

CITY OF LIBERTY COUNCIL WORK SESSION
February 5, 2018
6:00 PM
ROSEWOOD CENTER

AGENDA

Welcome and Call to Order (Mayor Petersen)

Items to be discussed at work session:

- **Proposed Multi-Family Project – Front/Main/Hillcrest**
 - **Planning Commission Meeting on Feb 9 @ 1PM to discuss re-zoning request. Council is scheduled to do first reading on Feb 12 – will need to schedule special meeting for second reading – after Feb 19, before March 8**

- **Amendment to Ordinances**
 - **Chapter 5 - Animals relating to providing for animal care**
 - **Chapter 5 - Restrictions**
 - **Chapter 5 – More than 3 dogs outside**
 - **Chapter 5 – Feral Cats**
 - **Chapter 59 – Parking/storing vehicles**
 - **Chapter 59 – Parking/storing recreational vehicles**

- **Dog Licensing**

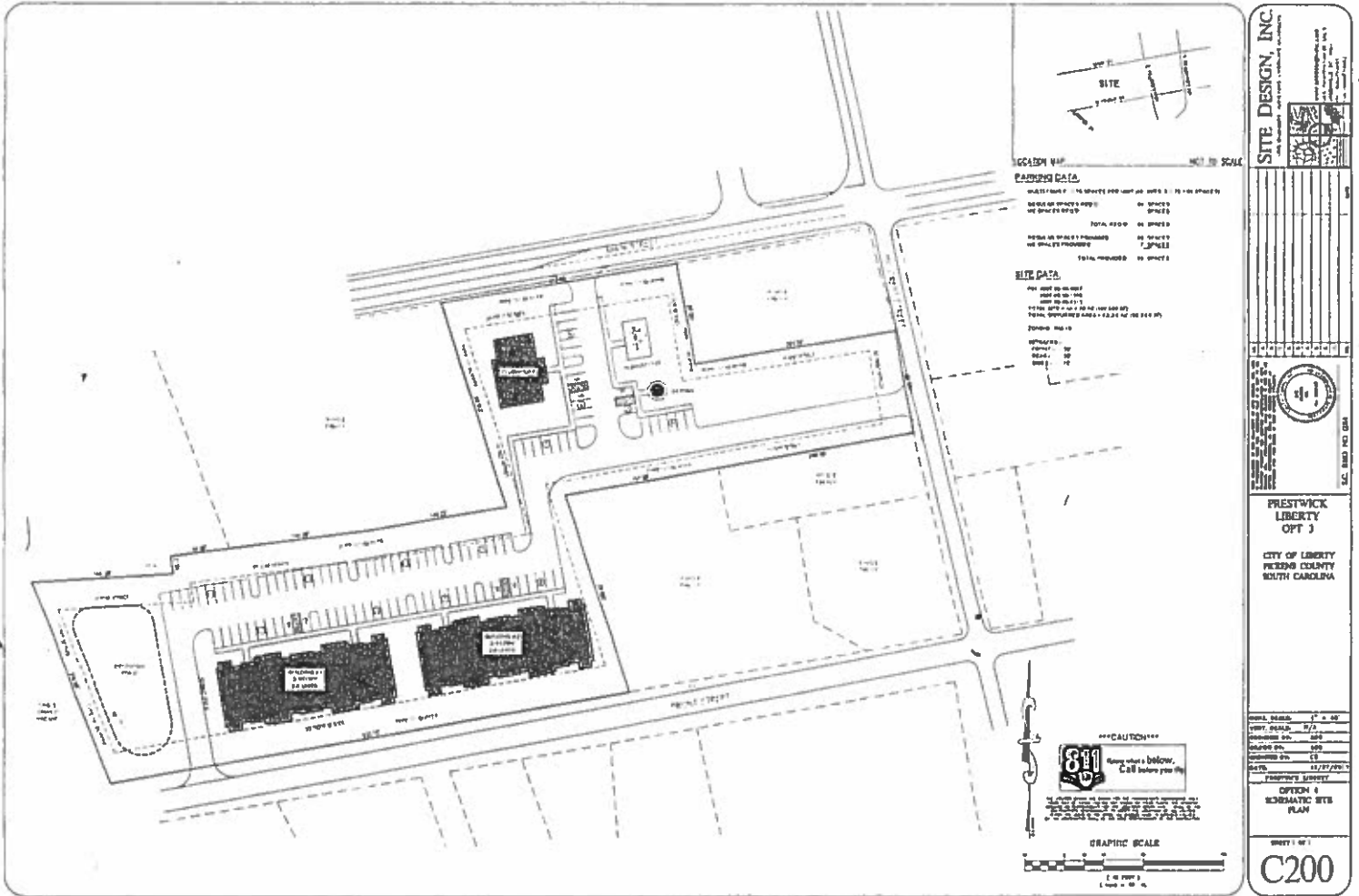
Executive Session

Move to adjourn to executive session for purpose of receiving legal advice from the City Attorney relating to matters covered by the attorney client privilege, and more specifically the discussion of negotiations incident to proposed contractual arrangements in regard to current and future contractual services providing for the administration of the City's building codes, including, but not limited to, issuing building permits and code enforcement.

No action will be taken.

Motion to adjourn

Sarah K. Niemann
 Niemann Consulting, Inc.
 6205 Wild Timber Rd
 Sugar Hill, GA 30518
 678-296-1800



OK.

COUNTY OF PICKENS)

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF LIBERTY,
SOUTH CAROLINA, PROVIDING FOR ANIMAL CARE

BE IT ORDERED AND ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF LIBERTY, SOUTH CAROLINA, IN COUNCIL DULY ASSEMBLED, AS FOLLOWS:

WHEREAS, it is the desire of the City of Liberty to foster a responsible and humane environment for animals and outline regulations governing the care and maintenance of animals within the city limits of Liberty:

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY

OF LIBERTY amends Chapter 5 – section 5-8 to read:

(a) No owner, possessor or person having the charge or custody of any animal shall fail to provide sufficient wholesome food; clean, fresh water; proper shelter and protection from the weather; veterinary care when needed to prevent suffering; and humane treatment. An owner, possessor or person having the charge or custody of any animal shall at all times maintain a clean shelter and living area, free of accumulated waste and debris so that the animal shall be free to walk or lie down without coming in contact with any waste or debris.

(b) Living areas shall be a minimum of 100 square feet per dog and constructed of a chain link fence no less than 6 feet in height with adequate safeguards against burrowing. No adversely attached barriers, partitions, or covering shall be utilized. Fenced enclosures must be properly ventilated, clean, dry, and odor-free, kept in a neat and sanitary condition at all times, in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor or other adverse impact.

(c) Proper shelter includes a structure appropriately sized for the animal to stand or lie in a normal manner. The structure must adequately protect animal from harsh weather; at a minimum, it shall have a roof, four sides, and an opening for ingress and egress.

(d) It shall be unlawful for a responsible party to tether to an animal while outdoors, except when all of the following conditions are met:

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SOUTH CAROLINA, PROVIDING FOR ANIMAL CARE

BE IT ORDERED AND ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF LIBERTY, SOUTH CAROLINA, IN COUNCIL DULY ASSEMBLED, AS FOLLOWS:

WHEREAS, it is the desire of the City of Liberty to foster a responsible and humane

environment for animals and outline regulations governing the care and maintenance of animals within the city limits of Liberty:

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY

OF LIBERTY amends Chapter 5 – section 5-1 to read:

Sec. 5-1. Restrictions on animals.

~~1. It shall be unlawful for any person to allow any domestic animal or fowl to run at large. **on the streets or in public or for any person to keep any animal except household pets on his premises within the municipality.**~~

~~It shall be unlawful for any person in the city to keep any horse, cow, hog, goat, sheep, chicken, ducks, geese or other livestock without first obtaining a written permit from the city council. The city council shall not authorize any such permit unless it is shown, upon investigation, the keeping of such an animal will not cause any discomfort or constitute a nuisance to the neighborhood in which such animal is to be kept.~~

2. Possession of livestock

- A. No person, without a permit, shall keep or be permitted to keep on his premises any animal defined as livestock for sale, hire, slaughter or other food source, competition, display or for exhibition purposes whether gratuitously or for a fee unless otherwise allowed by applicable zoning. This section shall not be construed to apply to zoological parks, equestrian parks, performing animal exhibitions, circuses, licensed pet stores or farm supply stores, the raising or keeping of domesticated female chickens, or animals in a legally permitted parade.
- B. For the purpose of this section, livestock shall be construed to include cattle, horses, mules, asses, swine, potbelly pigs, sheep and goats, roosters, turkeys, ducks, guineas, pheasants, pigeons or other domestic fowl.
- C. This section does not apply to livestock that was present upon property when it was annexed into the city. However, upon permanent removal of the existing livestock, no additional livestock may be placed upon the property unless otherwise allowed by applicable law.

3. Raising or keeping of domestic female chickens.

- J. ~~**Compliance.**~~ The keeping of domesticated female chickens shall be in compliance with the following, in addition to any zoning and/or building regulations that may be applicable to the construction of coops and:
1. No more than six domesticated female chickens shall be kept or maintained on a single premises. It shall be unlawful to keep roosters or more than six domesticated female chickens. It shall be unlawful to keep or maintain domesticated female chickens at a duplex or apartment complex.
 2. Such domesticated female chickens must be confined in a coop which is fully enclosed and made of suitable, washable material. The coop shall be cleaned regularly with all droppings and excretions placed in a fly-proof container unless otherwise disposed of in accordance with any federal, state or local health regulations.
The chicken coop must be located at least 50 feet from the nearest residence other than that of the owner.
No coop shall be placed in a front or side yard.
Failure to confine the domesticated female chickens, maintain the coop or manage the droppings and excretions in compliance with this section shall be unlawful.
 3. It shall be unlawful to raise domesticated female chickens for commercial purposes within the corporate limits of the city.
 4. It shall be unlawful to keep domesticated female chickens on premises within the city without first obtaining a permit. Any permit would be subject to ordinance revisions adopted by council. Should council amend the ordinance to prevent domesticated female chickens or any other new conditions, such amendment would apply to current permits within 30 days from the date of adoption of council's revisions.
- K. **Permit.** The permit to keep domesticated female chickens is personal to the permittee and may not be assigned. In addition, the permit authorizes the keeping of domesticated female chickens only upon the property described in the permit. The permittee must occupy the residence on the property where the domesticated female chickens are kept as the permittee's personal, primary residence. An applicant for a permit must either own the property or have permission from the property owner to be eligible for a permit. Only one permit is allowed per permittee. In the event the permittee is absent from the property for longer than 30 days, the permit automatically shall terminate and become void.

4. Honey Bees, including offsite or online sale of honey (excluding beekeepers selling bees, queens, nuclei, etc.)

A. Conditional Use Standards

1. The keeping of honey bees may be permitted as an accessory use of a pre-existing single-family residential use provided:
 - a. An annual beekeeping permit from the City shall be required for all beekeepers.
 - b. The beekeeper shall live on the premise where bees are kept. Should the beekeeper move off premise, the colonies shall be removed.
 - c. All beekeepers and managed colonies shall adhere to all state inspection laws, and shall maintain apiaries that are inspect able by the South Carolina Department of Plant Industry (DPI) Apiculture Program.
 - d. There shall be a maximum of five colonies, each with one queen.
 - e. All managed colonies shall be kept in visually pleasing painted hives with removable frames, which shall be kept in sound and useable condition and kept in a neat and sanitary condition at all times, in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor or other adverse impact.
 - f. No beekeeping equipment shall be placed in the front of the front building line(s), and shall be situated at least 15 feet from all property lines. No managed colony shall be within 40 feet of any main building on an adjacent lot.
 - g. A flyway barrier at least 6 feet in height consisting of a solid wall, fence, dense vegetation or combination thereof shall be installed parallel to the property line. The barrier shall extend 10 feet beyond the colony in each direction.
 - h. Each beekeeper shall ensure that a convenient source of fresh water is available and unobstructed within 20 feet of the bees at all times.
 - i. All colonies shall be maintained with queens selected from European stock bred for gentleness and non-swarming characteristics. If a hive exhibits unusual defensive characteristics by stinging or attempting to sting without due provocation or exhibits an unusual disposition towards swarming, the beekeeper shall promptly re-queen the colony. Africanized honey bees or any hybrid involving the African species shall be prohibited.
 - j. The hives of bees may not be manipulated between the hours of sunset and sunrise unless the hives are being moved to or from another location.
 - k. Bee colonies shall be managed with proper Integrated Pest Management (IPM) techniques to prevent invitation of pests and/or animals into the apiary. Each

COUNTY OF PICKENS)

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF LIBERTY,
SOUTH CAROLINA, PROVIDING MINIMUM STANDARDS FOR KEEPING THREE OR
MORE DOGS OUTSIDE

BE IT ORDERED AND ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF LIBERTY, SOUTH CAROLINA, IN
COUNCIL DULY ASSEMBLED, AS FOLLOWS:

WHEREAS, it is the desire of the City of Liberty to foster a responsible and humane

environment for animals and outline regulations governing the care and maintenance of animals within the city
limits of Liberty:

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY

OF LIBERTY amends Chapter 5 – Article II to add section 5-39 Keeping three or more dogs outside:

Minimum standards required for keeping three or more dogs outside.

A. *Kennel standards.* Any person owning, maintaining, keeping or harboring three or more dogs outside, whether for pleasure, exhibition, breeding or profit, upon his premises, shall provide a kennel facility in conformity with the minimum standards set forth in this section.

1. ***Proximity of residences.*** No person shall operate such a facility with three runs within 100 feet of the residence of another. No person shall operate such a facility with more than three runs within 200 feet of the residence of another. A site plan must be submitted showing the following:
 - a. Property acreage;
 - b. Location and size of all existing and proposed physical improvements to be used for the facility with measurements and the number of dogs to be contained in each structure or enclosed area;
 - c. Identification and dimensions for any existing or proposed outdoor or indoor runs and exercise area also describing intended surfaces;
 - d. Location of any existing wells or sewage treatment areas on site; and
 - e. Location of any water features on site (wetlands, streams, ditches, lakes). A wetland determination may be requested by the city as part of the application.
2. ***Fence.*** A link wire fence enclosing the whole area to be used shall be erected with adequate safeguards against burrowing. It shall be not less than six feet in height.
3. ***Units.*** Separate units shall be provided for each dog with an adequate exercise run, minimum of 100 square feet, including adequate shelter against the elements. Each unit shall have a concrete floor or similar surface with provision being made for proper drainage. Any such surface shall be sealed against moisture. Each unit shall be so designed as to be fully accessible for cleaning.
4. ***Water.*** Water shall be available at the kennel facility and be provided for each unit.
5. ***Cleanliness, etc.*** Each unit shall be thoroughly cleaned daily and all necessary and reasonable safeguards shall be taken to prevent odors, infestation and any unsanitary conditions.

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WHEREAS, it is the desire of the City of Liberty to foster a responsible and humane

environment for animals and outline regulations governing the care and maintenance of animals within the city limits of Liberty:

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY

OF LIBERTY amends Chapter 5 – adding section 5-9 to read:

Sec. 5-9. Feral Cats

- (a) Any person or organization, harboring, regularly feeding or having in their possession any feral cat, will assume legal ownership and all civil liability for said animal.
- (b) An individual or organization whom has legal ownership of any feral cat, is responsible for registering, any necessary health care and sterilization of each animal.
- (c) A feral cat owner will be held criminally liable for abandonment or neglect if that person or organization has ceased to provide said animal with adequate food, water and has not registered and completed the necessary health care requirements, sterilization and vaccinations required by state law.
- (d) It will be unlawful for any individual or organization to feed a feral cat in the corporate limits in the City of Liberty, without assuming legal ownership.
- (e) No individual or organization shall be in possession or have ownership of more than 6 feral cats without having a special permit.

COUNTY OF PICKENS)

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF LIBERTY,
SOUTH CAROLINA, AMEND CHAPTER 59, SECTION 59-116, PARKING. STORING OF
CERTAIN VEHICLES, TRAILERS OR EQUIPMENT

BE IT ORDERED AND ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF LIBERTY, SOUTH CAROLINA, IN
COUNCIL DULY ASSEMBLED, AS FOLLOWS:

WHEREAS, it is the desire of the City of Liberty to foster an environment that is uncluttered and pleasing to view
within the city limits of Liberty:

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF LIBERTY amends Chapter 59 –
section 59-116 to read:

Sec. 59-116 -Parking and storage of certain vehicles

- A. It shall be unlawful for any person, partnership, corporation, or other legal entity to permit, park or store a truck, automotive vehicle or trailer of any kind or type, on any property within the municipal corporate limits except within a completely enclosed building, or not more than one behind a completely enclosed approved stockade fence, or not visible from the road or any neighboring building that:
1. Is not operable
 2. Does not display a lawful and current license tag: and
 3. Does not have current liability insurance thereon.

Parking, Storage of vehicles, trailers or equipment.

- B. No vehicles, trailers or equipment shall be parked or stored on any lot in a residential neighborhood or core commercial district closer to the street than the principal building of the lot fronting on that street, provided, however, that such equipment may be parked anywhere on residential premises during loading or unloading. The parking of such equipment shall be in observance of all set back, yard, and other requirements set forth within the district in which they are located. No such equipment shall be parked in any location not approved for such use. No vehicle, trailer or equipment over 20 feet in length shall be parked on any lot zoned for residential purposes.
- C. Exceptions-
1. Passenger vehicles
 2. Construction equipment and vehicles on a permitted site.

STATE OF SOUTH CAROLINA)

ORDINANCE NO. 18-0212-3

COUNTY OF PICKENS)

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF LIBERTY,

SOUTH CAROLINA, AMEND CHAPTER 59, SECTION 59-115, PARKING, STORING OR
USE OF CAMPERS OR OTHER RECREATIONAL EQUIPMENT

**BE IT ORDERED AND ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF LIBERTY, SOUTH CAROLINA, IN
COUNCIL DULY ASSEMBLED, AS FOLLOWS:**

WHEREAS, it is the desire of the City of Liberty to foster a responsible and humane

environment for animals and outline regulations governing the care and maintenance of animals within the city
limits of Liberty:

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY

OF LIBERTY amends Chapter 59 – section 59-115 to read:

Sec. 59-115. Parking, storing or use of campers or other major recreational equipment.

- A. No recreational equipment shall be parked or stored on any lot in a residential neighborhood or core commercial district closer to the street than the principal building of the lot fronting on that street, provided, however, that such equipment may be parked anywhere on residential premises for a period not to exceed 48 hours during loading or unloaded. The parking of such equipment shall be in observance of all set back, yard, and other requirements set forth within the district in which they are located. No such equipment shall be used for living, sleeping, housekeeping purposes when parked or stored on a residential lot. No such equipment shall be parked in any location when **not registered, operable or** not approved for such use. No recreational vehicle over 36 feet in length shall be parked on any lot zoned for residential purposes.