

State Law reference— Maximum penalty, S.C. Code 1976, § 14-25-65.

Chapter 5 - BUILDINGS AND BUILDING REGULATIONS^[1]

The Town Council may solicit the help of the Florence County regulators as needed.

Footnotes:

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State Law reference— Adoption of standard technical codes, S.C. Code 1976, § 5-7-280; regional agreements to enforce building and technical codes authorized, S.C. Code 1976, § 6-9-20; codes authorized, S.C. Code 1976, § 6-9-60.

ARTICLE I. - IN GENERAL

Sec. 5-1. - Building official as at-will employee.

- (a) There is hereby established within the town the position of building code inspector. The building code inspector will report to the mayor. He or she shall be responsible to plan, coordinate, and administer the building code enforcement program, the flood damage prevention ordinance, the house numbering and street and subdivision, the zoning ordinance, serve as the liaison between the administration of the town and the town council and such other duties as maybe assigned. The building code inspector shall be responsible for oversight of the town's building officials.
- (b) There is hereby established within the town the position of building official, who may be a subcontractor, or employee or employees as designated from time to time by the town council. The building code inspector shall administer the building inspection.
- (c) Notwithstanding section A101.1 of the International Building Code, entitled "Building Official Qualifications," any building official of the town who is not a subcontractor shall be deemed an at-will employee of the town in accordance with laws of the state. As an at-will employee, the building code inspector and/or the building official may terminate his employment with the town at any time, for any reason, or for no reason at all, and likewise, the town may terminate the building code inspector's employment at any time, for any reason or for no reason at all.
- (d) Any officer or employee charged with the enforcement of this chapter or the technical codes, acting on the town's behalf in the discharge of his duties, shall not thereby render himself personally liable, and is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties.

State Law reference— Building code enforcement officers, S.C. Code 1976, § 6-8-10 et seq.; enforcement of building codes, S.C. Code 1976, § 6-9-10; appointment of building official, S.C. Code 1976, § 6-9-30.

Sec. 5-2. - Reconstruction, removal of debris of uninhabitable building.

In any house or structure in which a certificate of occupancy has been canceled or withdrawn because the structure has become uninhabitable or unoccupiable, the owner shall commence reconstruction or removal of debris within 90 days. The building code inspector is authorized to grant a 90-day extension.

Sec. 5-3. - Sanitation at construction sites.

- (a) The building official is hereby authorized to require either or both of the following at any construction site:
 - (1) Adequate debris disposal container, up to and including a roll-off type container.
 - (2) Bathroom facilities for the use of individuals working on construction sites.
- (b) In the interest of litter control and maintenance of appropriate sanitary conditions:
 - (1) Portable bathroom facilities shall be provided for the following:
 - a. All new construction sites.
 - b. All remodeling sites where bathroom facilities within the building under repair will be disrupted during the construction period.
 - (2) Roll-off containers shall be located off the paved portion of the street and provided for the following:
 - a. All new construction sites.
 - b. All major remodeling sites. Designation of such sites shall be at the discretion of the building official.
- (c) Applicants for building permits shall be informed of these requirements by the building official when permits are issued. Failure to meet these requirements shall result in revocation of the building permit.

Secs. 5-4—5-24. - Reserved.

ARTICLE II. - TECHNICAL CODES^[2]

Footnotes:

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State Law reference— Building codes, S.C. Code 1976, § 6-9-5 et seq.

Sec. 5-25. - Adopted.

- (a) There is hereby adopted for the purposes of establishing rules and regulations for the construction, alteration, removal, demolition, equipment use and occupancy, location and maintenance of buildings and structures, plumbing and electrical appurtenances including permits, the following codes, the application of which shall be the most current issue of adoption by the state building code council and have an enforcement date the same as specified by the state and as provided under S.C. Code 1976, § 6-9-10 et seq. and including applicable amendments, appendices, and/or revisions thereto, less and except the provisions of the codes, amendments, appendices, and/or revisions referenced in this section which concern the qualification, removal, dismissal, duties, responsibilities of, and the administrative procedures for all building officials, deputy building officials, chief inspectors, other inspectors, and assistants, which are being excluded as permitted in S.C. Code 1976, § 6-9-60:
 - (1) International Building Code, including chapter 1, Administration.
 - (2) International Fire Code, including chapter 1, Administration.
 - (3) International Fuel Gas Code, including chapter 1, Administration.
 - (4) International Mechanical Code, including chapter 1, Administration.
 - (5) International Plumbing Code, including chapter 1, Administration.
 - (6) International Property Maintenance Code, including chapter 1, Administration.

- (7) NFPA 70, National Electrical Code.
- (8) International Residential Code, including chapter 1, Administration.
- (9) International Energy Conservation Code, including chapter 1, Administration.
- (b) Save and except portions as are hereafter deleted, modified or amended, of which a copy is filed in the office of the town administrator, such codes are hereby adopted and incorporated as fully as if set out at length in this section, and any further amendments thereto shall automatically be adopted unless affirmative action to amend is taken by town council.

State Law reference— Adoption by reference of codes and standards, S.C. Code 1976, § 6-9-60.

Sec. 5-26. - Interpretation.

In case of conflict between any provision of the code adopted in section 8-25 and any provision of this Code, the more restrictive provision shall apply.

Sec. 5-27. - Enforcement.

- (a) The building official or his designee shall be responsible for enforcing the provisions of the International Building Code, and is the "building official" as that term is defined in section 104 of the International Building Code.
- (b) The building official or his designee shall be responsible for enforcing the provisions of the International Plumbing Code, and is the "plumbing official" as that term is defined in section 104 of the International Plumbing Code.
- (c) The building official or his designee shall be responsible for enforcing the provisions of the National Electrical Code, the International Mechanical Code, the International Fuel Gas Code, and the International Energy Conservation Code.
- (d) The fire chief or his designee shall be responsible for enforcement of the International Fire Prevention Code.
- (e) The town construction board of adjustments and appeals is hereby established, having such authority and powers as provided in section 112 of the International Building Code.

Sec. 5-28. - Building permit.

- (a) *When required.* When required, an owner, authorized agent, or contractor who desires to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure or erect or construct a sign of any description or to install a steam boiler, furnace, heater, incinerator or other heat-producing apparatus or other appurtenances, the installation of which is regulated by the codes adopted in this article, or to cause any such work to be done shall first make application to the building official and obtain the required permits for the work. A separate permit is required for the contractor responsible for the construction and for each individual contractor responsible for the installation of any plumbing, electrical, mechanical, or gas equipment required.
- (b) *Work authorized.* A building permit shall carry with it the right to install in any building or structure or part thereof, elevators, sidewalks elevators, vaults, chutes, lifts or derricks, provided such installations are shown on the drawings and set forth in the specifications filed with the application for the permit; but where these are not shown on the drawings and covered by the specifications submitted with the application, special permits shall be required. A permit issued to a plumbing, electrical, mechanical, or gas equipment contractor shall carry with it the right to install only equipment directly associated with their trade.
- (c) *Minor repairs.* Ordinary minor repairs may be made with the approval of the building official without a permit, provided that such repairs shall not violate any of the provisions of this chapter.

- (d) *Information required.* Each application for a permit, with the required fee, shall be filed with the building official on a form furnished for that purpose, and shall contain a general description of the proposed work and its location. The application shall be signed by the owner or his authorized agent. The application shall contain such other information as may be required by the building official.
- (e) *Drawings and specifications.*
- (1) *Requirements.* When required by the building official, two or more copies of specifications, and of drawings drawn to scale with sufficient clarity and detail to indicate the nature and character of the work, shall accompany the application for a permit. Such drawings and specifications shall contain information, in the form of notes or otherwise, as to the quality of materials, where quality is essential to conformity with this article. Such drawings or plans for new construction shall also include a foundations plan, including detail of typical member or section, framing plan, plumbing plan, electrical plan detailing location of breaker box and all mechanical equipment and required amperages, exterior elevations of all sides, specifications for windows, doors, fireplaces and decks and septic, or sewer permit. Such information shall be specific, and this article shall not be cited as a whole or in part, nor shall the term "legal" or its equivalent be used as a substitute for specific information.
 - (2) *Additional data.* The building official may require detailed computations, stress diagrams and other data necessary to describe the installation and basis of calculations, and they shall bear the signature of the person responsible for the person responsible for the design.
 - (3) *Designer's name.* All drawings, specifications and accompanying data shall bear the name and address of the designer.
 - (4) *Structural and fire resistance integrity.* Plans for all buildings shall indicate how required structural and fire resistive integrity will be maintained where a penetration of a required fire resistant wall, floor or partition will be made for electrical, mechanical, plumbing and communication conduits, pipes and systems, and also indicate in sufficient detail how the fire integrity will be maintained where required fire resistant floors intersect the exterior walls.
 - (5) *Site drawings.* Drawings shall show the location of the proposed building or structure and of every existing building or structure on the site or lot. The building official may require a boundary line survey prepared by a qualified surveyor.
- (f) *Conditions of a permit.*
- (1) *Permit a license.* A permit issued shall be construed to be a license to proceed with the work and shall not be construed as authority to violate, cancel, alter or set aside any of the provisions of this article, nor shall such issuance of a permit prevent the building official from thereafter requiring a correction of errors in plans or construction or of violations of this article. A permit issued shall be valid for 12 months from the date of issue. Every permit issued shall become invalid unless the work authorized by such permit is not commenced within six months from the issue date, or if the building or work authorized by such permit is suspended or abandoned for a period of six months or more after the work has commenced. Before such work can be commenced or resumed, a permit extension or renewal as required by the following subsections shall be obtained.
 - a. *Permit extension.* A permittee holding an unexpired permit may apply for a six-month extension, provided the extension is requested in writing and the permittee can show good and satisfactory reasons beyond control that the work cannot be commenced within the six-month period from the original permit issue date. Such extensions shall be in writing by the building official. An additional fee as on file in the town clerk's office is required for this extension.
 - b. *Permit renewal.* A permit which has expired for three months or less may be renewed provided no changes have been made in the original plans and specifications for such work. The renewal fee shall be one-half the amount required for a new permit. Permits which have been expired for greater than three months require a new application and payment of the full permit fee.

- (2) *Plans.* When the building official issues a permit, he shall endorse, in writing or by stamp, both sets of plans "reviewed for compliance." One set of drawings so reviewed shall be retained by the building official and the other set shall be returned to the applicant. The permitted drawings shall be kept at the site of work and shall be open to inspection by the building official or his authorized agent.
- (g) *Business license.* No permit for work of any kind shall be issued to a contractor, subcontractor, owner or any authorized agent by any officer of the town until the town clerk shall have first certified that all license taxes have been paid.
- (h) *Public right-of-way.* The public right-of-way shall be protected. It shall be the duty of the building official to see that the street lines are not encroached upon except as provided for in chapter 32 of the International Building Code.
- (i) *Piers, docks, ramps, floats.* Marine construction such as piers, docks, ramps, floats or any other type construction shall not be constructed or altered without the approval of the building inspector and without the issuance of a valid building permit. Permits or proof of authorization of other regulatory agencies, where appropriate shall accompany the application, e.g., South Carolina Department of Health and Environmental Control (SCDHEC), Office of Ocean and Coastal Resource Management approval. During construction, it shall be the responsibility of the permit holder to use materials and construction techniques that will minimize the possibility of damage or danger to persons or property. It shall be the responsibility of the owner to maintain these structures in such a manner as to prevent their floating or washing away and endangering persons or other property.
- (j) *Repainting.* Permits for repainting on a homeowner's personal property are not required, unless plumbing or electrical work is necessary. If repainting should involve structural repairs, such as rotten rafters, etc., a permit is required so that the repairs can be properly inspected.
- (k) *Building permit valuations.* If, in the opinion of the building official, the valuation of a building, alteration or structure appears to be underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimated costs to meet the approval of the building official. Permit valuation shall include total costs, such as plumbing, electrical, mechanical equipment and other systems. Final building permit valuation shall be set by the building code inspector.
- (l) *Permit fees.*
- (1) *Prescribed fees.* A permit shall not be valid until the fees prescribed in this section have been paid, nor shall an amendment to a permit be approved until the additional fee, if any, due to an increase in the estimated cost of the building or structure has been paid.
- (2) *Schedule of permit fees.* On all buildings, structures, electrical, gas, mechanical, and plumbing systems, or alterations requiring a permit, a fee for each permit shall be paid as required at the time of filing application, in accordance with the fee schedule on file in the town clerk's office
- (m) *Moving fee.* For the moving of any building or structure, the fee is in an amount on file in the town clerk's office.
- (n) *Demolition fee.* For the demolition of any building or structures, the fee is in an amount on file in the town clerk's office.
- (o) *Penalties.* Where work for which a permit is required by this Code is started or proceeded prior to obtaining such permit, the fees specified in this section 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 the work nor from any other penalties prescribed in this Code.
- (p) *Plan checking fee.* When the valuation of the proposed construction exceeds \$1,000.00 and a plan is required to be submitted by subsection (e)(1) of this section of the building code adopted in section 8-25, a plan checking fee shall be paid to the building official at the time of submitting plans and specifications for checking. Such plan checking fee shall be equal to one-half of the build permit fee as set forth in the fee schedule on file in the town clerk's office. Such plan checking fee is in addition to the building permit fee.

- (q) *Extra inspection fees.* When extra inspections are made necessary for reasons of defective work or otherwise through fault or error on the part of the permit holder or his employees, a notice will be given in writing by the building official setting forth the violation. For each and every visit or inspection for which the permit holder or his employee is entirely responsible, fees shall be charged as on file in the town clerk's office

Sec. 5-29. - Inspections.

- (a) *Existing building inspections.* Before issuing a permit, the building official may examine or cause to be examined any building for which an application has been received for a permit to enlarge, alter, repair, move, demolish or change the occupancy. He shall inspect all buildings and structures from time to time, during and upon completion of the work for which a permit was issued. He shall make a record of every such examination and inspection and of all violations of this chapter.
- (b) *Inspection service.* The building official may make or cause to be made the inspections required by this section. He may accept reports of inspectors of recognized inspection services, provided that after investigation he is satisfied as to their qualifications and reliability. A certificate called for by any provision of this Code shall not be based on such reports unless the same are in writing and certified by a responsible officer of such service.
- (c) *Inspections prior to issuance of certificate.* The building official shall inspect or cause to be inspected at various intervals all construction or work for which a permit is required, and a final inspection shall be made of every building or structure upon completion, prior to the issuance of the certificate of occupancy.
- (d) *Posting of permit.* Work requiring a building permit shall not commence until the permit holder or his agent posts the building permit card in a conspicuous place on the front of the premises. The permit shall be protected from the weather and located in such position as to permit the building official to conveniently make the required entries thereon. This permit card shall be maintained in such position by the permit holder until the certificate of occupancy is issued by the building official. Failure to post the permit placard before work commences will result in a re-inspection fee as on file in the town clerk's office.
- (e) *Required inspections.* The building official, upon notification from the permit holder or his agent, shall make the following inspections of buildings and such other inspections as may be necessary, and shall either approve that portion of the construction as completed or shall notify the permit holder or his agent of any violations to comply with this chapter. Requests for inspections shall be made by calling the building department 24 hours in advance.
- (1) *Stake inspection.* To ensure compliance with zoning setbacks by measuring and recording footage to each property line and street from each stake before construction begins. Stakes are to be placed on the outside perimeter of pilings by the owner or designated agent. The stake inspections shall be required for any construction that would change exterior dimensions of a building.
- (2) *Foundation inspection.* To be made after footings are excavated.
- (3) *Framing inspection.* To be made after the roof, all framing, fire blocking and bracing is in place.
- (4) *Rough-in electrical and plumbing inspection.* To ensure compliance with the building code, electrical code and plumbing code adopted in section 8-25. To be made before insulation or wall covering is installed.
- (5) *Insulation inspection.* An insulation inspection or an insulation certificate from the installer is required before wall covering.
- (6) *Final inspection.* To ensure compliance with all codes and ordinances. To be made after the building is completed and ready for occupancy. Approval shall not be given until the following conditions have been met:
- a. Septic system approved permit.

- b. Final certificate of elevation (if applicable).
 - c. All fees have been paid.
 - d. Trash, building materials, etc., have been removed from site.
 - e. Any damage to public roadways, access ways, bicycle paths, rights-of-way or other public property or property interests damaged as a result of the construction has been repaired and returned to the condition substantially similar to the condition of the property prior to construction; and appropriate grading, culvert installation, etc., has been accomplished along the rights-of-way to match adjoining properties and ensure uninterrupted flow of stormwater.
- (f) *Written approval.* Work shall not be done on any part of a building or structure beyond the point indicated in each successive inspection without first obtaining the written approval of the building official. Such written approval shall be given only after an inspection has been made of each successive step in the construction as indicated by each of the inspections required in subsection (e) of this section.
- (g) *Reinspections.* The building official is authorized and directed to make periodic inspections of improvements within the town which may be subject to permit fees. Whenever necessary to make an inspection to enforce any provision of this article, the building official may enter buildings or premises as outlined in the section of the building code adopted in section 8-25 pertaining to right of entry. If the building official discovers changes in the nature or scope of the work made subsequent to any final inspection or without obtaining a building permit and which constitute a violation of this chapter or of the codes, the building official shall have all of the enforcement authority given by this article or by the codes, and in addition, the authority to revoke the certificate of occupancy. If the changes or construction were performed by a contractor authorized to do business within the town or by a subcontractor, the building official shall give notice of such fact to the building code inspector and the building code inspector shall forthwith suspend the business license of the contractor or subcontractor for 30 days for the first offense, 90 days for the second offense and one year for a third and subsequent offense. If the changes or construction were performed by the owner, penalties outlined in section 8-28(o) shall apply.

Sec. 5-30. - Notice of re-inspection provisions.

The building official shall cause to be distributed a copy of section 8-29(g) with each building permit issued under this article.

Sec. 5-31. - Penalty for violation of article.

Any violation of this article shall be deemed to be a misdemeanor, punishable in accordance with section 8-28(o).

Secs. 5-32—5-50. - Reserved.

ARTICLE III. - BUILDING INSPECTION DEPARTMENT

Sec. 5-51. - Permitting.

- (a) The building inspection department shall examine or cause to be examined each application for a permit and the accompanying contract documents, consisting of drawings, specifications, computations and additional data, and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of the building code, flood damage prevention chapter, zoning ordinance, and all other pertinent laws or ordinances.
- (b) The building inspection department shall act upon an application for a permit without unreasonable or unnecessary delay. If the department is satisfied that the work described in an application for a permit and accompanying documents filed therewith conforms to the requirements of the building

code, flood damage prevention chapter, zoning ordinance, and all other pertinent laws or ordinances, a permit shall be issued to the applicant.

- (c) If an application for a permit and the accompanying documents describing the work do not conform to the requirements of applicable codes or pertinent laws or ordinances, the building inspection department shall not issue a permit but shall return the documents to the applicant with a refusal to issue such permit. Such refusal shall, when requested, be in writing and shall contain the reason for refusal.
- (d) When the building inspection department issues a permit, two sets of plans shall be endorsed, in writing or by stamp, which have been reviewed for compliance. One set of drawings so reviewed shall be retained by the building inspection department, and the other set shall be returned to the applicant. The permitted drawings shall be kept at the site of work and shall be open to inspection by the building inspector or his authorized representative.
- (e) The building inspection department will obtain compliance through inspections, codes and ordinances and assure that appropriate commissions and boards review applications and take action upon those where necessary.
- (f) The building inspection department shall ensure that approvals have been given to service the construction with water or sewer service where applicable before the issuance of a building permit.
- (g) The building inspection department shall ensure that work requiring a building permit shall not commence until the permit holder or his agent posts the building permit card in a conspicuous place on the front of the premises.
- (h) The building inspection department shall ensure that all contractors and subcontractors maintain a current business license with the town before approval of a building permit.
- (i) The building inspection department may examine or cause to be examined any building for which an application has been received for a permit to enlarge, alter, repair, move, demolish or change the occupancy.
- (j) Each applicant for a permit for a new building must read and execute an affidavit of non-conversion statement on a form to be approved by the building inspection department to be submitted along with the application. The affidavit must contain a statement of compliance to chapter 18, flood damage prevention.

Sec. 5-52. - Inspections.

- (a) The building inspection department shall inspect all buildings and structures during and upon completion of the work for which a permit was issued. A record shall be made of every such examination and inspection and of all violations of the building code, flood damage prevention chapter, zoning ordinance, and all other laws or ordinances.
- (b) The building inspection department, upon notification from the permit holder or his agent, shall make the following inspections of buildings and such other inspections as may be necessary:
 - (1) *Stake inspection.* To ensure compliance with zoning setbacks by measuring and recording footage to each property line and street from each stake before construction begins. Stakes are to be placed on the outside perimeter of pilings by the owner or his designated agent. The stake inspection shall be required for any construction that would change the exterior dimensions of a building.
 - (2) *Foundation inspection.* To ensure compliance with building codes, flood chapter and zoning ordinance setback regulations. To be made after footings are excavated.
 - (3) *Framing inspection.* To ensure compliance with building codes, and flood damage prevention chapter elevation regulations. To be made after the roof, all framing, fire blocking and bracing is in place. A certificate of elevation will be required.

- (4) *Rough-in electrical and plumbing inspection.* To ensure compliance with the building code, electrical code and plumbing code. To be made before insulation or wall covering is installed.
- (5) *Final inspection.* To ensure compliance with all codes and ordinances. To be made after the building is completed and ready for occupancy.
- (c) Upon completion of a building erected in accordance with approved plans, and after final inspection, the building inspection department shall issue a certificate of occupancy.
- (d) Building sites for new or substantial improvements shall have onsite examinations no less than once per week.
- (e) Work shall not be done on any part of a building or structure beyond the point indicated in each successive inspection without first obtaining the written approval of the building inspector. Written approval shall be given upon proper inspection by signing and dating the onsite permit card for the appropriate inspection. The department shall notify owners or agents of work that does not pass inspection by issuing a stop work order or code violation sticker at the site stating the reason for such a notice.
- (f) The building inspection department will inspect docks, ramps, dock houses and sea walls to ensure compliance with other regulatory agencies and ordinances.
- (g) The building inspection department shall inspect excavation, fill and clearing and shall ensure compliance with any applicable laws or ordinances.
- (h) The building inspection department shall ensure continued compliance with town ordinances by inspecting completed construction when it is deemed a violation to any law or ordinance.

Sec. 5-53. - Hearings and meetings.

The building inspection department shall have a representative attend all board of adjustment and review hearings that have been called to appeal the decision of the building official, building code review hearings, planning commission meetings when requested or town council meetings when requested. If a representative cannot attend any of these hearings or meetings, a written statement will be provided.

Sec. 5-54. - Records and reports.

- (a) The building inspection department shall report to the county assessor's office new construction or substantial improvements, including residential, commercial, docks and all taxable properties as requested by the county assessor's office.
- (b) The building inspection department shall keep or cause to be kept a record of the business of the department. The record of the department shall be open to public inspection, subject to the Freedom of Information Act, S.C. Code 1976, § 30-4-10 et seq.
- (c) The building inspection department shall enforce and implement other policies or ordinances as outlined by the council.
- (d) The building inspection department shall report to the administrator.

Sec. 5-55. - Conflicts.

The provisions of this article are not intended to conflict in whole or in part with the International Building Code, chapter 1, "Administration," as adopted in section 8-25.

Secs. 5-56—8-83. - Reserved.

ARTICLE IV. - CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS

Sec. 5-84. - Established; purpose.

There is hereby established a board to be called "the town construction board of adjustments and appeals," to hear appeals arising under the building code, the residential code, the electrical code, the fuel gas code, the plumbing code, the mechanical code, the fire code, the energy conservation code and the property maintenance code. The board may be established by Town Council as needed to hear a case.

Sec. 5-85. - Membership; appointment; compensation of members; removal of members; conflicts of interest.

The construction board of adjustments and appeals shall consist of five members to be composed from the following disciplines: architect, engineer, electrical contractor, general contractor, mechanical contractor, and plumbing contractor, with the exception that one member of the board shall be a layman not employed in any of these disciplines. With the exception of the layman, all of the members of the board shall be licensed by the state in their respective professions and shall have engaged in a significant amount of business with the town in their respective professions so as to be familiar with the town's code practices. Substantiation of having engaged in a significant amount of business in the town will be established at the time of appointment by the prior issuance of business licenses to such individuals, or the businesses with which they are associated, in three of the last five calendar years. The members of the board shall be town residents and be appointed by the town council. They shall serve without compensation. Notwithstanding the membership requirements, if there are no available candidates from the disciplines set forth herein, the town council may fill an open seat with a town resident who would not otherwise qualify. Members shall be removed for cause by the town council. A board member shall not participate in any case in which he has a personal or implied interest, and all members should avoid the appearance of impropriety. Continued absence of any member from meetings of the board shall, at the discretion of the town council, result in his removal from office.

Sec. 5-86. - Term of members.

The term of office of the members of the construction board of adjustments and appeals shall be three years, except for the members first appointed, who shall serve staggered terms. No member shall serve more than two consecutive full terms, unless there are no applications to fill the seat, and in no event shall a member serve more than nine years. Appointments to fill unexpired terms shall not be considered a full term for purposes of eligibility for reappointment. A member of the board is limited to two consecutive terms of service, including the appointment to fill the vacancy in an unexpired term as one complete term for purposes of this limitation. After the completion of two consecutive terms, a member may be eligible for re-appointment upon the expiration of a period of one year from the date of last service. Provided, however, that the one-year period may be waived and the member deemed immediately eligible for re-appointment if there are no applicants for the position or, in the considered opinion of town council, there is no properly qualified applicant. There is no limit to the number of re-appointments a member may receive pursuant to these provisions.

Sec. 5-87. - Officers; meetings; records.

The construction board of adjustments and appeals shall elect its own chairperson and vice-chairperson, who shall serve for one year. It shall adopt rules necessary for the conduct of its affairs. Meetings of the board shall be held at the call of the chairperson and at such other times as the board may determine. The chairperson or acting chairperson may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its official actions, both of which shall be filed in the town offices.

Sec. 5-88. - Quorum; required vote.

Three members of the construction board of adjustments and appeals shall constitute a quorum. The concurring vote of a majority of the members of the board, and no less than three, shall be necessary to reverse any order, requirement, decision or determination of the official whose order, requirement, decision or determination is being appealed.

Sec. 5-89. - Appeal procedure.

Appeals to the construction board of adjustments and appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the town affected by any order, requirement, decision or determination of the official enforcing the technical codes of which the board has jurisdiction. Such appeal shall be taken within 30 days of notification of the action being appealed, unless a shorter time is prescribed in the technical code, shall be accompanied by a fee as fixed from time to time by the town council, shall be in writing, stating the grounds therefore, and shall be filed with the town. The building code inspector shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken. The board shall fix a reasonable time for hearing the appeal, give due notice thereof to the parties in interest, and decide the appeal within a reasonable time. At the hearing, any party may appear in person or by agent or by attorney.

Sec. 5-90. - Stay of proceedings pending appeal.

An appeal under this article stays all proceedings in furtherance of the action appealed from unless the official from whom the appeal is taken certifies to the construction board of adjustments and appeals that, by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property. In such case, the action shall not be stayed except by a restraining order issued by a court of competent jurisdiction.

Sec. 5-91. - Jurisdiction of board; reopening appeals.

The construction board of adjustments and appeals shall have the power and duty to act when the enforcing official has rejected or refused to approve the mode or manner of any installation, or has refused to issue or has suspended or revoked a certification, or when it is claimed that the particular technical code is inapplicable or that an alternative form of installation can be employed, or that the true intent of the particular code or any of the regulations thereunder has been misconstrued or wrongly interpreted or applied, or that enforcement of the literal interpretation of the particular technical code would cause undue hardship. No subsequent appeal shall be considered where an appeal has been decided previously involving the same person, building or premises and the same citation, unless the appellant can demonstrate to the board a change in circumstances sufficient to justify reopening the appeal.

Sec. 5-92. - Decisions.

Every decision of the construction board of adjustments and appeals shall be final, subject, however, to such remedy as any aggrieved party might have at law or in equity. Every decision shall be in writing and shall indicate the vote upon the decision. Every decision shall be filed in the office of the building code inspector, and a copy thereof shall be given to each appellant. Appeals from the board to a court of competent jurisdiction shall be filed with such court within 30 days of the decision of the board, and shall specify the grounds of the illegality of the board's decision.

Secs. 5-93—5-112. - Reserved.

ARTICLE V. - BUILDING NUMBERS

Sec. 5-113. - Numbers required for buildings and property.

- (a) The county 911 is hereby authorized to assign said number or numbers for the town.
- (b) The owner, occupant or agent of each building and property shall place or cause to be placed upon each building and property owned or occupied by him, the number assigned hereinabove as follows:
 - (1) Numbers shall be a minimum of three inches in height, shall be durable and clearly visible.
 - (2) Numbers shall be placed conspicuously immediately above or to the side of the door facing the street so that the number can be plainly seen from the street. If the building is more than 50 feet

from the street, the number shall be placed near the walk, driveway or common entrance to the building upon a gatepost, fence, post, tree or other appropriate place so that the number can be plainly seen from the street.

- (3) If the building has a street-side mailbox, the number may be painted upon or affixed to the mailbox. It shall, as closely as possible, approximate the height of three inches as space permits, provided it can be plainly seen from the street.
- (c) It shall be the responsibility of the owner, occupant or agent of each existing or newly acquired or constructed building and property who does not know the number assigned to his building or property to obtain the number from the clerk who shall provide the number requested.

Secs. 5-114—6-139. - Reserved.

ARTICLE VI. - MOBILE HOMES AND MANUFACTURED HOMES

Sec. 5-140. - Mobile home defined.

For purposes of this article, a mobile home is defined as a movable or portable dwelling on a chassis, designed without a permanent foundation and intended for year-round living. It may consist of two or more separately towable components designed to be joined into one integral unit capable of being again separated into the components for repeated towing.

Sec. 5-141. - Permit required; owners to apply; exceptions.

- (a) It shall be unlawful to place a mobile home within the corporate limits for the purpose of occupancy as a home, unless a permit to do so is obtained from the town clerk prior thereto.
- (b) Both the owner of the mobile home and the owner of the property on which the mobile home is to be placed shall apply for said permit; otherwise, no permit can be issued by the clerk.
- (c) The permit shall be in writing and contain a provision that the mobile home shall be placed and maintained as required by the regulations of the state board of health.
- (d) This section shall not apply to mobile homes placed within the corporate limits on or before the adoption of this ordinance; provided, however, that when such mobile home is relocated within the corporate limits, the provisions of the article shall apply.

Sec. 5-142. - Application; fees to be paid; changes in ownership, location, etc.

- (a) Any person, firm or corporation placing a mobile home, house trailer, mobile coach or modular home upon any property, premises or spaces within the corporate limits shall, prior to locating same, make application to the town clerk and pay a fee as provided on file in the town clerk's office for each one so located.
- (b) A transfer fee as provided on file in the town clerk's office shall be paid for a change in location, ownership or in occupancy.
- (c) The clerk shall notify the county tax assessor of all such locations, for county tax purposes and town taxes when applicable.

Sec. 5-143. - Foundation and underpin mandatory.

It shall be unlawful to occupy for dwelling purposes a mobile home unless it shall have been securely placed on a permanent foundation and underpinned.

Sec. 5-144. - Utilities and electricity permit required; deposit fee.

- (a) Town water and sewerage facilities, when available, shall be a prerequisite to either locating or occupying a mobile home within the corporate limits, unless otherwise authorized by the town council.
- (b) No permit shall be issued for water or sewer, when available, without proof that arrangements have been made with an electric supplier that electric service will be provided.
- (c) Before any water or sewer connection, when available, can be approved or made, an inspection fee as provided on file in the town clerk's office plus a deposit fee, as approved by the town council, shall be paid to the town clerk, as appropriate.

Chapter 6 - COURT^{[1](#)}

Footnotes:

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State Law reference— Municipal court, S.C. Code 1976, § 14-25-5 et seq.

ARTICLE I. - IN GENERAL

Sec. 6-1. - Establishment of municipal court.

There is hereby established a municipal court which shall be a part of the unified judicial system of the state.

State Law reference— Establishment of municipal court, S.C. Code 1976, § 14-25-5.

Sec. 6-2. - Jurisdiction.

- (a) The municipal court shall have jurisdiction to try and determine all cases arising under the ordinances of the town and all such powers, duties, and jurisdiction in criminal cases made under state law and conferred upon magistrates. The court shall have the power to punish for contempt of court by imposition of sentences up to the limits imposed on municipal courts.
- (b) The court shall have no jurisdiction in civil matters.

State Law reference— Jurisdiction, S.C. Code 1976, § 14-25-45.

Sec. 6-3. - Judge; term; compensation; acting judge; magistrate; oath.

- (a) The court shall be presided over by a municipal judge.
- (b) The municipal judge shall be appointed by the town council for a term of four years.
- (c) The municipal judge's compensation shall be as determined by town council.
- (d) The town council may appoint a competent person as acting judge, during the absence, sickness, incapacity or other disqualification of the municipal judge.
- (e) A county magistrate may be appointed as the municipal judge.
- (f) The municipal judge shall not be required to be a resident of the town.
- (g) Before entering on duties as judge, the municipal judge shall take and subscribe the oath of office as prescribed by article VI, section 5, of the state constitution.