the roof of the structure; provided that spires, belfries, cupolas,

chimneys, antennas, water tanks, ventilators, elevator housing, mechanical equipment, or other such structures that are placed above roof level and are not intended for human occupancy, shall not be subject to height limitations).

- (6) Yards: All disturbed areas on dwelling lots shall be stabilized with sod, or landscaped with mulch and native plants for landscaping and stabilization of the entire lot.
- (7) Street trees shall be provided along all roads at intervals of twenty-five (25) feet and shall be 2½ inch caliper/10 feet in height at time of planting.
- (8) Proposed utilities shall be located underground.
- (9) Community streets shall be as follows:
 - a. Main Roads – twenty-four (24) feet pavement width with 1.5 feet minimum rolled curb.
 - b. Park Roads – seventeen (17) feet pavement width with 1.5 feet minimum rolled curb. On cul-de-sac bulbs, the inside curb shall be one (1) foot ribbon curb.
 - c. Street Lighting - if street lighting is proposed, a pedestrian scale shall be utilized (maximum 12 feet in height).
 - d. All streets shall conform to Richland County standards for pavement section, horizontal and vertical curvature. All streets in the community will have sidewalks on at least one side.
 - e. Sidewalks shall provide access to community trail systems. All sidewalks shall be a minimum of five (5) feet wide and meet ADA standards. Sidewalks shall be setback five (5) feet from the curb, providing a grass or landscaped buffer between the sidewalk and roadway.
- (10) Storm water management. Where possible, detention shall be accomplished in wet ponds. In addition, low impact development (LID) options shall be utilized when feasible throughout the community. However, in either case, storm water controls shall meet Richland County's standards. LID stormwater mechanisms, such as grassy cul-de-sacs and neighborhood greens shall be owned and maintained by the Home Owners' Association.

(11) Pervious material may be used for sidewalks and driveways. The maximum impervious surface allowed is fifty percent (50%) of the developed area.

(12) Certification shall be issued by the Richland County Council for the completion of development that meets the within Green code standards, which enhances the environment, improves our quality of life, and prioritizes Green Development.

(i) *Density.* The residential gross density in each zoning district is established in other sections of this Code; provided, however, bonus density shall be granted based on meeting open space conservation targets as follows:

- 30% required minimum open space – 10% bonus density
- 40% open space provided – 20% bonus density
- 50% open space provided – 30% bonus density

Density bonus can be applied on a pro-rata basis for open space amounts falling between the benchmarks.

(j) *Appeals.* The Board of Zoning Appeals, consistent with section 26-58, shall hear appeals of decisions of the Planning Department pertaining to this section (26-186).

Secs. 26-187 – 26-200. Reserved.

SECTION III. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-85, RU Rural District; Subsection (c), Development Standards; is thereby amended to read as follows:

(c) *Development standards.* See also Article V., Section 26-131. Table of Area, Yard, and Height Requirements. Provided, however, if a developer can meet the requirements found within Section 26-186, the development standards of 26-186 (i) may be substituted for the standards required in this subsection.

(1) *Minimum lot area/maximum density:* Minimum lot area: 33,000 square feet (one acre), or as determined by the DHEC, but in no case shall it be less than 33,000 square feet. Maximum density standard: no more than one (1) principal dwelling unit may be placed on a lot except for permitted accessory dwellings.

(2) *Minimum lot width:* 120 feet.

(3) *Structure size standards:* None.

(4) *Setback standards:* The following minimum setbacks shall be required for principal uses in the RU District:

a. Front: 40 feet.

b. Side: 20 feet.

c. Rear: 50 feet.

The minimum side and rear setback requirement for accessory buildings/ structures in the RU District is twenty (20) feet. See also Section 26-185(b) of this chapter.

The landscape and bufferyard standards of Section 26-176 may require additional setback distances; if so, the most restrictive requirements shall apply.

(5) *Height standards:* The maximum height of structures in the RU District shall be 45 feet. Silos, barns, windmills, or other similar structures used for agricultural purposes are exempt from height requirements.

(6) *Landscaping/bufferyard standards:* Landscaping and bufferyards shall be provided in accordance with Section 26-176 of this chapter.

(7) *Parking/loading standards:* Parking and loading facilities shall be provided as required by Section 26-173 and Section 26-174 of this chapter. No parking lots shall be permitted within any required setback.

(8) *Sidewalk and pedestrian amenities:* Sidewalks and other pedestrian amenities shall be provided as required by Section 26-179 of this chapter

(9) *Signs:* Signs shall be regulated by the requirements of Section 26-180 of this chapter.

(10) *Recreation/open space standards:* Open space shall be provided for new developments and expansions of existing developments in accordance with the standards for parks and open space in Section 26-184 of this chapter. Design flexibility in the form of reductions in dimensional standards (lot area, minimum lot width, and setback) is available for open space reservation (see Section 26-184(c)).

- (11) *Design and operation standards:* None.

SECTION IV. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-87, RS-E Residential, Single-Family - Estate District; Subsection (c), Development Standards; is thereby amended to read as follows:

- (c) *Development standards.* See also Article V., Section 26-131. Table of Area, Yard, and Height Requirements. Provided, however, if a developer can meet the requirements found within Section 26-186, the development standards of 26-186 (i) may be substituted for the standards required in this subsection.
- (1) *Minimum lot area/maximum density:* Minimum lot area: 20,000 square feet, or as determined by DHEC, but in no case shall it be less than 20,000 square feet. Maximum density standard: no more than one (1) principal dwelling unit may be placed on a lot, except for permitted accessory dwellings. However, see the provisions for single-family zero lot line dwellings at Section 26-151(c)(27) of this chapter.
- (2) *Minimum lot width:* 100 feet.
- (3) *Structure size standards:* None.
- (4) *Setback standards:* The following minimum setbacks shall be required for principal uses in the RS-E District.
- a. Front: 35 feet.
 - b. Side: 10 feet.
 - c. Rear: 30 feet.

Where zero lot line developments are permitted, the side setback shall meet the special requirements for such developments as set forth in Section 26-151 of this chapter.

The minimum side and rear setback requirement for accessory buildings/structures in the RS-E District is ten (10) feet.

The landscape and bufferyard standards of Section 26-176 of this chapter may require additional setback

distances; if so, the most restrictive requirements shall apply.

- (5) *Height standards:* The maximum height of structures in the RS-E District shall be 45 feet. Silos, barns, windmills or other similar structures used for agricultural purposes are exempt from height requirements.
- (6) *Landscaping/bufferyard standards:* Landscaping and bufferyards shall be provided in accordance with Section 26-176 of this chapter.
- (7) *Parking/loading standards:* Parking and loading facilities shall be provided as required by Section 26-173 and Section 26-174 of this chapter. No parking lots shall be permitted within any required setback.
- (8) *Sidewalk and pedestrian amenities:* Sidewalks and other pedestrian amenities shall be provided as required by Section 26-179 of this chapter.
- (9) *Signs:* Signs shall be regulated by the requirements of Section 26-180 of this chapter.
- (10) *Recreation/Open Space Standards:* Open space shall be provided for new developments and expansions of existing developments in accordance with the standards for parks and open space in Section 26-184 of this chapter. Design flexibility in the form of reductions in dimensional standards (lot area, minimum lot width, and setback) is available for open space reservation (see Section 26-184(c)).
- (11) *Design and operation standards:* None.

SECTION V. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-88, RS-LD Residential, Single-Family – Low Density District; Subsection (c), Development Standards; is thereby amended to read as follows:

- (c) *Development standards.* See also Article V., Section 26-131. Table of Area, Yard, and Height Requirements. Provided, however, if a developer can meet the requirements found within Section 26-186, the development standards of 26-186 (i) may be substituted for the standards required in this subsection.

- (1) *Minimum lot area/maximum density:* Minimum lot area: 12,000 square feet or as determined by DHEC, but in no case shall it be less than 12, 000 square feet. Maximum density standard: no more than one (1) principal dwelling unit may be placed on a lot except for permitted accessory dwellings. However, see the provisions for single-family zero lot line dwellings at Section 26-151(c)(27) of this chapter.
- (2) *Minimum lot width:* 75 feet.
- (3) *Structure size standards:* None.
- (4) *Setback standards:* The following minimum setbacks shall be required for principal uses in the RS-LD District:
 - a. Front: 25 feet.
 - b. Side: 16 feet total for side setbacks, with 5 feet minimum on any one side.
 - c. Rear: 20 feet.

Where zero lot line developments are permitted, the side setback shall meet the special requirements for such developments as set forth in Section 26-151 of this chapter.

The minimum side and rear setback requirement for accessory buildings/ structures in the RS-LD District is five (5) feet.

The landscape and bufferyard standards of Section 26-176 of this chapter may require additional setback distances; if so, the most restrictive requirements shall apply.

- (5) *Height standards:* The maximum height of structures in the RS-LD District shall be 45 feet.
- (6) *Landscaping/bufferyard standards:* Landscaping and bufferyards shall be provided in accordance with Section 26-176 of this chapter.
- (7) *Parking/loading standards:* Parking and loading facilities shall be provided as required by Section 26-173 and Section 26-174 of this chapter. No parking lots shall be permitted within any required setback.

- (8) *Sidewalk and pedestrian amenities:* Sidewalks and other pedestrian amenities shall be provided as required by Section 26-179 of this chapter.
- (9) *Signs:* Signs shall be regulated by the requirements of Section 26-180 of this chapter.
- (10) *Recreation/open space standards:* Open space shall be provided for new developments and expansions of existing developments in accordance with the standards for parks and open space in Section 26-184 of this chapter. Design flexibility in the form of reductions in dimensional standards (lot area, minimum lot width, and setback) is available for open space reservation (see Section 26-184(c))
- (11) *Design and operation standards:* None.

SECTION VI. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-89, RS-MD Residential, Single-Family – Medium Density District; Subsection (c), Development Standards; is thereby amended to read as follows:

- (c) *Development standards.* See also Article V., Section 26-131. Table of Area, Yard, and Height Requirements. Provided, however, if a developer can meet the requirements found within Section 26-186, the development standards of 26-186 (i) may be substituted for the standards required in this subsection.
 - (1) *Minimum lot area/maximum density:* Minimum lot area: 8,500 square feet, or as determined by DHEC. Maximum density standard: no more than one (1) principal dwelling unit may be placed on a lot except for permitted accessory dwellings. However, see the provisions for single-family zero lot line dwellings at Section 26-151(c)(27) and Section 26-152(d)(12) of this chapter.
 - (2) *Minimum lot width:* 60 feet.
 - (3) *Structure size standards:* None.
 - (4) *Setback standards:* The following minimum setbacks shall be required for principal uses in the RS-MD District:
 - a. Front: 25 feet.
 - b. Side: 13 feet total for side setback, with 4 feet minimum for any one side.

c. Rear: 20 feet.

Where zero lot line developments are permitted, the side setback shall meet the special requirements for such developments as set forth in Section 26-151 and Section 152 of this chapter.

The minimum side and rear setback requirement for accessory buildings/ structures in the RS-MD District is five (5) feet.

The landscape and bufferyard standards of Section 26-176 of this chapter may require additional setback distances; if so, the most restrictive requirements shall apply.

- (5) *Height standards:* The maximum height of structures in the RS-MD District shall be 45 feet.
- (6) *Landscaping/bufferyard standards:* Landscaping and bufferyards shall be provided in accordance with Section 26-176 of this chapter.
- (7) *Parking/loading standards:* Parking and loading facilities shall be provided as required by Section 26-173 and Section 26-174 of this chapter. No parking lots shall be permitted within any required setback.
- (8) *Sidewalk and pedestrian amenities:* Sidewalks and other pedestrian amenities shall be provided as required by Section 26-179 of this chapter.
- (9) *Signs:* Signs shall be regulated by the requirements of Section 26-180 of this chapter.
- (10) *Recreation/open space standards:* Open space shall be provided for new developments and expansions of existing developments in accordance with the standards for parks and open space in Section 26-184 of this chapter. Design flexibility in the form of reductions in dimensional standards (lot area, minimum lot width, and setback) is available for open space reservation (see Section 26-184(c)).
- (11) *Design and operation standards:* None.

SECTION VII. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-90, RS-HD

Residential, Single-Family – High Density District; Subsection (c), Development Standards; is thereby amended to read as follows:

(c) *Development standards.* See also Article V., Section 26-131. Table of Area, Yard, and Height Requirements. Provided, however, if a developer can meet the requirements found within Section 26-186, the development standards of 26-186 (i) may be substituted for the standards required in this subsection.

(1) *Minimum lot area/maximum density:* Minimum lot area: 5,000 square feet, or as determined by DHEC. In no case shall the lot size be less than 5,000 square feet. Maximum density standard: no more than one (1) principal dwelling unit may be placed on a lot except for permitted accessory dwellings. However, see the provisions for single-family zero lot line dwellings at Section 26-151(c)(27) and Section 152(d)(12) of this chapter.

(2) *Minimum lot width:* 50 feet.

(3) *Structure size standards:* None.

(4) *Setback standards:* The following minimum setbacks shall be required for principal uses in the RS-HD District:

a. Front: 25 feet.

b. Side: 12 feet total for side setbacks, with 4 feet minimum setback for any one side.

c. Rear: 20 feet.

The minimum side and rear setback requirement for accessory buildings or structures in the RS-HD District is five (5) feet.

Where zero lot line developments are permitted, the side setback shall meet the special requirements for such developments as set forth in Section 26-151 and Section 26-152 of this chapter.

The landscape and bufferyard standards of Section 26-176 of this chapter may require additional setback distances; if so, the most restrictive requirements shall apply.

(5) *Height standards:* The maximum height of structures in the RS-HD District shall be 45 feet.

- (6) *Landscaping/bufferyard standards:* Landscaping and bufferyards shall be provided in accordance with Section 26-176 of this chapter.
- (7) *Parking/loading standards:* Parking and loading facilities shall be provided as required by Section 26-173 and Section 26-174 of this chapter. No parking lots shall be permitted within any required setback.
- (8) *Sidewalk and pedestrian amenities:* Sidewalks and other pedestrian amenities shall be provided as required by Section 26-179 of this chapter.
- (9) *Signs:* Signs shall be regulated by the requirements of Section 26-180 of this chapter.
- (10) *Recreation/open space standards:* Open space shall be provided for new developments and expansions of existing developments in accordance with the standards for parks and open space in Section 26-184 of this chapter. Design flexibility in the form of reductions in dimensional standards (lot area, minimum lot width, and setback) is available for open space reservation (see Section 26-184(c)).
- (11) *Design and operation standards:* None.

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

SECTION X. Effective Date. This ordinance shall be enforced from and after _____, 2008.

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST THIS THE ____ DAY

OF _____, 2008

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: May 27, 2008
First Reading: May 27, 2008
Second Reading: June 3, 2008 (tentative)
Third Reading:

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-08HR

AN ORDINANCE TO AMEND THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 18, OFFENSES; BY ADDING A NEW SECTION THEREIN FOR THE PURPOSE OF ESTABLISHING REGULATIONS AND REQUIREMENTS RELATING TO SMOKING OF TOBACCO PRODUCTS IN THE UNINCORPORATED AREAS OF RICHLAND COUNTY.

Pursuant to the authority 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 to add a new section, which shall read as follows:

Section 18-6. Smoking of tobacco products.

(a) Findings. As an incident to the adoption of this Section, the County Council ("County Council") of the County of Richland, South Carolina (the "County") makes the following findings:

- (1) Secondhand smoke is the third leading cause of preventable death in the United States, killing 53,000 Americans prematurely each year; and
- (2) The U.S. Environmental Protection Agency, U.S. Centers for Disease Control and Prevention, National Toxicology Program's Report on carcinogens, National Cancer Institute, and the International Agency for Research and cancer have all reported that secondhand smoke is a group A human carcinogen, a cancer causing substance, of which there is no safe level of exposure; and
- (3) The health consequences of involuntary smoking have been reported by the U.S. Surgeon General to be a cause of disease, including lung cancer, in healthy non-smokers; and
- (4) The U.S. Surgeon General has concluded that a simple separation of smokers and non-smokers within the same airspace does not eliminate the exposure of non-smokers; and
- (5) Numerous medical and scientific studies show substantial levels of exposure to secondhand smoke among the United States population, and over the past two decades, the health hazards resulting from exposure to secondhand smoke have been increasingly recognized; and

- (6) Secondhand smoke increases the risk of developing breast cancer in younger, pre-menopausal women; and when inhaled by pregnant women, secondhand smoke increases the risk for low-weight babies, pre-term delivery, and Sudden Infant Death Syndrome (SIDS); and
- (7) Exposure to secondhand smoke by children leads to decreased lung function, asthma, pneumonia, ear infections, bronchitis and even sudden infant death syndrome; and
- (8) Studies of hospital admissions for acute myocardial infarction in Helena, Montana and Pueblo, Colorado before, during, and after a local law eliminating smoking in workplaces and public places was in effect, has determined that laws to enforce smoke-free workplaces and public places may be associated with a reduction in morbidity from heart disease; and
- (9) Workplaces have been shown to be locations of significant exposure to secondhand tobacco smoke by employees working in the unincorporated areas of Richland County; and
- (10) There are laws, ordinances, and regulations in place that protect workers from other environmental hazards, including Class A carcinogens, asbestos, arsenic and benzene, but none which regulate exposure to secondhand smoke; and
- (11) The South Carolina General Assembly at Section 44-95-10 et seq. (the "Clean Indoor Air Act of 1990") imposed certain limitations on smoking. For example, it limited smoking in Government Buildings (the definition of which includes County-owned buildings) except where the owner of such building shall designate smoking areas.

County Council has now determined that additional regulation of smoking in areas beyond those addressed in the Clean Indoor Air Act of 1990 is appropriate in furtherance of its duty to protect the health of its citizens and employees in the workplace and therefore enacts this Section.

(b) Intent. County Council finds that it is in the best interest of the people of the unincorporated areas of the County to protect nonsmokers from involuntary exposure to secondhand smoke in the workplace. Therefore, County Council declares that the purpose of this act is: 1) to preserve and improve the health, comfort, and environment of the people of the unincorporated areas of the County by limiting exposure to secondhand smoke in the workplace; and 2) to guarantee the right of nonsmokers to breathe smoke-free air, and to recognize that the need to breathe smoke-free air shall have priority over the desire to smoke.

(c) Definitions.

- (1) "Employee" means any person who performs services for an employer in return for wages, profit or other valuable consideration, and/or a person who volunteers his or her services for a non-profit entity.
- (2) "Employer" means any person, partnership, association, corporation, trust, school, college, university or other educational institution, nonprofit entity or other organization, including any public or private employer, any manager, supervisor, and all other persons charged with control, supervision, and operation of any Workplace, Work Space, or Work Spaces as defined herein, that employs one (1) or more persons.
- (3) "Enclosed" means a space bounded by walls (with or without windows), a ceiling or roof, and enclosed by doors, including but not limited to, offices, rooms, foyers, waiting areas and halls.
- (4) "Secondhand smoke" is the complex mixture formed from the escaping smoke of a burning tobacco product (termed as "sidestream smoke") and smoke exhaled by the smoker. Exposure to secondhand smoke is also frequently referred to as "passive smoking," "secondhand smoking" or "involuntary smoking".
- (5) "Retail Tobacco Store" means any establishment which is not required to possess a retail food permit whose primary purpose is to sell or offer for sale to consumers, but not for resale, tobacco products and paraphernalia, in which the sale of other products is merely incidental, and in which the entry of persons under the age of eighteen (18) is prohibited at all times.
- (6) "Smoking" means the inhaling, exhaling, burning, lighting or carrying of a lighted cigarette, cigar, pipe, or similar device or any other lighted tobacco product.
- (7) "Smoking Materials" includes cigars, cigarettes and all other manner of smoking devices intended to be used for the purpose of inhaling, burning, carrying or exhaling lighted tobacco products.
- (8) "Workplace" means any enclosed indoor area, structure, building or facility or any portion thereof at which one (1) or more employee(s) perform services for their employer, including but not limited to: retail food stores, retail stores, restaurants, bars, cabarets, cafes, public or private clubs, pool halls, and bowling alleys.

(9) "Work space" or "work spaces" means any enclosed area occupied by an employee during the course of his or her employment, including but not limited to: offices, customer service areas, common areas, hallways, waiting areas, restrooms, lounges, and eating areas.

(d) Prohibition of Smoking in the Workplace.

(1) All employers shall provide a smoke-free environment for all employees working in any work space or workplace as those terms are defined herein. Further, the employer shall prohibit any persons present in any work space or workplace from smoking tobacco products therein.

(2) No person shall smoke or possess a lighted tobacco product in any work space or workplace.

(e) Exceptions. Notwithstanding the provisions of subsection (d) herein, smoking may be permitted in the following places under the following circumstances:

(1) Private residences;

(2) Hotel and motel rooms that are rented to guests and are designated as smoking rooms; provided, however, that not more than twenty-five (25%) of rooms rented to guests in a hotel or motel may be so designated. All smoking rooms on the same floor must be contiguous and smoke from these rooms must not infiltrate into areas where smoking is prohibited under the provisions of this Section. The status of rooms as smoking or nonsmoking may not be changed, except to add additional nonsmoking rooms;

(3) Retail tobacco stores as defined herein; and

(4) Religious ceremonies where smoking is part of the ritual.

(f) Posting of Signs. The owner, manager or person in control of a Workplace shall post a conspicuous sign at the main entrance to the Workplace, which shall contain the words "No Smoking" and the universal symbol for no smoking.

(g) Reasonable Distance. Smoking outside a Workplace, and any other indoor area where smoking is prohibited, shall be permitted, provided that tobacco smoke does not enter any Work Spaces and/or Workplaces through entrances, windows, ventilation systems, or other means.

(h) Jurisdiction, Enforcement and Penalties.

1) A person who owns, manages, operates, or otherwise controls a Workplace or Work Space and who fails to comply with the provisions of this Section shall be deemed guilty of ~~a misdemeanor~~ an infraction.

2) A person smoking or possessing a lighted tobacco product in any Work Space or Workplace shall be guilty of an infraction.

3) An infraction is punishable by a fine ~~not exceeding~~ of five hundred dollars (\$500) ~~and/or imprisonment for not more than thirty (30) days.~~ Each day on which a violation of this Section occurs shall be considered a separate and distinct ~~violation~~ infraction. A violation of this Section is furthermore declared to be a public nuisance.

(i) Governmental Agency Cooperation. The County Administrator shall annually request other governmental and educational agencies having facilities with the unincorporated areas of the County to establish local operating procedures in cooperation and compliance with this Section. This includes urging all Federal, State, County, City, and School District agencies to update their existing smoking control regulations to be consistent with the current health findings regarding secondhand smoke.

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 Repealed. 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 enforced from and after _____, 2006.

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST THIS THE ____ DAY

OF _____, 2008

Michielle R. Cannon-Finch
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:

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-08HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 6, BUILDINGS AND BUILDING REGULATIONS; ARTICLE III, BUILDING CODES, SECTION 6-82; ARTICLE IV, ELECTRICAL CODE, SECTIONS 6-96 AND 6-97; ARTICLE V, FIRE PREVENTION CODE; ARTICLE VI, GAS CODE; ARTICLE VII, MECHANICAL CODE; ARTICLE VIII, PLUMBING CODE, SECTIONS 6-153 AND 6-154; ARTICLE IX, SWIMMING POOL CODE, SECTIONS 6-168 AND 6-169; ARTICLE X, PROPERTY MAINTENANCE, SECTION 6-182; SO AS TO ADOPT THE 2005 EDITION OF THE NATIONAL ELECTRICAL CODE AND THE 2006 EDITIONS OF THE INTERNATIONAL RESIDENTIAL CODE, INTERNATIONAL BUILDING CODE, INTERNATIONAL FIRE CODE, INTERNATIONAL FUEL GAS CODE, INTERNATIONAL MECHANICAL CODE, INTERNATIONAL PLUMBING CODE, AND INTERNATIONAL PROPERTY MAINTENANCE CODE;

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 ~~2003~~ 2006 International Residential Code, and all amendments thereto, as published by the International Code Council, Inc. The construction, alteration, repair, or demolition of every one- and two-family dwelling structure shall conform to the requirements of this Code.

(b) There is hereby adopted by the county council the ~~2003~~ 2006 International Building Code, including Chapter 1 (Administration), and all amendments thereto, as published by the International Code Council, Inc. 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.

SECTION II. 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 ~~2003~~ 2006 International Residential Code.

SECTION III. 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 2002 2005 edition of the National Electrical Code, published by the National Fire Prevention Association.

SECTION IV. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article V, Fire Prevention Code; is hereby amended to read as follows:

ARTICLE V. FIRE PREVENTION CODE

Sec. 6-113. Purpose.

The purpose of this article is to apply the provisions of the 2003 2006 edition of the International Fire Code to all buildings and structures that are not regulated by the 2000 2006 edition of the International Residential Code.

Sec. 6-114. Adopted; applicability, etc.

(a) There is hereby adopted by the county council the 2003 2006 edition of the International Fire Code, including Chapter 1 (Administration), and all amendments thereto, as published by the International Code Council, Inc. ~~In addition, the following appendices of the 2003 edition of the International Fire Code are hereby adopted:~~

- ~~(1) Appendix B, Fire-Flow Requirements for Buildings;~~
- ~~(2) Appendix E, Hazard Categories;~~
- ~~(3) Appendix F, Hazard Ranking; and~~
- ~~(4) Appendix G, Cryogenic Fluids - Weight and Volume Equivalents.~~

(b) It shall be unlawful for any person to violate the code adopted by this section, to permit or maintain such violation, to refuse to obey any provision thereof, or to fail or refuse to comply with any such provision or regulation except as variation may be allowed by action of the county fire marshal in writing. Proof of such unlawful act or failure to act shall be deemed prima facie evidence that such act is that of the owner. Prosecution or lack thereof of either the owner or the occupant shall not be deemed to relieve the other.

(c) The provisions of the code adopted by this section shall apply equally to both public and private property. It shall apply to all new and existing structures and their occupancies, ~~including buildings, structures, equipment, etc., and,~~ except as otherwise

specified by ordinance, to existing structures and their occupancies including buildings, structures, equipment, etc., which constitute a clear and present hazard to life or to property.

(d) This section shall be deemed an exercise of the police powers of the county for the preservation and protection of the public health, peace, safety and welfare, and all its provisions shall be liberally construed for that purpose.

Sec. 6-115 – 6-124. Reserved.

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

ARTICLE VI. GAS CODE

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 ~~2003~~ 2006 edition of the International Residential Code.

Sec. 6-126. Adopted.

There is hereby adopted by the county council the ~~2003~~ 2006 edition of the International Fuel/Gas Code, and all amendments thereto, as published by the International Code Council, Inc. The installation, workmanship, construction, maintenance, or repair of all gas work shall conform to the requirements of this Code.

Sec. 6-127 – 6-138. Reserved.

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

ARTICLE VII. MECHANICAL CODE

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 ~~2003~~ 2006 edition of the International Residential Code.

Sec. 6-140. Adopted.

There is hereby adopted by the county council the ~~2003~~ 2006 International Mechanical Code, including Chapter 1 (Administration), and all amendments thereto, as published by the International Code Council, Inc. ~~In addition, Appendix A, Combustion Air Openings and Chimney Connector Pass Throughs of the 2003 International Mechanical Code is hereby adopted.~~ The installation of mechanical systems, including alterations, repair, replacements, equipment, appliances, fixtures, and/or appurtenances shall conform to these Code requirements.

Sec. 6-141 – 6-152. Reserved.

SECTION VII. 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 ~~2003~~ 2006 edition of the International Residential Code.

SECTION VIII. 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 ~~2003~~ 2006 International Plumbing Code, 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 plumbing work shall conform to the requirements of this Code.

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

Sec. 6-168. Adopted.

~~Appendix G Chapter 31~~ of the ~~2003~~ 2006 edition of the International Residential Building Code and all amendments thereto, as published by the International Code Council, Inc. (regarding swimming pools, spas and hot tubs), is hereby ~~adopted verbatim~~ and incorporated by reference to include one and two family residential.

SECTION X. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article IX, Swimming Pool Code; Section 6-169, Additional Requirements; is hereby amended to read as follows:

Sec. 6-169. Additional requirements.

In addition to the requirements imposed by the ~~2003~~ 2006 edition of the International Building Code ~~and by Appendix G of the 2003 edition of the International Residential Code~~, 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 an in-ground swimming pool.
- (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 XI. 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 ~~2003~~ 2006 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 XII. 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 XIII. Conflicting Ordinances Repealed. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION XIV. Effective Date. This ordinance shall be effective from and after July __, 2008.

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST THIS THE ____ DAY

OF _____, 2008

Michielle R. Cannon-Finch
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:

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ____-08HR

AN ORDINANCE AUTHORIZING DEED TO THE CITY OF COLUMBIA
FOR JIM HAMILTON BOULEVARD, A COUNTY MAINTAINED ROAD

Pursuant to the authority 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 County of Richland and its employees and agents are hereby authorized to grant a deed for the road known as Jim Hamilton Boulevard to The City of Columbia, as specifically described in the Deed to Real Estate (Street), which is attached hereto and incorporated herein.

SECTION II. Severability. If any section, subsection, or clause of this ordinance shall be deemed 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 enforced from and after _____, 2008.

RICHLAND COUNTY COUNCIL

By: _____
Joseph McEachern, Chair

Attest this _____ day of
_____, 2008.

Michielle R. Cannon-Finch
Clerk of Council

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

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

**DEED TO REAL ESTATE
(STREET)**

Know All Men by These Presents, That

RICHLAND COUNTY

(hereinafter whether singular or plural the "Grantor") in the State aforesaid, for and in consideration of the sum of one (\$1.00) Dollar to the Grantor paid by the

CITY OF COLUMBIA

(hereinafter whether singular or plural the "Grantee") has granted, bargained, sold and released, and by these presents does grant, bargain, sell and release unto the said Grantee, its successors and assigns forever, the following described property:

All that certain piece, parcel or tract of land and street improvements on, in, under and through it, situate, lying and being in the City of Columbia, County of Richland, State of South Carolina, being shown and described as a public street, known as **Jim Hamilton Boulevard**, having a right-of-way of sixty (60) feet in width, extending for a total of 3,274.39 lineal feet from Airport Road to South Ott Road and containing 4.47 acres, as shown on a final plat of **Jim Hamilton Boulevard**, prepared for the City of Columbia, South Carolina by Construction Support Services (CSS), Joel K. Nichols, S.C.P.L.S. #20474, sheet 1 of 1, dated March 1, 2007, last revised April 10, 2008. Said plat being on file in the office of the Department of Utilities and Engineering, City of Columbia, South Carolina under file reference #214-10A. A copy of said plat being attached hereto and made a part hereof as Exhibit "A".

All measurements being a little more or less and reference to said plat being craved for a more definite and specific description.

DERIVATION: Deed Book 330, Page 131

TAX MAP#: 13702 (Portion)

PREPARED BY: City of Columbia Department of Utilities & Engineering

GRANTEE'S ADDRESS: City of Columbia
c/o Finance Department
P.O. Box 147
Columbia, SC 29217

bdm

TOGETHER with all and singular, the rights, members, hereditaments and Appurtenances to the said premises belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD the aforesaid rights to the Grantee, its successors and assigns, as aforesaid, forever.

And the Grantor does hereby bind Grantor and Grantor's successors and assigns, to warrant and forever defend all and singular the said premises unto the said Grantee, its successors and assigns, against the Grantor and the Grantor's successors and assigns and against every person whomsoever lawfully claiming, or to claim the same or any part thereof.

WITNESS the hand and seal of the Grantor by the undersigned this _____ day of _____ 2008.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF

RICHLAND COUNTY

Witness

By: _____

Witness

Title: _____

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

ACKNOWLEDGEMENT

The foregoing instrument was acknowledged before me this _____ day of _____, 2008 by _____ of _____
(Name and Title of Officer) (City and State)

on behalf of Richland County.

NOTARY PUBLIC FOR STATE OF SOUTH CAROLINA
MY COMMISSION EXPIRES _____

ATTORNEY CERTIFICATION

I, _____, an attorney licensed to practice in the
State of _____ do hereby certify that I supervised
the execution of the attached Deed to Real Estate for Jim Hamilton Boulevard from
Richland County, Grantor, to the City of Columbia, Grantee, this _____ day of _____
_____, 200_____.

State Bar or License Number _____

Document Execution Checklist

- () Explain Right of an Independent Attorney to Review – We represent the City not the Grantor(s).

____ Accepted ____ Declined

- () Checked Grantor(s) identification

- () Explain Nature of Document

- a) Deed to Utilities – Conveys line to City and gives easement.
- b) Deed to Street – Conveys street to City.
- c) Declaration of Covenant – Requires Grantor(s) or any future owner to file a petition to annex the property to the City if it ever becomes contiguous.

Richland County Council Rules and Appointments Committee



RICHLAND COUNTY COUNCIL
REGULAR SESSION MEETING
JUNE 3, 2008

Mike Montgomery
Chair
District Eight

Paul Livingston
District Four

Bill Malinowski
District One

Staffed by:

Monique Walters
Assistant to the Clerk of
Council

REPORT OF THE RULES AND APPOINTMENTS COMMITTEE

I. NOTIFICATION OF VACANCIES ON BOARDS, COMMISSIONS, AND COMMITTEES

A. Board of Zoning Appeals-1

There is one vacancy for an unexpired term.

Peggy Denise Simons November 14, 2009

B. Central Midland Council of Governments-2

There will be two terms expiring on this board in July.

Craig Wall July 12, 2008*
Sarah Watson July 12, 2008*

C. East Richland Public Service Commission-1

There is one term expiring on this commission in July.

John H. Hudgens July 8, 2008

II. NOTIFICATION OF APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

A. Building Codes Board of Adjustments and Appeals-1

There is one appointment to be made to this board for an expired term; no applications were received.

B. Business Service Center Appeals Board-1

There is one appointment to be made to this board; an application was received from the following person:

William F. Quattlebaum, CPA

- C. **Central Midlands Regional Transit Authority-1**
There is one appointment to be made to this committee; two applications were received.

James Irwin, Business Programmer/Analyst
Robert G. Liming, Program Manager, SCDHEC

- D. **Employee Grievance Committee-1**
There is one appointment to be made to this committee; one application was received from the following:

Josephine (Jo) A. McRant, Public Works

- E. **Internal Audit Committee-1**
There is one appointment to be made to this committee; no applications were received.

- F. **Midlands Workforce Board-1**
There is one appointment to be made to this board; one recommendation was received for appointment

David H. Prigge, Engineering/Industrial Technical Consultant,
Richland County School District One

III. **DISCUSSIONS**

- A. **Motion Period- Amendment to the Current Rule**
- B. **Motion Period-Bringing Motions to Council that have been held in Committee for more than six months**

* Eligible for re-appointment

Report prepared and submitted by:
Monique Walters, Assistant to the Clerk of Council



APPLICATION FOR SERVICE ON RICHLAND COUNTY COMMITTEE, BOARD OR COMMISSION

Applicant must reside in Richland County.

Name: WILLIAM F. QUATTLEBAIN

Home Address: 228 SWEET GUM RD

Telephone: (home) 803-736-6333 (work) 803-2548196

Office Address: PO BOX 265 COLUMBIA, SC 29202

Email Address: billg@jwhunt.com

Educational Background: MBA, Masters of Accountancy, BS Business

Professional Background (Must be one): CPA [checked] Attorney [checked] Business person [checked]

Male [checked] Female [] Age: 18-25 [] 26-50 [] Over 50 [checked]

Name of Committee in which interested: Business Service Center Appeals Board

Reason for interest:

Your characteristics/qualifications, which would be an asset to Committee/Board/ Commission:

(A resume is also requested.) Professional and business experience in Colo. area for 30+ yrs

Presently serve on any County Board/Commission/Committee? No

Any other information you wish to give?

Recommended by Council Member(s), if any:

How is willing to commit each month: 4hrs

CONFLICT OF INTEREST POLICY

It is the policy of Richland County to require disclosure of any personal or financial interest that may be influenced by decisions of the board for which any citizen applies for membership.

Such conflict of interest does not preclude service but shall be disclosed before appointment. The Clerk of Council shall be notified of any change on an annual basis and members of all boards shall be required to abstain from voting or influencing through discussion or debate or any other way, decisions of the board affecting those personal and financial interests.

All statements so filed shall be signed and verified by the filer. The verification shall state that the filer has used all reasonable diligence in its preparation, and that to the best of his or her knowledge it is true and complete.

Any person who willfully files a false or incomplete statement of disclosure or no change of condition, or who willfully fails to make any filing required by this article, shall be subject to such discipline, including censure and disqualification from the Board or Commission, as the County Council, by majority vote of the council, shall elect.

STATEMENT OF FINANCIAL OR PERSONAL INTERESTS

Do you have any financial or personal interest in any business or corporation (profit or not-for-profit) that could be potentially affected by the actions of the board? Yes No

If so, describe: _____

 5/30/08
Applicant's Signature Date

For more information about the Business Service Center Appeals Board, please e-mail bsc@ncgov.us or call 576-2287.

Applications are current for one year.

Please return applications to:
Richland County
Clerk of Council's Office
Post Office Box 192
Columbia, SC 29202

Staff Use Only	
Date Received: _____	Received by: _____
Date Sent to Council: _____	
Status of Application: <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> On file	



APPLICATION FOR SERVICE ON RICHLAND COUNTY
COMMITTEE, BOARD OR COMMISSION

Applicant must reside in Richland County.

Name: James IRWIN

Home Address: 1126 Palisades Circle

Telephone: (home) 782-7114 (work) _____

Office Address: _____

Educational Background: B.S. Accounting

Professional Background: Business Programmer/analyst

Male Female Age: 18-25 26-50 Over 50

Name of Committee in which interested: CMRTA Board

Reason for interest: I am a long time bus rider who believes that the Board needs a member with detailed knowledge of bus system and a user's perspective

Your characteristics/qualifications, which would be an asset to Committee/Board/ Commission:

Member - Transit Development Plan Steering Committee - 2003-2005; Transit subcommittee (2007-2008), CMRTA service standards subcommittee

Presently serve on any County Board/Commission/Committee? No - just finished Transit subcommittee

Any other information you wish to give? _____

Recommended by Council Member(s): _____

Hours willing to commit each month: _____

CONFLICT OF INTEREST POLICY

It is the policy of Richland County to require disclosure of any personal or financial interest that may be influenced by decisions of the board for which any citizen applies for membership.

Such conflict of interest does not preclude service but shall be disclosed before appointment. The Clerk of Council shall be notified of any change on an annual basis and members of all boards shall be required to abstain from voting or influencing through discussion or debate or any other way. decisions of the board affecting those personal and financial interests.



APPLICATION FOR SERVICE ON RICHLAND COUNTY COMMITTEE, BOARD OR COMMISSION

Applicant must reside in Richland County.

Name: ROBERT G. Liming
Home Address: Apartment 1167, 1520 Senate St., Columbia, SC 29201
Telephone: (home) 803-252-2167 (work) 803-998-2621
Office Address: DHHS, Main + Laurel Streets, Columbia, SC
Email Address: rliming@sc.rr.com
Educational Background: SEE ATTACHED RESUME
Professional Background: SEE ATTACHED RESUME
Male [X] Female [] Age: 18-25 [] 26-50 [] Over 50 [X]
Name of Committee in which interested: CMRTA Board of Directors
Reason for interest: Strong supporter of public transit, want to help insure the county's interests on this Board
Your characteristics/qualifications, which would be an asset to Committee/Board/ Commission: Education; have studied transit issues; chair bi-partisan citizens group, Save Our Buses; demonstrated leadership skills
Presently serve on any County Board/Commission/Committee? Richland County Transportation Commission
Any other information you wish to give? SEE ATTACHED RESUME
Recommended by Council Member(s): Several
Hours willing to commit each month: As Needed

CONFLICT OF INTEREST POLICY

It is the policy of Richland County to require disclosure of any personal or financial interest that may be influenced by decisions of the board for which any citizen applies for membership.

Such conflict of interest does not preclude service but shall be disclosed before appointment. The Clerk of Council shall be notified of any change on an annual basis and members of all boards shall be required to abstain from voting or influencing through discussion or debate or any other way, decisions of the board affecting those personal and financial interests.

All statements so filed shall be signed and verified by the filer. The verification shall state that the filer has used all reasonable diligence in its preparation, and that to the best of his or her knowledge it is true and complete.

Any person who willfully files a false or incomplete statement of disclosure or no change of condition, or who willfully fails to make any filing required by this article, shall be subject to such discipline, including censure and disqualification from the Board or Commission, as the County Council, by majority vote of the council, shall elect.

STATEMENT OF FINANCIAL OR PERSONAL INTERESTS

Do you have any financial or personal interest in any business or corporation (profit or not-for-profit) that could be potentially affected by the actions of the board?

Yes _____ No ✓ _____

If so, describe: _____

Robert G. Liming
Applicant's Signature

5/22/08
Date

Return to:
Clerk of Council, Post Office Box 112, Columbia, SC 29202.
For information, call 576-2060.

One form must be submitted for each committee on which you wish to serve.

Applications are current for one year.

Staff Use Only	
Date Received: _____	Received by: _____
Date Sent to Council: _____	
Status of Application:	<input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> On file



**APPLICATION FOR SERVICE ON RICHLAND COUNTY
COMMITTEE, BOARD OR COMMISSION**

Name: Josephine (Jo) A. McRant

Home Address: 1425 Friendly Woods Road, Blythewood, South Carolina 29016

Telephone: (home) 803) 754-6517 (Work) (803) 576-2476

Office Address: 400 Powell Road, Columbia, C 29203

Email Address: mcrantj@rcgov.us

Educational Background: MA Degree in Management; BS Degree in Business Administration

Professional Background: EEO Officers 8 years; HR Dir. 9 yrs.; 10 yrs Mediation Experience

Male Female Age: 18-25 26-50 Over 50

Name of Committee in which interested: Employee Grievance Committee

Reason for interest: My training and experience may be beneficial to RC Government

Your characteristics/qualifications, which would be an asset to Committee/Board/ Commission:
Balanced perspective between needs of the organization and employees; professional expertise in EEOC laws; Articulate, and discerning of human conduct and behavior; strong people skills and seasoned HR professional

Presently serve on any County Board/Commission/Committee? None

Any other information you wish to give? N/A

Recommended by Council Member(s): N/A

Hours willing to commit each month: Flexible

CONFLICT OF INTEREST POLICY

It is the policy of Richland County to require disclosure of any personal or financial interest that may be influenced by decisions of the board for which any citizen applies for membership.

Such conflict of interest does not preclude service but shall be disclosed before appointment. The

Clerk of Council shall be notified of any change on an annual basis and members of all boards shall be required to abstain from voting or influencing through discussion or debate or any other way, decisions of the board affecting those personal and financial interests.

All statements so filed shall be signed and verified by the filer. The verification shall state that the filer has used all reasonable diligence in its preparation, and that to the best of his or her knowledge it is true and complete.

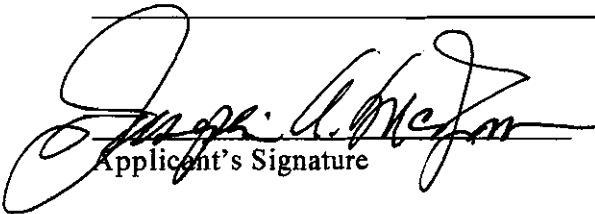
Any person who willfully files a false or incomplete statement of disclosure or no change of condition, or who willfully fails to make any filing required by this article, shall be subject to such discipline, including censure and disqualification from the Board or Commission, as the County Council, by majority vote of the council, shall elect.

STATEMENT OF FINANCIAL OR PERSONAL INTERESTS

Do you have any financial or personal interest in any business or corporation (profit or not-for-profit) that could be potentially affected by the actions of the board?

Yes _____ No X _____

If so, describe: _____


Applicant's Signature

5-12-08
Date

Return to:
Clerk of Council, Post Office Box 192, Columbia, SC 29202.
For information, call 576-2060.

One form must be submitted for each committee on which you wish to serve.

Applications are current for one year.

Staff Use Only			
Date Received: _____	Received by: _____		
Date Sent to Council: _____			
Status of Application:	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	<input type="checkbox"/> On file

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APPLICATION FOR SERVICE ON RICHLAND COUNTY
COMMITTEE, BOARD OR COMMISSION

Name: David H. Prigge

Home Address: 751 Mallet Hill Rd Apt 6201 Columbia, SC 29223

Office Address: 3560 Lynhaven Drive, Columbia, SC 29204

Job Title and Employer: Engineering/Industrial Technology Consultant, Richland county School District One

Telephone: (home) 803-419-5329 (work) 803-735-3332

Educational Background: MS in Education BS in Business Administration

Professional Background: Certified teacher, in my position I build relationships between our district and industry. I hold numerous state and national industry certifications.

Male Female Age: 18-25 26-50 Over 50

Name of Committee in which interested: Midlands Workforce Development Board

Reason for interest: I want to be able to build relationships between industry and the education arena, I also feel that I can help develop a pipeline of future workers in the Midlands.

Characteristics/Qualifications which would be an asset to Committee/Board/ Commission:
My Masters degree specializes in industry training and human performance improvement. I am a Master Trainer with the National Center for Construction and Education Research (NCCER), I am a member of the National Association for Workforce Improvement (NAWI) Executive Board, I am an OSHA authorized trainer for General Industry and Construction, I have completed the apprenticeship program in Automotive Service. I have been working with the Midlands Business and Education Alliance for over six years.

Presently serve on any County Board/Commission/Committee? No

Any other information you wish to give? _____

Recommended by Council Member(s): _____

Applicant's Signature 

Date 04/11/08

One form must be submitted for each committee on which you wish to serve 40 of 140