

Mayor
Elise Partin

Mayor Pro-Tem
James E. Jenkins

Council Members
Phil Carter
Tim James
Hunter Sox

City Manager
Tracy Hegler

Deputy City Manager
Jim Crosland
Assistant City Manager
Michael Conley



**City of Cayce
Regular Council Meeting
Wednesday, January 25, 2023
5:00 p.m. – Cayce City Hall – 1800 12th Street
www.caycesc.gov**

- I. **Call to Order**
 - A. Invocation and Pledge of Allegiance
- II. **Public Comment Regarding Items on the Agenda**
- III. **Presentations**
 - A. Presentation by Stantec regarding the City of Cayce African American Cemeteries Project
- IV. **Ordinances**
 - A. Discussion and Approval of Ordinance 2022-17 Amending Chapter 10 (“Buildings and Building Regulations”) of the Cayce City Code to Add a New Article V (“Vacant Commercial and Industrial Building Registration”) – Second Reading
 - B. Discussion and Approval of Ordinance 2023-01 Amending City Code Section 28-117 (“Penalties for Repeated False Alarms”) – Second Reading
- V. **Items for Discussion and Possible Approval**
 - A. Discussion and Approval of Memorandum of Understanding for the Regional Gateways Project
- VI. **City Manager’s Report**
- VII. **Council Comments**
- VIII. **Executive Session**
 - A. Receipt of legal advice relating to claims and potential claims by and against the City and other matters covered by the attorney-client privilege
- IX. **Reconvene**
- X. **Possible actions by Council in follow up to Executive Session**
- XI. **Adjourn**

SPECIAL NOTE: Upon request, the City of Cayce will provide this document in whatever form necessary for the physically challenged or impaired.

Memorandum

To: Mayor and Council

From: Tracy Hegler, City Manager

Date: January 25, 2023

Subject: Discussion and Approval of Ordinance 2022-17 Amending Chapter 10 (“Buildings and Building Regulations”) of the Cayce City Code to Add a New Article V (“Vacant Commercial and Industrial Building Registration”) – Second Reading

Issue

Council’s approval is needed to amend Chapter 10 (“Buildings and Building Regulations”) by adding a new Article V titled “Vacant Commercial and Industrial Building Registration.”

Discussion

Over the past several years, City Council and staff have been working to revitalize areas in the City and address community issues related to vacant properties – specifically, empty and underutilized commercial and industrial buildings that often lead to blight and underinvestment in surrounding neighborhoods. Staff researched best practices and received advice on this issue from industry experts selected to work with us as part of the Alumni Technical Assistance from the Mayors Institute on City Design (MICD 2.0). This was a follow-up to the case study program Mayor Partin participated in, at no cost to the City, in 2015, that helped jump start the pre-vitalization of the Cayce River Arts District.

What resulted was the recommendation to adopt a registration program that could help the City to better address these types of properties. The attached Ordinance encompasses the elements of a property registration program with escalating fees that would apply to vacant commercial and industrial properties only. Generally, this program will identify and register vacant commercial and industrial buildings, clearly express the responsibilities of the building owners, and provide for administration, enforcement, and penalties.

At the meeting on November 16, 2022, City Council voted to give the draft Ordinance First Reading, and deferred Second Reading for two months to allow staff to do the following:

- reach out to the property owners that would be affected by this amendment.
- hold a meet and greet between affected property owners and potential businesses we hear from that are looking for places to locate in Cayce
- address questions received

Since First Reading, the following has occurred:

- staff has sent two notices to property owners letting them know about the proposed Ordinance and the meet and greet opportunity
- a Meet and Greet was held at Piecewise Coffee on January 12, 2023 with almost equal attendance from property owners as prospective businesses
- staff held a meeting with Board members from the Greater Cayce West Columbia Chamber of Commerce to discuss the Ordinance, which was well received
- the Ordinance was also presented to stakeholders such as commercial realtors to solicit feedback
- staff has proposed solutions to several questions and items of clarification in the attached draft Ordinance presented for Second Reading

Recommendation

Staff recommends that City Council approve amending Ordinance 2022-17 to conform to the version contained in Council's agenda packets, which was also available on the City's website. Further staff recommends that City Council, give Second Reading approval to amend Chapter 10 ("Buildings and Building Regulations") by adding a new Article V titled "Vacant Commercial and Industrial Building Registration."

STATE OF SOUTH CAROLINA)	ORDINANCE 2022-17
)	
COUNTY OF LEXINGTON)	Amending Chapter 10 (“Buildings and Building Regulations”) of the Cayce City Code to Add a
)	New Article V (“Vacant Commercial and
CITY OF CAYCE)	Industrial Building Registration”)
)	

WHEREAS, the City Council, in the interest of public health, order, safety and the general welfare within the City, desires to address certain issues related to vacant commercial and industrial buildings within the City with a comprehensive approach; and

WHEREAS, the Council, to accomplish that comprehensive approach, wishes to amend Chapter 10 (“Buildings and Building Regulations”) of the Cayce City Code to add a new Article V (“Vacant Commercial and Industrial Building Registration”) as provided herein,

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Cayce, in Council, duly assembled, that Chapter 10 (“Buildings and Building Regulations”) of the Cayce City Code is hereby amended to (1) reserve sections 10-101 through 10-129 of the City Code following the current text of Article IV, and (2) add a new Article, entitled Article V (“Vacant Commercial and Industrial Building Registration”), to read as follows:

ARTICLE V. - VACANT COMMERCIAL AND INDUSTRIAL BUILDING REGISTRATION

Sec. 10-130. - Declaration of policy and purpose.

The purpose of this article is to establish a program for identifying and registering vacant commercial and industrial buildings within the City that may present a fire hazard, that may provide temporary occupancy by trespassers or other transients, that may detract from private and/or public efforts to rehabilitate or maintain surrounding buildings, and that otherwise may present a hazard to the health, safety and welfare of the public. Through a registration, inspection, and monitoring process, vacant commercial and industrial buildings will be kept weather tight and secure from trespassers, will provide safe entry to police officers and firefighters in times of emergency, will not impede private and/or public efforts to rehabilitate or maintain surrounding buildings, and will not otherwise present a public hazard so that the health, safety and welfare of the public is served. Further, the program will clearly express the responsibilities of the owners of vacant commercial and industrial buildings and structures, and will provide for administration, enforcement, and penalties.

Sec.10-131. - Definitions.

Unless otherwise expressly stated, the following terms (with or without capitalization) shall, for the purposes of this article, have the meanings shown in this section. When terms are not defined, by this section, such terms shall have the meanings provided by section 1.2 of City Code or, if not defined in that section, such ordinarily accepted meaning as the context implies.

Code violation means violation of any code adopted and/or enforced by the city, which may include but is not limited to the City Code or the International Property Maintenance Code.

Commercial and industrial building means any building, or part thereof, that is used, or designed to be used for any private or public manufacturing, industrial, or commercial business purposes.

Owner means any person, firm or corporation having a legal or equitable title in the property; or recorded in the official records of the state, county or municipality as holding title.

Property means not only the commercial or industrial building and any other kind or nature of structure, but also the entire lot or parcel of land on which the building and any other structures are situated and any surrounding portion of the lot or parcel, as well as any fences, walkways, walls, or appurtenances.

Responsible local representative means a person having his or her place of residence or business office within 45 miles of the property and designated by the property owner as the agent responsible for operating such property in compliance with the ordinances adopted by the city. For the purposes of this article, the term "*agent*" shall refer to the Responsible Local Representative.

Responsible party means any owner, occupant, agent, manager, operator and/or management company of a property.

Secure means a building or structure or a portion of a building that is closed or locked (other than by boarding) so as to prohibit entry by normal means.

Unsecured means a building or structure or a portion of a building or structure that is open to entry by unauthorized persons without the use of tools or ladders.

Vacant commercial or industrial building means a commercial or industrial building that is not occupied by its owner, lessee or other person in lawful possession, or at which, for more than 120 days, substantially all lawful manufacturing, industrial, or commercial business operations have ceased, or the building is substantially devoid of contents.

(a) *Illustrations of such vacancy* include, but are not limited to, any of the following circumstances:

- (1) No licensed trade or business is actively being conducted in the building by the owner, a tenant, or another party occupying the building pursuant to a lease or other legal authority, or no licensed trade or business is actively being conducted in a building, structure, or other improvement that is subject to taxation and that is located on the property.
- (2) No utility connections, including, but not limited to, water, sewer, natural gas, or electric connections, service the property, or no such utility connections are actively being billed by any utility provider for the property.

(b) *Vacant building* categorical classifications for a building or portion of a building:

(1) Category I: No current code violations on the structure or the premises.

- a. The building is secure and not boarded.
- b. The building is structurally sound with no code violations.
- c. The premises is maintained to minimal code compliance by the owner or responsible party.
- d. The city will inspect the property annually. Property owner or responsible local representative must arrange this inspection through the Code Enforcement Division.

(2) Category II: Minimal code violations.

- a. The building is boarded and secure.
- b. The building is structurally sound with minor code violations.
- c. The premises is not regularly maintained.
- d. Requires property to be inspected annually by the fire marshal, building official, business license official, and code enforcement officer. Property owner or responsible local representative must be present for the inspection.

(3) Category III: Severe code violations.

- a. The building requires boarding.
- b. Structural deficiencies are evident.
- c. History of criminal activity on the property.
- d. Condemned and/or illegally occupied.
- e. Requires property to be inspected three (3) times annually by the fire marshal, building official, business license official, and code enforcement officer. Property owner or responsible local representative must be present for all the inspection. Additional charges must be paid in the amount of \$150 per inspection.

Sec. 10-132. - Registration of vacant commercial or industrial buildings.

- (a) Except as provided in subsection (b) below, all vacant commercial or industrial buildings shall be registered with the Code Enforcement Division within ten (10) days of becoming vacant as defined in section 10-131. After the calendar year of initial registration, registration must be renewed annually by May 1.
- (b) Exemptions from registration may be granted by the Code Enforcement Division after notification in writing from the property owner, in the following circumstances:
 - (1) Buildings that are actively being renovated. Repairs and progression must be noticeable by the inspector (up to one year, and longer by appeal) or an active building permit must be associated with the work.
 - (2) Buildings that are structurally deficient and have been ordered by the city to be demolished and removed, and for which the owner has provided consent to the City to demolish, and the City has accepted the consent. Liens are to be placed against the property to cover the cost of demolition.
 - (3) A multi-unit commercial or industrial building with vacant units that together constitute less than fifty percent (50%) by square footage of the portion of the first floor facing or adjacent to a public right-of-way.
- (c) If the building is vacant at the expiration of any registration period, the owner shall re-register such building and pay the annual renewal registration and inspection charges.
- (d) The owner registering a vacant building shall supply the following information on an authorized form provided by the Code Enforcement Division:
 - (1) Name, address, and telephone number of the owner;
 - (2) Name, address, and telephone number of any responsible party, if applicable;
 - (3) Name, address, and telephone number of any local agent or representative of the owner, if the owner's residence or business address is more than 75 miles from the vacant building;
 - (4) Name, address, and telephone number of all persons with any legal interest in the property or building, including mortgagees and successors in interest;
 - (5) Legal description and tax parcel identification number of the property on which the building is situated;

- (6) The common address of the building or property;
 - (7) Date on which the building became vacant along with any supporting documentation; and
 - (8) A vacant building plan in accordance with section 10-133.
- (e) Following the registration of the vacant building, the Code Enforcement Officer shall conduct a complete exterior property inspection of the property to determine any code violations and to verify the vacant building category.
- (1) A status report will be provided to the owner of the building with the findings and current condition of the property. It will include any found violations and assign a category to the building, in accordance with section 10-131.
- (f) Property must be maintained in accordance with the International Building Maintenance Code.
- (g) Owners shall post "No Trespass" placards on the property. Additional employment of security services for the property for a specified number of hours every day may be required by the Police Chief or his/her designee on the basis of the property's history of code and/or criminal violations.
- (h) Owners must designate a responsible local representative ("agent") if their place of residence or business is more than 45 miles from the vacant building. The responsible local representative shall act as agent for the property owner for purposes of accepting legal service; however, the owner remains personally liable in criminal prosecutions for code violations. The responsible local representative must be available at the number listed in the event of an emergency or catastrophe.

Sec. 10-133. - Establishment of vacant building plan.

- (a) When a building is registered as required by this article, the owner shall submit for approval, or cause to be submitted for approval, a vacant building plan. The plan shall contain the following:
- (1) The reasonably expected period of vacancy;
 - (2) A plan to make the building ready for occupancy with sufficient detail regarding the proposed repair and/or rehabilitation of the building to enable the Code Enforcement Division to determine the adequacy of such plan;

- (3) A letter of written consent by the owner allowing city officials to enter and inspect the premises for the period in which the vacant building plan is in effect;
 - (4) For buildings, dwellings or structures which are identified as being or containing public nuisances, the vacant building plan shall contain a plan of action to remedy such public nuisances;
 - (5) For each required plan, a time schedule shall be submitted identifying a date of commencement of repair and/or rehabilitation and the schedule for completion of repair and/or rehabilitation for each building, dwelling or structure and identified nuisance;
 - (6) When the owner proposes to occupy, sell, lease or demolish the vacant building, the owner shall submit a plan and time schedule for such action; and
 - (7) A plan of action to secure, monitor and maintain the building and property for conformance with this article.
- (b) If the property is subject to a vacant building plan and the plan has been properly approved by the Code Enforcement Division, the transferee is subject to the terms of the vacant building plan. The transferee may apply to the city to be released from the requirements of the vacant building plan upon a showing of sufficient cause for release.

Sec. 10-134. - Vacant commercial or industrial building charges.

- (a) Annual registration charges are based on the number of years that a commercial or industrial building has been vacant (after the effective date of this article). All charges are due at the time of initial registration or upon annual renewal.

The charges are as follows for all buildings:

(1)	Initial registration	\$ 100.00
(2)	First annual renewal	\$ 500.00
(3)	Additional annual renewal	\$2,000.00

- (b) Upon determination by the Code Enforcement Division that a vacant building is not registered in compliance with this article, a penalty as described in section 10-135 shall apply in addition to the applicable registration or renewal charge.
- (c) After the owner is given notice of the amount of the charge and penalty due, except for those owners that have properly perfected an appeal pursuant to

section 10-136, and the owner fails to pay the amount due within ten (10) business days after notice of violation, said amount shall constitute a debt due and owing to the city, and the city may commence a civil action to collect such unpaid debt.

- (d) If a vacant building becomes occupied within 60 days following an annual renewal date and remains occupied for at least 6 months, the owner of the vacant building can apply to the Code Enforcement Division to have the most recent registration charge refunded. This excludes any charges for penalties, initial registration or compliance inspections.

Sec. 10-135. - Enforcement and penalties.

- (a) Upon determination that a vacant building owner has failed to register or renew registration or has failed to provide update information in accordance with this article, or has failed to submit a vacant building plan or to comply with a vacant building plan that has been approved by the city under this article, or has failed to comply with any other provisions of this article, an administrative penalty of five hundred dollars (\$500.00) will be assessed if the owner is not in compliance within ten (10) business days after notice of violation.
- (b) The city reserves its rights to seek such other remedies for violations of this article as are allowed by state or local law, including enforcement as a violation of the International Property Maintenance Code when applicable or prosecution of a violation as a misdemeanor in accord with section 1.6 of the City Code.

Sec. 10-136. - Appeal.

Any person aggrieved by an action or determination of the Code Enforcement Division in enforcing this article may file an administrative appeal to the Standard Technical Codes Board of Appeals by submission of an appeal form supplied by the city to the city clerk within ten (10) calendar days of the receipt of notice of the action or determination. Within fourteen (14) calendar days of the filing of the appeal, the Board shall hold a hearing on the appeal at which the appealing party and the Code Enforcement Division shall have an opportunity to be heard and at which the issue shall be whether the Code Enforcement Division acted in accord with the provisions of this article. Within five (5) business days after the hearing, the Board shall issue a written decision. Any person aggrieved by the decision by the Standard Technical Codes Board of Appeals may seek relief in the circuit court in accord with the South Carolina Rules of Civil Procedure and applicable law.

This Ordinance shall become effective upon approval on second and final reading.

DONE IN MEETING DULY ASSEMBLED, this _____ day of _____ 2023.

Elise Partin, Mayor

Attest:

Mendy Corder, CMC, Municipal Clerk

First Reading: _____

Second Reading and Adoption: _____

Approved as to form: _____
Danny C. Crowe, City Attorney

STATE OF SOUTH CAROLINA) **ORDINANCE 2022-17**
)
 COUNTY OF LEXINGTON) **Amending Chapter 10 (“Buildings and Building**
) **Regulations”) of the Cayce City Code to Add a**
 CITY OF CAYCE) **New Article V (“Vacant Commercial and**
) **Industrial Building Registration”)**

WHEREAS, the City Council, in the interest of public health, order, safety and the general welfare within the City, desires to address certain issues related to vacant commercial and industrial buildings within the City with a comprehensive approach; and

WHEREAS, the Council, to accomplish that comprehensive approach, wishes to amend Chapter 10 (“Buildings and Building Regulations”) of the Cayce City Code to add a new Article V (“Vacant Commercial and Industrial Building Registration”) as provided herein,

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Cayce, in Council, duly assembled, that Chapter 10 (“Buildings and Building Regulations”) of the Cayce City Code is hereby amended to (1) reserve sections 10-101 through 10-129 of the City Code following the current text of Article IV, and (2) add a new Article, entitled Article V (“Vacant Commercial and Industrial Building Registration”), to read as follows:

ARTICLE V. - VACANT COMMERCIAL AND INDUSTRIAL BUILDING REGISTRATION

Sec. 10-130. - Declaration of policy and purpose.

The purpose of this article is to establish a program for identifying and registering vacant commercial and industrial buildings within the City that may present a fire hazard, that may provide temporary occupancy by trespassers or other transients, that may detract from private and/or public efforts to rehabilitate or maintain surrounding buildings, and that otherwise may present a hazard to the health, safety and welfare of the public. Through a registration, inspection, and monitoring process, vacant commercial and industrial buildings will be kept weather tight and secure from trespassers, will provide safe entry to police officers and firefighters in times of emergency, will not impede private and/or public efforts to rehabilitate or maintain surrounding buildings, and will not otherwise present a public hazard so that the health, safety and welfare of the public is served. Further, the program will clearly express the responsibilities of the owners of vacant commercial and industrial buildings and structures, and will provide for administration, enforcement, and penalties.

Deleted: protect and promote the public health, order, safety, and the general welfare of the city by establishing a program for identification and registration of vacant commercial and industrial buildings, clearly expressing the responsibilities of owners of vacant commercial and industrial buildings and structures, and providing for administration, enforcement, and penalties.

Sec.10-131. - Definitions.

Unless otherwise expressly stated, the following terms (with or without capitalization) shall, for the purposes of this article, have the meanings shown in this section. When terms are not defined, by this section, such terms shall have the meanings provided by section 1.2 of City Code or, if not defined in that section, such ordinarily accepted meaning as the context implies.

Code violation means violation of any code adopted and/or enforced by the city, which may include but is not limited to the City Code or the International Property Maintenance Code.

Deleted: *Citation* means a charge or formal written accusation of violation of a municipal, state or federal law, regulation or ordinance, including any violations of the International Property Maintenance Code as adopted by the city. ¶

Commercial and industrial building means any building, or part thereof, that is used, or designed to be used for any private or public manufacturing, industrial, or commercial business purposes.

Deleted: *Courtesy Registration* means notification by mail, phone, fax or email to the Code Enforcement Division notifying them of an extended vacancy of 60 days or more of a primary residence for a work, vacation, military or a medical reason.¶

Owner means any person, firm or corporation having a legal or equitable title in the property; or recorded in the official records of the state, county or municipality as holding title.

Property means not only the commercial or industrial building and any other kind or nature of structure, but also the entire lot or parcel of land on which the building and any other structures are situated and any surrounding portion of the lot or parcel, as well as any fences, walkways, walls, or appurtenances.

Deleted: *Premises* means a lot, plot, or parcel of land, including the buildings or structures thereon.

Responsible local representative means a person having his or her place of residence or business office within 45 miles of the property and designated by the property owner as the agent responsible for operating such property in compliance with the ordinances adopted by the city. For the purposes of this article, the term "*agent*" shall refer to the Responsible Local Representative.

Deleted: vacant building

Responsible party means any owner, occupant, agent, manager, operator and/or management company of a property.

Deleted: building, dwelling, structure or lot

Secure means a building or structure or a portion of a building that is closed or locked (other than by boarding) so as to prohibit entry by normal means.

Unsecured means a building or structure or a portion of a building or structure that is open to entry by unauthorized persons without the use of tools or ladders.

Deleted: *Unoccupied* means a building that is not being used for a legal occupancy. ¶

Vacant commercial or industrial building means a commercial or industrial building that is not occupied by its owner, lessee or other person in lawful possession, or at which, for more than 120 days, substantially all lawful manufacturing, industrial, or commercial business operations have ceased, or the building is substantially devoid of contents.

Deleted: *Vacant building* means any structure built for occupancy for commercial or industrial uses that is unoccupied for more than 60 days. ¶

(a) Illustrations of such vacancy include, but are not limited to, any of the following circumstances:

1. No licensed trade or business is actively being conducted in the building by the owner, a tenant, or another party occupying the building pursuant to a lease or other legal authority, or no licensed trade or business is actively being conducted in a building, structure, or other improvement that is subject to taxation and that is located on the property.

2. No utility connections, including, but not limited to, water, sewer, natural gas, or electric connections, service the property, or no such utility connections are actively being billed by any utility provider for the property.

(b) Vacant building categorical classifications for a building or portion of a building:

(1) Category I: No current code violations on the structure or the premises.

- a. The building is secure and not boarded.
- b. The building is structurally sound with no code violations.
- c. The premises is maintained to minimal code compliance by the owner or responsible party.
- d. The city will inspect the property annually. Property owner or responsible local representative must arrange this inspection through the Code Enforcement Division.

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(2) Category II: Minimal code violations.

- a. The building is boarded and secure.
- b. The building is structurally sound with minor code violations.
- c. The premises is not regularly maintained.
- d. Requires property to be inspected annually by the fire marshal, building official, business license official, and code enforcement officer. Property owner or responsible local representative must be present for the inspection.

(3) Category III: Severe code violations.

- a. The building requires boarding.
- b. Structural deficiencies are evident.
- c. History of criminal activity on the property.
- d. Condemned and/or illegally occupied.
- e. Requires property to be inspected three (3) times annually by the fire marshal, building official, business license official, and code enforcement officer. Property owner or responsible local representative must be present for all the inspection. Additional charges must be paid in the amount of \$150 per inspection.

Sec. 10-132. - Registration of vacant commercial or industrial buildings.

(a) Except as provided in subsection (b) below, all vacant commercial or industrial buildings shall be registered with the Code Enforcement Division within ten (10) days of becoming vacant as defined in section 10-131. After the calendar year of initial registration, registration must be renewed annually by May 1.

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(b) Exemptions from registration may be granted by the Code Enforcement Division after notification in writing from the property owner, in the following circumstances:

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(1) Buildings that are actively being renovated. Repairs and progression must be noticeable by the inspector (up to one year, and longer by appeal) or an active building permit must be associated with the work.

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(2) Buildings that are structurally deficient and have been ordered by the city to be demolished and removed, and for which the owner has provided consent to the City to demolish, and the City has accepted the consent. Liens are to be placed against the property to cover the cost of demolition.

(3) A multi-unit commercial or industrial building with vacant units that together constitute less than fifty percent (50%) by square footage of the portion of the first floor facing or adjacent to a public right-of-way.

(c) If the building is vacant at the expiration of any registration period, the owner shall re-register such building and pay the annual renewal registration and inspection charges.

(d) The owner registering a vacant building shall supply the following information on an authorized form provided by the Code Enforcement Division:

(1) Name, address, and telephone number of the owner;

(2) Name, address, and telephone number of any responsible party, if applicable;

(3) Name, address, and telephone number of any local agent or representative of the owner, if the owner's residence or business address is more than 75 miles from the vacant building;

(4) Name, address, and telephone number of all persons with any legal interest in the property or building, including mortgagees and successors in interest;

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(5) Legal description and tax parcel identification number of the property on which the building is situated;

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(6) The common address of the building or property;

(7) Date on which the building became vacant along with any supporting documentation; and

(8) A vacant building plan in accordance with section 10-133.

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(e) Following the registration of the vacant building, the Code Enforcement Officer shall conduct a complete exterior property inspection of the property to determine any code violations and to verify the vacant building category.

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(1) A status report will be provided to the owner of the building with the findings and current condition of the property. It will include any found violations and assign a category to the building, in accordance with section 10-131.

(f) Property must be maintained in accordance with the International Building Maintenance Code.

Deleted: All vacant buildings must remain secure and/or boarded in accord with the provisions of any applicable codes.

(g) Owners shall post "No Trespass" placards on the property. Additional employment of security services for the property for a specified number of hours every day may be required by the Police Chief or his/her designee on the basis of the property's history of code and/or criminal violations.

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(h) Owners must designate a responsible local representative ("agent") if their place of residence or business is more than 45 miles from the vacant building. The responsible local representative shall act as agent for the property owner for purposes of accepting legal service; however, the owner remains personally liable in criminal prosecutions for code violations. The responsible local representative must be available at the number listed in the event of an emergency or catastrophe.

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Sec. 10-133. - Establishment of vacant building plan.

(a) When a building is registered as required by this article, the owner shall submit for approval, or cause to be submitted for approval, a vacant building plan. The plan shall contain the following:

(1) The reasonably expected period of vacancy;

(2) A plan to make the building ready for occupancy with sufficient detail regarding the proposed repair and/or rehabilitation of the building to enable the Code Enforcement Division to determine the adequacy of such plan;

(3) A letter of written consent by the owner allowing city officials to enter and inspect the premises for the period in which the vacant building plan is in effect;

- (4) For buildings, dwellings or structures which are identified as being or containing public nuisances, the vacant building plan shall contain a plan of action to remedy such public nuisances;
- (5) For each required plan, a time schedule shall be submitted identifying a date of commencement of repair and/or rehabilitation and the schedule for completion of repair and/or rehabilitation for each building, dwelling or structure and identified nuisance;
- (6) When the owner proposes to occupy, sell, lease or demolish the vacant building, the owner shall submit a plan and time schedule for such action; and
- (7) A plan of action to secure, monitor and maintain the building and property for conformance with this article.

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(b) If the property is subject to a vacant building plan and the plan has been properly approved by the Code Enforcement Division, the transferee is subject to the terms of the vacant building plan. The transferee may apply to the city to be released from the requirements of the vacant building plan upon a showing of sufficient cause for release.

Sec. 10-134. - Vacant commercial or industrial building charges.

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(a) Annual registration charges are based on the number of years that a commercial or industrial building has been vacant (after the effective date of this article). All charges are due at the time of initial registration or upon annual renewal.

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The charges are as follows for all buildings:

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- (1) Initial registration \$ 100.00
- (2) First annual renewal \$ 500.00
- (3) Additional annual renewal \$ 2,000.00

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(5) . Each year thereafter is . . \$1,500.00.¶

(b) Upon determination by the Code Enforcement Division that a vacant building is not registered in compliance with this article, a penalty as described in section 10-135 shall apply in addition to the applicable registration or renewal charge.

Deleted: (b) An annual compliance inspection charge of \$50.00 is required on all vacant buildings. The charge shall be paid at the time of registration. ¶

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(c) After the owner is given notice of the amount of the charge and penalty due, except for those owners that have properly perfected an appeal pursuant to section 10-136, and the owner fails to pay the amount due within ten (10) business days after notice of violation, said amount shall constitute a debt due

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and owing to the city, and the city may commence a civil action to collect such unpaid debt.

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(d) If a vacant building becomes occupied within 60 days following an annual renewal date and remains occupied for at least 6 months, the owner of the vacant building can apply to the Code Enforcement Division to have the most recent registration charge refunded. This excludes any charges for penalties, initial registration or compliance inspections.

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Sec. 10-135. - Enforcement and penalties.

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(a) Upon determination that a vacant building owner has failed to register or renew registration or has failed to provide update information in accordance with this article, or has failed to submit a vacant building plan or to comply with a vacant building plan that has been approved by the city under this article, or has failed to comply with any other provisions of this article, an administrative penalty of five hundred dollars (\$500.00) will be assessed if the owner is not in compliance within ten (10) business days after notice of violation.

Deleted: in addition to the registration charge will be assessed if the owner is not in compliance within 11 days after notice

(b) The city reserves its rights to seek such other remedies for violations of this article as are allowed by state or local law, including enforcement as a violation of the International Property Maintenance Code when applicable or prosecution of a violation as a misdemeanor in accord with section 1.6 of the City Code.

Deleted: (b) Failure by the owner to submit a vacant building plan or comply with a vacant building plan that has been approved by the city under this article or pay the charges as required under this article is a violation of the City Code and may be remedied by any of the following: ¶
¶
(1) An administrative penalty of five hundred dollars (\$500.00); or ¶
¶
(2) Such other remedies as may be authorized by state law.

Sec. 10-136. - Appeal.

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Any person aggrieved by an action or determination of the Code Enforcement Division in enforcing this article may file an administrative appeal to the Standard Technical Codes Board of Appeals by submission of an appeal form supplied by the city to the city clerk within ten (10) calendar days of the receipt of notice of the action or determination. Within fourteen (14) calendar days of the filing of the appeal, the Board shall hold a hearing on the appeal at which the appealing party and the Code Enforcement Division shall have an opportunity to be heard and at which the issue shall be whether the Code Enforcement Division acted in accord with the provisions of this article. Within five (5) business days after the hearing, the Board shall issue a written decision. Any person aggrieved by the decision by the Standard Technical Codes Board of Appeals, may seek relief in the circuit court in accord with the South Carolina Rules of Civil Procedure and applicable law.

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Deleted: any court of competent jurisdiction as provided by the law.

Deleted: Sec. 10-137. - Acquisition of vacant buildings. ¶

¶
The City may acquire, pursuant to applicable state law, any property or premises determined to be vacant and a persistent nuisance, and shall have the power to hold, clear, manage or dispose of such property and premises so acquired for appropriate use. ¶

This Ordinance shall become effective upon approval on second and final reading.

DONE IN MEETING DULY ASSEMBLED, this _____ day of _____, ~~2022~~ **2023**.

Deleted: 2022

Elise Partin, Mayor

Attest:

Mendy Corder, CMC, Municipal Clerk

First Reading: _____

Second Reading and Adoption: _____

Approved as to form: _____
Danny C. Crowe, City Attorney

Memorandum

To: Mayor and Council

From: Tracy Hegler, City Manager

Date: January 25, 2023

Subject: Second Reading of Ordinance 2023-01 to Amend City Code 28-117, "Penalties for Repeated False Alarms"

ISSUE

Council's approval is needed to give Second Reading to amend City Code 28-117, "Penalties for Repeated False Alarms"

BACKGROUND/DISCUSSION

The City of Cayce has responded to 377 false alarms in 2021. Resources are too valuable, especially when the primary cause is due to user error. That valuable response time could have been spent on patrols, community initiatives, and hospitality.

Due to our new community policing proactive mindset, it is necessary to create an education-based Ordinance instead of enforcement/penalty based. The proposed amended Ordinance is attached. The primary amendments include requirements for working with the Police Department to recommend prevention measures, training and assessments and read as follows:

The City of Cayce will have a working policy and documented procedures to track, monitor and prevent false alarms. Penalties will be determined by the number of false alarms during a twelve-month period, from 12:01 AM July 1 to midnight June 30. Penalties shall include:

1. First documented false alarm- No penalty or requirement
2. Second documented false alarm- Letter to the alarm location with recommended prevention measures
3. Third documented false alarm- \$100.00 fine/ or documentation from the alarm company that the system has been checked, and tested, and all employees have been trained with second call verification.
4. Fourth documented false alarm- \$200.00 fine/ or a completion of a no cost security assessment conducted by the Cayce Police Department's C.O.P.S. Unit or Fire Marshal.
5. Fifth and subsequent documented false alarm- \$500.00 per activation

Recommendations:

Staff recommends Council give Second Reading approval to Ordinance 2023-01 amending City Code 28-117 Penalties for Repeated False Alarms to include a more education-based penalty section.

STATE OF SOUTH CAROLINA)	ORDINANCE 2023-01
)	Amending City Code Section 28-
COUNTY OF LEXINGTON)	117 (“Penalties for Repeated False
)	Alarms”)
CITY OF CAYCE)	

WHEREAS, the City desires to amend City Code section 28-117 (“Penalties for Repeated False Alarms”) to include more educational based penalties,

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Cayce, in Council, duly assembled, as follows:

Subsection (b) of Section 28-117 (“Penalties for Repeated False Alarms”) of Article V (“Offenses Against Public Safety”) of Chapter 28 (“Offenses and miscellaneous Provisions”) of the Cayce City Code is hereby amended to include a more educational based penalty section. City Code Section 28-117, as amended, shall read:

(a) A false alarm is defined for this section as any activation, whether intentional or unintentional, of any alarm system to which the City of Cayce is requested by a representative of the alarm company, an automated system, or a third party to respond to the alarm location for a possible emergency when no emergency exists. A third party may be, but is not limited to, another agency that has received notification of the alarm or any person that hears an audible alarm, to include city employees. A test of an alarm system shall not be considered a false alarm if the Cayce Police Department receives prior notification at least 15 minutes before the test.

(b) The City of Cayce will have a working policy and documented procedures to track, monitor and prevent false alarms. Penalties will be determined by the number of false alarms during a twelve-month period, from 12:01 AM July 1 to midnight June 30. Penalties shall include:

1. First documented false alarm- No penalty or requirement
2. Second documented false alarm- Letter to the alarm location with recommended prevention measures
3. Third documented false alarm- \$100.00 fine/ or documentation from the alarm company that the system has been checked, and tested, and all employees have been trained with second call verification.
4. Fourth documented false alarm- \$200.00 fine/ or a completion of a no cost security assessment conducted by the Cayce Police Department’s C.O.P.S. Unit or Fire Marshal.
5. Fifth and subsequent documented false alarm- \$500.00 per activation

(c) The City of Cayce shall issue a written notice of the penalties to the party owning or in possession of the premises containing the alarm location. Failure to pay any such penalty when due and owed shall constitute a violation of this section.

This Ordinance shall be effective from the date of second and final reading.

DONE IN MEETING DULY ASSEMBLED, this _____ day of _____ 2023.

Elise Partin, Mayor

Attest:

Mendy Corder, CMC, Municipal Clerk

First Reading: _____

Second Reading and Adoption: _____

Approved as to form: _____
Danny C. Crowe, City Attorney

Memorandum

To: Mayor and Council

From: Tracy Hegler, City Manager

Date: January 25, 2023

Subject: Memorandum of Understanding for the Regional Gateways Project with the Central Midlands Council of Government

ISSUE:

Council approval is needed to enter into a Memorandum of Understanding (MOU) for the Regional Gateways Project with the Central Midlands Council of Government.

BACKGROUND/DISCUSSION

For several years, the City of Cayce has been working with the Midlands Business Leadership Group (MBLG) to establish regional gateways, which was identified by the MBLG as an area of the midlands that is affecting its overall business competitiveness. Other local municipalities and Richland and Lexington Counties were also involved. The team, through multiple conversations and meetings agreed upon beautifying the Midlands through the following Gateway projects (listed in no particular order):

- Airport Boulevard Gateway: One-mile stretch beginning at I-26 & S.C. 302 continuing to the Airport Expressway
- Fort Jackson Gateway: I-77 & Forest Drive
- Lexington Gateway: I-20 & U.S. 1
- Harbison Gateway: I-26 & Harbison Boulevard
- Downtown Connector Gateway: I-20 & S.C. 277
- I-20 & I-26
- I-20 & I-77
- I-77 & I-26

The team further identified two priority projects for which to begin: Airport Boulevard and Ft. Jackson Gateways. They developed full designs, cost estimates and solicited donations for the construction of those two projects, which they have successfully secured.

The City received a presentation with this information at its meeting on June 16, 2021. Since that time, the team has been drafting related agreements, such as the attached MOU, which sets out the following:

- The Central Midlands Council of Government will project manage the initial improvements
- On-going maintenance of all gateways after construction will be paid for by all parties involved proportionate to population (including Lexington and Richland Counties and the City of Columbia who have all previously approved an Intergovernmental Agreement).
 - Cayce's portion cost for maintenance after all gateways are constructed is estimated to be about \$16,500 per year (around \$2,000 for Airport Boulevard alone).

RECOMMENDATION:

Staff recommends Council approve the Regional Gateways Project Memorandum of Understanding and authorize the City Manager to execute.

MEMORANDUM OF UNDERSTANDING

The AGREEMENT, made the _____ day of _____, 20____, by and among the City of Cayce (“City”), and the Central Midlands Council of Governments.

WHEREAS, the parties to the Agreement have the authority pursuant to the South Carolina Home Rule Act, to enter into intergovernmental agreements for the purpose of providing any service or performing any function which they can perform individually;

WHEREAS, the parties to this Agreement desire to cooperate in developing and carrying out the Regional Gateways Project, hereinafter referred to as the PROJECT, the purpose of which is to beautify key regional gateways with unified landscaping and signage, within a ten-mile radius of the South Carolina State House;

WHEREAS, the City seeks to provide support to the PROJECT but notes that not all of the presently identified Project Sites are located within the City;

NOW, THEREFORE, in consideration of the representations set forth herein, the parties hereby mutually agree as follows:

1. Project Definition. The purpose of the PROJECT is to beautify key regional gateways with unified landscaping and signage in highly trafficked areas within a ten-mile radius of the South Carolina State House. The PROJECT will consist of both construction and ongoing maintenance of the selected project sites.

a. Project Sites. The PROJECT will include the construction and ongoing maintenance of the initial eight (8) regional gateway sites, listed in no particular order: Airport Boulevard Gateway: One-mile stretch beginning at I-26 & S.C. 302 continuing to the Airport Expressway; Fort Jackson Gateway: I-77 & Forest Drive; Lexington Gateway: I-20 & U.S. 1; Harbison Gateway: I-26 & Harbison Boulevard; Downtown Connector Gateway: I-20 & S.C. 277; I-20 & I-26; I-20 & I-77; I-77 & I-26.

b. Additional Sites. After the eight (8) sites listed above are implemented and duly funded for both beautification and ongoing maintenance, the parties to this Agreement may choose to construct and maintain additional sites by amending this Agreement with the written consent of all parties.

- 2. **Funding.** The City agrees to consider providing funding for the PROJECT and/or specific Project Sites as directed by City Council and as allowed under the City’s duly enacted budget for any given year.
- 3. **Amendments.** This Agreement may be amended at any time with the written consent of all parties.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day first above written.

City of Cayce

FOR

«Name»

By:

Position:

(Chief Elected or Administrative official)

FOR Central Midlands Council of Governments

«Name»

By:

Position:

(Chief Elected or Administrative official)
