

ORDINANCE 2022-4

An Ordinance Repealing and Replacing Divisions 1 and 2 of Chapter 6 - Building Code Ordinance of the City of Barnwell, SC

WHEREAS, the City of Barnwell desires to adopt the various mandatory International Codes relating to Commercial Building, Residential Building, Mechanical, Plumbing, Fuel Gas, Fire, Electrical.

WHEREAS, the adoption of these codes are done to facilitate proper inspection activities by the City of Barnwell, relating to construction within the corporate limits of the city and relating to public safety, health and general welfare;

NOW, THEREFORE, the Mayor and City Council ordain that the following codes are here by adopted, by reference as though they were copied herein fully:

DIVISION 1 - GENERALLY

Sec. 6-21. Title. These regulations shall be known as the Building Code Ordinance of City of Barnwell, South Carolina hereinafter referred to as "the Building Code Ordinance."

Sec. 6-22. Scope. The provisions of all building codes recognized, adopted and mandated by the State of South Carolina through the Building Codes Council of the South Carolina Department of Labor, Licensing, and Regulation (SCLLR) shall be enforced by the City and 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.

Prior to the effective date of amended or succeeding building codes, the existing code standard shall remain in effect. After the effective date of each updated version, all laws, code standards, and versions so updated shall be treated as remaining in effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of the update and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended version of the code.

Sec. 6-23. Intent. The purpose of the Building Code Ordinance 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 fire fighters and emergency responders during emergency operations.

Sec. 6-24. Adopted and Referenced Codes. The building codes listed in this Section and referenced elsewhere in the Building Code Ordinance shall be considered part of the requirements of the Building Code Ordinance to the prescribed extent of each such reference as authorized by Sections 5-7-280, 6-9-50, and 6-9-60 of the South Carolina Code of Laws, 1976, as amended.

The following codes (collectively, the "Code" or "Codes"), approved by SCLLR and authorized by state law, are hereby adopted by reference, with no appendices, administrative chapters, or sections or provisions addressing administrative policies or procedures, unless specifically addressed herein, and with modifications approved by SCLLR as specified.

- (1) 2021 International Building Code with modification approved by SCLLR;
- (2) 2021 International Fire Code with modifications approved by SCLLR
- (3) 2021 International Plumbing Code with modifications approved by SCLLR
- (4) 2021 International Mechanical Code with modifications approved by SCLLR
- (5) 2009 International Energy Conservation Code
- (6) 2021 International Fuel Gas Code with modifications approved by SCLLR
- (7) 2020 National Electrical Code with modifications approved by SCLLR
- (8) 2021 International Residential Code with modifications approved by SCLLR

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

DIVISION 2 - APPLICABILITY

Sec. 6-52. General. Where, in any specific case, different sections of the Codes specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

Sec. 6-53. Other Laws. The provisions of the ordinance shall not be deemed to nullify any provision of local, state or federal law.

Sec. 6-54. Application of References. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of the Building Code Ordinance.

Sec. 6-55. Referenced Codes and Standards. The Codes and standards referenced shall be considered part of the requirements of the Building Code Ordinance to the prescribed extent of each such reference and as further regulated in Sections 6-56 and 6-57.

Sec. 6-56. Conflicts. Where conflicts occur between provisions of the Building Code Ordinance and referenced Codes and standards, the provisions of the Building Code Ordinance shall apply. Where enforcement of a Code provision violates the conditions of the listing of the equipment or appliance, the conditions of the listing and manufacturer's instructions shall apply.

Sec. 6-57. Appendices. Provisions in the appendices of any Code shall not apply unless specially referenced in the Building Code Ordinance.

Sec. 6-58. Partial Invalidity. In the event that any part of provision of the Building Code Ordinance is held to be illegal or void, this shall not have the effect of making void or illegal any of the other remaining parts or provisions.

Sec. 6-59. Existing Structures. The legal occupancy of any structure existing on the date of adoption of the Building Code Ordinance shall be permitted to continue without change, except as is specifically covered in the Building Code Ordinance, 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.

Sec. 6-60. Additions, Alterations, or Repairs. Additions, alterations, or repairs to any structure shall conform to the requirements for a new structure without requiring the existing structure to comply with the requirements of the Building Code Ordinance, unless otherwise stated. Additions, alterations, repairs, and/or relocations shall not cause an existing structure to become unsafe or adversely affect the performance of the building.

Sec. 6-61. Application of References. Referenced 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 the Building Code Ordinance.

Section 1: BE IT FURTHER ORDAINED by the City of Barnwell that any matters in said Codes, which are contrary to existing Ordinances of the City, shall prevail.

Section 2: BE IT FURTHER ORDAINED that all Codes aforementioned shall be adopted on January 1, 2023. An existing Ordinances to the contrary are hereby repealed in that respect.

Section 3: BE IT FURTHER ORDAINED that within said Codes when reference is made to the duties of certain officials' names therein that designated officials of Barnwell (SAFEbuilt or their successors), shall be the Office of the Building Official.

Section 4: BE IT FURTHER ORDAINED that this Ordinance shall take effect January 1, 2023 and be in force from and after its passage, the public welfare requiring it.

ADOPTED by the Council of the City of Barnwell at a regular scheduled meeting held this day of December 5, 2022, at which a quorum was present and voting.

FIRST READING 11-7-22

SECOND READING 12-5-22

ATTEST:

Kim Mario Vargo
City Clerk

CITY OF BARNWELL, SOUTH CAROLINA

Marcus Rivera, Mayor

Peggy Kinlaw
Mayor Pro Tem Peggy Kinlaw

Jimbo Moody
Council Member Jimbo Moody

Council Member Alicia Davis

Brad All
Council Member Brad All

Ron Still
Council Member Ron Still

Ryan Bragg
Council Member Ryan Bragg