

January 20, 2015
Charleston, SC

A meeting of County Council of Charleston County was held on the 20th day of January, 2015, in the Beverly T. Craven Council Chambers, Second Floor of the Lonnie Hamilton, III Public Services Building, located at 4045 Bridge View Drive, Charleston, South Carolina.

Present at the meeting were the following members of Council: J. Elliott Summey, Chairman, who presided; Colleen Condon; Henry E. Darby; Anna Johnson; Teddie E. Pryor, Sr.; Herbert R. Sass, III; and Dickie Schweers. Council Members Joseph K. Qualey and A. Victor Rawl were absent.

Also present were County Administrator Kurt Taylor and County Attorney Joseph Dawson.

Rev. Robert Reid gave the invocation. Mr. Taylor led in the pledge to the flag.

The Deputy Clerk reported that in compliance with the Freedom of Information Act, notice of meetings and agendas were furnished to all news media and persons requesting notification.

Mr. Pryor moved approval of the minutes of January 6, 2015. The motion was seconded by Mr. Sass, and carried.

Chairman Summey asked Assistant Sheriff Mitch Lucas to come forward to help Council recognize Master Deputy Kristin Graziano on receiving the South Carolina Sheriff's Association's Medal of Valor. Assistant Sheriff Lucas reported that the South Carolina Sheriff's Association recently awarded Charleston County Sheriff's Office Master Deputy Kristin R. Graziano with their Medal of Valor in Columbia on Jan. 15, 2015. The award was presented because of the lifesaving actions taken by Master Deputy Graziano at Seabrook Island on Aug. 3, 2014.

That Sunday, Master Deputy Graziano was working off-duty for Seabrook Island patrolling the beach, and responded to a swimmer in distress. She observed several individuals approximately 200 yards in the ocean attempting to assist a swimmer to shore, and swam out to the distressed swimmer, who was draped over a paddleboard. Upon contact with the swimmer, Master Deputy Graziano found him to be without a pulse and not breathing. With the assistance of other rescuers, she slid onto the paddleboard and began rescue ventilations until the shore was reached and CPR could be administered. In a short time a pulse was detected and the swimmer was transported to the hospital.

Charleston County Council congratulated Master Deputy Graziano on this well-deserved award and presented her with a County Seal lapel pin to thank her for her professionalism and dedication to the mission of the Sheriff's Office.

Chairman Summey asked County Administrator Kurt Taylor to assist Council in recognizing Charleston County Mosquito Control Manager Donna Odom on her retirement. Mr. Taylor reported that Charleston County Mosquito Control Manager Donna Odom is retiring after a 26-year run in the Mosquito Control Department.

Charleston County's Mosquito Control operation is the largest in the state in terms of staff and budget. Odom started with the county in 1989 as the assistant Mosquito Control

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Employee
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manager. During her tenure, Odom improved efficiency within the department through better practices and new technology.

Public Works Director Jim Neal remarked that Donna Odom is not only a great supervisor but a great person as well and that under her leadership, our Mosquito Control Department has grown into one of the finest operations in the state. Donna's contributions to the citizens of Charleston County will be missed.

In 2012, Charleston County saw a record number of mosquitos in addition to a nationwide outbreak of West Nile cases. In response, Odom and her staff handled more than 3,700 hundred service request; nearly double the previous year's total. In that same year, Mosquito Control increased the local ground spraying efforts, which covered nearly 1.3 million acres by the end of 2012.

County Council congratulated Donna Odom on her retirement and presented her with a County Seal lapel pin in order to thank her for her service.

An ordinance approving amendments to the Charleston County Floodplain Management Ordinance was given third reading by title only.

**AN ORDINANCE AMENDING CHAPTER 9 OF THE CODE OF ORDINANCES,
CHARLESTON COUNTY, ENTITLED "FLOOD DAMAGE PREVENTION AND
PROTECTION"**

WHEREAS, it is in the best interests of the citizens of Charleston County to have an updated ordinance for the management of the flood hazard areas in the County in order for the citizens of Charleston County to be able to receive federally subsidized flood insurance through the National Flood Insurance Program, and to receive discounts thereto as a result of the participation by Charleston County in the Community Rating System, and

WHEREAS, the Charleston County flood insurance rate maps have been reformatted by the Federal Emergency Management Agency (FEMA) into a County-wide format. These reformatted maps utilize alternative letter designations for the indicated flood zones, and

NOW, THEREFORE, BE IT ORDAINED by Charleston County Council, in meeting duly assembled, that Chapter 9 of the *Code of Ordinances, Charleston County, South Carolina* is amended by the provisions of this Ordinance as follows:

ARTICLE I.
IN GENERAL

Sec. 9-1. Statutory authorization.

The Legislature of the State of South Carolina has in Code of Laws, §4-9-30(5), 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 County Council, of Charleston County, South Carolina, does ordain these flood damage prevention and protection regulations.

Sec. 9-2. Findings of fact.

Floodplain
Management
Amendments

Ordinance
3rd Reading

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1. The flood hazard areas of Charleston County are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
2. These flood losses are caused by the cumulative effect of obstructions in flood plains, 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, flood proofed, or otherwise unprotected from flood damage.
3. In order for owners of property located within Charleston County which is subject to periodic inundation to obtain flood damage insurance through the National Flood Insurance Program, the United States government, by statute and through regulations promulgated by the Federal Emergency Management Agency (FEMA), requires that Charleston County enact floodplain regulations designed to reduce the amount of potential flood losses.
4. Charleston County has previously adopted various ordinances establishing regulations related to the prevention of flood damage.
5. Based on the findings set forth above, Charleston County Council finds it is in the public interest and a benefit to the general health, safety and welfare of the residents of Charleston County, to adopt an ordinance revising and amending the county's flood damage prevention regulations.

Sec. 9-3. Statement of purpose.

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
2. Require that structures vulnerable to floods, including appurtenant structures, be protected against flood damage.

Sec. 9-4. Objectives.

The objectives of this ordinance are:

1. To protect human life and health;
2. To minimize expenditure of public money for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, street and bridges located in floodplains;
6. To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas, and;

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7. To insure that potential homebuyers are notified that property is in a flood area.

Secs. 9-5 - 9-9. Reserved.

ARTICLE II. **DEFINITIONS**

Sec. 9-10. Definitions.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application in light of its stated objectives. Where it states "means" is the literal definition.

"A" –Zone Areas subject to inundation by the 1-percent-annual-chance flood event. Because detailed hydraulic analyses have not been performed, no Base Flood Elevations (BFEs) or flood depths are shown.

"AE" Zone - Areas subject to inundation by the 1-percent-annual-chance flood event determined by detailed methods. BFEs are shown within these zones.

Accessory residential structure is a structure on the same parcel of property as the principal structure, used for parking of vehicles or typical residential equipment, or for limited storage.

Appeal is a request for a review of the building official's interpretation of any provision of the chapter to the Construction Board of Adjustment and Appeal.

Appurtenant Structure is a structure which is on the same parcel of property as the principal structure, the use of which is incidental to the use of the principal structure in light of its stated objectives.

Area of Special Flood Hazard is the land in the floodplain within a community, subject to a one (1) percent or greater chance of flooding in any given year. For purposes of these regulations, the term "special flood hazard area (SFHA)" is synonymous in meaning with the phrase "area of special flood hazard".

Base Flood or 100 Year Flood means the flood having a one (1) percent chance of being equaled or exceeded in any given year.

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

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

Building - See structure.

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Building Official is the individual charged with administration and enforcement of the building codes and floodplain regulations for the County.

Building Permit includes mechanical, electrical, plumbing, and any other permits issued by the County Building Official.

Coastal "AE" Zone - Areas subject to inundation by at least 1-percent-annual-chance flood event as determined by detailed methods, and where wave action is expected with wave heights between 1.5 and 3.0 feet. Coastal AE Zones are landward of the VE Zone up to the Limit of Moderate Wave Action (LiMWA) line. This area may also be referred to as a Coastal "A" Zone.

Coastal High Hazard Area means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to flooding and high velocity waters caused by, but not limited to, hurricane wave wash. This includes Zones, V and VE.

Critical Facility means a structure or facility that:

1. Produces, uses, or stores highly volatile, flammable, explosive, toxic and/or water-reactive materials; or
2. Is a hospital, nursing home, or housing likely to contain occupants who may not be sufficiently mobile to avoid death or injury during a flood; or
3. Is a police station, fire station, vehicle and equipment storage facility or emergency operations center that is needed for flood response activities before, during or after a flood; or
4. Is a public or private utility facility that is vital to maintaining or restoring normal services to flooded areas before, during or after a flood.

Critical Feature means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

Curvilinear Line means the border on either a FHBM or FIRM that delineates the special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazard areas and consists of a curved or contour line that follows the topography.

Datum is National Geodetic Vertical Datum of 1929 (NGVD 29) or North American Vertical Datum of 1988 (NAVD 88) measurement above "mean sea level" on the community adopted federal flood maps.

Design Flood Elevation – base flood elevation (BFE) plus freeboard.

Developed Area means an area of a community that is:

1. A primarily urbanized, built-up area that is a minimum of twenty (20) contiguous acres, has basic urban, infrastructure including roads, utilities, communications, and public facilities, to sustain industrial, residential, and commercial activities, and

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- a. Within which seventy-five (75) percent or more of the parcels, tracts, or lots contain commercial, industrial, or residential structures or uses; or
 - b. A single parcel, tract, or lot in which seventy (75) percent of the area contains existing commercial or industrial structures or uses; or
 - c. A subdivision developed at a density of at least two (2) residential structures per acre within which seventy-five (75) percent or more of the lots contain existing residential structures at the time the designation is adopted.
2. Undeveloped parcel, tract, or lot, the combination of which is of less than twenty (20) acres and is contiguous on at least three (3) sides to areas meeting the criteria of paragraph (a) at the time the designation is adopted.
3. A subdivision that is a minimum of twenty (20) contiguous acres that has obtained all necessary government approvals, provided that the actual "start of construction" of structures has occurred on at least ten (10) percent of the lots or remaining lots of a subdivision of ten (10) percent of the maximum building coverage or remaining building coverage allowed for a single lot subdivision at the time the designation is adopted and construction of structures is underway. Residential subdivisions must meet the density criteria in paragraph (1)(c) of this definition.

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

Director of Public Works means the director of the Charleston County Department of Public Works.

Elevated building is a non-basement building which has its lowest elevated floor raised above the ground level by means of fill, solid foundation perimeter walls, pilings, columns, piers, or shear walls.

Existing construction means any structures for which the start of construction commenced before November 15, 1973. "Existing construction" may also be referred to as "existing structures".

Existing 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 pads) was completed before November 15, 1973.

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 pads).

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Farm structure is a structure which is constructed on a farm, other than a residence or a structure attached to it, for use on the farm including, but not limited to, barns, sheds and poultry houses, but not including public livestock areas.

FEMA means the Federal Emergency Management Agency.

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

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

Flood elevation study means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Flood hazard boundary map (FHBM) means an official map of a community, issued by the Federal Insurance Administrator, where the boundaries of the flood, mudslide (i.e., mudflow) and related erosion areas having special hazards have been designated.

Flood insurance rate map (FIRM) means an official map of a community, on which the Federal Insurance Administrator has delineated both the areas of special flood hazard and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM). A FIRM may also refer to a Flood Insurance Risk Map.

Flood insurance study - See flood elevation study.

Floodplain or flood-prone area means any land area susceptible to being inundated by water from any source.

Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain management regulations means such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Flood proofing means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway - See regulatory floodway.

Floodway encroachment lines mean the lines marking the limits of floodways on federal, state and local floodplain maps.

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Freeboard is a factor of safety usually expressed in feet above a mandatory base flood elevation for purposes of flood plain management.

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

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 5 feet per second), foundation systems other than solid foundations walls should be considered so that obstructions to damaging flood flows are minimized.

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

Historic structure means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) 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 in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places that has been certified by the South Carolina Department of Archives and History.

Improvement is any alteration, addition, or structural repair to an existing structure where "substantial improvement" or "substantial damage" is not a factor.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). Unfinished or flood resistant enclosure, usable solely for the parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor; provided such enclosure is not built so as to render the structure in violation of this ordinance.

Mangrove stand means an assemblage of mangrove trees which is mostly low trees noted for a copious development of interlacing adventitious roots above the ground and which contain one (1) or more of the following species: Black mangrove (*Avicennia nitida*); Red mangrove (*Rhizophora mangle*); White mangrove (*Longunculariaracemosa*); and buttonwood (*Conocarpus erecta*).

Manufactured home means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed to meet HUD standards, for use with or

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without a permanent foundation when attached 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 (2) or more manufactured home lots for rent or sale.

Manufactured home permanent foundation is a foundation designed by a Professional Engineer registered in South Carolina, with said design subject to the approval of the building official. A bolt-on/bolt-off foundation system is considered as a permanent foundation for mobile homes placed into a manufactured home park.

Mean sea level is the average height of the sea for all stages of the tide as determined by the U.S. Army Corps of Engineers, used as a reference for establishing various elevations within the flood plain.

Modular building unit is a building or set of building components manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, as a finished building and not designed for ready removal to another site, and built in accordance to the Modular Construction Act of the State of South Carolina. This term is not to be limited to residential dwellings.

New construction means, for flood plain management purposes, structures for which the start of construction commenced on or after the effective date of a Flood Plain Management Ordinance adopted by the community, November 15, 1973 and includes subsequent improvements to such structures. (Exception: An addition to an existing structure (built prior to November 15, 1973) is not considered “new construction” unless it is a substantial improvement.)

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 pads) was completed on or after November 15, 1973.

Planning and Zoning Official is the individual charged with administration and enforcement of planning and zoning for the County.

Primary oceanfront sand dune means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major 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, for flood insurance purposes, which is:

1. Built on a single chassis;
2. Four Hundred (400) square feet or less when measured at the largest horizontal projection;

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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.

Regulatory 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 half (1/2) of (1) foot.

Remedy a violation means to bring the structure or other development into compliance with state or local flood plain management regulations, or, if this is not reasonably possible as provided in the standards for grant of a variance, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing federal, state or local financial exposure with regard to the structure or other development.

Riverine means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

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

60-year setback means a distance equal to sixty (60) times the average annual long term recession rate at a site, measured from the reference feature.

Special flood hazard area (SFHA) - See "area of special flood hazard."

Special hazard area means an area having special flood, mudslide (i.e., mudflow), or flood-related erosion hazards, and shown on a flood hazard boundary map or flood insurance rate map.

Start of construction (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement, and means the date the construction permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. 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 a basement, 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 actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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Structure means, for floodplain management purposes, a walled and roofed building, including gas or liquid storage tanks, that is principally above ground, as well as modular and manufactured homes.

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 fifty (50) percent of the market value of the structure before the damage occurred as determined by the Building Official. Floodplain management requirements for new construction apply to substantial damage.

Substantial improvement means any reconstruction, rehabilitation, addition or other improvement of a structure, taking place during any five (5) consecutive years in the life of a building, the cumulative cost of which equals or exceeds fifty (50) percent of the market value of the existing structure at the date of "start of construction" of the improvement as determined by the Building Official. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of 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.

30 year setback means a distance equal to thirty (30) times the average annual long term recession rate at a site, measured from the reference feature.

"VE" Zone – High risk areas subject to inundation by at least a 1-percent-annual-chance flood event as determined by detailed methods, and where wave action is expected with wave heights of more than 3.0 feet. BFEs or base flood depths are shown within these zones.

Variance is a grant of relief from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in exceptional hardship.

Violation means the failure of a structure or other development to be fully compliant with the county's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

Water surface elevation is the height, of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

"X" Zone (shaded) - Moderate risk areas within the 0.2-percent-annual-chance floodplain, areas of 1-percent-annual-chance flooding where the average depths are less than one (1) foot. No BFEs or base flood depths are shown within these zones

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“X” Zone (unshaded) - Minimal risk areas outside the 1-percent and 0.2-percent-annual-chance floodplains. No BFEs or base flood depths are shown within these zones.

Secs. 9-11 - 9-19. Reserved.

ARTICLE III.
GENERAL PROVISIONS

Sec. 9-20. Lands to which this ordinance applies.

This ordinance shall apply to all areas of special flood hazard within the jurisdiction of Charleston County.

Sec. 9-21. Basis for establishing the areas of special flood hazard.

The national flood insurance county-wide risk map for the areas of the Charleston County Flood Insurance Study, copies of which are on file in the Offices of Building Services and Planning, is hereby adopted by reference and declared to be as fully a part of this chapter as if set forth herein. Letters of Map Change (LOMC) to these adopted maps authorized by the NFIP shall become effective immediately upon the date established by the NFIP.

Sec. 9-22. Warning and disclaimer of liability.

The degree of flood protection required by this ordinance 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 man-made or natural causes. This ordinance 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 ordinance shall not create liability on the part of Charleston County or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

Sec. 9-23. Severability.

If any provision of this ordinance or its application to any circumstance is held by a court of competent jurisdiction to be invalid for any reason, then this holding does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and, to this end, the provisions of this ordinance are severable.

Secs. 9-24 - 9-29. Reserved.

ARTICLE IV.
ADMINISTRATION

Sec. 9-30. Designation of Building Official.

The County Building Official (“Building Official”), and/or his designee, is hereby appointed to administer and implement the provisions of this ordinance.

Sec. 9-31. Duties and responsibilities of the Building Official.

1. Duties of the Building Official shall include, but not be limited to:
 - a. Review all applications for construction permits to assure that the requirements of this ordinance have been satisfied.
 - b. Review Application for a construction permit on forms furnished by the Building Official, prior to authorizing the commencement of any construction activities. The following information, as a minimum, is required to be reviewed:
 - i. Two (2) sets of building plans drawn to scale and showing, at a minimum, elevations for each exterior wall; floor plan(s); foundation and wall sections and details; stair details; and electrical, plumbing and mechanical riser diagrams. The plans shall give a full description of proposed construction including a site plan identifying area(s) having special flood related hazards as applicable.
 - ii. Plans shall indicate the BFE and the DFE elevation of the proposed building, verification that materials proposed below the design flood elevation (DFE) are flood resistant per FEMA Technical Bulletin 2; If applicable, include flood proofing certification (non-residential), hydrostatic venting information, breakaway wall details and certifications from a Registered Architect/Engineer.
 - c. Maintain permanent copy of building permits issued and copies of all required certifications for the life of the structure.
 - d. Where interpretation is needed as to the exact location and elevation of all areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the Building Official shall 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 ordinance.
 - e. Maintain a copy of letter of map changes (LOMC) issued by FEMA in the Office of the Building Official.
 - f. Maintain on file for public access flood maps issued by the Federal Emergency Management Agency (FEMA).
 - g. Review violations that occur during the course of construction. Failure of the contractor to make required changes shall be cause for issuance of a stop-work order for the project.
 - h. When base flood elevation or floodway data have not been provided by the applicants, the Building Official shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source.
 - i. Advise owners, no new flood insurance coverage may be provided for any new construction of, or substantial improvement to, a structure located within the coastal barrier resources system as defined in Section 4 of the Coastal Barrier Resources Act.

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- j. Determine the elevation requirement for construction in flood zones.
- k. Review proposed development to assure 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 U.S.C. 1334.
- l. Notify adjacent communities and the S. C. Natural Resources Department prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency.
- m. Ensure that maintenance and inspections are provided within the altered or relocated portion of watercourses so that the flood-carrying capacity is not diminished and maintaining records of the same until completion of the project.

Sec. 9-32. Duties and responsibilities of the Planning and Zoning Official shall include, but not be limited to: require a zoning permit to be issued in conformance with the provisions of the Charleston County Zoning and Land Development Regulations, as amended, and/or the *Charleston County Comprehensive Plan* prior to the commencement of any development or construction activities. The permit shall give a full description of proposed construction.

Sec. 9-33. Duties and responsibilities of the Public Works Official shall include, but not be limited to, requiring stormwater permit approval in conformance with the provisions of the Charleston County Public Works Stormwater Utility Fee Ordinance, the Charleston County Stormwater Management Program, and the Charleston County Stormwater Program Standards and Procedures Manual prior to the commencement of any land disturbance or development activities and requiring encroachment permit approval in conformance with the Encroachment Permit Manual prior to impacting public right-of-way or easement. The stormwater approval should provide a full description of the proposed construction.

- 1. To coordinate, implement, and manage Charleston County's drainage systems.
- 2. To deny a facility connection to Charleston County stormwater systems or facilities or discharge to waters of the State if County requirements are not met.
- 3. To require the submittal of an application for all applicable construction activities that cause any land disturbance or alter the storm drainage characteristics of the land.

The application shall include the information required to control stormwater pollutants and other components in accordance with the Charleston County Stormwater Program Standards and Procedures Manual.

- 4. To require the development and enforcement of a Stormwater Pollution Prevention Plan (SWPPP) for all new and re-development projects.
- 5. To approve construction activities and to require as a condition of such approval structural or non-structural controls, practices, devices, operating procedures or

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other mechanisms to protect public and private property from flooding, erosion, pollutants, and attain Total Maximum Daily Loads (TMDLs) pollutant reductions and water quality standards.

6. To require the submittal of an application for all applicable activities that impact a public right-of-way or easement.
7. To require the removal of an encroachment, if necessary, at the expense of the permittee.

Secs. 9-34 – 9-39. Reserved.

ARTICLE V.
PROVISIONS FOR FLOOD HAZARD REDUCTION

Sec. 9-40. General standards.

1. All new construction and substantial improvements within the areas of special flood hazard shall comply with the following:
 - a. be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy and debris impact.
 - b. be constructed to meet or exceed the required Design Flood Elevation (DFE), which is the base flood elevation plus a two (2) foot freeboard.
 - c. when proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction.
 - d. when proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple base flood elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest base flood elevation.
 - e. be constructed with Class 4 or 5 materials resistant to flood damage as per FEMA Technical Bulletin 2, entitled "Flood-Resistant Materials Requirements for Buildings Located in Special Flood Hazard Areas", incorporated herein by reference, in all areas below the design flood elevation,
 - f. be constructed by methods and practices that minimize potential for flood damages.
 - g. a temporary construction trailer may only be permitted to be on site for fewer than 180 consecutive calendar days at a time, and must be fully ready for highway use, and shall be attached to the site only by quick disconnect type utilities and security devices.
2. Elevation Certificate Requirements when a structure is constructed or substantially improved in the area of special flood hazard:

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- a. A certified under construction Elevation Certificate is required, after the lowest floor is completed and before any further inspections are accepted and vertical construction commences.
 - b. Floodproofing Certificate for non-residential construction including flood-proofing level is required immediately after the flood-proofing is completed. When flood-proofing is utilized for non-residential structures, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.
 - c. A certified finished construction Elevation Certificate shall be provided after completion of construction including final grading of the site.
 - d. Elevation Certificates shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same.
 - e. Any work undertaken prior to approval of these certifications shall be at the permit holder's risk. The Building Official shall review the above referenced certification data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed.
 - f. Failure to submit certification or failure to make the corrections required hereby shall be cause to issue a stop work order for the project and/or the Certificate of Occupancy may be withheld.
3. New development in the area of special flood hazard shall minimize disruption to shorelines, stream channels, stream banks, and the regulatory floodway.
4. Plumbing supply lines and wastewater disposal system piping shall be located and/or properly supported to withstand all loads imposed.
5. Existing buildings and structures:
 - a. Where substantial improvement or substantial damage is not a factor, replacement of electrical, heating, plumbing, heating and air conditioning equipment to existing structures shall be elevated to at least the existing lowest floor level or to the design flood elevation; and replacement ductwork installed below DFE shall be designed so as to prevent water from entering or accumulating within during conditions of flooding.
 - b. Improvements to a structure where substantial improvement or substantial damage is not a factor shall be designed and constructed so as to meet the requirements of this ordinance, with an exception that the minimum elevation of the lowest floor of an improvement may match the existing legally non-conforming structure existing lowest floor.
6. Modular construction shall be consistent with the South Carolina Modular Building Construction Act (South Carolina Code Section 23-43-10 *et seq.*) as may be amended from time to time, which is incorporated herein by reference.
7. Enclosures below the design flood elevation, shall be the minimum necessary to allow for parking of vehicles, limited storage, or entry to the living area.

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8. Accessory Residential Structure Specific Standards:

All new construction or substantially improved accessory residential structures, as defined herein shall meet the following conditions:

- a. Accessory residential structures shall be constructed in compliance with this ordinance.
- b. Accessory residential structures shall not be used for human habitation.
- c. Flood elevation certificates may be required, if the structure has a footprint in excess of 600 square feet and is determined by the Building Official that these are necessary to determine the elevation of electric or other utility services provided to the accessory structure.
- d. Accessory structures shall be firmly anchored to prevent flotation which may result in damage to other structures.
- e. Service facilities such as electrical and heating equipment shall be elevated or floodproofed to DFE.
- f. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.

Sec. 9-41. Specific standards in addition to 9.40 general standards for A Zones, AE Zones, and VE Zones.

1. A & AE Zone Additional Specific Standards:

- a. All new construction and substantial improvements of residential structures within Zone AE on the Charleston County FIRM shall be elevated so that the top of the lowest floor level (including basement) is elevated to or above the design flood elevation.
- b. All new construction and substantial improvements of non-residential structures within Zone AE on the community FIRM may be floodproofed below DFE if they are designed so that below the design flood elevation the structure 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 including attendant utilities and sanitary facilities.
- c. Where a non-residential structure is intended to be made watertight below the base flood level,
 - i. A Registered Professional Engineer or Architect licensed in South Carolina shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this ordinance, including but not limited to *Floodproofing Non- Residential Buildings* (FEMA P-936) as published by the Federal Emergency Management Agency incorporated herein by reference, and

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ii. A record of such certificates which includes the specific elevation (in relation to mean sea level) to which such structures are flood proofed shall be maintained with the Building Official.

d. Enclosed areas below the design flood elevation, including foundation crawl space areas, shall be designed to automatically equalize hydrostatic and hydrodynamic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered Professional Engineer or Architect licensed in South Carolina or meet or exceed the following minimum criteria:

- i. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- ii. The bottom of all openings shall be no higher than one foot above grade.
- iii. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.
- iv. The area of the opening is the net clear opening calculated as the open area (excluding area of screening or other coverings that prohibit the free flow of water through the opening).

2. In special flood hazard areas without base flood elevation data, new construction or substantial improvements of structures shall be elevated to at least two (2) feet above the anticipated flood elevation during a *base flood*, as determined through an engineering analysis meeting the Federal Emergency Management Agency guidelines for flood insurance studies, or at a minimum so that the lowest floor is no less than four (4) feet above the highest adjacent grade at the building site or above design flood elevation determined through other means approved by the Building Official, including but not limited to:

- a. Data available from a federal, State or local source to determine the anticipated base flood level, or
- b. Contour Interpolation to estimate a base flood level, or
- c. Data extrapolation for sites within 500 feet upstream of a stream for which a 100-year profile has been computed by detailed methods, as long as the floodplain and channel bottom slope characteristics are relatively similar to the downstream reaches, or
- d. Hydrologic and hydraulic calculations using FEMA approved methods, including but not limited to HEC-RAS 3.1.1 and up, HEC-1 4.0.1 and up, HEC-2 4.6.2, FLO-2D, QUICK-2, SFD, WSPRO.

3. Standards for streams without established base flood elevations located within the areas of special flood hazard (Zones A), 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:

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- a. In all areas of special flood hazard where base flood elevation data is 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 5 acres, whichever is less.
 - b. No encroachments, including fill material, new construction, or substantial improvement shall be located within a distance of 100 feet of the stream bank unless certification by a registered Professional Engineer licensed in South Carolina with supporting technical data is provided, demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
4. 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 material, new construction, or substantial improvement shall be located within a distance of 100 feet of the stream bank unless certification by a registered Professional Engineer licensed in South Carolina with supporting technical data is provided, demonstrating that such encroachments will not increase the water surface elevation of the base flood more than one half of one foot at any point within the community.

8. VE Zone Additional Specific Standards:

VE zones are areas designated as coastal high hazard areas. These areas have special flood hazards associated with wave wash, and therefore, the following provisions shall apply:

- a. All new construction within VE zones are to be located landward of the reach of mean high tide.
- b. Provide that all new construction and substantial improvements in zone VE, on the Charleston County FIRM, are elevated on pilings or columns so that:
 - i. The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the design flood elevation, and
 - ii. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by the *International Building Code or International Residential Code* as adopted and periodically amended by the State.
 - iii. A Registered Professional Engineer or Architect licensed in South Carolina shall develop and/or review the structural design, specifications and plans for construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions.
- c. New construction and substantial improvements within the VE zone shall have the space below the lowest floor either free of obstruction or constructed with non-supporting

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breakaway walls, open wood latticework, 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. A breakaway wall shall be permitted only if a Registered Professional Engineer or Architect licensed in South Carolina certifies that the designs proposed meet the following conditions:

- i. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and,
 - ii. The elevated portion of the building and supporting foundations 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 non- structural). Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state or local building standards. Such enclosed space shall be useable solely for parking of vehicles, building access, or storage.
- d. 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. The Building Official shall approve design plans for landscaping/aesthetic fill only after the applicant has provided an analysis by an Engineer, Architect, and/or Soil Scientist licensed in South Carolina which demonstrates that the following factors have been fully considered:
 - i. Particle composition of fill material does not have a tendency for excessive natural compaction;
 - ii. Volume and distribution of fill will not cause wave deflection to adjacent properties; and,
 - iii. Slope of fill will not cause wave run-up or ramping.
- e. Man-made alteration of sand dunes and mangrove stands within Zone VE which would increase potential flood damage shall be prohibited.
- f. Pre-construction and as-built design and breakaway wall certifications, where applicable, shall be provided by Registered Professional Engineers and/or Architects licensed in South Carolina for new and substantially improved structures in VE flood zones on the Charleston County FIRM. These certificates shall also be provided for all lateral additions to structures in the VE flood zones.
- g. Enclosed areas below the lowest floor shall be the minimum necessary to allow for parking of vehicles, limited storage, and access to the primary occupancy
- h. Appurtenant features; defined as swimming pools, decks, gazebos, fences, and other features as determined by the building official as potentially causing an obstruction in the *coastal high hazard area*; must comply with the Federal Emergency Management

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Agency (FEMA) Technical Bulletin 5, *Free of Obstruction Requirements*, or any revisions thereto, incorporated herein by reference.

6. Manufactured Home Additional Specification Standards:

- a. Permits shall be obtained for placement of manufactured homes or temporary construction trailers.
- b. All manufactured homes permitted to be placed shall be installed using methods and practices which minimize flood damage, which include but are not limited to elevating the lowest floor of the manufactured home on a permanent foundation, as defined herein as a *manufactured home permanent foundation*, to or above the design flood elevation.
- i. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement.
- ii. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors.
- iii. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
- iv. Designs for manufactured home permanent foundations are subject to approval of the Building Official.
- c. New or replacement manufactured homes (e.g. those designed to meet HUD standards) shall not be placed within property located in zone VE.
- d. Existing manufactured homes in VE zones may be permitted to remain as long as the structure complies with minimum health and safety standards and is anchored to resist flotation, collapse, lateral movement or debris impacts.

7. Recreational Vehicles Additional Specific Standards:

All recreational vehicles, other than those parked at another permanent structure temporarily while not in use, placed or sited within zones A, AE, and VE must:

- a. Be on the site for fewer than 180 consecutive calendar days, and
- b. Be fully registered and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.
- c. If the vehicle is to remain in an A or AE zone, it must be elevated in accordance with requirements for manufactured homes as provided in section 9-41 of this article.
- d. The placement of a permanent recreational vehicle is prohibited in VE Zones.

Sec. 9-42. Standards for Regulatory Floodways.

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Areas of special flood hazard established as regulatory floodways in the Charleston County Flood Insurance Rate Map (FIRM) and/or the Charleston County Flood Insurance Study, are the Charleston County designated floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and has erosion potential, the following provisions shall apply:

1. Prohibition of encroachments, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice in accordance with the Charleston County Flood Insurance Study or as otherwise deemed appropriate by FEMA or the Building Official, certified by a South Carolina licensed Engineer, that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharges.
2. Encroachments may be permitted within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the county first applies for a conditional FIRM and floodway revision, fulfills the requirements for such revisions as established under the provisions of §65.12 of 44 CFR and receives the approval of the federal insurance administrator.
3. The area chosen for the regulatory floodway must be designed to carry the waters of the base flood, without increasing the water surface elevation of that flood more than 0.5 foot at any point.

Sec. 9-43. Standards for subdivision proposals and other development.

Standards for subdivision proposals shall meet or exceed the following minimum criteria:

1. All subdivision proposals shall be consistent with the need to minimize flood damage;
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and;
4. Base flood elevation data shall be provided for all subdivision proposals (including manufactured home parks and subdivisions).
5. In all areas of special flood hazard where base flood elevation data is 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 5 acres, whichever is less.

Secs. 9-44–9-49. Reserved.

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ARTICLE VI.
APPEALS AND VARIANCES

Sec. 9-50. Appeal and variance procedures.

1. The Charleston County Construction Board of Adjustment & Appeals as established by County Council shall hear and decide appeals and requests for variance meeting the following provisions from the requirements of this ordinance:

a. Public notice of all meeting of the Board shall be provided by at least electronic delivery to the news television stations, the newspaper of general circulation, the radio communication companies, and several individual town/jurisdictional distribution papers.

b. Decisions on which a variance or appeal is requested shall be those made by the Building Official or his designee.

c. Requests for a hearing for a variance or appeal of a decision shall be in writing, and shall be received in the Office of the Building Official within 30 calendar days of notice to the appellant of the decision.

d. The appellant shall be the owner of the property affected by the decision or his or her duly authorized representative.

2. This board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Building or the Planning and Zoning Official in the enforcement or administration of this ordinance.

3. Any person aggrieved by the decision of this board or any taxpayer may appeal such decision, as provided in §4-9-30 of the S.C. Code of Laws.

4. Variances may be issued for the repair or rehabilitation of historic structures upon a 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 to preserve the historic character and design of the structure.

5. Variances may be issued for a new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that requirements of this article are met and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

6. Variances may be issued to wet flood proof an expansion to an existing farm structure in accordance with Technical Bulletin 7, *Wet Flood Proofing Requirements for Structures Located in Special Flood Hazard areas in accordance with the National Flood Insurance Program* available from the Federal Emergency Management Agency. The structure must meet all of the conditions and considerations for variances otherwise established within this ordinance. In addition, the following standards shall apply:

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- a. Use of the structure must be limited to agricultural purposes such as pole frame buildings with open or closed sides used exclusively for the storage of farm machinery and equipment; steel grain bins and steel frame corn cribs; and general purpose barns for temporary feeding of livestock;
 - b. The expansion to an existing farm structure must be built or rebuilt, in the case of an existing building which is substantially damaged, with flood resistant materials for building elements below the base flood elevation;
 - c. The expansion to an existing farm 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;
 - d. The expansion to an existing farm structure shall meet the requirements for hydrostatic venting requirements of this ordinance.
 - e. Electrical, mechanical or other utility equipment must be located at or above the design flood elevation, or must be maintained in a flood proofed enclosure complying with this ordinance which is capable of resisting damage during flood conditions;
 - f. The expansion to an existing farm structure must comply with floodway encroachment provisions of this ordinance;
 - g. Major equipment or machinery must be protected from damage by flooding, which may include safely removing the contents of an expansion to an existing farm structure to a specified site out of the flood plain upon notification of potential flooding event.
7. In passing upon such applications, this board shall consider all staff reports and technical evaluations, all relevant factors and all standards specified in other sections of this ordinance, and
- a. The danger that materials may be swept onto other lands to the injury of others;
 - b. The danger to life and property due to flooding or erosion damage;
 - c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - d. The importance of the services provided by the proposed facility to the community;
 - e. The necessity of the facility to a waterfront location, in the case of a functionally dependent usage;
 - f. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - g. The conformance of the proposed use to the *Charleston County Comprehensive Plan* and the *Charleston County Zoning and Land Development Regulations*;

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- h. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - i. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site during a base flood event, and
 - j. The costs of providing governmental services to the site 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.
8. The board may attach such reasonable conditions to the granting of variances as it deems necessary to further the purpose of this ordinance.
9. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result, nor shall a variance be based on financial hardship alone; nor solely due to existing or as-built elevation deficiencies that will cause extreme hardship.
10. Conditions for variances:
- a. Variances shall be issued only on a determination that the variance is the minimum necessary needed to afford relief considering the flood hazard; and in the instance of an historical building, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building;
 - b. Variances shall be issued only upon:
 - i. a showing of good and sufficient cause; and
 - ii. a determination that failure to grant the variance would result in exceptional hardship; and
 - iii. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, creation of a nuisance, fraud on or victimization of the public, or conflict with other existing laws or ordinances.
 - c. Any applicant to whom a variance is granted shall be given written notice specifying the differences between the base flood elevation and the elevation of which the building is to be built and a statement that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation, and
 - d. The Building Official shall maintain the records of all appeal actions and report any variances granted to the Federal Emergency Management Agency upon request.
 - e. Variances may not be issued when the variance will make the structure in violation of other federal, state or local laws, regulations or ordinances.

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Secs. 9-51 – 9-59. Reserved.

ARTICLE VII.

COMPLIANCE FOR PROPOSED REAL ESTATE TRANSACTIONS

Section 9-60. Provision for Inspections.

1. For the purpose of establishing pre-existing conditions which may not be in compliance with the Charleston County Flood Damage Prevention and Protection Ordinance, it is hereby established that the Building Services Department is authorized to conduct inspections of existing structures at the request or with the consent of the owner of the structure or his agent for compliance with the Charleston County Flood Damage Prevention and Protection Ordinance when requested for a proposed real estate transaction or insurance policy issue.
2. The County Building Official may promulgate regulations for the implementation of this program, consistent with the intent hereof and with the terms of the remainder of Chapter 9 of the code of Ordinances of Charleston County.
3. These inspections are to be conducted at a convenient time for the property owner or his agent and during the normal operating hours of the Building Services Department.
4. Reports generated as a result of these inspections are to be considered public records and are to be maintained in the Office of the Building Official in accordance with the County Records Retention schedule.

Secs. 9-61-9-69. Reserved.

ARTICLE VIII.

NUISANCES, PENALTIES, ORDINANCE CUMULATIVE, EFFECTIVE DATE

Sec. 9-70. Nuisances within a special flood hazard area.

1. Certain nuisances defined: Notwithstanding anything to the contrary set forth in the *Code of Ordinances, Charleston County, South Carolina*, the following activities occurring within a special flood hazard area constitute a danger to the health, safety, and welfare of the residents of the county, are hereby defined as public nuisances and are prohibited within any special flood hazard area.
 - a. The manufacture, processing, blending, mixing or refining of the following products as defined in the *International Fire Code* as adopted by County Council:
 - i. explosives;
 - ii. blasting agents
 - b. Storage of the products listed in subsection (a) above, except that the retail sale of packages products off-the-shelf at properly licensed and otherwise authorized retail sales outlets, is allowed.

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2. *Defense* – Prior use of property. It shall be a defense to prosecution pursuant to section (1) above if:

a. Property located within a special flood hazard zone was being used for a purpose defined as a nuisance in section (a) above, before August 3, 1971, has been continuously used for such purpose thereafter, and such use:

- i. Was a permitted use pursuant to the County zoning ordinance as of August 3, 1971; or
- ii. Constituted a lawful non-conforming use under the County's Zoning Ordinance on August 3, 1971; and

b. Property which becomes located within a special flood hazard area as the result of an amendment to the County's FIRM was being used for a purpose defined as a nuisance in section (a) above, before the effective date of the amended FIRM, has been continuously used for such purpose thereafter, and such use:

- i. Was permitted use pursuant to the County's Zoning Ordinance as of the effective date of the FIRM; or
- ii. Constituted a lawful non-conforming use under the County's Zoning Ordinance on the effective date of the FIRM.

Sec. 9-71. Penalties.

1. *Criminal penalties:* Violation of the provisions of this ordinance 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 ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred (\$500.00) dollars or imprisoned for not more than thirty (30) days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Charleston County from taking such other lawful actions as are necessary to prevent or remedy any violation.

2. *Civil Remedies:* In addition to any other criminal or civil remedies that may be available to the County, the County may seek and obtain an injunction against the owner or owner's representative with control over the property in accordance with applicable laws and procedures.

Sec. 9-72. Ordinance cumulative.

The provisions of this Ordinance are to be cumulative of all other ordinances or parts of Ordinances governing or regulating the same subject matter as that covered herein, provided, however, that all prior ordinances or parts of ordinances inconsistent with or in conflict with any of the provisions of this ordinance, including, but not limited to, Ordinance No. 1526 and 1349, are hereby expressly repealed to the extent of any such inconsistency or conflict. The enactment of this ordinance shall not serve to terminate or be cause for the

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termination of the prosecution of any civil or criminal actions under the prior ordinances which were pending at the time of the enactment hereof.

Sec. 9-73. Abrogation and Greater Restriction:

This Ordinance shall not in any way impair/remove the necessity of compliance with any other applicable laws, ordinances, regulations, etc. Where this Ordinance imposes a greater restriction, the provisions of this Ordinance shall control.

Sec. 9-74. Effective date is as follows:

This Ordinance shall be effective 60 days after ratification; provided, however, that this Ordinance shall not be applicable to new construction or substantial improvements for which the start of construction, as defined in Section 9-10 of the *Code of Ordinances, Charleston County, South Carolina*, was before the effective date of this Ordinance.

The Chairman called for a roll call vote on third reading of the ordinance. The roll was called and votes were recorded as follows:

Condon	- aye
Darby	- aye
Johnson	- aye
Pryor	- aye
Qualey	- absent
Rawl	- absent
Sass	- aye
Schweers	- aye
Summey	- aye

The vote being seven (7) ayes and two (2) absent, the Chairman declared the ordinance to have received third reading approval.

An ordinance approving amendments to the Charleston County Building Code Ordinance was given second reading by title only.

Building
Code
Amendments

Ordinance
3rd Reading

**AN ORDINANCE AMENDING CHAPTER 4 OF THE CODE
OF ORDINANCES, CHARLESTON COUNTY, ENTITLED
“BUILDINGS AND BUILDING REGULATIONS” AND CHAPTER 8 OF THE CODE
OF ORDINANCES, CHARLESTON COUNTY, ENTITLED “FIRE PREVENTION
AND PROTECTION”**

AN ORDINANCE AMENDING CHAPTER 4 OF THE CODE
OF ORDINANCES, CHARLESTON COUNTY, ENTITLED
“BUILDINGS AND BUILDING REGULATIONS” AND CHAPTER 8 OF THE CODE OF
ORDINANCES, CHARLESTON COUNTY, ENTITLED “FIRE PREVENTION AND
PROTECTION”

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WHEREAS, Charleston County needs to update its regulations regarding building construction to comply with changes in enabling Legislation

WHEREAS, Certain provisions of the Ordinances need to be reformatted to improve usability of the Ordinance

NOW, THEREFORE, BE IT ORDAINED by Charleston County Council, in meeting duly assembled, that Chapter 4 of the Code of Ordinances, Charleston County, South Carolina is amended by the provisions of this Ordinance by deleting Articles II, III, IV and Chapter 8 Article II and replacing with the following:

SECTION 101 GENERAL

101.1 Title. These regulations shall be known as the Building Code of the County of Charleston, hereinafter referred to as "this code"

101.2 Scope. The provisions of this code 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.

101.2.1 Appendices. Provisions in the appendices shall not apply unless specifically adopted.

101.3 Intent. The purpose of this code is to regulate the provisions found in South Carolina Code Annotated Section 6-9-5 et seq. and South Carolina Code of Regulations 8-100 et seq. that 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.

101.4 Referenced Codes. The provisions in Sections 104.1 through 101.4.8 and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference.

101.4.1 Building. The provisions of the International Building Code as adopted by the S. C. Building Codes Council shall apply to the construction of buildings and structures.

Exception: Detached one- 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 as adopted by the S.C. Building Code Council.

101.4.2 Electrical. The provisions of the National Electrical Code as adopted by the S.C. Building Codes Council shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

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101.4.3 Gas. The provisions of the International Fuel Gas Code as adopted by the S.C. Building Codes Council shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this code. 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.

101.4.4 Mechanical. The provisions of the International Mechanical Code as adopted by the S.C. Building Codes Council shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilation, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems.

101.4.5 Plumbing. The provisions of the International Plumbing Code as adopted by the S.C. Building Codes Council 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.

101.4.6 Fire Prevention. The provisions of the International Fire Code as adopted by the S.C. Building Codes Council 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.

101.4.7 Energy. The provisions of the International Energy Conservation Code as adopted by the State of South Carolina shall apply to all matters governing the design and construction of buildings for energy efficiency.

101.4.8 Unsafe Buildings and Equipment (See Section 113).

101.5 Definitions References throughout this code are defined as follows:

1. "Code Official" shall mean "Building Official".

SECTION 102 APPLICABILITY

102.1 Area of applicability. This article shall affect all unincorporated areas of the County, unless this article is adopted by an incorporated area, excluding any parcels of land owned by the state or the federal government, and any buildings and installations thereon unless duly requested or required by law.

102.2 General. Where, in any specific case, different sections of this code 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.

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102.3 Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

102.4 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 code.

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

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing and manufacturer's instructions shall apply.

102.6 Partial invalidity. In the event that any part or provision of this code 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.

102.7 Existing structures. The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code or as is deemed necessary by the Building Official for the general safety and welfare of the occupants and the public.

102.7.1 Existing Installations. Building systems lawfully in existence at the time of the adoption of this code shall be permitted to have their use and maintenance continued if the use maintenance or repair is in accordance with the original design and no hazard to life, health or property is created by such system.

102.8 Maintenance. All building systems, materials and appurtenances, both existing and new, and all parts thereof, shall be maintained in proper operating condition in accordance with the original design in a safe and sanitary condition. All devices or safeguards required by this code shall be maintained in compliance with the code edition under which they were installed.

102.8.1 Maintenance of safeguards. Whenever or wherever any device, equipment, system, condition, arrangement, level of protection, or any other feature is required for compliance with the provisions of this code, or otherwise installed, such device, equipment, system, condition, arrangement, level of protection, or other feature shall thereafter be continuously maintained in accordance with the code and applicable referenced standards, in effect on the date permitted or if done without permits at the time of installation.

102.8.2 Testing and operation. Equipment requiring periodic testing or operation to ensure maintenance shall be tested or operated as specified in this code.

102.8.2.1 Test and inspection records. Required test and inspection records shall be available to the Building Official at all times..

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102.8.2.2 Reinspection and testing. Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with this code.

102.8.3 Supervision. Maintenance and testing shall be under the supervision of a responsible person who shall ensure that such maintenance and testing are conducted at specified intervals in accordance with this code.

102.8.4 Rendering equipment inoperable. Portable or fixed fire-extinguishing systems or devices and fire-warning systems shall not be rendered inoperative or inaccessible except as necessary during emergencies, maintenance, repairs, alterations, drills or prescribed testing.

102.8.5 Owner/occupant responsibility. Correction and abatement of violations of this code shall be the responsibility of the owner. If an occupant creates, or allows to be created, hazardous conditions in violation of this code, the occupant shall be held responsible for the abatement of such hazardous conditions.

102.8.6 Overcrowding. Overcrowding or admittance of any person beyond the approved capacity of a building or a portion thereof shall not be allowed. The Building Official, upon finding any overcrowding conditions or obstructions in aisles, passageways or other means of egress, or upon finding any condition which constitutes a life safety hazard, shall be authorized to cause the event to be stopped until such condition or obstruction is corrected.

102.9 Additions, alterations, or repairs. Additions, alterations or repairs to any structure or building systems shall conform to that required for a new structure without requiring the existing structure to comply with all of the requirements of this code, unless otherwise stated. Additions, alterations, or repairs shall not cause an existing structure to become unsafe or adversely affect the performance of the building. See 102.12 concerning substantial improvements.

102.10 Historic buildings. The provisions of "this code" relating to the construction, alteration, repair, enlargement restoration, relocation or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and/or classified by the federal, state or local jurisdiction as historic buildings when such buildings or structures are judged by the Building Official to be safe and in the public interest of health, safety and welfare regarding any proposed construction, alteration, repair, enlargement, restoration, relocation, change of occupancy, or moving of buildings.

102.10.1 Historic buildings are defined as:

1. Listed or preliminarily determined to be eligible for listing in the National Register of Historic Places; or

2. Determined by the Secretary of the U.S. Department of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined to qualify as an historic district; or

3. Designated as historic under a state or local historic preservation program that is approved by the Department of Interior.

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4. Individually listed on a local inventory of historical places that has been certified by the South Carolina Department of Archives and History.

102.11 Moved buildings. Buildings and/or structures and their components moved into or within the jurisdiction shall comply with the provisions of this code for new installations.

102.12 Substantially improved or substantially damaged existing buildings and structures. The Building Official shall examine or cause to be examined the construction documents for reconstruction, rehabilitation, addition, or other improvement of existing buildings or structures, and shall prepare a finding with regard to the value of the proposed work. For buildings that have sustained damage of any origin and/or improvement to a building or structure, the value of the proposed work shall include the cost to repair the building or structure to its pre-damaged condition and/or cost of any improvements. If the Building Official finds that the value of proposed work equals or exceeds 50 percent of the fair market value of the building or structure, the entire building or structure shall be brought into compliance with all applicable codes.

102.13 Change in Occupancy It shall be unlawful to make a change in the occupancy of any structure which will subject the structure to any special provision of this code applicable to the new occupancy without approval. The Building Official shall certify that such structure meets the intent of the provisions of law governing building construction for the proposed new occupancy and that such change of occupancy does not result in any hazard to the public health, safety or welfare.

102.14 Requirements not covered by "this code". Requirements necessary for the strength, stability or proper operation of an existing or proposed building or structure and its components, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the Building Official.

SECTION 103

DEPARTMENT OF BUILDING INSPECTION SERVICES

103.1 Creation of enforcement agency. The Department of Building Inspection Services is hereby created and the official in charge thereof shall be known as the Building Official.

103.2 Appointment. The Building Official shall be appointed by the appointing authority of the County of Charleston.

103.3 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.

SECTION 104

DUTIES AND POWERS OF BUILDING OFFICIAL

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104.1 General. The Building Official is hereby authorized and directed to enforce the provisions of this code. The Building Official shall have the authority to render interpretations of this code 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 code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

104.2 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 code.

104.3 Notices and orders. The Building Official shall issue all necessary notices or orders to ensure compliance with this code.

104.4 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.

104.5 Identification. The Building Official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

104.6 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, 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 code 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 code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the Building Official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the Building Official shall have recourse to the remedies provided by law to secure entry.

104.7 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.

104.8 Liability. The Building Official, member of the Construction Board of Adjustment and Appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code 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 code shall be defended by legal representative of the jurisdiction until the final termination

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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 code.

104.9 Approved materials and equipment. Materials, equipment and devices approved by the Building Official shall be constructed and installed in accordance with such approval.

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

104.10 Modifications. Wherever there are practical difficulties involved in carrying out the provisions of this code, 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 code impractical and the modification is in compliance with the intent and purpose of this code 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 Inspection Services.

104.11 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, 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 code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

104.11.1 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

104.11.2 Tests. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, 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 code 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.

104.12 Evacuation. The Building Official and/or the Fire Department Official in charge of an incident shall be authorized to order the immediate evacuation of any occupied building deemed unsafe when such building has hazardous conditions that present imminent danger to building occupants. Persons so notified shall immediately leave the structure or premises and shall not enter or re-enter until authorized to do so by the Building Official and/or the Fire Department Official in charge of the incident.

SECTION 105 PERMITS

105.1 Required Permits. 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 code”, or to cause any such work to be done, shall first make application; to the Building Official and obtain the required permit.

105.1.2 Additional Required permits. The Building Official is authorized to issue permits for work as set forth in Sections 105.1.2.1 thru 105.2.3.

105.1.2.1 Automatic fire-extinguishing systems. A permit is required for installation of or modification to an automatic fire-extinguishing system. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

105.1.2.2 Fire alarm and detection systems and related equipment. A permit is required for installation of or modification to fire alarm and detection systems and related equipment. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

Exception: Residential type smoke detectors installed individually or wired in series in single-family residences.

105.1.2.3 Fire pumps and related equipment. A permit is required for installation of or modification to fire pumps and related fuel tanks, jockey pumps, controllers, and generators. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

105.1.2.4 Hazardous materials. A permit is required to install, repair damage to, abandon, remove, place temporarily out of service, or close or substantially modify a storage facility or other area regulated by Chapter 27 of the International Fire Code.

105.1.2.5 Private fire hydrants. A permit is required for the installation or modification of private fire hydrants and their systems.

105.1.2.6 Standpipe systems. A permit is required for the installation, modification, or removal from service of a standpipe system. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

105.1.2.7 Special permits. In addition to the required permits, the following permits are required for the following installation and/or repairs; vinyl siding, insulation, roofing, floor covering/carpet, masonry, drywall, carpentry, stucco, paint/wallpaper, low voltage electrical, elevators, landscape/site development.

105.2 Work exempt from permit. Exemptions from permit requirements of “this code” shall not be deemed to grant authorization for any work to be done in any manner in violation of

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the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. 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).
2. Fences not over 6 feet (1829 mm) high.
3. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18,925 L) and the ratio of height to diameter or width does not exceed 2:1.
4. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II, or IIIA liquids.
5. 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.
6. Temporary motion picture, television and theater stage sets and scenery.
7. 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 (19000 L) and are installed entirely above ground.
8. Shade cloth structures constructed for nursery or agricultural purposes, and not including service systems.
9. Swings and other playground equipment.
10. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.
11. Window awnings supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.

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.

Radio and television transmitting stations: The provisions of this code 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.

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.

Gas:

1. Portable gas equipment of all types that is not connected to a fixed fuel piping system.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
3. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Mechanical:

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part that does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds (5 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.
8. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Plumbing:

1. 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 code.
2. 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.

Energy:

The following need not comply provided the energy use of the building is not increased:

1. Storm windows installed over existing fenestration.

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2. Glass only replacements in an existing sash and frame.
3. Construction where the existing roof, wall or floor cavity is not exposed.

105.2.1 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.

105.2.2 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.

105.2.3 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.

105.3 Application for permit. To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the Department of Building Services 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 address and tax map number (TMS) or property identification number (PID).
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 Section 106.
5. State the valuation of the proposed work.
6. Be signed by the applicant, or the applicant's authorized agent.
7. Submit such other data and information as required by the Building Official.

105.3.1 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

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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 therefore. If the Building Official is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the Building Official shall issue a permit therefore as soon as practicable.

105.3.2 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.

105.4 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 code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction 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 code or of any other ordinances of this jurisdiction.

105.5 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 suspended or abandoned for a period of 180 days after the time the work is commenced. The Building Official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extensions shall be requested in writing and justifiable cause demonstrated.

105.6 Suspension or revocation. The Building Official is authorized to suspend or revoke a permit issued under the provisions of this code 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 code.

105.7 Placement of permit. The building permit or copy shall be kept on the site for the work until the completion of the project at an accessible and visible location.

105.8 Responsibility. It shall be the duty of every person who performs work for the installation or repair of building systems, for which this code is applicable, to comply with this code.

105.9 Manufactured Housing Permits. In order for a permit to be issued to install a manufactured home in Charleston County, a copy of the current license of the installer or contractor, issued by the South Carolina Manufactured Housing Board, must be submitted with the application for the permit. If a retail dealer is installing the home, a current copy of the retail dealer's license, issued by the South Carolina Manufactured Housing Board, must be submitted with the application for the permit. The installer, contractor, or dealer may submit an electronic copy of the license, in an acceptable format such as JPEG or PDF, by email in place of a copy.

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105.10 Unauthorized tampering. Signs, tags or seals posted or affixed by the Building Official shall not be mutilated, destroyed or tampered with or removed without authorization from the Building Official.

SECTION 106 CONSTRUCTION DOCUMENTS

106.1 Submittal documents. Construction documents, statement of special inspections and other data shall be submitted in two 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.

Exception: The Building Official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this code.

106.1.1 Information on construction documents. Construction documents shall be dimensioned 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 code and relevant laws, ordinances, rules and regulations, as determined by the Building Official.

106.1.1.1 Fire protection system shop drawings. Shop drawings for the fire protection system(s) shall be submitted to indicate conformance with this code 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 Chapter 9 of the IBC.

106.1.1.2 Manufacturer's installation instructions. Manufacturer's installation instructions, as required by this code, shall be available on the job site at the time of inspection.

106.1.2 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 code. In other than occupancies in Groups R-2, R-3, and I-1, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

106.1.3 Exterior wall envelope. Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this code. 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, details around openings and wind borne debris protection systems.

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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.

106.1.4 Energy Requirements. Details shall include, but are not limited to, insulation materials and their R-values; fenestration U-factors and SHGCs; system and equipment efficiencies, types, sizes and controls; duct sealing, insulation and location; and air sealing details.

106.2 Site plan. The construction documents submitted with the application for permit shall be accompanied by a site plan showing to an engineer's 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.

106.3 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 code and other pertinent laws or ordinances.

106.3.1 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.

106.3.2 Previous approvals. This code shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

106.3.3 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 code. 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.

106.3.4 Design professional in responsible charge.

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106.3.4.1 General. When it is required that documents be prepared by a registered design professional, the Building Official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The Building Official shall be notified in writing by the owner if the registered design professional in responsible charge is changed or is unable to continue to perform the duties.

The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

Where structural observation is required by the IBC, 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.

106.3.4.2 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.

106.4 Amend 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.

106.5 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, as required by state, local laws or in accordance with the County of Charleston Records Retention Schedule.

SECTION 107 TEMPORARY STRUCTURES AND USES

107.1 General. The Building Official is authorized to issue a permit for temporary structures and temporary occupancy/uses. Such permits shall be limited as to time of

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service, but shall not be permitted for more than 180 days. The Building Official is authorized to grant extensions for demonstrated cause.

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

107.3 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 part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in the National Electrical Code.

107.4 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.

SECTION 108 FEES

108.1 Payment of fees. A permit shall not be valid until the permit and/or business license and other fees as prescribed by law have been paid, nor shall an amendment to a permit be released until the additional fees, if any, have been paid.

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

108.3 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.

108.4 Work commencing before permit issuance. Any person who commences any work on a building or structure before obtaining the necessary permits shall be subject to a double fee.

108.5 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 permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

108.6 Refunds. There shall be no refund unless it is due to a County mistake. All refunds caused by a County mistake are to be referred to the Building Official for processing.

Exceptions: Requests for refunds by the applicant's mistake may be made up to financial close of books (3:30 pm) on the day the funds are paid.

108.7 Permit Fees: Fees shall be as established by the County of Charleston.

SECTION 109 INSPECTIONS

109.1 General. 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 code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purpose. Neither the Building Official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

109.2 Preliminary inspection. Before issuing a permit, the Building Official is authorized to examine or cause to be examined building, structures and sites for which an application has been filed.

109.3 Required inspections. The Building Official, upon notification, shall make the inspections set forth in Sections 109.3.1 through 109.3.12

109.3.1 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.

109.3.2 Concrete slab and under-floor inspection. Concrete slab and under-floor inspections shall be made after in-slab or under-floor 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 sub floor.

109.3.3 Lowest floor elevation. In flood hazard areas, upon placement of the lowest floor including the basement, and prior to further vertical construction, an elevation certificate as required in Flood Damage Prevention and Protection Ordinance shall be submitted to the Building Official.

109.3.4 Plumbing, mechanical, gas and electrical systems inspection. Rough inspection of plumbing, mechanical, gas and electrical systems shall be made prior to covering or concealment, before fixtures or appliances are set or installed, and prior to framing inspection.

Exception: Back-filling of ground-source heat pump loop systems tested in accordance with the International Mechanical Code prior to inspection shall be permitted.

109.3.5 Frame and masonry inspection. Framing inspections shall be made after the roof deck or sheathing, all framing, fire blocking, bracing and masonry are in place and pipes,

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chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved.

109.3.6 Fire-resistance-rated construction inspection. Where fire-resistance-rated construction is required between dwelling units or due to location on property, the Building Official shall require an inspection of such construction after all lathing and/or wallboard is in place, but before any plaster is applied, or before wall-board joints and fasteners are taped and finished.

109.3.7 Reinforced masonry, insulating concrete form (ICF) and conventionally formed concrete wall inspection. Reinforced masonry walls, insulating concrete form (ICF) walls and conventionally formed concrete walls shall be inspected after plumbing, mechanical, and electrical systems are embedded within the walls, reinforcing steel is in place and prior to placement of grout or concrete. Inspection shall verify the correct size, location, spacing, and lapping of reinforcing. For masonry walls, inspection shall also verify that the location of grout cleanouts and size of grout spaces comply with the requirements of this code.

109.3.8 Fire-resistant penetrations. Protection of joints and penetrations in fire-resistance-rated assemblies shall not be concealed from view until inspected and approved.

109.3.9 Energy efficiency inspections. Inspections shall be made to determine compliance with the International Energy Conservation Code 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.

109.3.10 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 code and other laws that are enforced by the Building Official.

109.3.11 Special inspections. Special inspections, shall be in compliance with the applicable provisions of this code.

109.3.12 Final inspection. The final inspection shall be made after all work required by the applicable permits are completed.

109.4 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.

109.5 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 inspection of such work that are required by this code.

109.6 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

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holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the Building Official.

SECTION 110 CERTIFICATE OF OCCUPANCY

110.1 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 therefore as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid.

Exception: Certificates of occupancy are not required for work exempt from permits.

110.2 Change in use. Changes in the character or use of an existing structure shall not be made except in compliance with this code.

110.3 Certificate issued. After the Building Official inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the Department of Building Services, the Building Official shall issue a certificate of occupancy or certificate of completion that contains the following:

1. The permit number.
2. Permit issue date.
3. The address and tax map (TMS) number or property identification description (PID) of the structure.
4. The name of the Contractor or Permit holder.
5. A statement that describes the structure or portion thereof has been inspected for compliance with the requirements of "this code".
6. The name of the Building Official.
7. The type of construction if applicable.
8. The design occupant load if applicable.
9. Flood zone information.
10. Any special stipulations and conditions of the building permit.

110.4 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,

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provided that such portion or portions shall be occupied safely. The Building Official shall set a time period during which the temporary certificate of occupancy is valid.

110.5 Revocation. The Building Official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code 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 code.

SECTION 111 SERVICE UTILITIES

111.1 Connection of service utilities. No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this code for which a permit is required, until released by the Building Official.

111.2 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.

111.3 Authority to disconnect service utilities. The Building Official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the codes referenced herein in case of emergency where necessary to eliminate an immediate hazard to life or property. 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.

SECTION 112 LICENSING & REGISTRATION

112. Definitions.

Burglar Alarm System. The installation service, maintenance or alteration of a system that detects intrusion, burglary, and breaking or entering but does not include home health care signaling devices.

County Contractor's License. Authorization for a holder of a South Carolina license issued by the South Carolina Contractors' Licensing Board, the South Carolina Residential Builders Commission or the South Carolina Manufactured Housing Board, to contract and/or perform construction work in Charleston County within the limits prescribed by the South Carolina Code of Laws or as established by County of Charleston Ordinance.

County Contractor's Registration. Authorization for a holder of a South Carolina Registration issued by the South Carolina Residential Builders Commission or an individual or company that installs, alters or repairs swimming pools, signs, low-volt electrical systems, elevators or landscaping/site development, to contract and/or perform construction work in Charleston County within the limits prescribed by the South Carolina Code of Laws or as established by the County of Charleston Ordinance.

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Employee. "Employee" is defined as a regularly employed, qualified tradespersons on the premises owned or operated by the applicant for a permit.

Fire Alarm System. A system or portion of a combination system consisting of components and circuits arranged to monitor and annunciate the status of fire alarm or supervisory signal-initiating devices and to initiate the appropriate response to those signals.

Fire Sprinkler System. "Fire sprinkler system" means a system of overhead or underground piping, or both, to protect the interior or exterior of a building or structure from fire where the primary extinguishing agent is water and designed in accordance with fire protection engineering standards. Fire protection sprinkler systems include the following types: water based or wet-pipe systems, water foam systems, dry-pipe systems, preaction systems, residential systems, deluge systems, combined dry-pipe and preaction systems, non-freeze systems, and circulating closed loop systems.

Low Voltage. A system consisting of an isolating power supply, the low-voltage luminaries, and associated equipment that are all identified for the use. The output circuits of the power supply are rated for not more than 25 amperes and operate at 30 volts (42.4 volts peak) or less under all load conditions.

Owner. "Owner" is defined as the property owner, owner's parents, sisters and brothers, children of the owner and owner's sisters and brothers, and those married to these family members; however, when actual hardship is caused by these limitations, the Building Official may waive these requirements.

Sign or outdoor advertising sign. Shall mean any outdoor sign, display, device, figure, painting, drawing, message, plaque, poster, billboard, or other thing which is designed, intended or used to advertise or inform, any part of the advertising or informative contents of which is visible from any place on the main traveled way of any road, street or highway for the purpose of this ordinance.

Site Construction Work. Work is considered the act or process of altering the natural cover or topography and alters the quality or quantity of stormwater runoff.

Swimming Pools. Any structure intended for swimming, recreational bathing or wading that contains water over 24 inches (610 mm) deep. This includes in-ground, above-ground and on-ground pools; hot tubs; spas and fixed-in-place wading pools.

112.1 County License or Registration required.

Before any person shall engage in the business of construction, alteration or repairs in any building or structure in the county, he/she must obtain a license or registration from the county as required. It shall be the duty of every contractor or builder who shall make contracts for erection or construction or repair of a building for which a permit is required in the county, and every contractor or builder making such contracts and subletting the same or any part thereof, to secure a license or registration as provided herein.

a) Anyone required to be licensed or registered by the County shall present a copy of his/her state license or registration, if required by state statutes. If the application is

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satisfactory, a County license or registration shall be issued to the applicant within the limitations of the state license or registration is required by state statutes, or as established by the Construction Board of Adjustment and Appeal and upon payment of the required license and registration fee.

b) Plumbing and electrical journeymen are limited to working only under a licensed plumber or licensed electrician and shall not be issued permits.

112.2 Grounds for revocation; procedure for filing charges. The Construction Board of Adjustment and Appeals may revoke the license or registration of any building contractor who is found guilty of fraud or deceit in obtaining a license or registration, or gross negligence, incompetence, or misconduct in conducting his business as a contractor. Any person, who prefers charges of gross negligence, incompetence, or misconduct against any contractor licensed or registered under the provisions of this division, shall submit such charges in affidavit form and file same with the Secretary of the Construction Board of Adjustment and Appeals.

112.3 License Identification. All holders of a license or registration in the County shall display a current license or registration identification decal issued by the Building Official. This decal shall be displayed on the left and right sides of work vehicle(s).

112.4 Limitations of work by owner. The performance of any kind of construction, alteration, or repair upon any property by the owner thereof shall be contingent on verification by the owner of his or her working knowledge of the kind of construction to be done prior to issuing a permit, such verification to be accomplished by such means as deemed sufficient by the Building Official. In the event the owner does not qualify as to the knowledge required to perform the work, the owner must then have a licensed or registered County contractor secure a permit and do the work.

112.5 Residential work by owner. Pursuant to Title 40, Chapter 59, Section 260 of the Code of Laws of South Carolina (1976, as amended), the following provisions shall apply to homeowners obtaining permits to perform construction-related work on their own homes:

a) The owner shall do the construction-related work himself, with his own employees, or with county licensed or registered contractors or individuals;

b) The structure, group of structures, or appurtenances, including the improvements, shall be intended for the owner's sole occupancy or occupancy by the owner's family, and shall not be intended for sale or rent for a minimum of two (2) years after completion or issuance of a certificate of occupancy;

c) The term 'sale' or 'rent' includes an arrangement by which an owner received compensation in money, provisions, chattel, or labor from the occupancy, or the transfer of the property or the structures on the property;

d) The general public shall not have access to this structure;

e) This section does not exempt a person who is employed by the owner and who acts in the capacity of a builder of any kind;

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f) The homeowner shall personally appear and sign the building permit application and shall provide Charleston County with a disclosure statement provided by the Building Official or his designee; and

g) The owner shall promptly file as a matter of public record a notice with the Register of Mesne Conveyance, indexed under the owner's name in the grantor's index, stating that the residential building or structure was constructed by the owner as an unlicensed builder.

SECTION 113

UNSAFE DWELLINGS AND EQUIPMENT

113.1 Authority. The provisions of this article are adopted pursuant to "Building Code" by South Carolina State Code 1976 Title 31, Chapter 15, Article 3 In Counties and South Carolina Code Title 6, Chapter 9, Article 10.

113.2 General. Structures or existing equipment that are or hereafter become unsafe, unsanitary 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.

(6) 113.2.1 Investigation and filing of a complaint. Whenever it appears to the Building Official (on his own motion) that any dwelling is unfit for human habitation, the Building Official shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and all parties in interest in such dwelling a complaint stating the charges in that respect and containing a notice that a hearing will be held before the Building Official or his designated agent at a place therein fixed not less than ten days nor more than thirty days after the serving of such complaint; that the owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person or otherwise and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Building Official;

113.2.2 Powers of the Building Official.

The Building Official may exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this article, including the following powers in addition to others herein granted:

(1) To investigate the dwelling conditions in the jurisdiction in order to determine which dwellings therein are unfit for human habitation;

(2) To administer oaths and affirmations, examine witnesses and receive evidence;

(3) To enter upon premises for the purpose of making examinations, provided such entries be made in such manner as to cause the least possible inconvenience to the persons in possession;

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(4) To appoint and fix the duties of such officers, agents and employees as deemed necessary to carry out the purposes of this ordinances; and

(5) To delegate any of his functions and powers to such officers and agents as he may designate.

113.2.3 Service of complaints or orders; posting and filing copies.

Complaints or orders issued by the Building Official pursuant to this ordinance shall be served upon persons either personally or by registered mail, but if the whereabouts of such persons is unknown and cannot be ascertained by the Building Official in the exercise of reasonable diligence and the Building Official shall make to that effect, then the serving of such complaint or order upon such persons may be made by publishing it once each week for two consecutive weeks in a newspaper printed and published in the municipality or, in the absence of such newspaper, in one printed and published in the county and circulating in the municipality in which the dwellings are located. A copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order. A copy of such complaint or order shall also be filed with the clerk of the county in which the dwelling is located and such filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law.

113.2.4

That if, after such notice and hearing, the Building Official determines that the dwelling under consideration is unfit for human habitation he shall state in writing his findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order

(a) if the repair, alteration or improvement of the dwelling can be made at a reasonable cost in relation to the value of the dwelling (as determined by the Building Official), requiring the owner, within the time specified in the order, to repair, alter or improve such dwelling to render it fit for human habitation or to vacate and close the dwelling as a human habitation or

(b) if the repair, alteration or improvement of the dwelling cannot be made at a reasonable cost in relation to the value of the dwelling (as determined by the Building Official), requiring the owner, within the time specified in the order, to remove or demolish such dwelling; That, if the owner fails to comply with an order to repair, alter or improve or to vacate and close the dwelling, the Building Official may cause such dwelling to be repaired, altered or improved or to be vacated and closed; that the Building Official may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful";

That, if the owner fails to comply with an order to remove or demolish the dwelling, the Building Official may cause such dwelling to be removed or demolished; and

That the amount of the cost of such repairs, alterations or improvements, vacating and closing, or removal or demolition by the Building Official shall be a lien against the real property upon which such cost was incurred and shall be collectible in the same manner as municipal taxes.

113.3 Unsafe Conditions

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113.3.1 A vacant structure that is not secured against entry is considered an unsafe structure.

113.3.2 The building, structure or portion thereof constitutes a fire hazard having received damage by fire, flood, earthquake, wind or other cause to the extent that the structural integrity of the building or structure is less than it was prior to the damage and is less than the minimum requirement established by "this code", for new buildings.

113.3.3 Any accessory structure and exterior appendage or portion of the building or structure, shall be maintained and kept in good repair and sound structural condition and must be securely fastened, attached or anchored such that it is capable of resisting wind, seismic or similar loads must meet the requirements of "this code".

113.3.4 If for any reason the building, structure or portion thereof is manifestly unsafe or unsanitary for the purpose for which it is being used.

113.3.5 The building, structure or portion thereof as a result of decay, deterioration or dilapidation is likely to fully or partially collapse.

113.3.6 The building, structure or portion thereof has been constructed or maintained in violation of specific requirements of "this code".

113.3.7 Any building, structure or portion thereof that is in such a condition as to constitute a public nuisance.

113.3.8 The stress in any material, member or portion thereof, due to all imposed loads including dead load exceeds the stresses allowed in "this code" for new buildings.

113.3.9 Any means of egress or portion thereof, such as but not limited to fire doors, closing devices and fire resistive ratings, is in disrepair or in a dilapidated or nonworking condition such that the means of egress could be rendered unsafe.

113.3.10 Roofs shall be structurally sound and maintained in a safe manner and have no defects which might admit rain or cause dampness in the walls or interior portion of the building.

113.3.11 Every inside and outside stair, porch and any appurtenance thereof shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon and shall be kept in sound condition and good repair.

113.4 Minimum Standards

113.4.1 Every window and door shall be substantially weather-tight, watertight and rodent-proof, and shall be kept in sound working condition and good repair.

113.4.2 All exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. All masonry joints shall be sufficiently tuck pointed to insure water and air tightness.

113.4.3 Existing skirting shall be maintained free from broken or missing sections, pieces or cross members. Skirting shall be securely attached and sized from the ground to the lower outside perimeter of the structure.

113.4.4 Every floor, interior wall and ceiling shall be substantially rodent proof, shall be kept in sound condition and good repair and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.

113.4.5 Bathroom: Every bathroom shall comply with the light and ventilation requirements for habitable rooms except that no window or skylight shall be required in adequately ventilated bathrooms equipped with an approved ventilation system.

113.4.6 Bathroom Doors: Privacy of bathrooms shall be afforded by doors complete with privacy hardware intended by the manufacturer for that purpose.

113.4.7 Electric Lights and Outlets: Where there is electric service available to the building structure, every habitable room or space shall contain at least two separate and remote receptacle outlets. Bedrooms shall have, in addition, at least one wall switch controlled lighting outlet, In kitchens, two separate circuits and controlled lighting outlets shall be

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provided (receptacles rendered inaccessible by appliances fastened in place or by appliances occupying dedicated space shall not be considered as these required outlets) and a wall or ceiling lighting outlet controlled by a wall switch shall be provided. Every hall, water closet compartment, bathroom, laundry room or furnace room shall contain at least one ceiling-mounted or wall-mounted lighting outlet in every bathroom and laundry room there shall be provided at least one receptacle outlet. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.

113.4.8 Light On Public Halls and Stairways: Every electrical outlet and fixture, and all electrical wiring and equipment shall be installed, maintained and connected to a source of electric power in accordance with the provisions of the electrical code of the authority having jurisdiction.

113.4.9 Garbage Disposal: Every owner or tenant shall dispose of all his garbage and any other organic waste which might provide food for rodents and all rubbish in a clean and sanitary manner.

113.5 Additional Minimum Residential Standards

113.5.1 General: No person shall occupy as owner-occupant or let or sublet to another for occupancy any dwelling or dwelling unit designed or intended to be used for the purpose of living, sleeping, cooking, or eating therein, nor shall any vacant dwelling building be permitted to exist which does not comply with the following requirements.

113.5.1.1 Sanitary Facilities: Every dwelling unit shall contain not less than a kitchen sink, lavatory, tub or shower, and a water closet all in good working condition and properly connected to an approved water and sewer system. Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition free from defects, leaks, and obstructions.

113.5.1.2 Location of Sanitary Facilities: All required plumbing fixtures shall be located within the dwelling unit and be accessible to the occupants of same. The water closet, tub or shower and lavatory shall be located in a room affording privacy to the user and such room shall have a minimum floor space of 30 sq. ft. (2.8m²) with no dimension less than 4 ft. (1219 mm). Bathrooms shall be accessible from habitable rooms, hallways, corridors or other protected or enclosed area.

113.5.1.3 Hot and Cold Water Supply: Every dwelling unit shall have an adequate supply of both cold and hot water connected to the kitchen sink, lavatory and tub or shower. All water shall be supplied through an approved distribution system connected to a potable water supply.

113.5.1.4 Water Heating Facilities: Every dwelling unit shall have water heating facilities which are properly installed and maintained in a safe and good working condition and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than 120oF (49oC). Such water heating facilities shall be capable of meeting the requirements when the dwelling or dwelling unit heating facilities required under the provisions of "this code" are not in operation. Apartment houses may use a centralized water heating facility capable of heating an adequate amount of water as required by the International Plumbing Code© to not less than 120 oF (49oC).

113.5.1.5 Heating Facilities: Every dwelling unit shall have permanent heating facilities which are properly installed, are maintained in safe and good working conditions, and are capable of safely and adequately heating all habitable rooms and bathrooms. Where a central heating system is not provided, each dwelling unit shall be provided with facilities whereby heating appliances may be connected.

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113.5.1.6 Kitchen Facilities: Every dwelling unit shall contain a kitchen equipped with the following minimum facilities:

1. Food preparation surfaces impervious to water and free of defects which could trap food or liquid.
2. Shelving, cabinets or drawers for the storage of food and cooking and eating utensils, all of which shall be maintained in good repair.
3. Freestanding or permanently installed cook stove. Portable electric cooking equipment shall not fulfill this requirement. Portable cooking equipment employing flame shall be prohibited.
4. Mechanical refrigeration equipment for the storage of perishable foodstuffs.

Exception: Nothing herein shall preclude a written agreement between an owner and tenant that the tenant will furnish mechanical refrigeration equipment and/or a cook stove as required in this section. It shall be an affirmative defense available to an owner charged with a violation of this section if such an agreement exists.

113.5.1.7 Smoke Detector and/or Carbon Monoxide Systems: Every dwelling unit shall be provided with an approved listed detector, installed in accordance with the manufacturer's recommendations and listing. When activated, the detector shall provide an audible alarm. The detector shall be tested in accordance with and meet the requirements of UL 217, single and Multiple Station Smoke Detectors.

113.5.2 Minimum Requirements for Light and Ventilation

113.5.2.1 Windows: Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window area, measured between stops, for every habitable room shall be 8% of the floor area of such room. Whenever wall or other portions of structures face a window of any such room and such light-obstruction structures are located less than 3 ft. (914 mm) from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the required minimum total window area. Whenever the only window in a room is a skylight-type window in the top of such room. The total window area of such skylight shall equal at least 15% of the total floor area of such room.

Exception: Where adequate artificial light is provided and controlled by a wall switch.

113.5.2.2 Ventilation The total of openable window area in every habitable space shall equal to at least 45% of the minimum window area or shall have other approved, equivalent ventilation. Year round mechanically ventilating conditioned air systems may be substituted for windows, as required herein, in rooms other than rooms used for sleeping purposes. Window type air-conditioning units are not included in this exception. Where mechanical year round ventilation is not provided screens over opening must be in good working condition. Every habitable room shall have at least one window or skylight which can be easily opened or such other device as will adequately ventilate the room.

113.5.3 Minimum Dwelling Space Requirements

113.5.3.1 Required Space in Dwelling Unit: Every dwelling unit shall contain at least 150 sq. ft. (13.9 m²) of floor space for the first occupant thereof and at least an additional 100 sq. ft. (9.3 m²) of floor area per additional occupant. The floor area shall be calculated on the basis of the total area of all habitable rooms.

113.5.3.2 Required Space on Sleeping Rooms: In every dwelling unit, every room occupied for sleeping purposes by one occupant shall contain at least 70 sq. ft. of floor

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space, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 sq. ft. (4.6 m²) of floor space for each occupant thereof.

113.5.3.3 Minimum Ceiling Height: Habitable (space) rooms other than kitchens, storage rooms and laundry rooms shall have a ceiling height of not less than 7 ft. (2134 mm).

Hallways, corridors, bathrooms, water closet rooms and kitchens shall have a ceiling height of not less than 7 ft. (2134 mm) measured to the lowest projection from the ceiling. If any room in a building has a sloping ceiling, the prescribed ceiling height for the room is required in only one-half the room area. No portion of the room measuring less than 5 ft. (1524 mm) from the finished floor to the finished ceiling shall be included in any computation of the minimum room area.

113.5.3.4 Occupancy of Dwelling Unit Below Grade: No basement or cellar space shall be used as a habitable room or dwelling unit unless:

1. The floor and walls are impervious to leakage of underground and surface runoff water and are insulated against dampness, and

2. The total window area in each room is equal to at least the minimum window area size as required and

3. Such required minimum window area is located entirely above the grade of the ground adjoining such window area, and

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4. The total of openable window area in each room is equal to at least the minimum as required, except where some other device affording adequate ventilation is supplied.

113.5.4 Sanitation Requirements

113.5.4.1 Sanitation: Every owner of a multiple dwelling shall be responsible for maintaining in a clean and sanitary condition the shared or common areas of the dwelling and premises thereof.

113.5.4.2 Cleanliness: Every tenant of a dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit and premises thereof which he occupies or which is provided for his particular use.

113.5.4.3 Extermination: Every owner of a single dwelling building and every owner of a building containing two or more dwelling units shall be responsible for the extermination of any insects, rodents, wood-destroying organisms, or other pests within the building or premises.

113.5.5 Rooming Houses

113.5.5.1 Compliance Exceptions: No person shall operate a rooming house, or shall occupy or let to another for occupancy any rooming unit in any rooming house, except in compliance with the provisions of every section of "this code".

113.5.5.2 Water Closet, Lavatory and Bath Facilities: At least one flush water closet, lavatory basin, and bathtub or shower, properly connected to a water and sewer system and in good working condition, shall be supplied for each four rooms within a rooming house wherever such facilities are shared. All such facilities shall be located on the floor they serve within the dwelling so as to be reasonably accessible from a common hall or passageway to all persons sharing such facilities.

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113.5.5.3 Water Heater Required: Every lavatory basin and bathtub or shower shall be supplied with hot water at all times.

113.5.5.4 Minimum Floor Area for Sleeping Purposes: Every room occupied for sleeping purposes by one person shall contain at least 70 sq. ft. (6.5 m²) of floor space and every room occupied for sleeping purposes by more than one person shall contain at least 50 sq. ft. (4.6 m²) of floor space for each occupant thereof.

113.5.5.5 Exit Requirements: Every rooming unit shall have safe, unobstructed means of egress leading to safe and open space at ground level, as required by the building code.

113.5.5.6 Sanitary Conditions: The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors, and ceilings, and for maintenance of a sanitary condition in every other part of the rooming house, and shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building is leased or occupied by the operator.

1. The building shall be ordered repaired in accordance with "this code" or demolished in accordance with procedures as established within "this code".
2. If the building or structure poses an immediate hazard to life or to the safety of the public it shall be ordered vacated immediately.

SECTION 114

CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS

114.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the licensing and/or application and interpretation of this code, there shall be and is hereby created a Construction Board of Adjustment and Appeals. The Construction Board of Adjustment and Appeals shall be appointed by the governing body and shall hold office at its pleasure. The Board shall adopt rules of procedure for conducting its business.

114.1.1 Decision-Making Authority. The Charleston County Construction Board of Adjustment and Appeals shall have final decision-making authority on the following matters:

- A. Appeals of orders, decision or determination made by the Building Official;
- B. Licensing or registration of building contractors;
- C. Adjustments and appeals for stormwater management utility fees; and
- D. Appeals and variances of floodplain management in reference to Chapter 9 of the Code of Ordinances Charleston County entitle "Flood Damage Prevention and Protection"
- E. The Charleston County Construction Board of Adjustment and Appeals ("Board") does not act in a review or recommending capacity.

114.1.2 Officers, Rules, Meetings and Minutes. The Charleston County Construction Board of Adjustments and Appeals shall elect one of its members as Chairperson and another as Vice-Chairperson, both who shall serve for one year or until re-election or a successor is elected and qualified. The Charleston County Construction Board of Adjustment and Appeals shall adopt rules and procedures in accordance with the provision of this Ordinance and shall keep a record of its resolutions, findings and determinations, all of which, upon approval, shall be filed immediately in the office of Building Official. Such records shall be available for public review and inspection during normal business hours. The Building Official shall be a non-voting member of the Board and shall serve as the Secretary. Meetings of the Board shall be at the call of the Chairperson or at such other

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times as a majority of the Board may determine. Public notice of all meeting of the Board shall be provided by at least electronic deliver to the major news television stations, the major newspaper of general circulation, the major radio communication companies, and several individual town/jurisdiction papers. A quorum for the transaction of official business by the Board shall consist of six members. The decision of the Board shall be final unless the petitioner appeals the decision to the circuit court in Charleston County within thirty days after the date of the decision of the Board.

114.2 Adjustments and Appeals the Construction Board of Adjustment and Appeals shall hear and decide requests for adjustment and appeals meeting all of the following provisions:

1. Decisions on which an adjustment or appeal is requested shall be those made by the Building Official or his designee.
2. The Construction Board of Adjustment and Appeals is authorized to hear requests for adjustment or appeal to this code and other codes, regulations, or ordinances as specifically authorized in the Code of Ordinances, Charleston County, South Carolina or determined by the Building Official to be within the scope of the Construction Board of Adjustment and Appeals.

114.1.1 Right to Appeal. Appeals of Administrative of orders, decisions or determinations causing the appeal or variance may be filed by the owner of the property affected by the decision or his or her duly authorized representative, or by any person with a substantial interest in a decision of the Building Official.

114.1.2 Application filing; timing. Requests for a hearing for an adjustment or appeal of a decision shall be in writing, and shall be received in the office of the Building Official within twenty (20) calendar days of notice of the decision causing the filing of the adjustment or appeal.

114.4 Decisions The decisions of the Construction Board of Adjustment and Appeals shall be final unless the applicant appeals the decision to the circuit court in Charleston County within twenty (20) days after the date of the decision of the Construction Board of Adjustment and Appeals.

114.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code 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 code.

114.3 Qualifications. The Construction Board of Adjustment and 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.

114.7 Composition. The Charleston County Construction Board of Adjustment and Appeals shall consist of eleven members appointed by Charleston County Council for a term of four years each. The term of office shall be staggered so no more than one-third of

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the board is appointed or replaced in any year. Members shall serve without compensation for the County. Any vacancy which may occur on the Board shall be filled by County Council appointing a successor to serve out the unexpired term of the vacancy. No member of the Board may hold an elected public office in Charleston County. The eleven member board shall consist of the following:

- (1) Two must be registered architects;
- (2) One must be a registered structural engineer;
- (3) One must be a registered mechanical engineer;
- (4) Two must be registered civil engineers;
- (5) One must be a licensed general contractor;
- (6) One must be a mechanical contractor;
- (7) One must be a licensed electrical contractor;
- (8) One must be a licensed plumbing contractor; and
- (9) One licensed residential home builder.

114.4 Established; composition. The Construction Board of Adjustment and Appeals appointed by County Council shall consist of eleven (11) appointed members and the Building Official shall be a non-voting member of the Board and shall serve as the Secretary. All appointments shall be for a term of four (4) years. The terms of office shall be staggered so no more than one-third (1/3) of the Board is appointed or replaced in any year. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made. Absence of a member in excess of three (3) consecutive meetings may render any such member liable to immediate removal from office.

114.5 Quorum. Six (6) members of the Board shall constitute a quorum.

114.6 Establish rules for the carrying out responsibilities. The Construction Board of Adjustment and Appeals shall establish rules, as appropriate, for carrying out these assigned responsibilities.

114.7 The decisions of the Construction Board of Adjustment and Appeals shall be final unless the petitioner appeals the decision to the circuit court in Charleston County within twenty (20) days after the date of the decision of the Construction Board of Adjustment and Appeals.

114.8 Additional Responsibilities.

114.8.1 Licensing

a. Ground for revocation of County license. The Board may revoke the license or registration of any building contractor who is found guilty of fraud or deceit in obtaining a license, or gross negligence incompetence, or gross misconduct in conducting his business as a contractor. Any person who alleges gross negligence, incompetence, or gross misconduct against any contractor licensed or registered hereunder shall submit such allegation in affidavit form and file the same with the Secretary of the Board.

b. Reissuance of revoked license or registration. The Board may consider a request to reissue the County license of any person whose license or registration has been

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revoked six (6) months after the date of revocation, if a majority of the members of the Board vote in favor of such reissuance for reasons the board deems sufficient. If the reissuance is denied, the reissuance can be reconsidered at six-month intervals thereafter.

c. Probation. The Board may place any building contractor on probation for a specified period of time in lieu of revoking his or her County license or registration when allegations presented do not warrant revocation by the majority of the Board for whatever reasons the Board deems sufficient.

d. Hearing and decision of charges. Grounds detailed in subsection (1) above, unless they are dismissed without hearing by the Board as unfounded or trivial, shall be heard based on testimony under oath and a determination shall be made by the Board within three (3) months after the date of the hearing. The accused may cross examine witnesses against him and produce evidence or witnesses in his or her defense. A written record shall be made of the proceedings. If, after such hearing, the Board, by majority, votes in favor of finding the accused guilty of any fraud or deceit in obtaining his license or registration, or gross negligence, incompetence, or gross misconduct in conducting his business as a contractor, his or her County license or registration will be revoked.

114.8.2 Stormwater Management. The Construction Board of Adjustment and Appeals shall hear and decide requests for stormwater management utility adjustment and appeals as follows:

a) The Construction Board of Adjustment and Appeals shall hear the petition to determine if the annual stormwater management utility fee does not apportion the fee with approximate equality, based upon a reasonable basis of classification and with due regard to the benefits conferred by providing stormwater management services to the utility customer and the requirements of public health, safety or welfare. The determination of the annual fee by the Construction Board of Adjustment and Appeals is entitled to presumption of correctness and the applicant has the burden of rebutting the presumption of correctness.

b) The Construction Board of Adjustment and Appeals shall render a written decision on each application that is heard, and such written decision shall be issued within twenty (20) calendar days from the day the board heard the application. The decision of the Construction Board of Adjustment and Appeals shall contain findings of fact and conclusions of law and the decision shall be sent to the petitioner by first class mail.

c) Prior to bringing an action to contest an annual fee, the petitioner shall pay to the treasurer not less than the amount of the annual stormwater fee which he admits in good faith owes. Payment of the fee shall not be deemed an admission that the annual fee was due and shall not prejudice the applicant in bringing an action as provided herein.

114.8.3 Floodplain Management

The Construction Board of Adjustment and Appeals shall hear and decide requests for appeals and variances as referenced in the current Ordinance, Entitled "The Flood Damage Prevention and Protection."

SECTION 115

VIOLATIONS

115.1 Violations.

115.1.1 The violation of any of the codes or regulations adopted pursuant to the provisions of this ordinance is hereby declared to be a misdemeanor, and any person violating such codes or regulations shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished in accordance with this section. In case of any violation of or proposed violation of the codes or regulations adopted pursuant to this article, the Building Official or other appropriate authority of the county, or any adjacent or neighboring property owner who would be damaged by such violation may, in addition to other remedies, apply for injunctive relief, mandamus or other appropriate proceedings to prevent, correct or abate such violation or threatened violation.

115.1.2 Nothing in this article or in the codes adopted in this article shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired or liability incurred, or any cause of action accrued or existing under any act or ordinance repealed hereby, nor shall any right or remedy of any character be lost, impaired or affected by "this code".

115.1.3 Each day any violation of "this code" or any such ordinance, resolution, rule, regulation or order shall continue shall constitute, except where otherwise provided, a separate offense.

115.2 Service of complaint.

Complaints by letter or orders hereunder shall be delivered to an/or served upon such persons either personally or by registered mail (return receipt requested), but if the whereabouts of such persons are unknown and cannot be ascertained in the exercise of reasonable diligence, the Building Official or his designated representative(s) shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing it once each week for two consecutive weeks in a newspaper printed and published in the county. A copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order.

115.3 Rights of persons affected by orders.

Any person affected by an order issued by the Building Official or his designated representative(s), may within 60 days after the posting and service of the order, petition the circuit court for an injunction restraining the Building Official or his designated representative(s) from carrying out the provisions of the order, and the court may, upon such petition, issue a temporary injunction restraining the Building Official pending the final disposition of the cause. Hearings shall be had by the court on such petitions within 20 days or as soon thereafter as possible and shall be given preference over other matters on the court's calendar as authorized by S.C. Code 1976, § 31-15-370, as amended. The court shall hear and determine the issues raised and shall enter such final order or decree as law and justice may require. In all such proceedings, the findings of the Building Official as to the facts, if supported by evidence, shall be conclusive. Costs shall be at the discretion of the court. The remedies herein provided shall be exclusive remedies, and no person affected by an order of the Building Official shall be entitled to recover any damages for

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action taken pursuant to any order of the Building Official or his designated representative(s) or because of compliance by such person with any order of the Building Official.

115.4 Penalties

115.4.1 Wherever in "this code" or in any ordinance of the county any act is prohibited or is declared to be unlawful or an offense or misdemeanor, or the doing of any act is required, or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, and no specific penalty is provided for the violation thereof, the violation of any such provision of "this code", or any such ordinance, shall be subject to the maximum penalties authorized for the Magistrates' Courts of the State of South Carolina, as from time to time provided in Section 22-3-55- of the South Carolina Code of Laws, 1976, as amended, or successor legislation.

115.5 Effective Date, Repealer; Savings Clause. This ordinance shall be effective upon ratification. Prior to such date, the existing provisions of Chapter 4 of the Code of Ordinances, Charleston County shall remain in full force and effect. Upon such effective date, all laws, codes, ordinances and standards existing prior to the effective date shall be treated as remaining in full force and effect for the purpose of sustaining any vested right, civil action, special proceeding criminal prosecution or appeal existing as of the effective date of these amendments and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended version.

The Chairman called for a roll call vote on third reading of the ordinance. The roll was called and votes were recorded as follows:

Condon	- aye
Darby	- aye
Johnson	- aye
Pryor	- aye
Qualey	- absent
Rawl	- absent
Sass	- aye
Schweers	- aye
Summey	- aye

The vote being seven (7) ayes and two (2) absent, the Chairman declared the ordinance to have received third reading approval.

An ordinance approving amendments to the Charleston County Fee Ordinance was given second reading by title only.

AN ORDINANCE

AMENDING THOSE PORTIONS OF THE CHARLESTON COUNTY CODE SECTION 2-137 DEALING WITH FEES IN THE BUILDING INSPECTIONS DEPARTMENT

Fee
Ordinance
Amendments

Ordinance
3rd Reading

Section 1.0. Purpose of Amendment, Finding

January 20, 2015

WHEREAS, several industry changes have caused conflicts in requirements and terminologies which require an update to clarify several appropriate fee applications and

WHEREAS, the update proposed provides an opportunity to consolidate and simplify the use and understanding of the fee ordinance by modifying ordinance formatting.

NOW, THEREFORE, be it ordained by Charleston County Council, in meeting duly assembled, as follows:

Section 2.0. Text Change:

The pertinent portion of Section 2-137 of the Charleston County Code of Ordinance Entitled "Building Inspections" are hereby amended as follows:

1. Contractor License / Registration Fees

License / Registration Application Fee	\$50.00
License / Registration Fee	\$50.00
Annual License / Registration Renewal Fee	\$50.00
Existing Journeyman Annual License Renewal Fee	\$25.00
Change License or Registration classification (other than at renewal time)	\$25.00

2. Permit Fees Based on Construction Valuations For All Permits Except For Those Listed In 3 and 4 Below

(a) Valuation Chart

Total Valuation	Fee
\$1,000.00 and less	No fee, unless an inspection is required, in which case a permit is required and a \$50.00 fee shall be charged.
\$1,000.00 to \$2,000.00	\$50.00
\$2,001.00 to \$50,000.00	\$50.00 for the first \$2,000.00 + \$4.00 per \$1,000.00
\$50,001.00 to \$100,000.00	\$242.00 for the first \$50,000 + \$3.75 per \$1,000.00
\$100,001.00 to \$300,000.00	\$429.50 for the first \$100,000 + \$3.50 per \$1,000.00
\$300,001.00 to \$500,000.00	\$1,129.50 for the first \$300,000 + \$3.35 per \$1,000.00
\$500,001.00 and up	\$1,799.50 for the first \$500,000 + \$3.00 per \$1,000.00

(b) Working without permits: Double fee

3. Other Permit Fees

(1) Permit Fee when the contractor is working as a subcontractor for the following activities; painting/wallpaper; floor covering, drywall (unless part of Fire related assembly), trim, cabinet, shelving, countertops, closet systems, and shower door	\$25.00
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Exceptions:

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1. When permits are issued for work being done as the prime contractor, the fees shall be based on construction value as in Section 2, number 2 for the appropriate type of work being performed.
2. Prime contractors permitted and performing sub-contractor work utilizing their full-time regular hourly employees will be issued trade permits with no fee.

4. Manufactured Housing Permit Fees

For setup on a new or existing site \$100.00

Note: Fees for modular construction as defined by the South Carolina Modular Construction Act shall be based upon the fee schedule for permits based on construction valuations.

5. Inspection Fees

- (1) Re-inspection When a reinspection fee is required, an additional fee of \$50.00 will be charged for each inspection.
- (2) Minimum Permit or Inspection Fee \$50.00
- (3) Floodplain Management Compliance Inspection \$75.00

(2) Hazardous Occupant Permits \$100.00

(3) Fireworks Stand Permits \$50.00

(4) Structural Moving Permit Fee \$100.00

(5) Demolition Permit Fee \$50.00

6. Other Fees

(1) Plan Review Fees ½ permit fee
based
on construction
valuations

(2) Construction in Flood Zones / Filing Fee \$20.00

Note: If a prime contractor has paid a Flood Zone filing fee, the subcontractor working for the prime contractor will not be charged an additional filing fee.

(3) Fees for replacement of placards shall be \$25.00

(4) Variance / Appeal Application Fee \$100.00

Note: Application fees for appeals successfully granted by the Construction Board of Adjustment & Appeals shall be reimbursed to the applicant.

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(5) Vehicle Decal Fee \$6.00/vehicle/set

(6) Annual Vehicle \$3.00

7. Penalties

Where work for which a permit is required by this Code is started or proceeded prior to obtaining said permit, the fees herein specific shall be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of this Code in the execution of work nor from any other penalties prescribed herein.

8. Effective dates; severability

This ordinance shall be effective immediately following approval at third reading. The changes in the Building Inspection Services fees shall be effective as of approval of third reading.

If any provision of this ordinance or its application to any circumstance is held by a court of competent jurisdiction to be invalid for any reason, this holding does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are severable.

The Chairman called for a roll call vote on third reading of the ordinance. The roll was called and votes were recorded as follows:

Condon	- aye
Darby	- aye
Johnson	- aye
Pryor	- aye
Qualey	- absent
Rawl	- absent
Sass	- aye
Schweers	- aye
Summey	- aye

The vote being seven (7) ayes and two (2) absent, the Chairman declared the ordinance to have received third reading approval.

The Chairman announced that the next item on the agenda was the Consent Agenda. Mr. Pryor moved approval of the Consent Agenda, seconded by Mr. Sass, and carried.

Consent Agenda items are as follows:

A report was furnished by the Finance Committee under date of January 20, 2015, that it considered the information furnished by County Administrator Kurt Taylor and Charleston County Coroner Rae Wooten regarding a request from the Coroner's Office to apply for the Justice Assistance Grant Program for FY 2015. It was stated that this grant program provides funding to assist units of local government in carrying out specific programs which offer high probability of improving the functioning of the criminal justice system.

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It was shown that the Charleston County Coroner's Office is seeking funding to hire a Forensic Death Investigator who will investigate deaths in Charleston County and all required equipment for this position to include a vehicle package, computer package, telecommunications package, a forensic photography package and associated training.

The Coroner is requesting \$130,000.00 from the Justice Assistance Grant Program to fund the Forensic Death Investigator and to purchase equipment and supplies needed for this position to be successful.

The matching requirement for grants made under the JAG grant program is 90% federal and 10% non-federal. There is 1 grant funded FTE associated with this request. The grant period is July 1, 2015 through June 30, 2016.

Committee recommended that Council approve the Coroner's Office request to apply for and accept, if awarded, funding in the amount of \$130,000.00 from the Justice Assistance Grant Program to hire a Forensic Death Investigator and purchase the needed equipment for that position with the understanding that:

1. the matching requirement for grants made under the JAG grant program is 90% federal and 10% non-federal and that if the application is successful, the 10% match required for the grant will need to be made.
2. The grant period is July 1, 2015 through June 30, 2016.
3. There is no ongoing commitment for the County associated with this request.

A report was furnished by the Finance Committee under date of January 20, 2015, that it considered the information furnished by County Administrator Kurt Taylor and Contracts and Procurement Director Barrett Tolbert regarding the need to award a contract for the replacement of shelving in the County Records Center. It was stated that sealed bids were received for the Charleston County Records Center Shelving Replacement. This project is to upgrade and replace shelving which will provide more storage space in the Records Center and was approved in the FY 2015 budget.

Records
Center
Shelving
Replacement

Award of
Contract

It was shown that sealed bids were received in accordance with the terms and conditions of Invitation for Bid No. 4900-15V. The mandatory SBE utilization for this project was 12.2% and no DBE criteria was established.

Committee recommended that Council authorize award of bid for the Charleston County Records Center Shelving Replacement to the lowest responsive and responsible bidder Hawkins and Kolb Construction Company in the amount of \$105,257, with the understanding that funds are available in the Records Management budget.

Sonny Boy
Lane
Condemnation

Defer

The Chairman announced that the next item on the agenda was a request to condemn a portion of Sonny Boy Lane. Mr. Schweers moved to defer action on this item until the February 3, 2015, County Council meeting. The motion was seconded by Mr. Pryor, and carried.

A report was furnished by the Finance Committee under date of January 20, 2015, that it considered the information furnished by Members of Council who were elected in the 2014

Council
Member
Recommended
Appointments

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General Election regarding recommended appointments to the Planning Commission, Board of Zoning Appeals, Greenbelt Advisory Board, and Transportation Advisory Board. Recommended appointees are as follows:

<u>Recommended by:</u>	<u>Planning Commission</u>	<u>BZA</u>	<u>GAB</u>	<u>TAB</u>
Johnson	Sussan Chavis	Cheryl Cromwell	Nora Kravec	Rev. William Jones
Pryor	Patrick Bell	Sheila Daniels	Charles Bennett	Ryan Johnson
Qualey	Amy Fabri	John E. Bevon, III	Beezer Molten	Beezer Molten
Sass	David Kent	Robert Woodul	will make a recommendation at a later time	Mark Kearns
Schweers	Cindy Floyd	Terri Craven	Monte Gaillard	John Knott

Committee recommended that Council:

1. Appoint Sussan Chavis, Patrick Bell, Amy Fabri, David Kent, and Cindy Floyd to the Charleston County Planning Commission for terms to expire December 31, 2018.
2. Appoint Cheryl Cromwell, Sheila Daniels, John E. Bevon, III, Robert Woodul, and Terri Craven to the Charleston County Board of Zoning Appeals for terms to expire December 31, 2018.
3. Appoint Nora Kravec, Charles Bennett, Beezer Molten, and Monte Gaillard to the Greenbelt Advisory Board for terms to run co-terminus with the Council Member who recommended them for appointment.
4. Appoint Rev. William Jones, Ryan Johnson, Beezer Molten, Mark Kearns, and John Knott to the Transportation Advisory Board for terms to run co-terminus with the Council Member who recommended them for appointment.

Ms. Condon moved approval of the committee recommendation, seconded by Mr. Pryor, and carried.

The Chairman asked if any member of Council wished to bring a matter before the Body. Hearing no affirmative response and there being no further business to come before the body, the Chairman declared the meeting to be adjourned.

Kristen L. Salisbury
Deputy Clerk of Council