

## Chapter 6

### BUILDINGS AND BUILDING REGULATIONS\*

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\* **State Law References:** Mandatory adoption by state building code council of certain recognized codes, S.C. Code 1976, § 6-9-50; codes which local government may adopt by reference, S.C. Code 1976, § 6-9-60; in absence of state building code council adoption, local government may adopt administrative provisions of technical codes, S.C. Code Reg. 8-236(E); qualification for local modification of technical code, S.C. Code Reg. 8-245; building permit, S.C. Code 1976, § 5-25-310; right of inspector to enter premises, S.C. Code 1976, § 5-25-340.

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**ARTICLE I.  
IN GENERAL**

**Secs. 6-1--6-19. Reserved.**

**ARTICLE II.  
BUILDING CODE  
DIVISION 1.  
GENERALLY**

**Sec. 6-20. Title.**

These regulations shall be known as the "Building Code of the City of Barnwell SC" hereinafter referred to as this article.

**Sec. 6-21. Edition of the code.**

The 2003 International Codes and 2005 NEC (NFPA 70) shall be enforced and the code editions updated by act of the South Carolina Building Codes Council.

**Sec. 6-22. Scope; exception.**

(a) *Applicability.* The provisions of this article shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

(b) *Exception.* Detached one-family and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with a separate means of egress and their accessory structures shall comply with the International Residential Code.

**Sec. 6-23. Intent.**

The purpose of this article is to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to firefighters and emergency responders during emergency operations.

**Sec. 6-24. Referenced codes.**

The other codes listed in this section and referenced elsewhere in this article shall be considered part of the requirements of this article to the prescribed extent of each such reference.

- (1) *Electrical.* The provisions of the ICC Electrical Code (as mentioned in the code shall reference NFPA 70 National Electrical Code) shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.
- (2) *Gas.* The provisions of the International Fuel Gas Code shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this article. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.
- (3) *Mechanical.* The provisions of the International Mechanical Code shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air conditioning and refrigeration systems, incinerators and other energy-related systems.
- (4) *Plumbing.* The provisions of the International Plumbing Code shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. The provisions of the International Private Sewage Disposal Code shall apply to private sewage disposal systems.
- (5) *Property maintenance.* The provisions of the International Property Maintenance Code shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.
- (6) *Fire prevention.* The provisions of the International Fire Code shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.
- (7) *Energy.* The provisions of the International Energy Conservation Code shall apply to all matters governing the design and construction of buildings for energy efficiency.

**Secs. 6-25--6-51. Reserved.**

## **DIVISION 2.**

### **APPLICABILITY**

**Sec. 6-52. Conflict.**

Where, in any specific case, different sections of this article specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

**Sec. 6-53. Other laws.**

The provisions of this article shall not be deemed to nullify any provisions of local, state or federal law.

**Sec. 6-54. Application of references.**

References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this article.

**Sec. 6-55. Referenced codes and standards.**

The codes and standards referenced in this article shall be considered part of the requirements of this article to the prescribed extent of each such reference. Where differences occur between provisions of this article and referenced codes and standards, the provisions of this article shall apply.

**Sec. 6-56. Partial invalidity.**

In the event that any part or provision of this article is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

**Sec. 6-57. Existing structures.**

The legal occupancy of any structure existing on the date of adoption of this article shall be permitted to continue without change, except as is specifically covered in this article, the International Property Maintenance Code or the International Fire Code, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

**Secs. 6-58--6-87. Reserved.**

**DIVISION 3.**

**DEPARTMENT OF BUILDING SAFETY**

**Sec. 6-88. Creation of enforcement agency.**

The department of building safety is hereby created and the official in charge thereof shall be known as the building official.

**Sec. 6-89. Appointment.**

The building official shall be appointed by the chief appointing authority of the jurisdiction.

**Sec. 6-90. Deputies.**

In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the building official shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the building official. For the maintenance of existing properties, see the International Property Maintenance Code.

**Secs. 6-91--6-108. Reserved.**

**DIVISION 4.**

**DUTIES AND POWERS OF BUILDING OFFICIAL**

**Sec. 6-109. General authority.**

The building official is hereby authorized and directed to enforce the provisions of this article. The building official shall have the authority to render interpretations of this article and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this article. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this article.

**Sec. 6-110. Applications and permits.**

The building official shall receive applications, review construction documents and issue permits for the erection, and alteration, demolition and moving of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this article.

**Sec. 6-111. Notices and orders.**

The building official shall issue all necessary notices or orders to ensure compliance with this article.

**Sec. 6-112. Inspections.**

The building official shall make all of the required inspections, or the building official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The building official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

**Sec. 6-113. Identification.**

The building official shall carry proper identification when inspecting structures or premises in the performance of duties under this article.

#### **Sec. 6-114. Right of entry.**

Where it is necessary to make an inspection to enforce the provisions of this article, or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this article which makes the structure or premises unsafe, dangerous or hazardous, the building official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this article, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

#### **Sec. 6-115. Department records.**

The building official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records.

#### **Sec. 6-116. Liability.**

The building official, member of the board of appeals or employee charged with the enforcement of this article, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this article or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this article shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this article.

#### **Sec. 6-117. Materials and equipment--Approved.**

Materials, equipment and devices approved by the building official shall be constructed and installed in accordance with such approval.

#### **Sec. 6-118. Same--Used.**

The use of used materials which meet the requirements of this article for new materials is permitted. Used equipment and devices shall not be reused unless approved by the building official.

#### **Sec. 6-119. Modifications.**

Wherever there are practical difficulties involved in carrying out the provisions of this article, the building official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the building official shall first find that special individual reason

makes the strict letter of this article impractical and the modification is in compliance with the intent and purpose of this article and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the department of building safety.

**Sec. 6-120. Alternative materials, design and methods of construction and equipment.**

The provisions of this article are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this article, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this article, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this article in quality, strength, effectiveness, fire resistance, durability and safety.

- (1) *Research reports.* Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this article, shall consist of valid research reports from approved sources.
- (2) *Tests.* Whenever there is insufficient evidence of compliance with the provisions of this article, or evidence that a material or method does not conform to the requirements of this article, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this article or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the building official for the period required for retention of public records.

**Secs. 6-121--6-138. Reserved.**

**DIVISION 5.**

**PERMITS**

**Sec. 6-139. Required.**

Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this article, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

- (1) *Change of occupancy.* Any building which has a change of occupancy shall make application and obtain the proper permits prior to occupying or getting a business licenses for the building, or structure; Exception: I-1, R-1 and R-4 sleeping units, R-2 dwelling units, and R-3 occupancy

classifications.

- (2) *Electrical.* Any structure that electrical service has been off for more than 90 days shall obtain an electrical permit and bring the structure up to the current edition of the NFPA 70 (NEC).
- (3) *Annual permit.* In lieu of an individual permit for each alteration to an already approved electrical, gas, mechanical or plumbing installation, the building official is authorized to issue an annual permit upon application therefor to any person, firm or corporation regularly employing one or more qualified tradespersons in the building, structure or on the premises owned or operated by the applicant for the permit.
- (4) *Annual permit records.* The person to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The building official shall have access to such records at all times or such records shall be filed with the building official as designated.

#### **Sec. 6-140. Work exempt from requirements.**

(a) *Permit requirements.* Exemptions from permit requirements of this article shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this article or any other laws or ordinances of the city. Permits shall not be required for the following:

- (1) *Building.* Building permits exempt as follows:
  - a. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11 m<sup>2</sup>).
  - b. Fences not over six feet (1,829 mm) high.
  - c. Oil derricks.
  - d. Retaining walls that are not over four feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
  - e. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18,925 liter) and the ratio of height to diameter or width does not exceed 2:1 ratio.
  - f. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.
  - g. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
  - h. Temporary motion picture, television and theater stage sets and scenery.
  - i. Prefabricated swimming pools accessory to a group R-3 occupancy that are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18,925 liter) and are installed

entirely above ground.

- j. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
  - k. Swings and other playground equipment accessory to detached one-family and two-family dwellings.
  - l. Window awnings supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support of group R-3 and U occupancies.
  - m. Nonfixed and movable fixtures, cases, racks, counters and partitions not over five feet nine inches (1,753 mm) in height.
- (2) *Electrical repairs and maintenance.* Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
- (3) *Radio and television transmitting stations.* The provisions of this article shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.
- (4) *Temporary testing systems.* A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.
- (5) *Gas.* Gas permits exempt as follows:
- a. Portable heating appliance.
  - b. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
- (6) *Mechanical.* Mechanical permits exempt as follows:
- a. Portable heating appliance.
  - b. Portable ventilation equipment.
  - c. Portable cooling unit.
  - d. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this article.
  - e. Replacement of any part that does not alter its approval or make it unsafe.

- f. Portable evaporative cooler.
- g. Self-contained refrigeration system containing ten pounds (5 kg) or less of refrigerant and actuated by motors of one horsepower (746 W) or less.

(7) *Plumbing*. Plumbing permits exempt as follows:

- a. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this article.
- b. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

(b) *Emergency repairs*. Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official.

(c) *Repairs*. Application or notice to the building official is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

(d) *Public service agencies*. A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right.

#### **Sec. 6-141. Application.**

(a) *Contents*. To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the department of building safety for that purpose. Such application shall:

- (1) Identify and describe the work to be covered by the permit for which application is made.
- (2) Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
- (3) Indicate the use and occupancy for which the proposed work is intended.

- (4) Be accompanied by construction documents and other information as required in division 6 of this article.
- (5) State the valuation of the proposed work.
- (6) Be signed by the applicant, or the applicant's authorized agent.
- (7) Give such other data and information as required by the building official.

(b) *Action on application.* The building official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the building official shall reject such application in writing, stating the reasons therefor. If the building official is satisfied that the proposed work conforms to the requirements of this article and laws and ordinances applicable thereto, the building official shall issue a permit therefor as soon as practicable.

(c) *Time limitation of application.* An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

#### **Sec. 6-142. Validity of permit.**

The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this article or of any other ordinances of the city. Permits presuming to give authority to violate or cancel the provisions of this article or other ordinances of the city shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data. The building official is also authorized to prevent occupancy or use of a structure where in violation of this article or of any other ordinances of the city.

#### **Sec. 6-143. Expiration.**

Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is extended beyond the completion date set forth on the issuance of the permit. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

#### **Sec. 6-144. Suspension or revocation.**

The building official is authorized to suspend or revoke a permit issued under the provisions of this article wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this article.

**Sec. 6-145. Placement of permit.**

The building permit or copy shall be kept on the site of the work until the completion of the project.

**Secs. 6-146--6-173. Reserved.**

**DIVISION 6.**

**CONSTRUCTION DOCUMENTS**

**Sec. 6-174. Submittal documents.**

Construction documents, statement of special inspections and other data shall be submitted in one or more sets with each permit application. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

- (1) *Information on construction documents.* Construction documents shall be dimensioned (drawn to scale) and drawn upon suitable material. Electronic media documents are permitted to be submitted when approved by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this article and relevant laws, ordinances, rules and regulations, as determined by the building official.
- (2) *Fire protection system shop drawings.* Shop drawings for the fire protection systems shall be submitted to indicate conformance with this article and the construction documents and shall be approved prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in the International Fire Code and the fire prevention chapter of this Code.
- (3) *Means of egress.* The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress in compliance with the provisions of this article. In other than occupancies in groups R-2, R-3, and I-1, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.
- (4) *Exterior wall envelope.* Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this article. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings. The construction documents shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The

supporting documentation shall fully describe the exterior wall system which was tested, where applicable, as well as the test procedure used.

- (5) *Exception.* The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this article.

#### **Sec. 6-175. Site plan.**

The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The building official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.

#### **Sec. 6-176. Examination of documents.**

The building official shall examine or cause to be examined the accompanying construction documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this article and other pertinent laws or ordinances.

#### **Sec. 6-177. Approval of construction documents.**

When the building official issues a permit, the construction documents shall be approved, in writing or by stamp, as "Reviewed for Code Compliance." One set of construction documents so reviewed shall be retained by the building official. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the building official or a duly authorized representative.

- (1) *Previous approvals.* This article shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this article and has not been abandoned.
- (2) *Phased approval.* The building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this article. The holder of such permit for the foundation or other parts of a building or structure operation and without assurance that a permit for the entire structure will be granted.
- (3) *Design professional in responsible charge.*

- a. *Generally.* When it is required that documents be prepared by a registered design professional, the building official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The building official shall be notified in writing by the owner if the registered design professional in responsible charge is changed or is unable to continue to perform the duties. The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building. Where structural observation is required, the statement of special inspections shall name the individual or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur.
- b. *Deferred submittals.* For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the building official within a specified period. Deferral of any submittal items shall have the prior approval of the building official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the building official. Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the building official with a notation indicating that the deferred submittal documents have been reviewed and been found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the design and submittal documents have been approved by the building official.

**Sec. 6-178. Amended construction documents.**

Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.

**Sec. 6-179. Retention of construction documents.**

One set of approved construction documents shall be retained by the building official for a period of not less than 180 days from date of completion of the permitted work, or as required by state law. On all new commercial projects, or renovations as require by the building official, one set of as-built drawings will be delivered to the building official prior to issuing the certificate of occupancy.

**Secs. 6-180--6-196. Reserved.**

**DIVISION 7.**

## TEMPORARY STRUCTURES AND USES

### **Sec. 6-197. Permit required.**

The building official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 30 days. The building official is authorized to grant extensions for demonstrated cause.

### **Sec. 6-198. Conformance.**

Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this article as necessary to ensure public health, safety and general welfare.

### **Sec. 6-199. Temporary power.**

The building official is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The time limit on temporary power shall be set by the building official at time of request. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in the ICC Electrical Code.

### **Sec. 6-200. Termination of approval.**

The building official is authorized to terminate such permit for a temporary structure or use and to order the temporary structure or use to be discontinued.

### **Secs. 6-201--6-223. Reserved.**

## DIVISION 8.

### FEES

### **Sec. 6-224. Payment of fees.**

A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

### **Sec. 6-225. Schedule of permit fees.**

On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority:

- (1) *Schedule of building permit fees.*

Value of improvements	Fee
-----------------------	-----

For first \$1,000.00	\$25.00
Each additional \$1,000.00 or fraction thereof	3.00
Fees per inspection	35.00

(2) *Demolition of building or structure. Fee required as follows:*

Value of building or structure	Fee
For first \$1,000.00	\$25.00
Each additional \$1,000.00 or fraction thereof	3.00
Fees per inspection	35.00

(3) *Other permits.*

- a. Tenant change permit.
- b. Change of occupancy.
- c. Classification permit.
- d. Manufactured home.
- e. Camper/RV pedestal.
- f. Moving of structure.
- g. Demolition permits.
- h. Weekend or after hour inspections.
- i. Sidewalk and driveways.

(4) *Building code plan review fees.*

- a. One half of the require permit fee per, \$75.00 minimum, to be paid at time of submission of plans and specifications.
- b. Exception. When no plan review is required by the building official, no fee will be charged.

(5) *Electrical, plumbing, mechanical, and gas permits fees.*

- a. Electrical, plumbing, mechanical, and gas permit fees shall be based on table 108.2.
- b. Exception. Where the value of the electrical, plumbing, mechanical, and gas trades are

included in the total construction cost as stated in section 6-226, there will be no additional charge for the permit.

- (6) *Reinspection fees.* A fee of \$50.00 per trade per visit will be charged to the contractor or homeowner. Reinspection fees will be paid in advance prior to the reinspection. It will be at the determination of the building official to wave reinspection fees under certain condition.

(Ord. No. 2008-7, §§ 1, 2, 9-15-2008)

#### **Sec. 6-226. Building permit valuations.**

The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the building official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the building official. Final building permit valuation shall be set by the building official. The BVD (building valuation data) published every six months by ICC (International Code Council) shall be used to help determine the construction value.

#### **Sec. 6-227. Work commencing before permit issuance.**

Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits the fees shall be doubled in accordance with section 6-225.

#### **Sec. 6-228. Related fees.**

The payment of the fee for the construction, alteration, removal or demolition for work done in connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

#### **Sec. 6-229. Refunds.**

The building official is authorized to issue a building permit refund within 60 days of issuing the permit, provided no work has started on the project. The refund shall be approved by the jurisdictions administrator. A letter requesting the refund has to be hand delivered to the jurisdiction within 60 calendar days of the permit issuance date.

#### **Secs. 6-230--6-251. Reserved.**

### **DIVISION 9.**

### **INSPECTIONS**

#### **Sec. 6-252. General inspection; duty to keep work accessible and exposed.**

Construction or work for which a permit is required shall be subject to inspection by the building official and such construction or work shall remain accessible and exposed for inspection purposes until approved.

Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this article or of other ordinances of the city. Inspections presuming to give authority to violate or cancel the provisions of this article or of other ordinances of the city shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

**Sec. 6-253. Preliminary inspection.**

Before issuing a permit, the building official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

**Sec. 6-254. Required inspections.**

The building official, upon notification, shall make the inspections set forth as follows:

- (1) *Footing and foundation inspection.* Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.
- (2) *Concrete slab and underfloor inspection.* Concrete slab and underfloor inspections shall be made after in-slab or underfloor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.
- (3) *Lowest floor elevation.* In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required in section 1612.5 shall be submitted to the building official.
- (4) *Frame inspection.* Framing inspections shall be made after the roof deck or sheathing, all framing, fireblocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved.
- (5) *Lath and gypsum board inspection.* Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished.
- (6) *Exception.* Gypsum board that is not part of a fire resistance-rated assembly or a shear assembly.
- (7) *Fire resistant penetrations.* Protection of joints and penetrations in fire-resistance-rated assemblies shall not be concealed from view until inspected and approved.
- (8) *Energy efficiency inspections.* Inspections shall be made to determine compliance with chapter 13 and shall include, but not be limited to, inspections for: envelope insulation R and U values,

fenestration U value, duct system R value, and HVAC and water-heating equipment efficiency.

- (9) *Other inspections.* In addition to the inspections specified above, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this article and other laws that are enforced by the department of building safety.
- (10) *Special inspections.* For special inspections, see section 1704.
- (11) *Final inspection.* The final inspection shall be made after all work required by the building permit is completed.

**Sec. 6-255. Inspection agencies.**

The building official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

**Sec. 6-256. Inspection requests.**

It shall be the duty of the holder of the building permit or their duly authorized agent to notify the building official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this article.

**Sec. 6-257. Approval required.**

Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his agent wherein the same fails to comply with this article. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official.

**Secs. 6-258--6-277. Reserved.**

**DIVISION 10.**

**CERTIFICATE OF OCCUPANCY**

**Sec. 6-278. Use and occupancy.**

No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this article or of other ordinances of the city.

**Sec. 6-279. Contents.**

After the building official inspects the building or structure and finds no violations of the provisions of this article or other laws that are enforced by the department of building safety, the building official shall issue a certificate of occupancy that contains the following:

- (1) The building permit number.
- (2) The address of the structure.
- (3) The name and address of the owner.
- (4) A description of that portion of the structure for which the certificate is issued.
- (5) A statement that the described portion of the structure has been inspected for compliance with the requirements of this article for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
- (6) The name of the building official.
- (7) The edition of the code under which the permit was issued.
- (8) The use and occupancy, in accordance with the provisions of chapter 3.
- (9) The type of construction as defined in chapter 6.
- (10) The design occupant load.
- (11) If an automatic sprinkler system is provided, whether the sprinkler system is required.
- (12) Any special stipulations and conditions of the building permit.

**Sec. 6-280. Temporary occupancy.**

The building official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion shall be occupied safely. The building official shall set a time period during which the temporary certificate of occupancy is valid.

**Sec. 6-281. Revocation.**

The building official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this article wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this article.

- (1) *Change of occupants.* The certificate of occupancy become null and void if there is a change of occupants, of occupancy classification to the structure.

- (2) *Exception.* I-1, R-1 and R-4 sleeping units, R-2 dwelling units, and R-3 occupancy classification.

**Secs. 6-282--6-310. Reserved.**

## **DIVISION 11.**

### **SERVICE UTILITIES**

**Sec. 6-311. Connection.**

No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this article for which a permit is required, until released by the building official.

**Sec. 6-312. Temporary connection.**

The building official shall have the authority to authorize the temporary connection of the building or system to the utility source of energy, fuel or power.

**Sec. 6-313. Authority to disconnect service utilities.**

(a) The building official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this article and the codes referenced in case of emergency where necessary to eliminate an immediate hazard to life or property.

(b) The building official shall notify the serving utility, and wherever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

**Secs. 6-314--6-344. Reserved.**

## **DIVISION 12.**

### **BOARD OF APPEALS**

**Sec. 6-345. Creation; appointment; rules of procedure.**

In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this article, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the city council and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business.

- (1) *Application.* The application for appeal shall be filed on a form obtained from the building official within 20 days after the notice was served.

(2) *Fees.* A nonrefundable \$200.00 fee shall be charged to offset the cost of filling an appeal.

**Sec. 6-346. Limitations on authority.**

An application for appeal shall be based on a claim that the true intent of this article or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this article do not fully apply or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of this article.

**Sec. 6-347. Qualifications.**

The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction. It shall be the responsibility of the jurisdiction to create the board of appeals.

**Secs. 6-348--6-367. Reserved.**

**DIVISION 13.**

**VIOLATIONS**

**Sec. 6-368. Unlawful acts.**

It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this article, or cause same to be done, in conflict with or in violation of any of the provisions of this article.

**Sec. 6-369. Notice.**

The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this article, or in violation of a permit or certificate issued under the provisions of this article. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

**Sec. 6-370. Prosecution.**

If the notice of violation is not complied with promptly, the building official is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this article or of the order or direction made pursuant thereto.

**Sec. 6-371. Penalties.**

Any person who violates a provision of this article or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved

construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this article, shall be subject to penalties as prescribed by law.

**Secs. 6-372--6-382. Reserved.**

#### **DIVISION 14.**

##### **STOP WORK ORDER**

**Sec. 6-383. Authority.**

Whenever the building official finds any work regulated by this article being performed in a manner either contrary to the provisions of this article or dangerous or unsafe, the building official is authorized to issue a stop work order.

**Sec. 6-384. Issuance.**

The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

**Sec. 6-385. Unlawful continuance.**

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

**Secs. 6-386--6-393. Reserved.**

#### **DIVISION 15.**

##### **UNSAFE STRUCTURES AND EQUIPMENT**

**Sec. 6-394. Conditions.**

Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe.

**Sec. 6-395. Record.**

The building official shall cause a report to be filed on an unsafe condition. The report shall state the

occupancy of the structure and the nature of the unsafe condition.

**Sec. 6-396. Notice.**

If an unsafe condition is found, the building official shall serve on the owner, agent or person in control of the structure, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the building official acceptance or rejection of the terms of the order.

**Sec. 6-397. Method of service.**

(a) Such notice shall be deemed properly served if a copy thereof is:

- (1) Delivered to the owner personally;
- (2) Sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or
- (3) Delivered in any other manner as prescribed by local law.

(b) If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

**Sec. 6-398. Restoration.**

The structure or equipment determined to be unsafe by the building official is permitted to be restored to a safe condition. To the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with the requirements of section 6-140(c) and chapter 34 of the International Fire Code.

**Secs. 6-399--6-424. Reserved.**

**ARTICLE III.**

**FLOOD DAMAGE PREVENTION**

**Sec. 6-425. Statutory authorization.**

The legislature of the state has in state statutes delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.  
(Code 1989, § 5.301)

**Sec. 6-426. Findings of fact.**

(a) The flood hazard areas of the city are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(b) Such flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed or otherwise unprotected from flood damages.

(Code 1989, § 5.302)

**Sec. 6-427. Purpose.**

The purpose of this article shall be to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;
- (4) Control filling, grading, dredging and other development which may increase erosion or flood damage; and
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

(Code 1989, § 5.303)

**Sec. 6-428. Objectives.**

The objectives of this article shall be to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;

- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, street and bridges located in floodplains;
  - (6) Help maintain a stable tax base by providing for the sound use and development of floodprone areas in such a manner as to minimize flood blight areas; and
  - (7) Ensure that potential home buyers are notified that property is in a flood area.
- (Code 1989, § 5.304)

#### **Sec. 6-429. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Addition (to an existing building)* means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition which is connected by a firewall or is separated by independent perimeter load-bearing walls is new construction.

*Appeal* means a request for a review of the city administrator's interpretation of any provision of this article or a request for a variance.

*Area of shallow flooding* means a designated AO or VO Zone on a community's flood insurance rate map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

*Area of special flood hazard* means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

*Base flood* means the flood having a one percent chance of being equaled or exceeded in any given year.

*Basement* means that portion of a building having its floor subgrade (below ground level) on all sides.

*Breakaway wall* means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

*Building* means any structure built for support, shelter, or enclosure for any occupancy or storage.

*Coastal high hazard area* means the area subject to high velocity waters caused by, but not limited to, hurricane wave wash. The area is designated on a FIRM as VI-30, VE or V Zone.

*Development* means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials.

*Elevated building* means a nonbasement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

*Flood or flooding* means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters;
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

*Flood hazard boundary map (FHBM)* means an official map of a community, issued by the Federal Emergency Management Agency (FEMA), where the boundaries of the areas of special flood hazard have been defined as zone A.

*Flood insurance rate map (FIRM)* means an official map of a community, on which the FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

*Flood insurance study* means the official report provided by the FEMA which contains flood profiles, as well as the flood boundary floodway map (FBFM) and the water surface elevation of the base flood.

*Floodway* means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

*Floor* means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

*Functionally dependent facility* means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include longterm storage, manufacture, sales, or service facilities.

*Highest adjacent grade* means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a building.

*Mangrove stand* means an assemblage of mangrove trees which is mostly low trees noted for a copious development of interlacing adventitious roots above the ground and which contain one or more of the following species: Black mangrove (*Avicenni nitida*); Red mangrove (*Rhizophora mangle*); White mangrove (*Longuncularia racemosa*); and Buttonwood (*Conocarpus erecta*).

*Manufactured home* means a building, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured home" includes park trailers, travel trailers, and similar transportable

structures placed on a site for 180 consecutive dates or longer and intended to be improved property.

*Mean sea level* means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this article, the term is synonymous with National Geodetic Vertical Datum (NGVD).

*National Geodetic Vertical Datum (NGVD)*, as corrected in 1929, means the vertical control used as a reference for establishing varying elevations within the floodplain.

*New construction* means buildings for which the start of construction commenced on or after the initial adoption of the ordinance from which this article is derived.

*Sand dunes* means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

*Start of construction*, except for new construction or substantial improvements under the Coastal Barrier Resources Act P.L. 97-348, means the date the building permit was issued and includes substantial improvement, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The term "actual start" means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. The term "permanent construction" shall not include land preparation, such as clearing, grading and filling; the installation of streets and/or walkways; excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main building.

*Structure* means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other manmade facilities or infrastructures.

*Substantial improvement.*

- (1) The term "substantial improvement" means any combination of repairs, reconstruction, alteration, or improvements to a building, taking place during a five-year period, in which the cumulative cost equals or exceeds 50 percent of the market value of the building. The market value of the building should be:
  - a. The appraised value of the building prior to the start of the initial repair or improvement; or
  - b. In the case of damage, the value of the building prior to the damage occurring.

For the purposes of this definition substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building.

- (2) The term "substantial improvement" does not include any project for improvement of a building

required to comply with existing health, sanitary, or safety code specifications which are solely necessary to ensure safe living conditions.

*Variance* means a grant of relief from the requirements of this article which permits construction in a manner otherwise prohibited by this article where specific enforcement would result in unnecessary hardship. (Code 1989, § 5.305)

**Sec. 6-430. Land to which this article applies.**

This article shall apply to all areas of special flood hazard within the jurisdiction of the city. (Code 1989, § 5.306)

**Sec. 6-431. Basis for establishing areas of special flood hazard.**

The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Insurance Study, dated 1988, with accompanying maps and other supporting data, and any revision thereto, are adopted by reference and declared to be a part of this article. (Code 1989, § 5.307)

**Sec. 6-432. Development permit required.**

A development permit shall be required in conformance with the provision of this article prior to the commencement of any development activities. (Code 1989, § 5.308)

**Sec. 6-433. Compliance.**

No structure or land hereafter shall be located, extended, converted or structurally altered without full compliance with the terms of this article and other applicable regulations. (Code 1989, § 5.309)

**Sec. 6-434. Abrogation and greater restrictions.**

This article is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this article and another provision conflicts or overlaps, whichever imposes the more stringent restrictions shall prevail. (Code 1989, § 5.310)

**Sec. 6-435. Interpretation.**

In the interpretation and application of this article, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the city council; and

(3) Deemed neither to limit nor repeal any other powers granted under state statutes.  
(Code 1989, § 5.311)

**Sec. 6-436. Warning and disclaimer of liability.**

The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This article does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of the city or by any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made thereunder.

(Code 1989, § 5.312)

**Sec. 6-437. City administrator to implement.**

The city administrator is hereby appointed to administer and implement the provisions of this article.  
(Code 1989, § 5.314)

**Sec. 6-438. Permit procedures.**

Application for a development permit shall be made to the city administrator on forms furnished by him prior to any development activities as follows:

- (1) *Contents.* They may include, but shall not be limited to, the following:
  - a. Plans, in duplicate, drawn to scale, showing the nature, location, dimensions, and elevations of the area in question;
  - b. Existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing.
- (2) *Stages.* Specifically, the following information shall be required:
  - a. *Application stage.*
    1. Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all buildings;
    2. Elevation in relation to mean sea level to which any nonresidential building will be floodproofed;
    3. Certificate from a registered professional engineer or architect that the nonresidential floodproofed building will meet the floodproofing criteria in section 6-442(2); and
    4. Description of the extent to which any watercourse will be altered or relocated as

result of proposed development.

- b. *Construction stage.* Provide a floor elevation or floodproofing certification after the lowest floor is completed, or instances where the building is subject to the regulations applicable to coastal high hazard areas, after placement of the horizontal structural members of the lowest floor. Upon placement of the lowest floor, or floodproofing by whatever construction means, or upon placement of the horizontal structural members of the lowest floor, whichever is applicable, it shall be the duty of the permit holder to submit to the city administrator a certification of the elevation of the lowest floor, floodproofed, elevation, or the elevation of the lowest portion of the horizontal structural members of the lowest floor, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The city administrator shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop work order for the project.

(Code 1989, § 5.315)

**Sec. 6-439. Duties and responsibilities of the city administrator.**

- (a) Duties of the city administrator shall include, but shall not be limited to:
  - (1) Review all development permits to ensure that the permit requirements of this article have been satisfied.
  - (2) Advise permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit.
  - (3) Notify adjacent communities and the South Carolina Water Resources Commission prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
  - (4) Ensure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
  - (5) Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved buildings, in accordance with section 6-438(2)b.
  - (6) Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved buildings have been floodproofed, in accordance with section 6-438(2)b.

- (7) In coastal hazard areas, obtain certification from a registered professional engineer or architect that the building is designed to be securely anchored to adequately anchor pilings or columns in order to withstand velocity waters and hurricane wave wash.
- (8) In coastal high hazard areas, review plans for adequacy of breakaway walls, as provided herein.
- (9) When floodproofing is utilized for particular building, obtain certification from a registered professional engineer or architect, in accordance with section 6-442(2).
- (10) Make the necessary interpretation where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation, as provided herein.
- (11) When base flood elevation data or floodway data have not been provided in accordance with section 6-431, obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer the provisions of section 6-441.

(b) All records pertaining to the provisions of this section shall be maintained in the office of the city administrator and shall be open for public inspection.

(Code 1989, § 5.316)

#### **Sec. 6-440. Variance procedures.**

(a) The zoning appeal board as established by the city shall hear and decide appeals and requests for variances from the requirements of this article.

(b) The zoning appeal board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the city administrator in the enforcement or administration of this article.

(c) Any person aggrieved by the decision of the zoning appeal board, or any taxpayer, may appeal such decision to the circuit court, as provided by state statutes.

(d) Variances may be issued for the reconstruction, rehabilitation or restoration of buildings listed on the National Register of Historic Places or the state inventory of historic places without regard to the procedures set forth in the remainder of this section, except for subsection (h) of this section and provided the proposed reconstruction, rehabilitation, or restoration will not result in the building losing its historical designation.

(e) In passing upon such applications, the zoning appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of the article, and the following:

- (1) The danger that materials may be swept onto other lands to the injury of others;

- (2) The danger to life and property due to flooding or erosion damage;
- (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (4) The importance of the services provided by the proposed facility to the community;
- (5) The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;
- (6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- (7) The compatibility of the proposed use with existing and anticipated development;
- (8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (10) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- (11) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems and streets and bridges.

(f) Upon consideration of the factors listed above, and the purposes of this article, the zoning appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this article.

(g) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result therefrom.

(h) Conditions for variances.

(1) Variances shall be issued only upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief and, in the instance of a historical building, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.

(2) Variances shall be issued only upon:

a. A showing of good and sufficient cause;

b. A determination that failure to grant the variance would result in exceptional hardship;

and

c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(3) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the building is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(4) The city administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

(Code 1989, § 5.317)

#### **Sec. 6-441. Provisions for flood hazard reduction--General standards.**

In all areas of special flood hazard, the following provisions shall be required:

(1) New construction, and substantial improvements, shall be anchored to prevent flotation, collapse or lateral movement of the structure;

(2) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but shall not be limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;

(3) New construction, and substantial improvements, shall be constructed with materials and utility equipment resistant to flood damage;

(4) New construction, or substantial improvements, shall be constructed by methods and practices that minimize flood damage;

(5) Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

(6) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

(7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters;

(8) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding; and

- (9) Any alteration, repair, reconstruction or improvements to a building which is in compliance with the provisions of this article shall meet the requirements of new construction as contained in this article.

(Code 1989, § 5.318)

**Sec. 6-442. Same--Specific standards.**

In all areas of special flood hazard where base flood elevation data has been provided, as set forth in section 6-431 or 6-439, the following provisions shall be required:

- (1) *Residential construction.* New construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement elevated no lower than one foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of subsection (3) of this section.
- (2) *Nonresidential construction.* New construction or substantial improvement of any commercial, industrial, or nonresidential building (or manufactured home) shall have the lowest floor, including basement, elevated no lower than one foot above the level of the base flood elevation. Buildings located in all A Zones may be floodproofed in lieu of being elevated provided that all areas of the building below the required elevation are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in section 6-438.
- (3) *Elevated buildings.*
  - a. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls;
  - b. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
    1. Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
    2. The bottom of all openings shall be no higher than one foot above grade; and
    3. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
  - c. Access to the enclosed area shall be the minimum necessary to allow for parking of

vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and

- d. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

(4) *Floodways.* Located within areas of special flood hazard established in section 6-431 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and has erosion potential, the following provisions shall apply:

- a. Prohibit encroachments, including fill, new construction, substantial improvements and other developments unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge.
- b. If this subsection is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of section 6-441.
- c. Prohibit the placement of manufactured homes (mobile homes), except in an existing manufactured homes (mobile homes) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards of section 6-441(2) and the elevation standards of subsection (1) of this section and the encroachment standards of subsection (4)a of this section are met.

(Code 1989, § 5.319)

#### **Sec. 6-443. Standards for streams without established base flood elevation and/or floodways.**

Located within the areas of special flood hazard established in section 6-429, where small streams exist but where no base flood data have been provided or where no floodways have been provided, the following provisions shall apply:

- (1) No encroachments, including fill material or structures, shall be located within a distance of the stream bank equal to five times the width of the stream at the top of bank or 20 feet each side from top of bank, whichever is greater, unless certification by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (2) New construction or substantial improvements of buildings shall be elevated or floodproofed to elevations established in accordance with section 6-439(11).

(Code 1989, § 5.320)

#### **Sec. 6-444. Standards for subdivision proposals.**

The standards for all subdivision proposals shall be as follows:

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and
- (4) Base flood elevation data shall be provided for subdivision proposals and other proposed developments, including manufactured home parks and subdivisions, which are greater than the lesser of 50 lots or five acres.

(Code 1989, § 5.321)

**Sec. 6-445. Standards for areas of shallow flooding (AO zones).**

Located within the areas of special flood hazard established in section 6-429 are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions shall apply:

- (1) All new construction and substantial improvement of residential buildings shall have the lowest floor, including basement, elevated to the depth number specified on the flood insurance rate map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated, at least two feet above the highest adjacent grade.
- (2) All new construction and substantial improvements on nonresidential buildings shall:
  - a. Have the lowest floor, including basement, elevated to the depth number specified on the flood insurance rate map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement shall be elevated at least two feet above the highest adjacent grade; or
  - b. Together with attendant utility and sanitary facilities, be completely floodproofed to or above that level so that any space below the level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

(Code 1989, § 5.322)

**Secs. 6-446--6-473. Reserved.**

**ARTICLE IV.**

**BUILDINGS UNFIT FOR HUMAN HABITATION\***

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\* **State Law References:** Standards concerning fitness of dwellings, S.C. Code 1976, § 31-15-50.

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#### **Sec. 6-474. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Dwelling* means any building or structure or part thereof used or occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

*Dwelling unit* means a building or that portion of a building arranged, designed or constructed for the use of one family as a dwelling place.

*Living room* means a room or enclosed floor space used or intended to be used for living, sleeping, or cooking purposes, excluding bathroom, toilet room, laundries, pantries, foyers or community corridors, closets and storage spaces.

*Multiple dwelling* means any dwelling containing four or more dwelling and/or rooming units having two or more stories.

*Occupant* means any persons living and/or sleeping in a dwelling or rooming unit.

*Owner* means the record holder of the title.

*Parties in interest* means all individuals, associations, corporations and others, including mortgagees, who have interests of record in a dwelling or dwelling unit and any who are in possession of a dwelling or dwelling unit.

*Public officer* means the building inspector.  
(Ord. No. 99-6, § 1, 12-6-1999)

#### **Sec. 6-475. Public authority.**

The building inspector is hereby designated to exercise the powers prescribed herein. In the exercise of these powers, the building inspector may:

- (1) Investigate the dwelling conditions in the municipality in order to determine which dwellings therein are unfit for human habitation;
- (2) Administer oaths and affirmations, examine witnesses and receive evidence;
- (3) Enter upon premises for the purpose of making examinations, provided such entries be made in such manner as to cause the least possible inconvenience to the persons in possession;

- (4) Fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of this article; and
- (5) Delegate any of his functions and powers under this article to such officers and agents as he may designate.

(Ord. No. 99-6, § 2, 12-6-1999)

**Sec. 6-476. Review procedure.**

(a) Whenever a petition is filed with the building inspector by a public authority or by at least five residents of the city charging that any dwelling is unfit for human habitation or whenever it appears to the building inspector that any dwelling is unfit for human habitation, the building inspector may conduct a preliminary investigation of such charges, and should it appear that a basis exists for such charges, the building inspector shall issue and cause to be served upon the owner of and all parties in interest in such dwelling a complaint stating the charges.

(b) The complaint shall contain a notice that a hearing shall be held before the building inspector or his designated agent not less than ten nor more than 30 days after the date of service of the complaint. The complaint and notice shall specify the time and place of the hearing and shall advise the owner and parties in interest of their right to file an answer to the complaint, to appear in person or otherwise at the hearing, and to give testimony at the hearing. The complaint and notice shall further specify that the rules of evidence prevailing in courts of law or equity shall not be controlling at the hearing.

(Ord. No. 99-6, § 3, 12-6-1999)

**Sec. 6-477. Hearing.**

(a) After such notice and hearing should the building inspector determine that the dwelling is unfit for human habitation, he shall, in writing, state his findings of fact in support of such determination and shall issue and cause to be served upon the owner an order to repair, alter or improve the dwelling to render it fit for human habitation, to vacate and close the dwelling as a human habitation, or to remove or demolish the dwelling.

(b) In the event the building inspector determines that the cost of repair, alteration or improvement exceeds 75 percent of the value of the dwelling in its existing condition, the building inspector shall issue an order requiring the owner to demolish the dwelling within 30 days of the date of the order.

(c) To determine the value of any dwelling, the building inspector shall adopt the market value of the dwelling, excluding land value, as reported by the county tax assessor. Damage resulting from fire, vandalism or other casualty occurring subsequent to the assessor's determination of market value may be considered by the building inspector in determining the value of the dwelling for purposes of enforcing these provisions.

(d) In order to determine the cost of repair, alteration, or improvements, the building inspector shall utilize cost data contained in the publication, Means Repair and Remodeling Cost Data, Commercial/Residential, and data contained in HomeTech Remodeling and Renovation Cost Estimator.

(Ord. No. 99-6, § 4, 12-6-1999)

**Sec. 6-478. Costs to be a lien against the real property.**

If the owner fails to comply with an order to remove and demolish the dwelling, the building inspector may cause such dwelling to be demolished and the amount of the cost of such demolition shall constitute a lien against the real property upon which such cost was incurred.  
(Ord. No. 99-6, § 5, 12-6-1999)

**Sec. 6-479. Housing code; basis for determining fitness.**

The minimum standards for basic equipment and facilities set forth in the technical codes mandated by the state building codes council are hereby adopted as standards for use by the building inspector in making determinations as to the fitness of dwellings for human habitation.  
(Ord. No. 99-6, § 6, 12-6-1999)

**Sec. 6-480. Final appeal.**

Any person affected by an order issued by the building inspector may enter an appeal to the building code board of appeals. Thereafter, any person affected by an order of the board may petition the circuit court as provided for in S.C. Code 1976, title 31, ch. 15, art. 2, as amended.  
(Ord. No. 99-6, § 7, 12-6-1999)

**State Law References:** Rights of persons affected by orders, S.C. Code 1976, § 31-15-70.

**Secs. 6-481--6-498. Reserved.**

**ARTICLE V.**

**TOILET FACILITIES**

**Sec. 6-499. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Pit privy* means a building which is not connected to a sewer and used for affording privacy while in the act of urination or defecation.  
(Code 1989, § 10.501a)

**Sec. 6-500. Declared unlawful.**

It shall be unlawful for any property owner to construct, erect, install, maintain or permit to remain any pit privy on any property within the corporate limits.  
(Code 1989, § 10.501b)

**Sec. 6-501. Building contracts to provide for waste disposal.**

(a) All building contracts for the erection of structures anticipated for human occupancy shall

provide for adequate and sanitary waste disposal. The contract shall provide for such facilities, and plans shall state the proposed method of disposal.

(b) The violation of any provision of this article shall be deemed a misdemeanor.  
(Code 1989, § 10.50)