

Chapter 6 BUILDINGS AND BUILDING REGULATIONS [11](#)

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State Law reference— 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. ([Back](#))

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Secs. 6-1—6-20. Reserved.

ARTICLE II. BUILDING CODE

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DIVISION 1. GENERALLY

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Sec. 6-21. Title.

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

(Code 2009, § 6-20)

Sec. 6-22. Applicability; 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.

(Code 2009, § 6-22)

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.

(Code 2009, § 6-23)

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.

(Code 2009, § 6-24)

Secs. 6-25—6-51. Reserved.

DIVISION 2. APPLICABILITY

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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.

(Code 2009, § 6-52)

Sec. 6-53. Other laws.

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

(Code 2009, § 6-53)

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.

(Code 2009, § 6-54)

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.

(Code 2009, § 6-55)

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.

(Code 2009, § 6-56)

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.

(Code 2009, § 6-57)

Secs. 6-58—6-87. Reserved.

DIVISION 3. DEPARTMENT OF BUILDING SAFETY

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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.

(Code 2009, § 6-88)

Sec. 6-89. Appointment.

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

(Code 2009, § 6-89)

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.

(Code 2009, § 6-90)

Secs. 6-91—6-108. Reserved.

DIVISION 4. DUTIES AND POWERS OF BUILDING OFFICIAL

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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.

(Code 2009, § 6-109)

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.

(Code 2009, § 6-110)

Sec. 6-111. Notices and orders.

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

(Code 2009, § 6-111)

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.

(Code 2009, § 6-112)

Sec. 6-113. Identification.

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

(Code 2009, § 6-113)

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 is 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.

(Code 2009, § 6-114)

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.

(Code 2009, § 6-115)

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.

(Code 2009, § 6-116)

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.

(Code 2009, § 6-117)

Sec. 6-118. Materials and equipment—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.

(Code 2009, § 6-118)

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.

(Code 2009, § 6-119)

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.

(Code 2009, § 6-120)

Secs. 6-121—6-138. Reserved.

DIVISION 5. PERMITS

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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.*
 - a. 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.
 - b. 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.

(Code 2009, § 6-139)

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 are exempt as follows:

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- 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 m²).
 - b. Fences not over six feet (1,829 mm) high.
 - c. Oil derricks.
 - d. Retaining walls that are not over four feet (1,219 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 (1,372 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 are 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 are 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.

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- 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 are 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.

(Code 2009, § 6-140)

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

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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.

(Code 2009, § 6-141)

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.

(Code 2009, § 6-142)

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.

(Code 2009, § 6-143)

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.

(Code 2009, § 6-144)

Sec. 6-145. Placement of permit.

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

(Code 2009, § 6-145)

Secs. 6-146—6-173. Reserved.

DIVISION 6. CONSTRUCTION DOCUMENTS

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Sec. 6-174. Submittal of 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 chapter 16.
- (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 occupancies other than 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

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the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this article.

(Code 2009, § 6-174)

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.

(Code 2009, § 6-175)

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.

(Code 2009, § 6-176)

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 the ordinance from which this article is derived 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 shall proceed at the holder's own risk with the building 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

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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.

(Code 2009, § 6-177)

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.

(Code 2009, § 6-178)

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.

(Code 2009, § 6-179)

Secs. 6-180—6-196. Reserved.

DIVISION 7. TEMPORARY STRUCTURES AND USES

[Sec. 6-197. Permit required.](#)

[Sec. 6-198. Conformance.](#)

[Sec. 6-199. Temporary power.](#)

[Sec. 6-200. Termination of approval.](#)

[Secs. 6-201—6-223. Reserved.](#)

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.

(Code 2009, § 6-197)

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.

(Code 2009, § 6-198)

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.

(Code 2009, § 6-199)

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.

(Code 2009, § 6-200)

Secs. 6-201—6-223. Reserved.

DIVISION 8. FEES

[Sec. 6-224. Payment of fees.](#)

[Sec. 6-225. Schedule of permit fees.](#)

[Sec. 6-226. Building permit valuations.](#)

[Sec. 6-227. Work commencing before permit issuance.](#)

[Sec. 6-228. Related fees.](#)

[Sec. 6-229. Refunds.](#)

[Secs. 6-230—6-251. Reserved.](#)

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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.

(Code 2009, § 6-224)

Sec. 6-225. Schedule of permit fees.

(a) 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 city council.

- (1) Residential: New construction or renovations.
- (2) Modular homes or buildings.
- (3) Commercial: New construction or renovations.
- (4) Pool: Commercial or residential.
- (5) Signs.

(b) Schedule of building permit fees.

SCHEDULE OF FEES FOR BUILDING PERMITS

Total Valuation	Fee
\$0.00—\$1,000.00	\$50.00
\$1,001.00— \$50,000.00	\$50.00; plus \$5.00 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00
\$50,001.00— \$100,000.00	\$295.00 for the first \$50,000.00; plus \$4.00 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00
\$100,001.00— \$500,000.00	\$495.00 for the first \$100,000.00; plus \$3.00 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00
\$500,001.00 and over	\$1,695.00 for the first \$500,000.00; plus \$2.00 for each additional \$1,000.00 or fraction thereof

(c) Other permits.

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SCHEDULE OF FEES FOR NON-BUILDING PERMITS

Tenant change permit	\$50.00
Change of occupancy classification permit	\$100.00
Manufactured home	\$200.00
Camper/RV pedestal	\$50.00
Moving of structure	\$150.00
Demolition permits	\$100.00
Weekend or after hour inspections	\$60.00 per hour (2-hour min.)
Sidewalks and driveways	\$50.00

- (d) Building code plan review fees.
 - (1) One-half of the require permit fee, \$75.00 minimum, to be paid at time of submission of plans and specs.
 - (2) Exception: When no plan review is required by the building official, no fee will be charged.
- (e) Electrical, plumbing, mechanical, and gas permits fees.
 - (1) Electrical, plumbing, mechanical, and gas permit fees shall be based on Table 108.2 of the IBC.
 - (2) Exception: Where the value of the electrical, plumbing, mechanical, and gas trades are included in the total construction cost as stated in section 108.3 of the IBC, there will be no additional charge for the permit.
- (f) Re-inspection fees: \$50.00 per trade per visit will be charged to the contractor or homeowner. Re-inspection fees will be paid in advance prior to the re-inspection. It will be at the determination of the building official to wave re-inspection fees under certain condition.

(Code 2009, § 6-225; Ord. No. 2008-7, §§ 1, 2, 9-15-2008; Ord. No. 2010-2, 7-12-2010)

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.

(Code 2009, § 6-226)

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

For 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.

(Code 2009, § 6-227)

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.

(Code 2009, § 6-228)

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 jurisdiction's administrator. A letter requesting the refund has to be hand delivered to the jurisdiction within 60 calendar days of the permit issuance date.

(Code 2009, § 6-229)

Secs. 6-230—6-251. Reserved.

DIVISION 9. INSPECTIONS

[Sec. 6-252. General inspection; duty to keep work accessible and exposed.](#)

[Sec. 6-253. Preliminary inspection.](#)

[Sec. 6-254. Required inspections.](#)

[Sec. 6-255. Inspection agencies.](#)

[Sec. 6-256. Inspection requests.](#)

[Sec. 6-257. Approval required.](#)

[Secs. 6-258—6-277. Reserved.](#)

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 expenses entailed in the removal or replacement of any material required to allow inspection.

(Code 2009, § 6-252)

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.

(Code 2009, § 6-253)

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 is exempt from these provisions.
- (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.

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- (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.

(Code 2009, § 6-254)

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.

(Code 2009, § 6-255)

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.

(Code 2009, § 6-256)

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.

(Code 2009, § 6-257)

Secs. 6-258—6-277. Reserved.

DIVISION 10. CERTIFICATE OF OCCUPANCY

[Sec. 6-278. Use and occupancy.](#)

[Sec. 6-279. Contents.](#)

[Sec. 6-280. Temporary occupancy.](#)

[Sec. 6-281. Revocation.](#)

[Secs. 6-282—6-310. Reserved.](#)

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.

(Code 2009, § 6-278)

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.

(Code 2009, § 6-279)

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.

(Code 2009, § 6-280)

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.

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- (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.

(Code 2009, § 6-281)

Secs. 6-282—6-310. Reserved.

DIVISION 11. SERVICE UTILITIES

[Sec. 6-311. Connection.](#)

[Sec. 6-312. Temporary connection.](#)

[Sec. 6-313. Authority to disconnect service utilities.](#)

[Secs. 6-314—6-344. Reserved.](#)

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.

(Code 2009, § 6-311)

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.

(Code 2009, § 6-312)

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.

(Code 2009, § 6-313)

Secs. 6-314—6-344. Reserved.

DIVISION 12. BOARD OF APPEALS

[Sec. 6-345. Creation; appointment; rules of procedure.](#)

[Sec. 6-346. Limitations on authority.](#)

[Sec. 6-347. Qualifications.](#)

[Secs. 6-348—6-367. Reserved.](#)

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.

(Code 2009, § 6-345)

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.

(Code 2009, § 6-346)

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.

(Code 2009, § 6-347)

Secs. 6-348—6-367. Reserved.

DIVISION 13. VIOLATIONS

[Sec. 6-368. Unlawful acts.](#)

[Sec. 6-369. Notice.](#)

[Sec. 6-370. Prosecution.](#)

[Sec. 6-371. Penalties.](#)

[Secs. 6-372—6-382. Reserved.](#)

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.

(Code 2009, § 6-368)

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.

(Code 2009, § 6-369)

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.

(Code 2009, § 6-370)

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.

(Code 2009, § 6-371)

Secs. 6-372—6-382. Reserved.

DIVISION 14. STOP-WORK ORDER

[Sec. 6-383. Authority.](#)

[Sec. 6-384. Issuance.](#)

[Sec. 6-385. Unlawful continuance.](#)

[Secs. 6-386—6-393. Reserved.](#)

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.

(Code 2009, § 6-383)

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.

(Code 2009, § 6-384)

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.

(Code 2009, § 6-385)

Secs. 6-386—6-393. Reserved.

DIVISION 15. UNSAFE STRUCTURES AND EQUIPMENT

[Sec. 6-394. Conditions.](#)

[Sec. 6-395. Record.](#)

[Sec. 6-396. Notice.](#)

[Sec. 6-397. Method of service.](#)

[Sec. 6-398. Restoration.](#)

[Secs. 6-399—6-424. Reserved.](#)

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.

(Code 2009, § 6-394)

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.

(Code 2009, § 6-395)

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.

(Code 2009, § 6-396)

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.

(Code 2009, § 6-397)

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.

(Code 2009, § 6-398)

Secs. 6-399—6-424. Reserved.

ARTICLE III. FLOOD DAMAGE PREVENTION

DIVISION 1. - GENERALLY

DIVISION 2. - ADMINISTRATION

DIVISION 3. - PROVISIONS FOR FLOOD HAZARD REDUCTION

DIVISION 4. - VARIANCE PROCEDURES

DIVISION 5. - LEGAL STATUS PROVISIONS

DIVISION 1. GENERALLY

[Sec. 6-425. Statutory authorization.](#)

[Sec. 6-426. Findings of fact.](#)

[Sec. 6-427. Statement of purpose and objectives.](#)

[Sec. 6-428. Lands to which this article applies.](#)

[Sec. 6-429. Establishment of development permit.](#)

[Sec. 6-430. Compliance.](#)

[Sec. 6-431. Interpretation.](#)

[Sec. 6-432. Warning and disclaimer of liability.](#)

[Sec. 6-433. Penalties for violation.](#)

[Sec. 6-434. Definitions.](#)

[Secs. 6-435—6-450. Reserved.](#)

Sec. 6-425. Statutory authorization.

The state legislature has, in S.C. Code 1976, titles 5 and 6, and amendments thereto, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the city council does ordain as follows.

(Ord. No. 2018-2, art. I, § A, 6-4-2018)

Sec. 6-426. Findings of fact.

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

(Ord. No. 2018-2, art. I, § B, 6-4-2018)

Sec. 6-427. Statement of purpose and objectives.

- (a) It is the purpose of this article to protect human life and health, minimize property damage, and encourage appropriate construction practices to minimize public and private losses due to flood conditions by requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction. Uses of the floodplain which are dangerous to health, safety, and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion, are restricted or prohibited. These provisions attempt to control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters, and control filling, grading, dredging and other development which may increase flood damage or erosion. Additionally, this article prevents or regulates the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.
- (b) The objectives of this article are to protect human life and health, to 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 to ensure that potential home buyers are notified that property is in a flood area. The provisions of this article are intended to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets and bridges located in the floodplain, and prolonged business interruptions. Also, an important floodplain management objective of this article is to minimize expenditure of public money for costly flood control projects and rescue and relief efforts associated with flooding.
- (c) Floodplains are an important asset to the community. They perform vital natural functions such as temporary storage of floodwaters, moderation of peak flood flows, maintenance of water quality, groundwater recharge, prevention of erosion, habitat for diverse natural wildlife populations, recreational opportunities, and aesthetic quality. These functions are best served if floodplains are kept in their natural state. Wherever possible, the natural characteristics of floodplains and their associated wetlands and water bodies should be preserved and enhanced. Decisions to alter floodplains, especially floodways and stream channels, should be the result of careful planning processes that evaluate resource conditions and human needs.

(Ord. No. 2018-2, art. I, § C, 6-4-2018)

Sec. 6-428. Lands to which this article applies.

- (a) This article shall apply to all areas of special flood hazard within the jurisdiction of the city as identified by the Federal Emergency Management Agency (FEMA) in its flood insurance study, dated September 29, 2010, with accompanying maps and other supporting data that are hereby adopted by reference and declared to be a part of this article.
- (b) Upon annexation any special flood hazard areas identified by the Federal Emergency Management Agency (FEMA) in its flood insurance study for the unincorporated areas of Barnwell County, with accompanying map and other data, are adopted by reference and declared part of this article.

(Ord. No. 2018-2, art. I, § D, 6-4-2018)

Sec. 6-429. Establishment of development permit.

A development permit shall be required in conformance with the provisions of this article prior to the commencement of any development activities.

(Ord. No. 2018-2, art. I, § E, 6-4-2018)

Sec. 6-430. Compliance.

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

(Ord. No. 2018-2, art. I, § F, 6-4-2018)

Sec. 6-431. Interpretation.

In the interpretation and application of this article all provisions shall be considered as minimum requirements, liberally construed in favor of the city council, and deemed neither to limit nor repeal any other powers granted under state law. This article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this article and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. No. 2018-2, art. I, § G, 6-4-2018)

Sec. 6-432. 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 hereunder.

(Ord. No. 2018-2, art. I, § I, 6-4-2018)

Sec. 6-433. Penalties for violation.

Violation of the provisions of this article or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this article or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500.00 or imprisoned for not more than 30 days, or both. Each day the violation continues shall be considered a separate offense. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. No. 2018-2, art. I, § J, 6-4-2018)

Sec. 6-434. Definitions.

Unless specifically defined in this section, words or phrases used in this article shall be interpreted so as to give them the meaning they have in common usage and to give this article its most reasonable application.

Accessory structure (appurtenant structure) means structures that are located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures should constitute a minimal investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

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Addition (to an existing building) means an extension or increase in the floor area or height of a building or structure. Additions to existing buildings shall comply with the requirements for new construction regardless as to whether the addition is a substantial improvement or not. Where a firewall or load-bearing wall is provided between the addition and the existing building, the addition shall be considered a separate building and must comply with the standards for new construction.

Agricultural structure means a structure used solely for agricultural purposes in which the use is exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock. Agricultural structures are not exempt from the provisions of this article.

Appeal means a request for a review of the local floodplain administrator's interpretation of any provision of this article.

Area of shallow flooding means a designated AO or VO zone on a community's flood insurance rate map (FIRM) with base flood depths of 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 being equaled or exceeded 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 any enclosed area of a building that is below grade on all sides.

Building. See *Structure*.

Coastal high hazard area means an area of special flood hazard extending from offshore to the inland limit of the primary frontal dune along an open coast and any other area subject to velocity wave action from storms or seismic sources.

Critical development means development that is critical to the community's public health and safety, is essential to the orderly functioning of a community, store or produce highly volatile, toxic or water-reactive materials, or houses occupants that may be insufficiently mobile to avoid loss of life or injury. Examples of critical development include jails, hospitals, schools, fire stations, nursing homes, wastewater treatment facilities, water plants, and gas/oil/propane storage facilities.

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, excavation or drilling operations, or storage of equipment or materials.

Elevated building means a non-basement building built to have the lowest floor elevated above the ground level by means of solid foundation perimeter walls, pilings, columns, piers, or shear walls parallel to the flow of water.

Executive Order 11988 (Floodplain Management). Issued by President Carter in 1977, this order requires that no federally assisted activities be conducted in or have the potential to affect identified special flood hazard areas, unless there is no practicable alternative.

Existing construction means, for the purposes of determining rates, structures for which the start of construction commenced before March 2, 1989.

Existing manufactured home park or manufactured home subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before July 11, 1988.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs).

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Flood means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, or the unusual and rapid accumulation of 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, 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 Federal Emergency Management Agency 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 Federal Emergency Management Agency which contains flood profiles, as well as the flood boundary floodway map and the water surface elevation of the base flood.

Flood-resistant material means any building material capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is water-soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumbers are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable, are not acceptable. Materials that absorb or retain water excessively after submergence are not flood resistant. Please refer to Technical Bulletin 2, Flood Damage-Resistant Materials Requirements, dated 8/08, and available from the Federal Emergency Management Agency. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

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.

Freeboard means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. The term "freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

Functionally dependent use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term "functionally dependent use" includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

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

Historic structure means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of the Interior (DOI)) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places;
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified:
 - a. By an approved state program as determined by the Secretary of the Interior; or

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- b. Directly by the Secretary of the Interior in states without approved programs. Some structures or districts listed on the state or local inventories may not be historic as cited above, but have been included on the inventories because it was believed that the structures or districts have the potential for meeting the "historic" structure criteria of the DOI. In order for these structures to meet NFIP historic structure criteria, it must be demonstrated and evidenced that the state department of archives and history has individually determined that the structure or district meets DOI historic structure criteria.

Increased cost of compliance (ICC) applies to all new and renewed flood insurance policies effective on and after June 1, 1997. The NFIP shall enable the purchase of insurance to cover the cost of compliance with land use and control measures established under section 1361. It provides coverage for the payment of a claim to help pay for the cost to comply with state or community floodplain management laws or ordinances after a flood event in which a building has been declared substantially or repetitively damaged.

Limited storage means an area used for storage and intended to be limited to incidental items that can withstand exposure to the elements and have low flood damage potential. Such an area must be of flood-resistant or breakaway material, void of utilities except for essential lighting and cannot be temperature-controlled. If the area is located below the base flood elevation in an A, AE and A1—A30 zone, it must meet the requirements of section 6-476(4). If the area is located below the base flood elevation in a V, VE and V1—V30 zone, it must meet the requirements of this article.

Lowest adjacent grade (LAG) means an elevation of the lowest ground surface that touches any deck support, exterior walls of a building or proposed building walls.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this article.

Manufactured home means a structure, 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" does not include a "recreational vehicle."

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean sea level means, for the purpose of this article, the Nations Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which the base flood elevations shown on a community's flood insurance rate maps (FIRM) are shown.

National Geodetic Vertical Datum (NGVD) of 1929 means as corrected in 1929, elevation reference points set by National Geodetic Survey based on mean sea level.

New construction means structures for which the start of construction commenced on or after July 11, 1988. The term "new construction" also includes any subsequent improvements to such structure.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs) is completed on or after July 11, 1988.

North American Vertical Datum (NAVD) of 1988 means vertical control, as corrected in 1988, used as the reference datum on flood insurance rate maps.

Primary frontal dune means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and subject to erosion and overtopping from high tides and waves during coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

Recreational vehicle means a vehicle which is:

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- (1) Built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

Repetitive loss means a building covered by a contract for flood insurance that has incurred flood-related damages on two occasions during a ten-year period ending on the date of the event for which a second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25 percent of the market value of the building at the time of each such flood event.

Section 1316 of the National Flood Insurance Act of 1968. The act provides that no new flood insurance shall be provided for any property found by the Federal Emergency Management Agency to have been declared by a state or local authority to be in violation of state or local ordinances.

Stable natural vegetation means the first place on the oceanfront where plants such as sea oats hold sand in place.

Start of construction, for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (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" does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for footings, piers or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the term "actual start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

Structure means a walled and roofed building, a manufactured home, including a gas or liquid storage tank that is principally above ground.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Such repairs may be undertaken successively and their costs counted cumulatively. Please refer to the definition of the term "substantial improvement."

Substantial improvement means any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. The term "substantial improvement" includes structures that have incurred repetitive loss or substantial damage, regardless of the actual repair work performed. The term "substantial improvement" does not, however, include either:

- (1) Any project of improvement to a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Permits shall be cumulative for a period of five years. If the improvement project is conducted in phases, the total of all costs associated with each phase, beginning with the issuance of the first permit, shall be utilized to determine whether substantial improvement will occur.

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Substantially improved existing manufactured home park or subdivision means where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction, or improvement commenced.

Variance means a grant of relief from a term of this article.

Violation means the failure of a structure or other development to be fully compliant with these regulations.

(Ord. No. 2018-2, art. II, 6-4-2018)

Secs. 6-435—6-450. Reserved.

DIVISION 2. ADMINISTRATION

[Sec. 6-451. Designation of local floodplain administrator.](#)

[Sec. 6-452. Adoption of letter of map revisions \(LOMR\).](#)

[Sec. 6-453. Development permit and certification requirements.](#)

[Sec. 6-454. Duties and responsibilities of the local floodplain administrator.](#)

[Sec. 6-455. Administrative procedures.](#)

[Secs. 6-456—6-475. Reserved.](#)

Sec. 6-451. Designation of local floodplain administrator.

The city administrator is hereby appointed to administer and implement the provisions of this article.

(Ord. No. 2018-2, art. III, § A, 6-4-2018)

Sec. 6-452. Adoption of letter of map revisions (LOMR).

All LOMRs that are issued in the areas identified in section 6-428 are hereby adopted.

(Ord. No. 2018-2, art. III, § B, 6-4-2018)

Sec. 6-453. Development permit and certification requirements.

- (a) *Development permit.* Application for a development permit shall be made to the local floodplain administrator on forms furnished by him prior to any development activities. The development permit may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures; and the location of fill materials, storage areas, and drainage facilities. Specifically, the following information is required:
- (1) A plot plan that shows the 100-year floodplain contour or a statement that the entire lot is within the floodplain must be provided by the development permit applicant when the lot is within or appears to be within the floodplain as mapped by the Federal Emergency Management Agency or the floodplain identified pursuant to either the duties and responsibilities of the local floodplain administrator of section 6-454(11) or the standards for subdivision proposals of section 6-477 and

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the standards for streams without estimated base flood elevations and floodways of section 6-478. The plot plan must be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by it. The plot plan must show the floodway, if any, as identified by the Federal Emergency Management Agency or the floodway identified pursuant to either the duties or responsibilities of the local floodplain administrator of section 6-454(11) or the standards for subdivision proposals of section 6-477(12) and the standards for streams without estimated base flood elevations and floodways of section 6-478.

- (2) Where base flood elevation data is provided as set forth in section 6-428 or the duties and responsibilities of the local floodplain administrator of section 6-454(11), the application for a development permit within the flood hazard area shall show:
 - a. The elevation (in relation to mean sea level) of the lowest floor of all new and substantially improved structures; and
 - b. If the structure will be floodproofed in accordance with the nonresidential construction requirements of section 6-477(2), the elevation (in relation to mean sea level) to which the structure will be floodproofed.
 - (3) Where base flood elevation data is not provided as set forth in section 6-428 or the duties and responsibilities of the local floodplain administrator of section 6-454(11), then the provisions in the standards for streams without estimated base flood elevations and floodways of section 6-478 must be met.
 - (4) Alteration of watercourse. Where any watercourse will be altered or relocated as a result of proposed development, the application for a development permit shall include a description of the extent of watercourse alteration or relocation, an engineering study to demonstrate that the flood-carrying capacity of the altered or relocated watercourse is maintained and a map showing the location of the proposed watercourse alteration or relocation.
- (b) *Certifications.*
- (1) *Floodproofing certification.* When a structure is floodproofed, the applicant shall provide certification from a registered professional engineer or architect that the nonresidential, floodproofed structure meets the floodproofing criteria in the nonresidential construction requirements of sections 6-477(2) and 6-480(2)b.
 - (2) *Certification during construction.* A lowest floor elevation or floodproofing certification is required after the lowest floor is completed. As soon as possible after completion of the lowest floor and before any further vertical construction commences, or floodproofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the local floodplain administrator a certification of the elevation of the lowest floor, or floodproofed elevation, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by it. Any work done prior to submission of the certification shall be at the permit holder's risk. The local floodplain administrator shall review the floor elevation survey data submitted. The permit holder immediately and prior to further progressive work being permitted to proceed shall correct deficiencies detected by such review. 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.
 - (3) *V-zone certification.* When a structure is located in Zone V, VE, or V1—30, certification shall be provided from a registered professional engineer or architect, separate from submitted plans, that new construction and substantial improvement meets the criteria for the coastal high hazard areas outlined in this article.
 - (4) *As-built certification.* Upon completion of the development a registered professional engineer, land surveyor or architect, in accordance with state law, shall certify according to the requirements of subsections (b)(1) through (3) of this section that the development is built in accordance with the submitted plans and previous pre-development certifications.

(Ord. No. 2018-2, art. III, § C, 6-4-2018)

Sec. 6-454. Duties and responsibilities of the local floodplain administrator.

Duties and responsibilities of the local floodplain administrator shall include, but not be limited to:

- (1) *Permit review.* Review all development permits to ensure that the requirements of this article have been satisfied.
- (2) *Requirement of federal and/or state permits.* Review proposed development to ensure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1344.
- (3) *Watercourse alterations.*
 - a. Notify adjacent communities and the state department of natural resources, land, water, and conservation division, state coordinator for the National Flood Insurance Program, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
 - b. In addition to the notifications required for watercourse alterations per subsection (3)a of this section, written reports of maintenance records must be maintained to show that maintenance has been provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained. This maintenance must consist of a comprehensive program of periodic inspections, and routine channel clearing and dredging, or other related functions. The assurance shall consist of a description of maintenance activities, frequency of performance, and the local official responsible for maintenance performance. Records shall be kept on file for FEMA inspection.
 - c. If the proposed project will modify the configuration of the watercourse, floodway, or base flood elevation for which a detailed flood insurance study has been developed, the applicant shall apply for and must receive approval for a conditional letter of map revision with the Federal Emergency Management Agency prior to the start of construction.
 - d. Within 60 days of completion of an alteration of a watercourse, referenced in the certification requirements of section 6-453(b)(4), the applicant shall submit as-built certification, by a registered professional engineer, to the Federal Emergency Management Agency.
- (4) *Floodway encroachments.* Prevent encroachments within floodways unless the certification and flood hazard reduction provisions of section 6-477(5) are met.
- (5) *Adjoining floodplains.* Cooperate with neighboring communities with respect to the management of adjoining floodplains and/or flood-related erosion areas in order to prevent aggravation of existing hazards.
- (6) *Notifying adjacent communities.* Notify adjacent communities prior to permitting substantial commercial developments and large subdivisions to be undertaken in areas of special flood hazard and/or flood-related erosion hazards.
- (7) *Certification requirements.*
 - a. Obtain and review actual elevation (in relation to mean sea level) of the lowest floor of all new or substantially improved structures, in accordance with administrative procedures outlined in section 6-453(b)(2) or the coastal high hazard area requirements outlined in this article.
 - b. Obtain the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been floodproofed, in accordance with the floodproofing certification outlined in section 6-453(b)(1).

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- c. When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the nonresidential construction requirements outlined in section 6-477(2).
 - d. A registered professional engineer or architect shall certify that the design, specifications and plans for construction are in compliance with the provisions contained in the coastal high hazard area requirements outlined in this article.
- (8) *Map 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), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.
 - (9) *Prevailing authority.* Where a map boundary showing an area of special flood hazard and field elevations disagree, the base flood elevations for flood protection elevations (as found on an elevation profile, floodway data table, etc.) shall prevail. The correct information should be submitted to FEMA as per the map maintenance activity requirements outlined in section 6-477(7)b.
 - (10) *Use of best available data.* When base flood elevation data and floodway data has not been provided in accordance with section 6-428, obtain, review, and reasonably utilize best available base flood elevation data and floodway data available from a federal, state, or other source, including data developed pursuant to the standards for subdivision proposals outlined in section 6-477(12), in order to administer the provisions of this article. Data from preliminary, draft, and final flood insurance studies constitutes best available data from a federal, state, or other source. Data must be developed using hydraulic models meeting the minimum requirement of NFIP approved model. If an appeal is pending on the study in accordance with 44 CFR 67.5 and 67.6, the data does not have to be used.
 - (11) *Special flood hazard area/topographic boundaries conflict.* When the exact location of boundaries of the areas special flood hazards conflict with the current, natural topography information at the site; the site information takes precedence when the lowest adjacent grade is at or above the BFE, the property owner may apply and be approved for a letter of map amendment (LOMA) by FEMA. The local floodplain administrator in the permit file will maintain a copy of the letter of map amendment issued from FEMA.
 - (12) *On-site inspections.* Make on-site inspections of projects in accordance with the administrative procedures outlined in section 6-455(a).
 - (13) *Administrative notices.* Serve notices of violations, issue stop-work orders, revoke permits and take corrective actions in accordance with the administrative procedures in section 6-455.
 - (14) *Records maintenance.* Maintain all records pertaining to the administration of this article and make these records available for public inspection.
 - (15) *Annexations and detachments.* Notify the state department of natural resources land, water and conservation division, state coordinator for the National Flood Insurance Program within six months of any annexations or detachments that include special flood hazard areas.
 - (16) *Federally funded development.* The President issued Executive Order 11988, Floodplain Management May 1977. E.O. 11988, directs federal agencies to assert a leadership role in reducing flood losses and losses to environmental values served by floodplains. Proposed developments must go through an eight-step review process. Evidence of compliance with the executive order must be submitted as part of the permit review process.
 - (17) *Substantial damage determination.* Perform an assessment of damage from any origin to the structure using FEMA's Residential Substantial Damage Estimator (RSDE) software to determine if the damage equals or exceeds 50 percent of the market value of the structure before the damage occurred.
 - (18) *Substantial improvement determinations.*

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- a. Perform an assessment of permit applications for improvements or repairs to be made to a building or structure that equals or exceeds 50 percent of the market value of the structure before the start of construction. Cost of work counted for determining if and when substantial improvement to a structure occurs shall be cumulative for a period of five years. If the improvement project is conducted in phases, the total of all costs associated with each phase, beginning with the issuance of the first permit, shall be utilized to determine whether substantial improvement will occur.
- b. The market values shall be determined by one of the following methods:
 1. The current assessed building value as determined by the county's assessor's office or the value of an appraisal performed by a licensed appraiser at the expense of the owner within the past six months.
 2. One or more certified appraisals from a registered professional licensed appraiser in accordance with the laws of the state. The appraisal shall indicate actual replacement value of the building or structure in its pre-improvement condition, less the cost of site improvements and depreciation for functionality and obsolescence.
 3. Real estate purchase contract within six months prior to the date of the application for a permit.

(Ord. No. 2018-2, art. III, § D, 6-4-2018)

Sec. 6-455. Administrative procedures.

- (a) *Inspections of work in progress.* As the work pursuant to a permit progresses, the local floodplain administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the floodplain administrator has a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction at any reasonable hour for the purposes of inspection or other enforcement action.
- (b) *Stop-work orders.* Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this article, the floodplain administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.
- (c) *Revocation of permits.* The local floodplain administrator may revoke and require the return of the development permit by notifying the permit holder in writing, stating the reason for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of state or local laws; or for false statements or misrepresentations made in securing the permit. Any permit mistakenly issued in violation of an applicable state or local law may also be revoked.
- (d) *Periodic inspections.* The local floodplain administrator and each member of his inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
- (e) *Violations to be corrected.* When the local floodplain administrator finds violations of applicable state and local laws, it shall be his duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law on the property he owns.
- (f) *Actions in event of failure to take corrective action.* If the owner of a building or property shall fail to take prompt corrective action, the floodplain administrator shall give him written notice, by certified or registered mail to his last known address or by personal service, that:

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- (1) The building or property is in violation of this article;
 - (2) A hearing will be held before the local floodplain administrator at a designated place and time, not later than ten days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
 - (3) Following the hearing, the local floodplain administrator may issue such order to alter, vacate, or demolish the building; or to remove fill as appears appropriate.
- (g) *Order to take corrective action.* If, upon a hearing held pursuant to the notice prescribed above, the floodplain administrator shall find that the building or development is in violation of this article, he shall make an order in writing to the owner, requiring the owner to remedy the violation within such period, not less than 60 days, the floodplain administrator may prescribe, provided that where the floodplain administrator finds that there is imminent danger to life or other property, he may order that corrective action be taken in such lesser period as may be feasible.
- (h) *Appeal.* Any owner who has received an order to take corrective action may appeal from the order to the local elected governing body by giving notice of appeal in writing to the floodplain administrator and the clerk within ten days following issuance of the final order. In the absence of an appeal, the order of the floodplain administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.
- (i) *Failure to comply with order.* If the owner of a building or property fails to comply with an order to take corrective action from which no appeal has been taken, or fails to comply with an order of the governing body following an appeal, he shall be guilty of a misdemeanor and shall be punished in the discretion of the court.
- (j) *Denial of flood insurance under the NFIP.* If a structure is declared in violation of this article and after all other penalties are exhausted to achieve compliance with this article then the local floodplain administrator shall notify the Federal Emergency Management Agency (FEMA) to initiate a section 1316 of the National Flood Insurance Act of 1968 action against the structure upon the finding that the violator refuses to bring the violation into compliance with this article. Once a violation has been remedied the local floodplain administrator shall notify FEMA of the remedy and ask that the section 1316 action be rescinded.
- (k) *Documents incorporated by reference.* The following documents are incorporated by reference and may be used by the local floodplain administrator to provide further guidance and interpretation of this article as found on FEMA's website at www.fema.gov:
- (1) FEMA 55 Coastal Construction Manual.
 - (2) All FEMA Technical Bulletins.
 - (3) All FEMA Floodplain Management Bulletins.
 - (4) FEMA 348 Protecting Building Utilities from Flood Damage.
 - (5) FEMA 499 Home Builder's Guide to Coastal Construction Technical Fact Sheets.

(Ord. No. 2018-2, art. III, § E, 6-4-2018)

Secs. 6-456—6-475. Reserved.

DIVISION 3. PROVISIONS FOR FLOOD HAZARD REDUCTION

[Sec. 6-476. General standards.](#)

[Sec. 6-477. Specific standards.](#)

[Sec. 6-478. Standards for streams without established base flood elevations and floodways.](#)

[Sec. 6-479. Standards for streams with established base flood elevations but without floodways.](#)

[Sec. 6-480. Standards for areas of shallow flooding \(AO Zones\).](#)

[Secs. 6-481—6-500. Reserved.](#)

Sec. 6-476. General standards.

Development may not occur in the special flood hazard area (SFHA) where alternative locations exist due to the inherent hazards and risks involved. Before a permit is issued, the applicant shall demonstrate that new structures cannot be located out of the SFHA and that encroachments onto the SFHA are minimized. In all areas of special flood hazard, the following provisions are required:

- (1) *Reasonably safe from flooding.* Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.
- (2) *Anchoring.* All new construction and substantial improvements shall be anchored to prevent flotation, collapse, and lateral movement of the structure.
- (3) *Flood-resistant materials and equipment.* All new construction and substantial improvements shall be constructed with flood-resistant materials and utility equipment resistant to flood damage in accordance with Technical Bulletin 2, Flood Damage-Resistant Materials Requirements, dated 8/08, and available from the Federal Emergency Management Agency.
- (4) *Minimize flood damage.* All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.
- (5) *Critical development.* Critical development shall be elevated to the 500-year flood elevation or be elevated to the highest known historical flood elevation (where records are available), whichever is greater. If no data exists establishing the 500-year flood elevation or the highest known historical flood elevation, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates 500-year flood elevation data.
- (6) *Utilities.* Electrical, ventilation, plumbing, heating and air conditioning equipment (including ductwork), 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 the base flood plus three feet.
- (7) *Water supply systems.* All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (8) *Sanitary sewage systems.*
 - a. 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.
 - b. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- (9) *Gas or liquid storage tanks.* All gas or liquid storage tanks, either located above ground or buried, shall be anchored to prevent flotation and lateral movement resulting from hydrodynamic and hydrostatic loads.
- (10) *Alteration, repair, reconstruction, or improvements.* Any alteration, repair, reconstruction, or improvement to a structure that is in compliance with the provisions of this article, shall meet the requirements of new construction as contained in this article. This includes post-FIRM development and structures.
- (11) *Nonconforming buildings or uses.* Nonconforming buildings or uses may not be enlarged, replaced, or rebuilt unless such enlargement or reconstruction is accomplished in conformance with the provisions of this article; provided, however, nothing in this article shall prevent the repair,

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reconstruction, or replacement of an existing building or structure located totally or partially within the floodway, provided that the bulk of the building or structure below base flood elevation in the floodway is not increased and provided that such repair, reconstruction, or replacement meets all of the other requirements of this article.

- (12) *American with Disabilities Act (ADA)*. A building must meet the specific standards for floodplain construction outlined in section 6-477, as well as any applicable ADA requirements. The ADA is not justification for issuing a variance or otherwise waiving these requirements. Also, the cost of improvements required to meet the ADA provisions shall be included in the costs of the improvements for calculating substantial improvement.

(Ord. No. 2018-2, art. IV, § A, 6-4-2018)

Sec. 6-477. Specific standards.

In all areas of special flood hazard (Zones A, AE, AH, AO, A1—30, V, and VE) where base flood elevation data has been provided, as set forth in section 6-428 or outlined in the duties and responsibilities of the local floodplain administrator in section 6-454, the following provisions are required:

- (1) *Residential construction*. New construction and substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor elevated no lower than three feet above the base flood elevation. No basements are permitted. Should solid foundation perimeter walls be used to elevate a structure, flood openings sufficient to automatically equalize hydrostatic flood forces shall be provided in accordance with the elevated buildings requirements in subsection (4) of this section.
- (2) *Nonresidential construction*.
 - a. New construction and substantial improvement of any commercial, industrial, or nonresidential structure (including manufactured homes) shall have the lowest floor elevated no lower than three feet above the level of the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, flood openings sufficient to automatically equalize hydrostatic flood forces shall be provided in accordance with the elevated buildings requirements in subsection (4) of this section. No basements are permitted. Structures located in A-zones may be floodproofed in lieu of elevation provided that all areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.
 - b. A registered professional engineer or architect shall certify that the standards of this subsection (2) are satisfied. Such certifications shall be provided to the official as set forth in the floodproofing certification requirements in section 6-453(b)(1). A variance may be considered for wet-floodproofing agricultural structures in accordance with the criteria outlined in section 6-480. Agricultural structures not meeting the criteria of section 6-480 must meet the nonresidential construction standards and all other applicable provisions of this article. Structures that are floodproofed are required to have an approved maintenance plan with an annual exercise. The local floodplain administrator must approve the maintenance plan and notification of the annual exercise shall be provided to it.
- (3) *Manufactured homes*.
 - a. Manufactured homes that are placed or substantially improved on sites outside a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood, must be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated no lower than three feet

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- above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- b. Manufactured homes that are to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to the provisions for residential construction in subsection (1) of this section must be elevated so that the lowest floor of the manufactured home is elevated no lower than three feet above the base flood elevation, and be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement.
 - c. Manufactured homes shall be anchored to prevent flotation, collapse, and lateral movement. For the purpose of this requirement, manufactured homes must be anchored to resist flotation, collapse, and lateral movement in accordance with section 40-29-10 of the South Carolina Manufactured Housing Board Regulations (S.C. Code 1976, § 40-29-10), as amended. Additionally, when the elevation requirement would be met by an elevation of the chassis 36 inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above 36 inches in height an engineering certification is required.
 - d. An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within floodprone areas. This plan shall be filed with and approved by the local floodplain administrator and the local emergency preparedness coordinator.
- (4) *Elevated buildings.* New construction and substantial improvements of elevated buildings that include fully enclosed areas below the lowest floor that are usable solely for the parking of vehicles, building access, or limited storage in an area other than a basement, and which are subject to flooding, shall be designed to preclude finished space and be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.
- a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet or exceed all of the following minimum criteria:
 - 1. Provide a minimum of two openings on different walls 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 each opening must be no more than one foot above the higher of the interior or exterior grade immediately under the opening.
 - 3. Only the portions of openings that are below the base flood elevation (BFE) can be counted towards the required net open area.
 - 4. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
 - 5. Fill placed around foundation walls must be graded so that the grade inside the enclosed area is equal to or higher than the adjacent grade outside the building on at least one side of the building.
 - b. Hazardous velocities. Hydrodynamic pressure must be considered in the design of any foundation system where velocity waters or the potential for debris flow exists. If flood velocities are excessive (greater than five feet per second), foundation systems other than solid foundations walls should be considered so that obstructions to damaging flood flows are minimized.
 - c. Enclosures below lowest floor.
 - 1. 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).

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2. The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, must be void of utilities except for essential lighting as required for safety, and cannot be temperature controlled.
 3. One wet location switch and/or outlet connected to a ground fault interrupt breaker may be installed below the required lowest floor elevation specified in the specific standards outlined in subsections (1) through (3) of this section.
 4. All construction materials below the required lowest floor elevation specified in the specific standards outlined in this subsection (4) and subsections (1) through (3) of this section should be of flood-resistant materials.
- (5) *Floodways.* Located within areas of special flood hazard established in section 6-428 are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris and potential projectiles and has erosion potential. The following provisions shall apply within such areas:
- a. No encroachments, including fill, new construction, substantial improvements, additions, and other developments shall be permitted unless:
 1. It has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood. Such certification and technical data shall be presented to the local floodplain administrator.
 2. A conditional letter of map revision (CLOMR) has been approved by FEMA. A letter of map revision must be obtained upon completion of the proposed development.
 - b. If subsection (5)a of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this division.
 - c. No manufactured homes shall be permitted, except in an existing manufactured home park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring and the elevation standards of subsection (3) of this section and the encroachment standards of subsection (5)a of this section are met.
 - d. Permissible uses within floodways may include general farming, pasture, outdoor plant nurseries, horticulture, forestry, wildlife sanctuary, game farm, and other similar agricultural, wildlife, and related uses. Also, lawns, gardens, play areas, picnic grounds, and hiking and horseback riding trails are acceptable uses, provided that they do not employ structures or fill. Substantial development of a permissible use may require a no-impact certification. The uses listed in this subsection are permissible only if and to the extent that they do not cause any increase in base flood elevations or changes to the floodway configuration.
- (6) *Recreational vehicles.*
- a. A recreational vehicle is ready for highway use if it is:
 1. On wheels or jacking system;
 2. Attached to the site only by quick-disconnect type utilities and security devices; and
 3. Has no permanently attached additions.
 - b. Recreational vehicles placed on sites shall either:
 1. Be on site for fewer than 180 consecutive days;
 2. Be fully licensed and ready for highway use; or

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3. Meet the development permit and certification requirements of section 6-454, general standards outlined in section 6-476, and manufactured homes standards in subsections (3) and (4) of this section.
- (7) *Map maintenance activities.* The National Flood Insurance Program (NFIP) requires flood data to be reviewed and approved by FEMA. This ensures that flood maps, studies and other data identified in section 6-428 accurately represent flooding conditions so appropriate floodplain management criteria are based on current data. The following map maintenance activities are identified:
- a. *Requirement to submit new technical data.*
 1. For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical or scientific data reflecting such changes be submitted to FEMA as soon as practicable, but no later than six months of the date such information becomes available. These development proposals include, but are not limited to:
 - (i) Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;
 - (ii) Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;
 - (iii) Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and
 - (iv) Subdivision or large-scale development proposals requiring the establishment of base flood elevations in accordance with section 6-478(1).
 2. It is the responsibility of the applicant to have technical data, required in accordance with this subsection (7), prepared in a format required for a conditional letter of map revision or letter of map revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall also be the responsibility of the applicant.
 3. The local floodplain administrator shall require a conditional letter of map revision prior to the issuance of a floodplain development permit for:
 - (i) Proposed floodway encroachments that increase the base flood elevation; and
 - (ii) Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.
 4. Floodplain development permits issued by the local floodplain administrator shall be conditioned upon the applicant obtaining a letter of map revision from FEMA for any development proposal subject to this subsection (7).
 - b. *Right to submit new technical data.* The floodplain administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the local jurisdiction and may be submitted at any time.
- (8) *Accessory structures.*
- a. A detached accessory structure or garage, the cost of which is greater than \$3,000.00, must comply with the requirements as outlined in FEMA's Technical Bulletin 7-93 Wet Floodproofing Requirements or be elevated in accordance with subsections (1) and (4) of this section or dry floodproofed in accordance with subsection (2) of this section.
 - b. If accessory structures of \$3,000.00 or less are to be placed in the floodplain, the following criteria shall be met:

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1. Accessory structures shall not be used for any uses other than the parking of vehicles and storage;
 2. Accessory structures shall be designed to have low flood damage potential;
 3. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
 4. Accessory structures shall be firmly anchored to prevent flotation, collapse and lateral movement of the structure;
 5. Service facilities such as electrical and heating equipment shall be installed in accordance with section 6-476(6);
 6. Openings to relieve hydrostatic pressure during a flood shall be provided below base flood elevation in conformance with subsection (4)a of this section; and
 7. Accessory structures shall be built with flood-resistant materials in accordance with Technical Bulletin 2, Flood Damage-Resistant Materials Requirements, dated 8/08, and available from the Federal Emergency Management Agency. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.
- (9) *Swimming pool utility equipment rooms.* If the building cannot be built at or above the BFE, because of functionality of the equipment, then a structure to house the utilities for the pool may be built below the BFE with the following provisions:
- a. Meet the requirements for accessory structures in subsection (8) of this section.
 - b. The utilities must be anchored to prevent flotation and shall be designed to prevent water from entering or accumulating within the components during conditions of the base flood.
- (10) *Elevators.*
- a. Install a float switch system or another system that provides the same level of safety necessary for all elevators where there is a potential for the elevator cab to descend below the BFE during a flood per FEMA's Technical Bulletin 4-93 Elevator Installation for Buildings Located in Special Flood Hazard Areas.
 - b. All equipment that may have to be installed below the BFE, such as counter weight roller guides, compensation cable and pulleys, and oil buffers for traction elevators and the jack assembly for a hydraulic elevator, must be constructed using flood-resistant materials where possible per FEMA's Technical Bulletin 4-93 Elevator Installation for Buildings Located in Special Flood Hazard Areas.
- (11) *Fill.* An applicant shall demonstrate that fill is the only alternative to raising the building to meet the residential and nonresidential construction requirements of subsection (1) or (2) of this section, and that the amount of fill used will not affect the flood storage capacity or adversely affect adjacent properties. The following provisions shall apply to all fill placed in the special flood hazard area:
- a. Fill may not be placed in the floodway unless it is in accordance with the requirements in subsection (5)a of this section.
 - b. Fill may not be placed in tidal or non-tidal wetlands without the required state and federal permits.
 - c. Fill must consist of soil and rock materials only. A registered professional geotechnical engineer may use dredged material as fill only upon certification of suitability. Landfills, rubble fills, dumps, and sanitary fills are not permitted in the floodplain.
 - d. Fill used to support structures must comply with ASTM Standard D-698, and its suitability to support structures certified by a registered professional engineer.

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- e. Fill slopes shall be no greater than two horizontal to one vertical. Flatter slopes may be required where velocities may result in erosion.
 - f. The use of fill shall not increase flooding or cause drainage problems on neighboring properties.
 - g. Fill may not be used for structural support in the coastal high hazard areas.
 - h. Will meet the requirements of FEMA Technical Bulletin 10-01, Ensuring that Structures Built on Fill In or Near Special Flood Hazard Areas are Reasonable Safe from Flooding.
- (12) *Standards for subdivision proposals and other development.*
- a. All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations.
 - b. All subdivision proposals and other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
 - c. All subdivision proposals and other proposed new development shall have adequate drainage provided to reduce exposure to flood damage.
 - d. The applicant shall meet the requirement to submit technical data to FEMA in subsection (7) of this section when a hydrologic and hydraulic analysis is completed that generates base flood elevations.

(Ord. No. 2018-2, art. IV, § B, 6-4-2018)

Sec. 6-478. Standards for streams without established base flood elevations and floodways.

Located within the areas of special flood hazard (Zones A and V) established in section 6-428 are small streams where no base flood data has been provided and where no floodways have been identified. The following provisions apply within such areas:

- (1) In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and other proposed developments containing at least 50 lots or five acres, whichever is less.
- (2) No encroachments, including fill, new construction, substantial improvements and new development shall be permitted within 100 feet of the stream bank unless certification with supporting technical data 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.
- (3) If subsection (1) of this section is satisfied and base flood elevation data is available from other sources, all new construction and substantial improvements within such areas shall comply with all applicable flood hazard ordinance provisions of this division and shall be elevated or floodproofed in accordance with elevations established in accordance with section 6-455(k).
- (4) Data from preliminary, draft, and final flood insurance studies constitutes best available data. Refer to FEMA Floodplain Management Technical Bulletin 1-98 Use of Flood Insurance Study (FIS) Data as Available Data. If an appeal is pending on the study in accordance with 44 CFR 67.5 and 67.6, the data does not have to be used.
- (5) When base flood elevation (BFE) data is not available from a federal, state, or other source one of the following methods may be used to determine a BFE. For further information regarding the

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methods for determining BFEs listed below, refer to FEMA's manual Managing Floodplain Development in Approximate Zone A Areas.

- a. Contour interpolation.
 1. Superimpose approximate Zone A boundaries onto a topographic map and estimate a BFE.
 2. Add one-half of the contour interval of the topographic map that is used to the BFE.
- b. Data extrapolation. A BFE can be determined if a site within 500 feet upstream of a reach of a stream reach for which a 100-year profile has been computed by detailed methods, and the floodplain and channel bottom slope characteristics are relatively similar to the downstream reaches. No hydraulic structures shall be present.
- c. Hydrologic and hydraulic calculations. Perform hydrologic and hydraulic calculations to determine BFEs using FEMA approved methods and software.

(Ord. No. 2018-2, art. IV, § C, 6-4-2018)

Sec. 6-479. Standards for streams with established base flood elevations but without floodways.

Along rivers and streams where base flood elevation (BFE) data is provided but no floodway is identified for a special flood hazard area on the FIRM or in the FIS, no encroachments including fill, new construction, substantial improvements, or other development shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(Ord. No. 2018-2, art. IV, § D, 6-4-2018)

Sec. 6-480. Standards for areas of shallow flooding (AO Zones).

Located within the areas of special flood hazard established in section 6-428 are areas designated as shallow flooding. The following provisions shall apply within such areas:

- (1) All new construction and substantial improvements of residential structures shall have the lowest floor elevated to at least as high as 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 shall be elevated at least three feet above the highest adjacent grade.
- (2) All new construction and substantial improvements of nonresidential structures shall:
 - a. Have the lowest floor elevated to at least as high as 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 shall be elevated at least three feet above the highest adjacent grade; or
 - b. Be completely floodproofed together with attendant utility and sanitary facilities to or above that level so that any space below that 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. Certification is required as stated in section 6-454.
- (3) All structures on slopes must have drainage paths around them to guide water away from the structures.

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- (4) A registered professional engineer or architect shall certify that the design, specifications and plans for construction are in compliance with the provisions contained in this article.
- (5) There shall be no fill used as structural support. Non-compacted fill may be used around the perimeter of a building for landscaping/aesthetic purposes provided the fill will wash out from storm surge, thereby rendering the building free of obstruction prior to generating excessive loading forces, ramping effects, or wave deflection. Only beach compatible sand may be used. The local floodplain administrator shall approve design plans for landscaping/aesthetic fill only after the applicant has provided an analysis by an engineer, architect, and/or soil scientist that demonstrates that the following factors have been fully considered:
 - a. Particle composition of fill material does not have a tendency for excessive natural compaction;
 - b. Volume and distribution of fill will not cause wave deflection to adjacent properties; and
 - c. Slope of fill will not cause wave run-up or ramping.
- (6) There shall be no alteration of sand dunes that would increase potential flood damage.
- (7) All new construction and substantial improvements have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than ten and no more than 20 pounds per square foot. Breakaway wall enclosures shall not exceed 299 square feet. Only flood-resistant materials shall be used below the required flood elevation specified in section 6-477. One wet location switch and/or outlet connected to a ground fault interrupt breaker may be installed below the required lowest floor elevation specified in section 6-477. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:
 - a. Breakaway wall collapse shall result from water load less than that which would occur during the base flood.
 - b. The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). The water loading shall be those values associated with the base flood. The wind loading values shall be those required by applicable IBC (International Building Code).
 - c. Such enclosed space shall be useable solely for parking of vehicles, building access, or storage. Such space shall not be used for human habitation, finished or partitioned into multiple rooms, or temperature-controlled.
- (8) No manufactured homes shall be permitted except in an existing manufactured home park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring and elevation standards of section 6-477(3) are met.
- (9) Recreational vehicles shall be permitted in Coastal High Hazard Areas, provided that they meet the recreational vehicle criteria of section 6-477(6) and the temporary structure provisions of this article.
- (10) Accessory structures, below the required lowest floor elevation specified in this article, are prohibited, except for the following:
 - a. Swimming pools.
 1. They are installed at-grade or elevated so long as the pool will not act as an obstruction.
 2. They must be structurally independent of the building and its foundation.

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3. They may be placed beneath a coastal building only if the top of the pool and any accompanying decking or walkway are flush with the existing grade and only if the lower area remains unenclosed.
 4. As part of the certification process for V-zone buildings the design professional must consider the effects that any of these elements will have on the building in question and any nearby buildings.
- b. Access stairs attached to or beneath an elevated building.
 1. Must be constructed of flood-resistant materials.
 2. Must be constructed as open staircases so they do not block flow under the structure in accordance with this article.
 - c. Decks.
 1. If the deck is structurally attached to a building then the bottom of the lowest horizontal member must be at or above the elevation of the building's lowest horizontal member.
 2. If the deck is to be built below the BFE then it must be structurally independent of the main building and must not cause an obstruction.
 3. If an at-grade, structurally independent deck is proposed then a design professional must evaluate the design to determine if it will adversely affect the building and nearby buildings.
- (11) Parking areas should be located on a stable grade under or landward of a structure. Any parking surface shall consist of gravel or aggregate.
- (12) Electrical, ventilation, plumbing, heating and air conditioning equipment (including ductwork), 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 base flood event plus three feet. This requirement does not exclude the installation of outdoor faucets for shower heads, sinks, hoses, etc., as long as cut-off devices and back flow prevention devices are installed to prevent contamination to the service components and thereby minimize any flood damages to the building. No utilities or components shall be attached to breakaway walls.

(Ord. No. 2018-2, art. IV, § E, 6-4-2018)

Secs. 6-481—6-500. Reserved.

DIVISION 4. VARIANCE PROCEDURES

[Sec. 6-501. Establishment of appeal board.](#)

[Sec. 6-502. Right to appeal.](#)

[Sec. 6-503. Historic structures.](#)

[Sec. 6-504. Functionally dependent uses.](#)

[Sec. 6-505. Agricultural structures.](#)

[Sec. 6-506. Considerations.](#)

[Sec. 6-507. Findings.](#)

[Sec. 6-508. Floodways.](#)

[Sec. 6-509. Conditions.](#)

[Secs. 6-510—6-530. Reserved.](#)

Sec. 6-501. Establishment of appeal board.

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

(Ord. No. 2018-2, art. V, § A, 6-4-2018)

Sec. 6-502. Right to appeal.

Any person aggrieved by the decision of the appeal board or any taxpayer may appeal such decision to the court.

(Ord. No. 2018-2, art. V, § B, 6-4-2018)

Sec. 6-503. Historic structures.

Variances may be issued for the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(Ord. No. 2018-2, art. V, § C, 6-4-2018)

Sec. 6-504. Functionally dependent uses.

Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this article are met, no reasonable alternative exist, and the development is protected by methods that minimize flood damage and create no additional threat to public safety.

(Ord. No. 2018-2, art. V, § D, 6-4-2018)

Sec. 6-505. Agricultural structures.

Variances may be issued to wet floodproof an agricultural structure provided it is used solely for agricultural purposes. In order to minimize flood damages during the base flood and the threat to public health and safety, the structure must meet all of the conditions and considerations of section 6-508, this section, and the following standards:

- (1) Use of the structure must be limited to agricultural purposes as listed below:
 - a. Pole frame buildings with open or closed sides used exclusively for the storage of farm machinery and equipment;
 - b. Steel grain bins and steel frame corncribs;
 - c. General-purpose barns for the temporary feeding of livestock that are open on at least one side; and

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- d. For livestock confinement buildings, poultry houses, dairy operations, and similar livestock operations, variances may not be issued for structures that were substantially damaged. New construction or substantial improvement of such structures must meet the elevation requirements of section 6-477(2).
- (2) The agricultural structure must be built or rebuilt, in the case of an existing building that is substantially damaged, with flood-resistant materials for the exterior and interior building components and elements below the base flood elevation.
- (3) The agricultural structure must be adequately anchored to prevent flotation, collapse, or lateral movement. All of the structure's components must be capable of resisting specific flood-related forces, including hydrostatic, buoyancy, hydrodynamic, and debris impact forces. Where flood velocities exceed five feet per second, fast-flowing floodwaters can exert considerable pressure on the building's enclosure walls or foundation walls.
- (4) The agricultural structure must meet the venting requirement of section 6-477(4).
- (5) Any mechanical, electrical, or other utility equipment must be located above the base flood elevation (BFE), plus any required freeboard, or be contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with section 6-476(6).
- (6) The agricultural structure must comply with the floodway encroachment provisions of section 6-477(5).
- (7) Major equipment, machinery, or other contents must be protected. Such protection may include protective watertight floodproofed areas within the building, the use of equipment hoists for readily elevating contents, permanently elevating contents on pedestals or shelves above the base flood elevation, or determining that property owners can safely remove contents without risk to lives and that the contents will be located to a specified site out of the floodplain.

(Ord. No. 2018-2, art. V, § E, 6-4-2018)

Sec. 6-506. Considerations.

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

- (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, and the safety of access to the property in times of flood for ordinary and emergency vehicles;
- (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 to the facility of a waterfront location, where applicable;
- (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, and the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (8) 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;

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- (9) 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; and
- (10) Agricultural structures must be located in wide, expansive floodplain areas, where no other alternative location for the agricultural structure exists. The applicant must demonstrate that the entire farm acreage, consisting of a contiguous parcel of land on which the structure is to be located, must be in the special flood hazard area and no other alternative locations for the structure are available.

(Ord. No. 2018-2, art. V, § F, 6-4-2018)

Sec. 6-507. Findings.

Findings listed above shall be submitted to the appeal board, in writing, and included in the application for a variance. Additionally, comments from the department of natural resources, land, water and conservation division, state coordinator's office, must be taken into account and included in the permit file.

(Ord. No. 2018-2, art. V, § G, 6-4-2018)

Sec. 6-508. Floodways.

Variations shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result unless a CLOMR is obtained prior to issuance of the variance. In order to ensure the project is built in compliance with the CLOMR for which the variance is granted the applicant must provide a bond for 100 percent of the cost to perform the development.

(Ord. No. 2018-2, art. V, § H, 6-4-2018)

Sec. 6-509. Conditions.

Upon consideration of the factors listed above and the purposes of this article, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this article. The following conditions shall apply to all variances:

- (1) Variances may not be issued when the variance will make the structure in violation of other federal, state, or local laws, regulations, or ordinances.
- (2) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (3) Variances shall only be issued upon a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship, and 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.
- (4) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation (BFE) and the elevation to which the structure is to be built and a written statement that the cost of flood insurance will be commensurate with the increased risk. Such notification shall be maintained with a record of all variance actions.
- (5) The local floodplain administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency (FEMA) upon request.

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- (6) Variances shall not be issued for unpermitted development or other development that is not in compliance with the provisions of this article. Violations must be corrected in accordance with section 6-455(e).

(Ord. No. 2018-2, art. V, § I, 6-4-2018)

Secs. 6-510—6-530. Reserved.

DIVISION 5. LEGAL STATUS PROVISIONS

[Sec. 6-531. Effect on rights and liabilities under the existing flood damage prevention ordinance.](#)

[Sec. 6-532. Effect upon outstanding building permits.](#)

[Secs. 6-533—6-556. Reserved.](#)

Sec. 6-531. Effect on rights and liabilities under the existing flood damage prevention ordinance.

This article in part comes forward by re-enactment of some of the provisions of the flood damage prevention ordinance enacted September 14, 2009. It is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this article shall not affect any action, suit or proceeding instituted or pending. All provisions of the flood damage prevention ordinance of the city enacted on September 14, 2009, as amended, which are not reenacted herein, are repealed.

(Ord. No. 2018-2, art. VI, § A, 6-4-2018)

Sec. 6-532. Effect upon outstanding building permits.

Nothing herein contained shall require any change in the plans, construction, size or designated use of any building, structure or part thereof for which a building permit has been granted by the chief building inspector or his authorized agents before the time of passage of this article; provided, however, that when start of construction has not occurred under such outstanding permit within a period of 60 days subsequent to passage of this article, construction or use shall be in conformity with the provisions of this article.

(Ord. No. 2018-2, art. VI, § B, 6-4-2018)

Secs. 6-533—6-556. Reserved.

ARTICLE IV. BUILDINGS UNFIT FOR HUMAN HABITATION [\[2\]](#)

[Sec. 6-557. Definitions.](#)

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[Sec. 6-561. Costs to be a lien against the real property.](#)

[Sec. 6-562. Housing code; basis for determining fitness.](#)

[Sec. 6-563. Final appeal.](#)

[Secs. 6-564—6-584. Reserved.](#)

Sec. 6-557. 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 bathrooms, toilet rooms, 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.

(Code 2009, § 6-474; Ord. No. 99-6, § 1, 12-6-1999)

Sec. 6-558. 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 are 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.

(Code 2009, § 6-475; Ord. No. 99-6, § 2, 12-6-1999)

Sec. 6-559. 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.

(Code 2009, § 6-476; Ord. No. 99-6, § 3, 12-6-1999)

Sec. 6-560. 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.

(Code 2009, § 6-477; Ord. No. 99-6, § 4, 12-6-1999)

Sec. 6-561. 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.

(Code 2009, § 6-478; Ord. No. 99-6, § 5, 12-6-1999)

Sec. 6-562. 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.

(Code 2009, § 6-479; Ord. No. 99-6, § 6, 12-6-1999)

Sec. 6-563. 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 (S.C. Code 1976, § 31-15-70), as amended.

(Code 2009, § 6-480; Ord. No. 99-6, § 7, 12-6-1999)

State Law reference— Rights of persons affected by orders, S.C. Code 1976, § 31-15-70.

Secs. 6-564—6-584. Reserved.

FOOTNOTE(S):

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State Law reference— Standards concerning fitness of dwellings, S.C. Code 1976, § 31-15-50. ([Back](#))

ARTICLE V. TOILET FACILITIES

[Sec. 6-585. Definitions.](#)

[Sec. 6-586. Declared unlawful.](#)

[Sec. 6-587. Building contracts to provide for waste disposal.](#)

Sec. 6-585. 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; Code 2009, § 6-499)

Sec. 6-586. 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; Code 2009, § 6-500)

Sec. 6-587. 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 section shall be deemed a misdemeanor.

(Code 1989, § 10.50; Code 2009, § 6-501)