

Mayor
Elise Partin

Mayor Pro-Tem
James E. Jenkins

Council Members
Phil Carter
Ann Bailey-Robinson
Tim James

City Manager
Tracy Hegler

Assistant City Manager
James E. Crosland



**City of Cayce
Regular Council Meeting
Wednesday, April 21, 2021 at 5:00 p.m.**

**Cayce City Council is currently meeting virtually via Zoom.
Please use one of the following methods to attend the Council Meeting:**

**Virtual Attendance, click
<https://us02web.zoom.us/j/84498992412?pwd=UHloRkxzSTJpdUNtbnI5eGdLUmJWQT09>**

or

Telephone: 1-929-205-6099

Meeting ID: 844 9899 2412

Passcode: 055493

caycesc.gov

I. Call to Order

A. Invocation and Pledge of Allegiance

II. Public Comment Regarding Items on the Agenda

Special Note: Anyone wishing to speak to Council about an item not on the agenda will need to call the City Clerk at 803-550-9557 by 12:00 p.m. the Friday prior to the Council Meeting. Anyone wishing to speak on an item on the Agenda will need to call the City Clerk at 803-550-9557 by 11:00 a.m. the day of the Council Meeting.

III. Ordinances and Resolutions

A. Discussion and Approval of Emergency Ordinance 2021-11 Amending Emergency Ordinance 2021-05 Concerning Electronic Meetings and Related Measures for City Boards and Commissions so as to Extend the Ordinance Expiration Date

B. Discussion and Approval of Ordinance 2021-07 Amending Chapter 10 ("Building and Building Regulations"), Article IV ("Rental, Non-Owner Occupied and Unoccupied Property Regulations") of the City Code of Ordinances concerning the allowable locations for parking on rental, non-owner occupied and unoccupied properties (previously discussed as Amending Article 9 of the Zoning Ordinance to Add a New Section 9.11 Concerning Vehicular Parking in Yards in Residential Zoning Districts) – Second Reading

C. Consideration and Approval of Resolution Approving Memorandum of Understanding for Law Enforcement Services with City of Myrtle Beach Police Department

IV. City Manager's Report

V. Council Comments

VI. 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

VII. Reconvene

VIII. Possible Actions by Council in follow up to Executive Session

IX. Adjourn

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

<p>STATE OF SOUTH CAROLINA) COUNTY OF LEXINGTON) CITY OF CAYCE)</p>	<p>EMERGENCY ORDINANCE 2021-11 Amending Emergency Ordinance 2021-05 Concerning Electronic Meetings and Related Measures for City Boards and Commissions so as to Extend the Ordinance Expiration Date</p>
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WHEREAS, S.C. Code section 5-7-250(d) authorizes Council to adopt emergency ordinances (with certain limitations not applicable to this Ordinance) for a limited period of sixty days; and

WHEREAS, the current coronavirus pandemic has created an emergency for our City and our Nation, such that the Council, in the exercise of its statutory authority and in the public interest, enacted Emergency Ordinance 2020-08, on May 5, 2020, as an emergency ordinance to, among other things, authorize electronic meetings and related measures for City boards and commissions; and

WHEREAS, the Council subsequently amended Emergency Ordinance 2020-08 to extend its expiration date by Emergency Ordinance 2020-15 on June 11, 2020, by Emergency Ordinance 2020-26 on August 4, 2020, by Emergency Ordinance 2020-31 on September 16, 2020, by Emergency Ordinance 2020-38 on November 10, 2020, by Emergency Ordinance 2021-02 on January 5, 2021, and again by Emergency Ordinance 2021-05 on March 2, 2021; and

WHEREAS, the Council now believes that, due to the continuation of the public health emergency presented by the pandemic, it is in the public interest to extend again the expiration date of the emergency ordinances previously adopted so that their provisions remain in force and effect for an additional emergency time period,

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

1. Emergency Ordinance 2021-05 is hereby amended to provide that it shall expire automatically on the sixty-first day following the date of this amending ordinance, which is the date of June 20, 2021, unless further amended.
2. Except as amended by this amending ordinance, all remaining provisions of Emergency Ordinance 2021-05, and its predecessor Emergency Ordinances 2020-08, 2020-15, 2020-26, 2020-31, 2020-38, and 2021-02, shall continue and remain in full force and effect.

This Ordinance, as an emergency ordinance, shall become effective immediately upon Council approval on one reading, and, as provided above, shall expire automatically on, June 20, 2021, unless earlier amended, extended or repealed by action of Council.

DONE IN MEETING DULY ASSEMBLED, this _____ day of April 2021.

Elise Partin, Mayor

Attest:

Mendy Corder, CMC, Municipal Clerk

Reading and Adoption: _____

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

Memorandum

To: Mayor and Council

From: Tracy Hegler, City Manager
Wade Luther, Planning & Development Director

Date: April 15, 2021

Subject: Second Reading of an Ordinance Amending Chapter 10, Article 4
of the Code of Ordinances Concerning Rental, Non-Owner
Occupied and Unoccupied Property Regulation

Issue

Council approval is requested for the Second Reading of an Ordinance amending Code of Ordinances Chapter 10, Article 4 to add a section of regulations pertaining to standards for occupancy and parking in rental, non-owner occupied and unoccupied properties.

Discussion

Currently, the City's Zoning Ordinance does not regulate parking vehicles in front yards. The City receives a large number of complaints and inquiries about parking vehicles in residential front yards and this has been an area identified by staff to address, city-wide. At the request of neighborhood leaders and others in the community, staff drafted a new Ordinance to regulate parking in residential yards. The Planning Commission voted unanimously on amending the Zoning Ordinance Article 9 Supplemental Off-Street Parking and Loading Regulations on February 22, 2021. This draft Ordinance, as presented, was based on principles from Ordinances in neighboring City of Columbia and Town of Irmo.

On March 2, 2021 Council deferred First Reading of the draft Ordinance to April 6, 2021, asking staff to work on revisions that would:

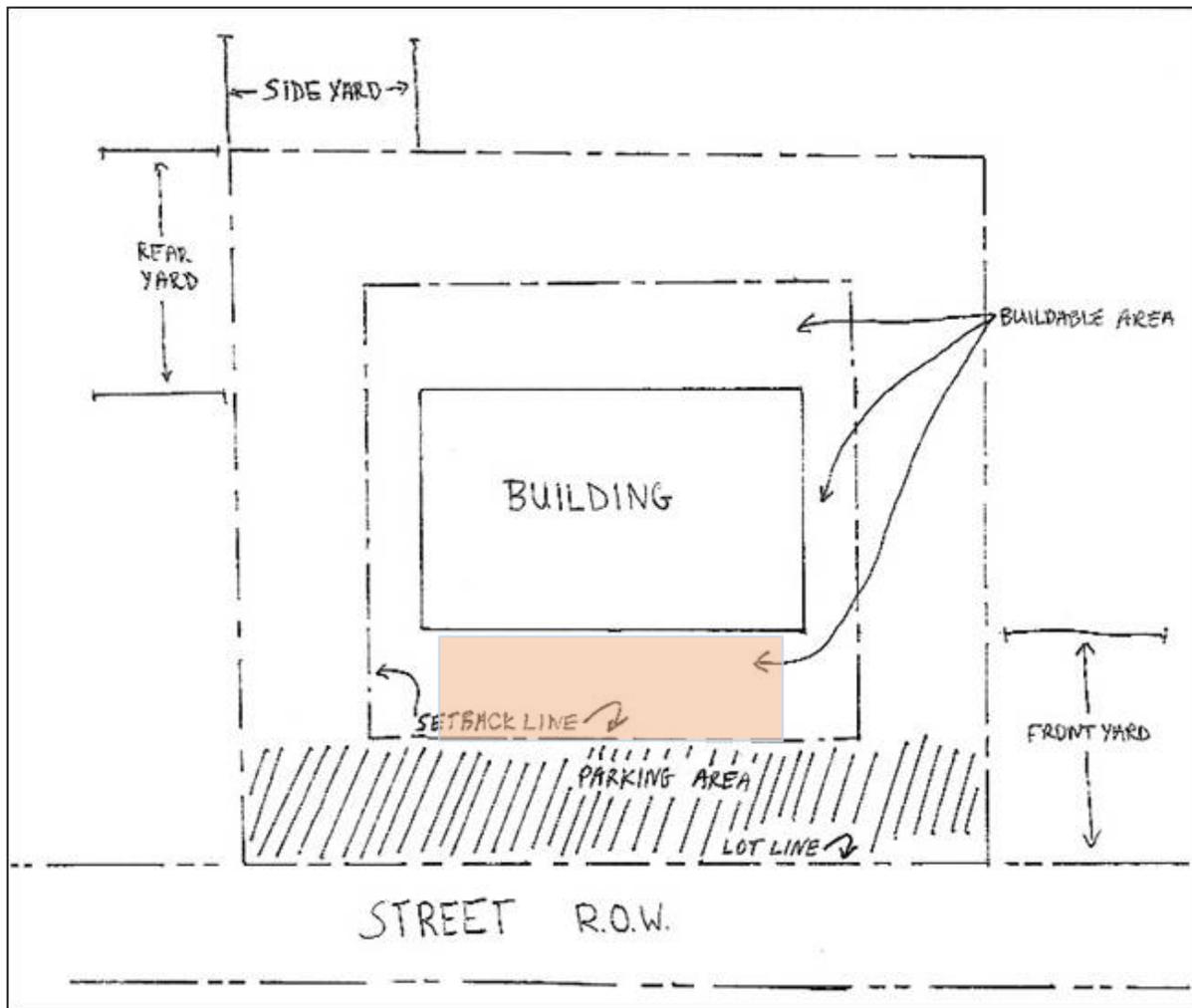
- encourage greener solutions
- be less onerous on the property owner, and
- be as simple as possible for code staff to enforce

The revised Ordinance has been changed to apply the new standards to non-owner occupied residential units only, through the City's registration process. The proposed Ordinance, then, would be placed within Chapter 10, Article IV of the City's codes related to "Buildings and Building Regulations," for "Rental, Non-owner Occupied and Unoccupied Property Regulations."

The owner of a non-owner occupied unit would be responsible for ensuring adequate parking is provided for the number of tenants in the unit, as indicated on the property registration form, not to exceed 4 unrelated persons. Further, the owner would be required to inform tenants of parking requirements.

The Ordinance also proposes becoming effective 180 days after Second Reading approval from Council. During that time, Staff will work to educate property owners (from the City's property registration list) on the regulations and work with them to help them comply.

The new proposed Ordinance stipulates where parking cannot occur – within the buildable area of the lot or yard, between the setbacks and residence (effectively the peach shaded area on the below figure). Here, parking can only exist if part of a defined driveway.



Another major change from the original proposal is removing the requirement for material upgrades in identifying parking areas, either in the setback or as part of a driveway, as long as it

is obvious this area is parking and is not within the main part of the front yard. However, if a property owner wishes to upgrade their parking areas, a long list of materials is provided and pervious, low impact design solutions are encouraged. The proposed Ordinance further states that parking in the setback or on the street must be parallel, not perpendicular.

To reiterate, as written the Ordinance would not affect owner-occupied units and does not require any added expense, as long as it is clear to City staff where parking areas are provided.

Update

As part of the passage of First Reading of the Ordinance, the motion instructed staff to further review the Ordinance for any potential revisions based upon public comment received at the April 6th City Council meeting. Upon review, staff incorporated revisions to

- Scrivener's errors, as well as for,
- ADA considerations, and
- Permitted areas for temporary parking.

Language regarding the treatment of multiple lots was already included in the Ordinance presented at First Reading on April 6th. Staff concluded that any other items from the public's comments were sufficiently addressed in the Ordinance as previously presented.

Recommendation

Staff recommends Second Reading approval of an Ordinance amending Code of Ordinances Chapter 10, Article 4 to add a section of regulations pertaining to standards for occupancy and parking in rental, non-owner occupied and unoccupied properties.

<p>STATE OF SOUTH CAROLINA)) COUNTY OF LEXINGTON)) CITY OF CAYCE))</p>	<p>ORDINANCE 2021-07 Amending Chapter 10, Article IV of the Code of Ordinances Concerning Rental, Non-Owner Occupied and Unoccupied Property Regulations</p>
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WHEREAS, the City Council, on the recommendation of City Administration, has determined that it is in the interest of the City and its citizens to revise and amend the current language of Chapter 10 (“Building and Building Regulations”), Article IV (“Rental, Non-Owner Occupied and Unoccupied Property Regulations”) of the City Code of Ordinances concerning the allowable locations for parking on rental, non-owner occupied and unoccupied properties; and

WHEREAS, the Planning Commission held a properly scheduled and noticed public hearing on this amendment to receive comments from the public; and

WHEREAS, the Planning Commission met on February 22, 2021, to receive public comments and vote on whether to recommend adding a section on regulating parking in yards in Article 9 of the Zoning Ordinance, and has decided, by a unanimous vote, that it does recommend regulating parking in yards; and

WHEREAS, the City Council, in Council duly assembled at a meeting held on March 2, 2021 heard the recommendations of the Planning Commission and asked staff to further refine the proposed ordinance to consider greener and more cost effective options that were also not burdensome to code enforcement staff; and

WHEREAS, the City Administration recommends that the most effective enforcement for regulating parking in yards is to apply the standards to non-owner occupied units, as regulated in Chapter 10, Article IV,

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Cayce, in Council, duly assembled, that Chapter 10 (“Buildings and Building Regulations”), Article IV (“Rental, Non-Owner Occupied and Unoccupied Property Regulations”) of the City Code of Ordinances is hereby amended as shown on the attached document and as follows:

1. Section 10-80 (“Definitions”) is hereby amended to delete the last sentence of the definition of “Occupant” and to add the following definitions,

Bedroom as defined by the IPMC, refers to any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

Buildable area is that portion of any lot which may be used or built upon in accordance with the regulations governing the zoning district within which the lot is

located when the front, side and rear yard, open space, and applicable buffer area requirements have been met.

Driveway means an access constructed within the public rights-of-way connecting the public roadway with the adjacent property and intended to provide vehicular access to no more than one (1) lot.

Residential driveway means a driveway providing access to single-family residence or a duplex.

2. Section 10-86 (“Offenses and assignment of offenses”) is hereby renumbered to Section 10-87 (“Offenses and assignment of offenses”) and Section 10-86 is hereby renamed, Section 10-86 (“Standards”) and amended to add the following paragraphs:

“For purposes of this Article, the following standards apply to non-owner occupied and must be met prior to a rental, non-owner occupied, and unoccupied registration (Sec. 10-81 City of Cayce Code of Ordinances) being issued and at all times thereafter. City sponsored inspectors will have the authority to certify that these properties meet the International Property Maintenance Code (IPMC) standards for both the interior and exterior of the dwelling. Any and all violations will be subject to section 10-87 of the City of Cayce Code of Ordinances. Failure to correct the deficiencies will result in revocation of the registration and are subject to penalties as outlined in Section 10-97 of the City of Cayce Code of Ordinances. The standards that will apply to all non-owner occupied will be in accordance with the 2018 Edition of the IPMC. Violations will be handled as outlined in Chapter 10 Article IV.

The landlord, owner, and/or property management personnel are responsible for informing and providing these standards to their tenants. Further, the landlord, owner, and/or property management personnel are responsible for any improvements required as a result of these standards. For the purpose of this section, multiple lots or parcels that function as one shall be considered as one lot or parcel.

- (1) Occupancy – Where family is defined by the City of Cayce Zoning Ordinance and Code of Ordinances, occupants of a non-owner occupied unit will not exceed (3) unrelated persons, unless there are (4) bedrooms in the unit, when the number of individuals cannot exceed (4).
- (2) Parking – The number of vehicles parked or stored at the unit cannot exceed the number of occupants per home up to (4) vehicles. Parking is only allowed within certain areas of a residential lot. With the exception of driveways, the delineation of off-street parking within the front yard is restricted to the area between the property line and the front and side setback lines as illustrated in the Figure below. For corner lots, off-street parking may be delineated along the side yard facing the side street between the property line and the side setback line. Vehicles can only be parked parallel to the street, except when within a residential driveway. Residential driveways are parking structures

permitted to be located within the buildable area of the lot, as illustrated in the Figure below. This section is not intended to prohibit the temporary parking of a vehicle upon a driveway or permitted parking area in accordance with this section. Any vehicle with a valid handicap plate or placard on the vehicle is exempt from this section.

Permitted parking areas may be constructed of the following materials, with strong consideration given for low impact development principles: plastic grid pavers, grass grid pavers, concrete grid pavers, grass, mulch, slag, gravel, crushed stone, pervious concrete, brick/concrete/stone pavers, concrete, and asphalt. If used, all impervious parking materials should not occupy more than 40 percent of the front yard or 500 square feet within the primary front yard, whichever area is greater.

On corner lots, impervious parking materials shall not exceed the above amount of area within the combined primary front yard or secondary front yard.”

Figure 1 – Permitted Parking Area on Primary Front Yard

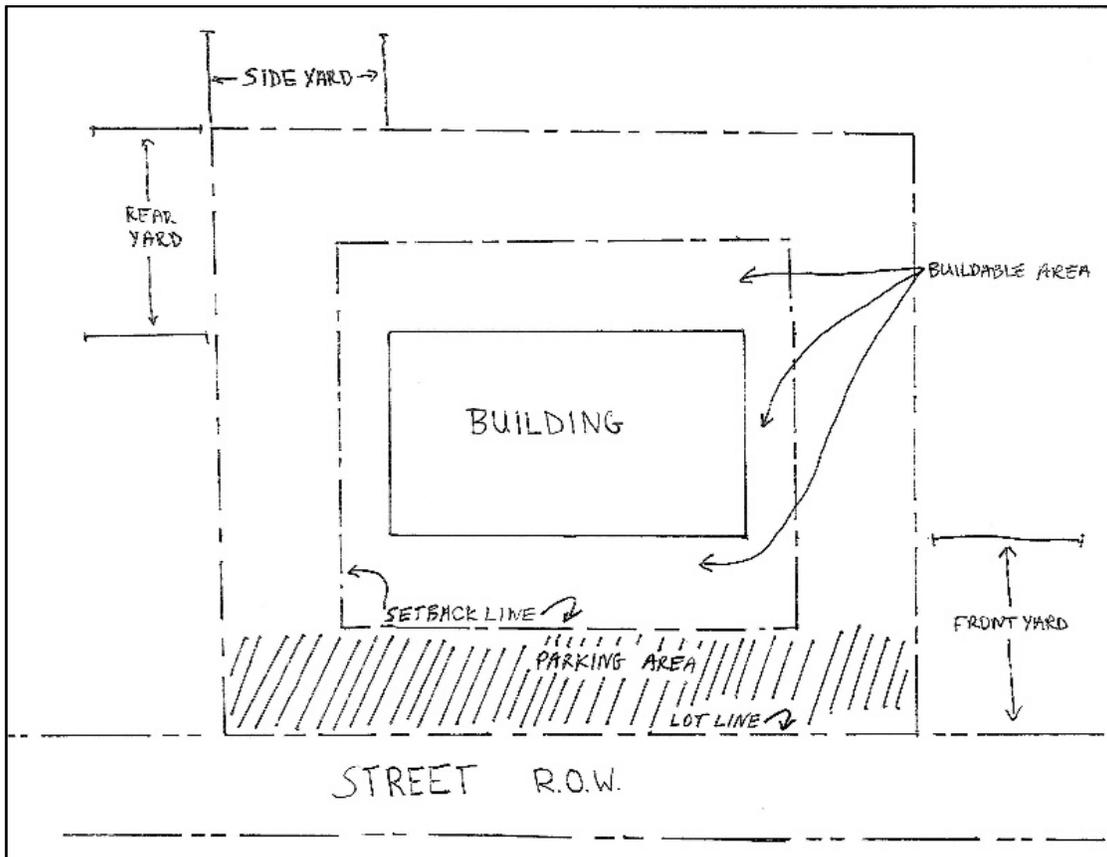
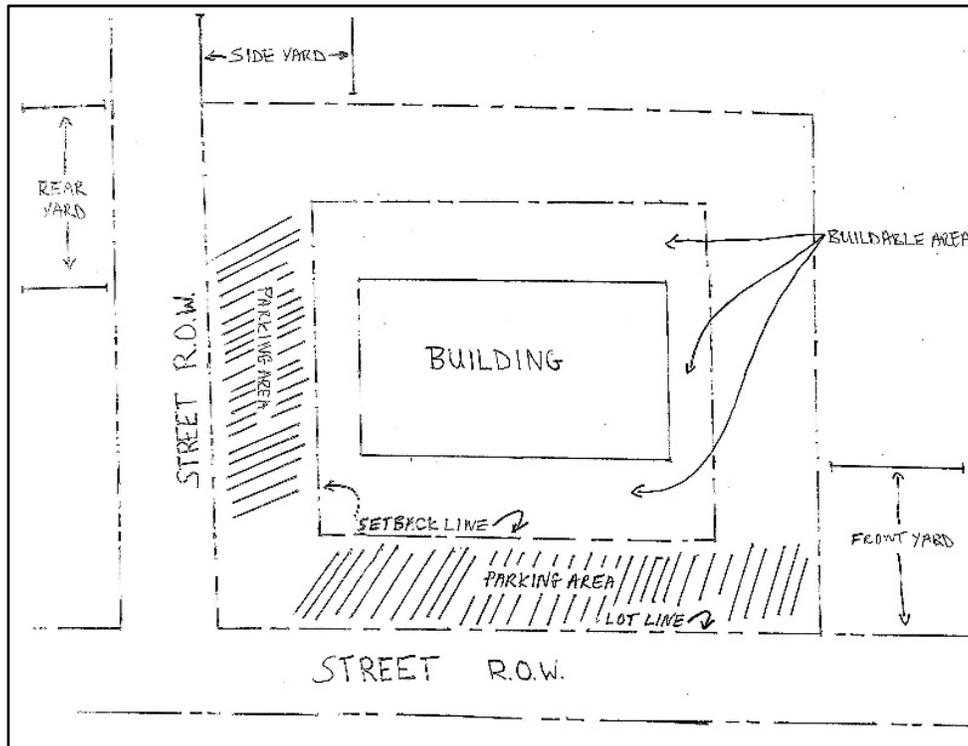


Figure 2 – Permitted Parking Area on Corner Lot



3. Section 10-87 ("Requirement for revocation hearings") is hereby renumbered to Section 10-88 ("Requirement for revocation hearings").
4. Section 10-88 ("City council hearing") is hereby renumbered to Section 10-89 ("City council hearing").
5. Section 10-89 ("Notice of revocation") is hereby renumbered to Section 10-90 ("Notice of revocation").
6. Section 10-90 ("Effect of revocation") is hereby renumbered to Section 10-91 ("Effect of revocation").
7. Section 10-91 ("Notification exemption") is hereby renumbered to Section 10-92 ("Notification exemption").
8. Section 10-92 ("Defense") is hereby renumbered to Section 10-93 ("Defense").
9. Section 10-93 ("Appeals/revocation hearing before city council") is hereby renumbered to Section 10-94 ("Appeals/revocation hearing before city council").
10. Section 10-94 ("Change of ownership") is hereby renumbered to Section 10-95 ("Change of ownership").

11. Section 10-95 (“Confidentiality”) is hereby renumbered to Section 10-96 (“Confidentiality”).
12. Section 10-96 (“Offenses”) is hereby renumbered to Section 10-97 (“Offenses”).
13. Section 10-97 (“Registration fee”) is hereby renumbered to Section 10-98 (“Registration fee”).
14. Section 10-98 (“Severability”) is hereby renumbered to Section 10-99 (“Severability”).
15. Section 10-99 (“Occupancy label required”) is hereby renumbered to Section 10-100 (“Occupancy label required”).

This Ordinance shall become effective 180 days after second reading approval.

DONE IN MEETING DULY ASSEMBLED, this _____ day of _____ 2021.

Elise Partin, Mayor

Attest:

Mendy Corder, CMC, Municipal Clerk

First Reading: _____

Second Reading and Adoption: _____

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

ARTICLE IV. - RENTAL, NON-OWNER OCCUPIED AND UNOCCUPIED PROPERTY REGULATIONS

Sec. 10-80. - Definitions.

Unless otherwise expressly stated, the following terms shall, for the purposes of this article, have the meanings shown in this section. When terms are not defined, through the methods authorized by this section, such terms shall have their ordinarily accepted meaning such as the context implies.

Bedroom as defined by the IPMC, refers to any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

Buildable Area is that portion of any lot which may be used or built upon in accordance with the regulations governing the zoning district within which the lot is located when the front, side and rear yard, open space, and applicable buffer area requirements have been met.

Driveway means an access constructed within the public rights-of-way connecting the public roadway with the adjacent property and intended to provide vehicular access to no more than one (1) lot.

Non-owner occupied means a property that is occupied by someone other than the purchaser or owner of a property.

Occupant means a family as defined by the City of Cayce Zoning Ordinance or an individual unrelated by blood to a second degree of consanguinity, marriage, adoption, or guardianship to any other occupant of the dwelling unit. A family of related persons shall be counted as one occupant.

Offense means any violation of local, state, or federal statutes or ordinances which results in a forfeiture of bond, plea of guilty, no contest, acceptance into pre-trial intervention, alcohol education program or a determination of guilt by a court or a jury. For purposes of this article, all violations for which charges are made during one response by law enforcement officers which result in a forfeiture of bond, acceptance into a pre-trial intervention program, alcohol education program, conviction, or a plea of guilty or no contest, collectively shall be deemed one offense.

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.

Residential driveway means a driveway providing access to single-family residence or a duplex.

Residential rental unit means that portion of a dwelling for which payment or other consideration, including performance of general maintenance, payment of utilities or other fees, or similar in-kind services, is being made to an owner, agent, or manager for the use and occupancy of that portion as a living facility. For purposes of this article, the term rental unit is limited to single household dwellings, two household dwellings (duplex), three household dwellings (triplex), four household dwellings (quadraplex), townhouses, and boarding houses. Exceptions shall be the following:

- (1) Single, two, three, or four household dwelling within a horizontal property regime or;
- (2) Dwellings occupied by individuals who are under a written contract to purchase the residence after the contract has been reviewed for validity of purchase by the city attorney and the director of planning and development.

Whenever the words "rental unit" are stated in this article, they shall be construed as though they were followed by the words "or any part thereof."

Townhouses means dwelling units constructed in a series or group of attached units with property lines separating such units.

Unoccupied means any property that lacks continued presence of human beings who have a legal right to be on the property, or where any substantial lawful residential occupancy or business operations has ceased for at least six months.

Violation means breach of law.

Sec. 10-81. - Rental, non-owner occupied and unoccupied registration required.

- (a) No owner, whether a person, firm or corporation, shall operate any residential rental, non-owner occupied or unoccupied unit as defined in section 10-80 unless that owner holds a current registration issued by the City of Cayce for the property named therein.
- (b) Registrations are not transferable from any owner to another.
- (c) The registration year shall begin on January 1st and end on December 31st.
- (d) Renewals of registrations after April 15th will be considered late and will be assigned any late fees designated in this article.
- (e) The required registration fee as defined by section 10-97 may be paid beginning January 1st but no later than the 15th of April each year.
- (f) If the registration fee is not paid by April 15th then on April 16th the City of Cayce shall issue a uniform ordinance summons to the property owner for appearance in municipal court.
- (g) The property owner may be subject to other code enforcement action depending upon the circumstances.

Sec. 10-82. - Application.

Applications to operate residential rental, non-owner occupied or unoccupied units and for renewal thereof shall be on a form provided by the City of Cayce. Such form shall set forth the owner's name, address, and telephone number, the unit address, the name of the person, firm, or corporation located within a 75-mile radius of the City of Cayce responsible for the care and maintenance of the building, number of current occupants and additional information as outlined on the application for rental housing. Upon request from the City of Cayce, the owner or responsible party shall provide within 24 hours the names and contact information for each of the occupants, for City of Cayce use only.

Sec. 10-83. - Issuance or refusal of rental, non-owner occupied and unoccupied property registration.

The City of Cayce shall issue a rental registration for rental, non-owner occupied or unoccupied properties to the applicant upon proof of the following:

- (1) The property is in compliance with all applicable city ordinances; and
- (2) All fees have been paid as required by section 10-97 of this article.

Sec. 10-84. - Property owner, person in charge, and occupant.

- (a) A registration will not be issued or renewed to a person, firm, or corporation who does not either reside in or have an office within a 75-mile radius of the City of Cayce, unless a person in charge is designated. The person in charge must reside in or have an office within a 75-mile radius of the city and be able to act as the agent for the owner. The director of planning and development shall be notified in writing if there is a change of owner or person in charge within 14 days of the change.
- (b) The property owner, the person in charge, and occupants shall maintain all residential rental, non-owner occupied or unoccupied units under their control, or in which they are located, in compliance with the city codes.
- (c) The property owner, the person in charge, and occupants shall be liable for occupancy violations within rental, non-owner occupied or unoccupied residences of their control or in which they are located.
- (d) For every residential rental, non-owner occupied or unoccupied unit, the owner or person in charge shall be responsible for the repair and maintenance of the common areas of the dwelling and responding to service requests and emergency needs, including entry into units where an emergency appears to exist. Such person or persons shall be situated close enough to the dwelling as to be able to service tenant and emergency calls with reasonable dispatch. The owner shall advise the tenants individually of the names, addresses, and telephone numbers of such owner and/or person in charge.

Sec. 10-85. - Reserved.

Sec. 10-86. - Standards

For purposes of this Ordinance, the following standards apply to non-owner occupied and must be met prior [to] a rental, non-owner occupied, and unoccupied registration (Sec. 10-81 City of Cayce Code of Ordinances) being issued and at all times thereafter. City sponsored inspectors will have the authority to certify that these properties meet the International Property Maintenance Code (IPMC) standards for both the interior and exterior of the dwelling. Any and all violations will be subject to section 10-86 of the City of Cayce Code of Ordinances. Failure to correct the deficiencies will result in revocation of the registration and are subject to penalties as outlined in Section 10-96 of the City of Cayce Code of Ordinances. The standards that will apply to all non-owner occupied will be in accordance with the 2018 Edition of the IPMC. Violations will be handled as outlined in Chapter 10 Article IV.

The landlord, owner, and/or property management personnel are responsible for informing and providing these standards to their tenants. Further, the landlord, owner, and/or property management personnel are responsible for any improvements required as a result of these standards. For the purpose of this section, multiple lots or parcels that function as one shall be considered as one lot or parcel.

- (1) Occupancy – Where family is defined by the City of Cayce Zoning Ordinance and Code of Ordinances, occupants of a non-owner occupied unit will not exceed (3) unrelated persons, unless there are (4) bedrooms in the unit, whereby the number of individuals cannot exceed (4).
- (2) Parking – The number of vehicles parked or stored at the unit cannot exceed the number of occupants per home up to (4) vehicles. Parking is only allowed within certain areas of a

residential lot. With the exception of driveways, the delineation of off-street parking within the front yard is restricted to the area between the property line and the front and side setback lines as illustrated in the Figure below. For corner lots, off-street parking may be delineated along the side yard facing the side street between the property line and the side setback line. Vehicles can only be parked parallel to the street, except when within a residential driveway. Residential driveways are parking structures permitted to be located within the buildable area of the lot, as illustrated in the Figure below. This section is not intended to prohibit the temporary parking of a vehicle upon a driveway or permitted parking area in accordance with this section. Any vehicle with a valid handicap plate or placard on the vehicle is exempt from this section.

Permitted parking areas may be constructed of the following materials, with strong consideration given for low impact development principles: plastic grid pavers, grass grid pavers, concrete grid pavers, grass, mulch, slag, gravel, crushed stone, pervious concrete, brick/concrete/stone pavers, concrete, and asphalt. If used, all impervious parking materials should not occupy more than 40 percent of the front yard or 500 square feet within the primary front yard, whichever area is greater. On corner lots, impervious parking materials shall not exceed the above amount of area within the combined primary front yard or secondary front yard.

Figure 1 – Permitted Parking Area on Primary Front Yard

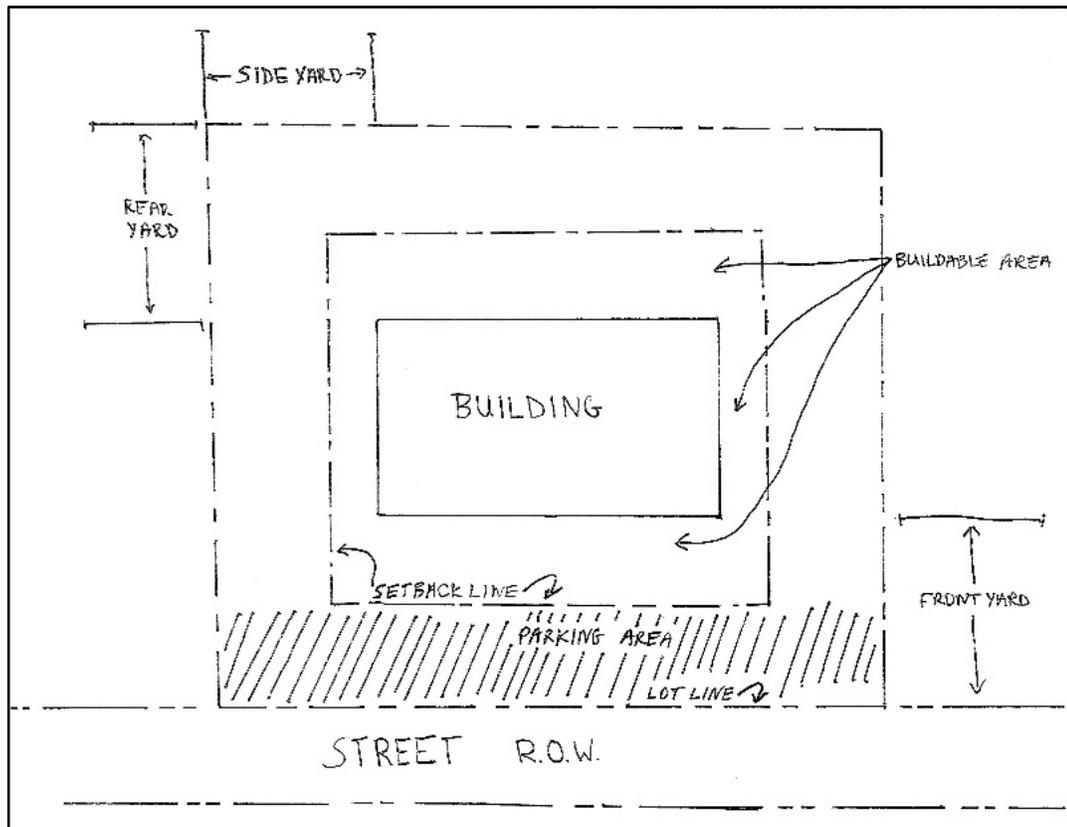
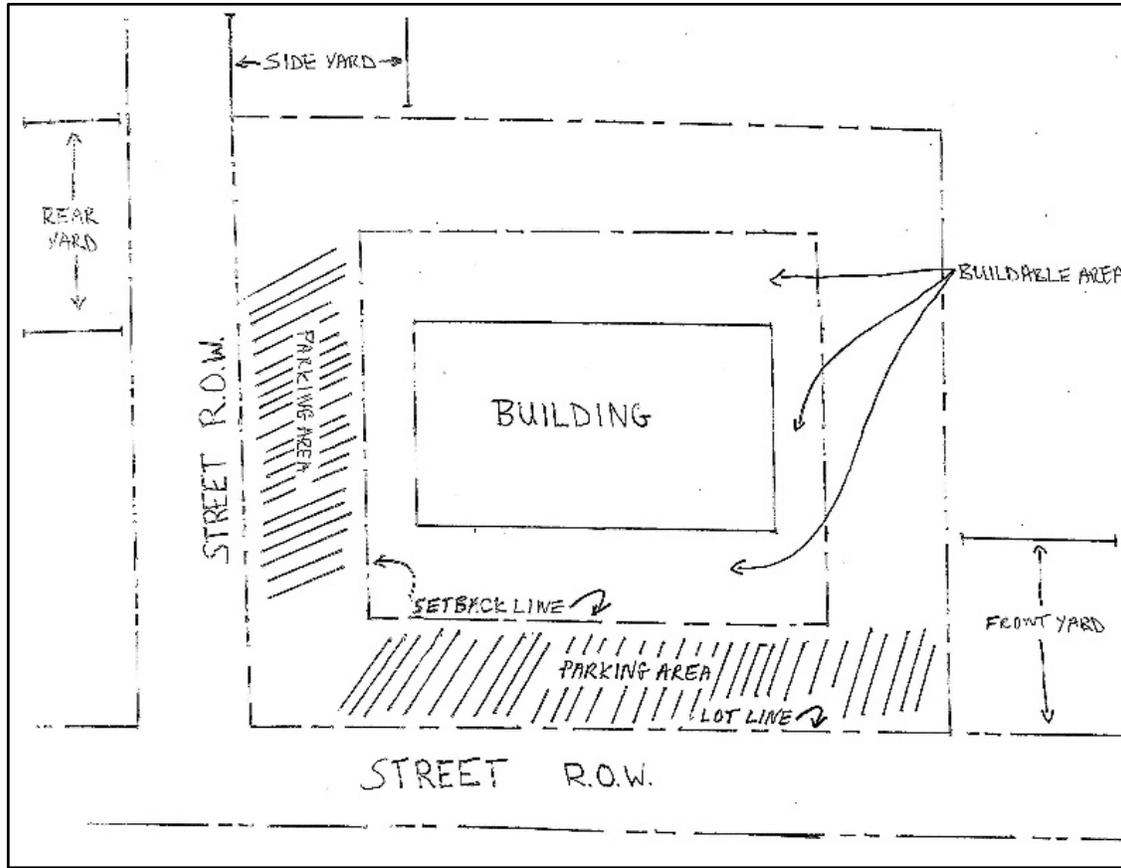


Figure 2 – Permitted Parking Area on Corner Lot



Sec. 10-87. - Offenses and assignment of offenses.

- (a) For purposes of this article, offenses shall include any federal or state, law or regulation or any city ordinance or regulation.
- (b) Offenses shall apply towards revocation of the registration for residential rental, non-owner occupied or unoccupied units as follows:
 - (1) Single household dwellings, townhouses, and boarding houses. Offenses that occur anywhere on the property shall apply to the registered dwelling unit.
 - (2) Duplex, triplex and quadraplex:
 - a. Offenses that occur within an individual unit shall apply to that unit.
 - b. Offenses occurring outside of the units shall be assigned to the unit responsible as determined by the investigating party for the offense.

- c. Offenses committed by the property owner and/or person in charge shall be assigned to both units.
- d. When a duplex is issued one registration at the request of the owner, any offense within any dwelling unit will be apply to the duplex.

Sec. 10-8~~78~~. - Requirement for revocation hearings.

City council shall hold revocation hearings as follows:

- (1) *Occupancy.* Violation of occupancy regulations shall be grounds for declaring the rental, non-owner occupied or unoccupied unit a nuisance property. A revocation hearing date will be established by city council within 60 days of the offense. The director of planning and development shall issue a notice by certified mail or any other means available to ensure delivery to the property owner and person in charge noting the property is considered a nuisance property and pending a revocation hearing. A copy of this notice shall be maintained by the director of planning and development.
- (2) *Other offenses.*
 - a. *Warning notice.* A City of Cayce Codes Enforcement Officer shall send written notification to the property owner and person in charge of any violations of federal or state law or regulation or any city ordinances or regulations that occur at properties governed by this article. The director of planning and development shall provide an advisory notice by first class, certified mail or any other means available to ensure delivery to the property owner and person in charge of any rental, non-owner occupied or unoccupied property whenever three offenses of the City of Cayce Code of Ordinances or regulations or any state or federal law or regulations have occurred individually or in combination at the property within a 24-month period. The 24-month period shall commence on the day of the first offense. This notice shall advise the property owner and person in charge that the property has been identified as a potential problem property and advise them of the consequences of continued offenses on this property. This notice shall be maintained by the director of planning and development and made available as necessary.
 - b. *Notice of revocation hearing.* When another offense occurs within 12 months after the issuance of the warning notice, this shall be grounds to declare the rental unit a nuisance property. A revocation hearing will be established by city council within 60 days of the last offense. The director of planning and development shall issue a notice by certified mail or any other means available to ensure delivery to the owner and the person in charge noting the property is considered a nuisance property and pending a revocation hearing. A copy of this notice shall be maintained by the director of planning and development.

Sec. 10-8~~89~~. - City council hearing.

- (a) The written notice by the director of planning and development for a revocation hearing shall be delivered by personal service, certified mail or any other means available and shall include the time and place at which the hearing is to be held which shall be at a regular or special council meeting. The notice shall also contain a brief statement of the reasons for revocation hearing and a copy of the applicable provisions of the Code of Ordinances.

- (b) The director of planning and development shall provide city council with a written report outlining the circumstances for declaring the rental property as a nuisance property. All documents relating to the property shall be available prior to the hearing for review by all parties.

Sec. 10-~~89~~90. - Notice of revocation.

Upon city council's decision, the director of planning and development shall notify the property owner and/or the person in charge of the revocation by written notice sent by certified mail or delivered in person. The notice shall advise the property owner and/or the person in charge of the property address, the effective dates of the revocation, the reason for the revocation, the effect of the revocation on the property, and penalties that can be imposed for violation of the revocation and appeal rights and procedures.

The director of planning and development shall set forth the effective date of the revocation as and if modified by city council in such manner so that revocation commences on the first day following expiration of the lease or leases in force provided such lease or leases are not for more than a one-year period. The owner shall provide the director of planning and development with a copy of the current lease to determine the appropriate dates. If no lease is provided then the director of planning and development shall set the effective date as the first day following the annual registration renewal date. When there is no lease in force or when the lease or leases are for periods greater than one year, revocation shall commence upon the first day following the annual registration renewal date. Any additional offenses which occur between the revocation date and the commencement of revocation date shall automatically increase the revocation by three months per offense.

Sec. 10-~~90~~1. - Effect of revocation.

Upon the commencement of revocation, the property shall be secured and no person, firm or corporation shall operate or rent/lease to another for residential occupancy any dwelling unit or rooming unit during such time that the registration for such unit is revoked.

Sec. 10-~~91~~2. - Notification exemption.

Residential rental, non-owner occupied or unoccupied properties are exempt from the notification requirements, as given in the codes, when they have not obtained a valid registration as required by this article. Properties operating without a valid registration shall receive one written warning and 20 working days to comply. If an owner is convicted of a violation of section 10-81 of the City of Cayce Code of Ordinances, the property shall not be eligible for a registration for a period of six months after the conviction.

Sec. 10-~~92~~3. - Defense.

When tenants are guilty of offenses resulting in a revocation notice, the property owner may request a suspension of revocation proceedings by providing written evidence of the initiation of eviction proceedings against the culpable tenants. If the tenants are evicted, the property owner may request termination of the revocation proceedings. If revocation has been suspended but the tenants are not evicted, revocation proceedings will be reinstated by the city.

Sec. 10-~~93~~4. - Appeals/revocation hearing before city council.

- (a) Any person aggrieved by a decision or a denial of a registration by the City of Cayce may appeal the decision to city council by filing a written request stating the reasons for the grievance with the

director of planning and development within ten days after the payment of the assessment under protest or notice of denial is received.

- (b) An appeal or a hearing on revocation shall be held by city council within 45 days after receipt of a request for appeal or service of notice of revocation at a regular or special meeting of which the property owner and/or the person in charge has been given written notice. At such hearing all parties shall have the right to be represented by counsel, 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 council shall govern the hearing. City council shall by majority vote of members present render a written decision based on findings of fact and application of the standards herein which shall be served upon all parties or their representatives and shall be final.

Sec. 10-945. - Change of ownership.

Any person, firm, or corporation who has purchased or has a legally binding contract to purchase a property whose registration has been revoked pursuant to this article under another owner, may apply for a new registration.

Sec. 10-956. - Confidentiality.

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. Any inquiries regarding offenses resulting from enrollment into the pre-trial intervention program will be administered by the chief of police.

Sec. 10-967. - Offenses.

Any person violating any provision of this article shall be deemed guilty of a misdemeanor offense and shall be subject to the penalties outlined in section 1-6. Each day of violation shall be considered a separate offense. Punishment for violation shall not relieve the offender of liability for delinquent taxes, penalties, and costs provided for this article.

Sec. 10-978. - Registration fee.

- (a) The annual registration fee shall be \$0.00.
- (b) Upon determination that a property owner has failed to obtain a registration, a late registration fee shall be assessed at \$100.00 for each year the residential rental, non-owner occupied, or unoccupied property has not been registered.
- (c) All required fees shall be paid before a registration is issued.

Sec. 10-989. - Severability.

The provisions of this article are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts, or provisions of this article. It is hereby declared that the intent of the council is that this article would have been adopted as if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

Sec. 10-10099. - Occupancy label required.

- (a) Effective January 1, 2016, an occupancy label signed and issued by the director of planning and development shall be affixed to one of the following locations as determined by the owner of the property: The interior side of the main door of the residence, or on the exterior surface of the refrigerator door, or on the wall or door immediately adjacent to the fire extinguisher. The occupancy label shall indicate the maximum numbers of occupants allowed in accordance with city ordinances, address of the residence, date of issuance and signature of the property owner or responsible party. Removal of the label shall be cause for denial of a registration for the property.
- (b) Initial issuance of the occupancy label will be through first class mail to the owner of the property within ten days of approval of the application.
- (c) Subsequent issuance of new occupancy labels will be done in conjunction with issuance of registrations for new properties after successful completion of the registration application.

STATE OF SOUTH CAROLINA)	RESOLUTION
)	Approving Memorandum of
COUNTY OF LEXINGTON)	Understanding for Law Enforcement
)	Services with City of Myrtle Beach
CITY OF CAYCE)	Police Department

WHEREAS, the need for law enforcement agencies to enter into contracts with other law enforcement agencies for mutual aid and support is recognized in Chapter 20 (“Law Enforcement Assistance and Support Act”) of Title 23 (“Law Enforcement and Public Safety”) of the South Carolina Code of Laws; and

WHEREAS, S.C. Code section 23-20-40(B), which is a part of Chapter 20 of Title 23 of the State Code, provides that an agreement entered into pursuant to that chapter on behalf of a law enforcement agency must be approved by the appropriate governing body of the concerned county, municipality or other political subdivision; and

WHEREAS, the Council wishes to clarify and confirm the process by which it approves such mutual aid agreements as are entered into between the law enforcement agency of the City of Cayce and the law enforcement agencies of other political subdivisions of the State,

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

The City Council hereby ratifies or approves the City of Cayce and its Department of Public Safety entering into a Memorandum of Understanding for law enforcement services, as attached, with the City of Myrtle Beach and the Myrtle Beach Police Department. The Mayor and the Director of the Department of Public Safety are authorized to sign the Memorandum of Understanding on behalf of the City.

ADOPTED this _____ day of April 2021.

Elise Partin, Mayor

ATTEST:

Mendy Corder, CMC, Municipal Clerk

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

CITY OF MYRTLE BEACH
COUNTY OF HORRY
STATE OF SOUTH CAROLINA

MEMORANDUM OF UNDERSTANDING

This agreement is made and entered by and between _____ (Police Agency) and the City of Myrtle Beach Police Department (the Parties) and shall be effective on the date that the agreement has been signed by both parties and approved by their governing body, as shown below.

WHEREAS, sections 23-20-10 through 23-20-60 of the Code of Laws of South Carolina (1976) as amended, authorize law enforcement agencies to enter into contractual agreements with other law enforcement providers as may be necessary for the proper and prudent exercise of public safety functions. These sections specify contractual provisions and approvals that are required for such an agreement. The officers of a law enforcement provider under such an agreement have the same legal rights, powers and the duties to enforce the laws of South Carolina as the law enforcement agency contracting for the services; and

WHEREAS, S.C. Code Ann. Section 23-1-210 provides for the temporary transfer of law enforcement officers pursuant to written agreement; and

WHEREAS, S.C. Code Ann Section 23-1-215 authorizes agreements between multiple law enforcement jurisdictions for purposes of criminal investigations; and

WHEREAS, the parties hereto desire to enter into such an agreement to promote public safety for the purpose of securing to each other the benefits of mutual aid; and

WHEREAS, it is the desire and intent of the parties to evidence their joint undertaking for the provision of mutual assistance in law enforcement matters by the temporary assignment of law enforcement officers between jurisdiction to the fullest extent as is allowed by law; and

WHEREAS, it is the intent of the parties to share jurisdiction under this written agreement to the fullest extent permitted under South Carolina law; and

WHEREAS, the purpose of this Agreement is to define the scope of such mutual aid and the responsibilities of the parties cooperating in Police Support Activities – Memorial Day services, thereto:

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein, the parties agree as follows:

Assistance. The assistance to be rendered pursuant to this Agreement shall solely involve the temporary transfer or assignment of law enforcement officers and/or equipment from each party's jurisdiction to the support and aid of the aforementioned MOU, in cooperation with the parties named herein. When so transferred or assigned, such law enforcement officers shall have all rights, powers, authority, and duties to enforce the laws of South Carolina as a law enforcement officer employed by the respective jurisdiction to this agreement, and to which assignment is made.

Request for Assistance. The parties to the MOU may request law enforcement assistance from the parties to this Agreement, and such request may be made for assistance with public safety functions, which include traditional public safety activities which are performed over a specific period of time for investigations and intelligence sharing.

Primary Responsibility. It is agreed and understood that the primary responsibility of the parties hereto is to provide law enforcement services within the geographical boundaries of their respective jurisdictions. Therefore, it is agreed that the law enforcement agency whose assistance is requested shall be the sole judge as to whether or not it can respond and to what extent it can comply with the request for assistance.

Request. A request for assistance shall only be made by the Sheriff or Chief of Police, if available, and otherwise by the senior duty officer of the law enforcement agency whose assistance is requested. If the request is granted, the requesting law enforcement agency shall be immediately informed of the number of law enforcement officers to be furnished.

Reply. A reply to any request for assistance shall only be made by the Sheriff or Chief of Police, if available, and otherwise by the senior duty officer of the law enforcement agency whose assistance is requested. If the request is granted, the requesting law enforcement agency shall be immediately informed of the number of law enforcement officers to be furnished.

Officer-in-Charge. The personnel temporarily transferred or assigned by the assisting law enforcement agency shall report to their respective Chains of Command, and Officer-in-Charge and shall be subject to orders and commands of that official. The assisting law enforcement officers shall exert their best efforts to cooperate with and aid the requesting law enforcement agency.

Release. The law enforcement officer temporarily transferred or assigned shall be released by the Officer-in-Charge when their services are no longer required or when they are needed to respond to a situation within the geographical boundaries of their own jurisdiction; provided, however, the assisting law enforcement officers shall use their best efforts to complete the requested service prior to being released.

Vesting of Authority and Jurisdiction. To the fullest extent permitted by the Constitution and statutes of this State, officers assigned under this agreement shall be vested with all authority,

jurisdiction, rights, immunities and privileges within the requesting jurisdiction for the purposes of investigation, arrest, or any other activity related to the purpose for which they were requested. Local ordinances adopted by a sending agency shall not be deemed extended into areas which are outside the territorial limits of the sending jurisdiction.

Radio Communications. Radio communications between the requesting law enforcement agency and the assisting law enforcement officers shall be maintained by use of the State regional radio channel system, unless a radio channel that is mutually shared by the parties hereto is otherwise available.

Compensation and Reimbursement. The temporary transfer or assignment of law enforcement officers made pursuant to this Agreement shall in no manner affect or reduce the compensation, pension or retirement rights of such transferred or assigned officers, and such officers shall continue to be paid by the agency where they are permanently employed.

The parties agree that compensation and/or reimbursement for services provided hereunder shall be limited to the reciprocal provision of services of like kind, to include the ancillary benefits of increased investigation and prevention of narcotics and related offenses in their respective jurisdictions. Any other agreement for reimbursement between the parties must be written and executed in the same manner as this agreement.

Equipment and Facilities. Each party shall supply the equipment for its law enforcement officers and shall bear the risk of its damage or loss; provided, however, that if the equipment is damaged by the acts or omissions of employees of the other party, then the other party shall reimburse the damaged party for its loss. The host agency will provide the facilities for law enforcement operations and will designate its location at the time assistance is requested.

Records. The requesting law enforcement agency shall be primarily responsible to maintain records relating to the incident for which assistance has been requested. However, each law enforcement agency shall maintain records of activities of its personnel that would generate records in its own jurisdiction including, but not limited to, incident reports, records of application or execution of an arrest or search warrant, incident reports for arrests made by personnel, uniform traffic tickets issued, and use of force forms. Each party shall make these records available to the other party upon request and without cost.

Freedom of Information Act ("FOIA") Requests. The requesting law enforcement agency shall be primarily responsible for responding to FOIA requests relating to the incident for which assistance has been requested. However, each law enforcement agency shall maintain records as set forth above and assist the requesting law enforcement agency in responding to FOIA requests.

Insurance and Bond. It is agreed and understood that the parties hereto shall be solely responsible to maintain such insurance protection and workers compensation coverage on its employees as may be required by law or deemed advisable by the party. The bond, if any, for

any officers operating under this agreement shall include coverage for their activity in the other jurisdiction covered by this agreement in the same manner and to the same extent provided by the bonds of regularly employed officers of that county or municipality.

Employment Status. Nothing herein contained shall be construed or interpreted to imply that the law enforcement officers temporarily transferred or assigned in accordance with this agreement are employees of the law enforcement agency requesting such assistance.

Legal Contingencies. Neither party shall be responsible for defending any legal action brought against the other party or its employees arising out of circumstances in which assistance was requested or provided, nor shall it be responsible to pay any fees, costs, damages or verdicts incurred by the other party in such legal action.

No Indemnification or Third-Party Rights. The parties shall be solely responsible for the acts and omissions of their respective employees, officers and officials. No right of Indemnification is created by the agreement and the parties expressly disclaim such a right. The provisions of this agreement shall not be deemed to give rise to or vest any rights or obligations in favor of any person or entity not a party to this agreement.

Other Agreements and Investigations. This agreement shall not repeal or supersede any existing agreements between the parties hereto nor does it restrict in any way the normal cooperation between law enforcement agencies concerning ongoing criminal investigations.

Modification. This Agreement shall not be modified, amended or changed in any manner except upon the express written consent of the parties hereto.

Duration. This Agreement will continue in effect for two (2) years from the date of effectiveness of last signing below. Renewal shall be accomplished only by legislative act of equal dignity.

Termination. This Agreement may be terminated by either party by providing written notice to the other party. Such notice becomes effective upon receipt of the notice by the other party.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals on the dates shown below.

Approved by _____ (Department or Agency)

Signature

Date approved for execution: _____

Approved by City of Myrtle Beach

City Manager

Date approved for execution by City Council: _____