

**ORDINANCE NO. 2019-\_\_**

**AN ORDINANCE TO AMEND CHAPTER 8, BUILDINGS AND BUILDING REGULATIONS, OF THE MONCKS CORNER CODE OF ORDINANCES**

**WHEREAS**, the Mayor and Town Council finds adoption of this ordinance to be in the public's best interest as it will amend the Code of Ordinances of the Town of Moncks Corner in order to address changing community needs, address deficiencies and ambiguities in the Code of Ordinances, and promote public health, safety, and well-being; and

**WHEREAS**, the following text amendments and additions to the Town of Moncks Corner Code of Ordinances have been proposed by Staff:

**CHAPTER 8 – BUILDINGS AND BUILDING REGULATIONS**

*Strike all and replace with the following:*

**ARTICLE 1. - GENERAL**

**Sec. 8-1. - Title.**

These regulations shall be known as the building code of the Town of Moncks Corner.

**Sec. 8-2. - 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 structure or any appurtenances connected or attached to such structures.

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.

**Sec. 8-3. - Intent.**

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

**Sec. 8-4. - Referenced codes.**

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

**Sec. 8-5. - 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 Chief 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.

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

**Sec. 8-6. - Fire district.**

The following described territory shall be designated and known as the Moncks Corner fire coverage area of the Town of Moncks Corner: All areas within the corporate limits of the Town. These properties shall be under the jurisdiction of Moncks Corner Fire Department.

**Sec. 8-7. - Availability of copies of technical codes.**

Copies of the various technical codes adopted in this Article, duly authenticated by the Town of Moncks Corner are posted on International Code Council's website in a readable only format at [icc.safe.org](http://icc.safe.org). State modifications are available for viewing by going to the website for the Department of Labor, Licensing and Regulation of South Carolina. Links are provided on the Town of Moncks Corner website at [www.monckscornersc.gov](http://www.monckscornersc.gov).

**DIVISION 1. - APPLICABILITY**

**Sec. 8-11. - 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.

**Sec. 8-12. - Other laws.**

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

**Sec. 8-13. - Application of references.**

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

**Sec. 8-14. - 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.

**Sec. 8-15. - 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.

**Sec. 8-16. - 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 the adopted Code, or as is deemed necessary by the Chief Building Official for the general safety and welfare of the occupants and the public.

**DIVISION 2. - CONSTRUCTION DOCUMENTS**

**Sec. 8-18. - Submittal documents.**

Construction documents, special inspection and structural observation programs, and other data shall be submitted in one or more sets with each application for a permit. 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 Chief Building Official is authorized to require additional construction documents to be prepared by a registered design professional.

Exception: The Chief 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.

**Sec. 8-19. - 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 Chief 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 Chief Building Official.

**Sec. 8-20. - Fire protection system drawings.**

Fire protection system drawings, shop drawings, fire sprinkler specification sheet, manufacture specifications data for each system component 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. All documentation shall be performed by a registered SC licensed engineer bearing his/her seal or fire sprinkler contractor with a qualifying party with a NICET Level IV Technician Certification in "Fire Protection Engineering Technology Automatic Sprinkler System Layout."

Exception: Residential sprinkler drawings for a 13 D multi-purpose system shall be prepared at minimum by a NICET Level II or III Technician Certification in "Fire Protection Engineering Technology Automatic Sprinkler System Layout."

**Sec. 8-21. - 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. The construction

documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

**Sec. 8-22. - 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 and details around openings. The construction documents shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system which was tested, where applicable, as well as the test procedure used.

**Sec. 8-23. - Site plan.**

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

**Sec. 8-24. - Examination of documents.**

The Chief 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.

**Sec. 8-25. - Approval of construction documents.**

When the Chief 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 Chief 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 Chief Building Official or a duly authorized representative.

**Sec. 8-26. - 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.

Exception: Changes to the Flood Ordinance requiring an Elevation Certificate may result in a said certificate being required during the construction process.

**Sec. 8-27. - Phased approvals.**

The Chief 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.

**Sec. 8-28. - Design professional in responsible charge.**

When it is required that documents be prepared by a registered design professional, the Chief 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 Chief 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.

**Sec. 8-29. - 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 Chief Building Official within a specified period. Deferral of any submittal items shall have the prior approval of the Chief Building Official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the Chief 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 Chief 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 Chief Building Official.

**Sec. 8-30. - Amended construction documents.**

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

**Sec. 8-31. - Retention of construction documents.**

One set of approved construction documents shall be retained by the Chief Building Official for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws.

**Sec. 8-32. - Fire flow.**

Determination of fire flow demand shall be governed by Appendix B of the International Fire Code.

**Sec. 8-33 – Compliance with current code**

For applications for reconstruction, rehabilitation, addition, alteration, repair or other improvement of existing buildings or structures, the building official shall examine or cause to be examined the construction documents and shall make a determination with regard to the value of the proposed work. If the building official finds that the value of proposed work equals or exceeds 50 percent of the assessed value of the building or structure before the damage has occurred or the improvement is started, the proposed work is a substantial improvement or restoration of substantial damage and the Chief Building Official shall require existing portions of the entire building or structure to meet current code.

- (1) The Chief Building Official may refer to the FEMA Significant Improvement/Damage list from the NFIP to determine items to be included/excluded from the repair and improvement costs.
- (2) This is to include all reconstruction, rehabilitation, addition, alteration, repair or other improvement costs compounded over a 36 month period.
- (3) Assessed value is based on Berkeley County Property Card

#### **Sec. 8-34 Compliance with current code**

Any structure which needs work in excess of half the value of that system (i.e. Electrical, Plumbing, Heating and Air, Framing), must in turn upgrade the entire system to current codes, upon determination of the Chief Building Official.

### **DIVISION 3. - TEMPORARY STRUCTURES AND USES**

#### **Sec. 8-41. - General.**

The Chief Building Official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The Chief Building Official is authorized to grant extensions for demonstrated cause.

#### **Sec. 8-42. - Conformance.**

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

#### **Sec. 8-43. - Temporary power.**

The Chief 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.

#### **Sec. 8-44. - Termination of approval.**

The Chief 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.

## **ARTICLE 2. - ADMINISTRATION**

### **DIVISION 1. - BUILDING AND CODES ENFORCEMENT**

#### **Sec. 8-61. - Creation of enforcement agency.**

Building & Codes Enforcement is hereby created and the official in charge thereof shall be known as the Chief Building Official.

#### **Sec. 8-62. - Appointment of Chief Building Official**

The Town shall appoint a Building Official, who shall be known as the Chief Building Official.

#### **Sec. 8-63. – Deputies**

The Chief 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 Chief Building Official.

#### **Sec. 8-64 - Authority**

The Chief Building Official, deputies and inspectors shall be sworn code enforcement officers of the Town of Moncks Corner and shall perform duties as code enforcement officers in conjunction with duly assigned building code responsibilities.

### **DIVISION 2. - DUTIES AND POWERS OF CHIEF BUILDING OFFICIAL**

#### **Sec. 8-71. - General.**

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

#### **Sec. 8-72. - Applications and permits.**

The Chief 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.

#### **Sec. 8-73. - Notices and orders.**

The Chief Building Official shall issue all necessary notices or orders to ensure compliance with the code.

#### **Sec. 8-74. - Inspections.**

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

**Sec. 8-75. – Fire Investigations**

The Chief Building Official, the fire department or other responsible authority shall have the authority to investigate the cause, origin and circumstances of any fire, explosion or other hazardous condition. Information that could be related to trade secrets or processes shall not be made part of the public record, except as directed by a court of law.

**Sec. 8-76. - Identification.**

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

**Sec. 8-77. - Right of entry.**

Where it is necessary to make an inspection to enforce the provisions of this code, or where the Chief 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 Chief 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 Chief 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 Chief Building Official shall have recourse to the remedies provided by law to secure entry.

**Sec. 8-78. - Department records.**

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

**Sec. 8-79. - Liability.**

The Chief Building Official, appellate board or individuals charged with hearing 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 of the proceedings. The Chief 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.

**Sec. 8-80. - Approved materials and equipment.**

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



**Sec. 8-81. - 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 Chief Building Official.

**Sec. 8-82. - Modifications.**

Wherever there are practical difficulties involved in carrying out the provisions of this code, the Chief Building Official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the Chief 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 with the Certificate of Occupancy.

**Sec. 8-83. - 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 Chief 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.

**Sec. 8-84. - 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.

**Sec. 8-85. - 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 Chief 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 Chief Building Official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the Chief Building Official for the period required by the State of South Carolina for retention of public records.

**Sec. 8-86. - Evacuation.**

The Chief 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 presents 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 Chief Building Official and/or the fire department official in charge of the incident.

### **DIVISION 3. - CERTIFICATE OF OCCUPANCY**

#### **Sec. 8-91. - 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 Chief 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 Town of Moncks Corner.

#### **Sec. 8-92. - Certificate issued.**

After the Chief 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 Town, the Chief Building Official shall issue a certificate of occupancy that contains the following:

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

#### **Sec. 8-93. - Temporary occupancy.**

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

#### **Sec. 8-94. - Revocation.**

The Chief 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.

## **DIVISION 4. - SERVICE UTILITIES**

### **Sec. 8-101. - 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 Chief Building Official.

### **Sec. 8-102. - Temporary connection.**

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

### **Sec. 8-103. - Authority to disconnect service utilities.**

The Chief 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 in case of emergency where necessary to eliminate an immediate hazard to life or property. The Chief 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.

## **DIVISION 5. - APPEALS**

### **Sec. 8-111. - General.**

All appeals shall be heard by the Town Administrator.

### **Sec. 8-112. - Limits on authority.**

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

### **Sec. 8-113. - Appeal submittals.**

Appeal forms shall be submitted to the Chief Building Official. The Chief Building Official shall notify the appellant as to when the appeal will be heard. The appeal shall be heard no more than thirty (30) days after the date of receipt of the application for appeal.

### **Sec. 8-114. - Filing fees.**

There shall be a \$50.00 filing fee for all appeals.

## **DIVISION 6. - VIOLATIONS**

### **Sec. 8-121. - Unlawful acts.**

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

### **Sec. 8-122. - Notice of violation.**

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

### **Sec. 8-123. - Prosecution of violation.**

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

### **Sec. 8-124. - Violation penalties.**

Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the Chief Building Official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as proscribed by law.

## **DIVISION 7. - STOP WORK ORDERS**

### **Sec. 8-131. - Authority.**

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

### **Sec. 8-132. - Issuance.**

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

### **Sec. 8-133. - Unlawful continuance.**

Whenever the Chief Building Official issues a citation alleging an ordinance violation where no specific penalty is provided, the ordinance violation shall be punished by an ordinance violation penalty of not more than \$500.00 or imprisonment not exceeding 30 days, or both. Each day an ordinance violation continues shall constitute a separate offense.

## **DIVISION 8. – VACANT AND UNSAFE STRUCTURES**

### **Sec. 8-141. - General.**

Except as otherwise provided, it shall be unlawful for any person to demolish, remove, or tear down any structures or portion thereof without first making application with the Chief Building Official and obtaining the required permit.

- (1) Structures shall have a permit issued by the Chief Building Official or its designee and a fee in accordance with requirements necessary shall be charged.
  - a. Requirements may include, but are not limited to, a bond or insurance in amounts reasonably determined by the town in the town's sole discretion; fencing, curtains or barricades around the construction area; monitoring and reporting of any hazardous materials; satisfactory evidence to the town that all environmental issues and conditions related to the demolition have been addressed and properly permitted, (including proper permits from the Environmental Protection Agency and the South Carolina Department of Health and Environmental Control); a time frame for completion with monetary penalties for overruns; mutual agreement as to finish and final landscape; and any other requirement the town deems necessary to insure and maintain the integrity of the neighborhood and community. Approval letters that relate to asbestos abatement shall provide to the Chief Building Official prior to any demolition permit being issued.
- (2) Permits will be issued for three months. If the work described in the permit has not begun within 45 days from the date of issue, the permit will expire and be void.
- (3) The town retains the right to enter the site at reasonable times to inspect or perform duties as imposed by the applicable town codes governing this activity.
- (4) The Chief Building Official, or his designee, is authorized to issue a stop work order requiring work to cease until specific violations of the permit are corrected or the proper permit obtained. Violation of any provisions of this article or failure to comply with any stop work order conditions (including the remediation, repair, and correction of all damaged or destroyed conditions and structures to the satisfaction of the town) is a misdemeanor punishable by an ordinance violation penalty not exceeding \$500.00 or imprisonment not exceeding 30 days or both. Each day such violation continues shall be a separate offense. The ordinance violation penalty for continuing violations shall be \$500.00 per day. The town may utilize all legal and equitable remedies, including obtaining injunctive relief, in order to enforce the provisions of this section. In addition, the town may, at its sole discretion, maintain the stop work order for a period of up to five years or until the owner of the property has remedied, repaired and corrected all damaged or destroyed conditions and structures to the satisfaction of the town, whichever period of time is later.

### **Sec. 8-142. - Fire damaged structures and unsafe structures.**

- (1) Fire damaged structures—Unsafe conditions.
  - a. Where any building or structure has been damaged by fire, the Chief Building Official shall notify in writing the owner of record of the unsafe condition. Such notice shall inform the owner of the required action to repair or demolish the building or structure within 60 days of receipt of notice.
  - b. If the building or structure is to be repaired, all necessary permits shall be secured and all work shall be completed within 60 days of receipt of the notice.

- c. If the building or structure is to be demolished, all necessary permits shall be secured and all work shall be completed within 60 days of receipt of notice.
  - d. A 30-day extension of time may be granted by the Chief Building Official upon presentation of just cause by the owner.
- (2) Unsafe structures.
- a. Where any building or structure has been declared by the Chief Building Official to be unsafe, the Chief Building Official shall notify in writing the owner of record of such and inform the owner of the required action to repair or demolish the building or structure within 60 days of receipt of notice.
  - b. Within 30 days of receipt of notice, the owner shall notify the Chief Building Official of his/her intention to obtain a permit to repair or demolish the building or structure. If the building or structure is to be demolished, then all necessary permits shall be secured and all work shall be completed within 60 days of receipt of original notice. If the building or structure is to be repaired, then all necessary permits shall be secured and all work shall be completed within 60 days of receipt of original notice.
  - c. The Chief Building Official upon presentation of just cause by the owner may grant a 30-day extension of time. If an extension of time is requested in the case of repair, then the building official may require the boarding up of a building or structure as a temporary safety measure. Required boarding shall be completed within ten days of grant of time extension and shall be accomplished according to the following standards:
    - i. All windows, doors, and any other openings shall be boarded up with a minimum one-half inch grade sheeting or plywood.
    - ii. Said sheeting or plywood shall be a single piece, cut properly to fit over window frames, door casings, etc. No slats or salvage materials shall be permitted. All sheeting or plywood shall be nailed on the border at least every 16 inches.
    - iii. The maximum time limit for a building or structure to be boarded up is 120 days, after which a permit shall be obtained for the repair. Should the owner decide at this time that the building is to be demolished, then all necessary permits shall be obtained and the building or structure shall be demolished within 30 days from the expiration of the 120-day period.

**Sec. 8-142. - Owner responsibilities.**

No person shall allow a structure to stand vacant for more than 30 days unless the owner establishes by substantial evidence to the reasonable satisfaction of the Chief Building Official one of the following applies.

- (1) Permits. The structure is the subject of an active building permit for repair or rehabilitation and the owner is progressing diligently to complete the repair or rehabilitation.
- (2) Sale or lease. The structure meets all applicable codes, does not contribute to blight, is ready for occupancy and is actively being offered for sale, lease or rent.
- (3) Maintained. The structure does not contribute to and is not likely to contribute to blight because the owner is actively maintaining and monitoring the structure so that it does not contribute to blight. Active maintenance and monitoring shall include:
  - a. Maintenance of landscaping and plant material in good condition.
  - b. Maintenance of the exterior of the structure including but not limited to paint and finishes in good condition.
  - c. Prompt and regular removal of all exterior trash, debris and graffiti.

- d. Maintenance of the structure in continuing compliance with all applicable codes and regulations.
  - e. Prevention of criminal activity on the premises including but not limited to use and sale of controlled substances, prostitution, criminal street gang activity, loitering, or trespassing.
- (4) Natural disasters. If the structure is vacant due to fire, flood, earthquake, or other form of natural disaster and the owner is actively pursuing assistance for demolition, rehabilitation, or restoration of the structure and/or premises from local, state or federal assistance programs or from insurance agencies.
- (5) Rehabilitation. The owner of any boarded structure whether boarded by voluntary action of the owner or as a result of enforcement activity by the town shall ensure that the structure is boarded to board-up standards. In no case shall a structure remain boarded for a period more than six months.
- Exception: Commercial structures when the Town determines that it is in the public interest and the owner provides substantial evidence to the reasonable satisfaction of the code official.

**Sec. 8-143. - Boarded up structures.**

The boarding of a vacant structure shall be according to the specifications approved by the code official.

**Sec. 8-144. - Structures abated by the town.**

If the town boards the vacant structure, the structure may be boarded in a manner which is determined to adequately prevent unauthorized entry or vandalism. All costs of boarding endured by the town shall be recovered from current property owners.

**Sec. 8-145. - Notice of procedure for vacant, unsecured, or boarded structures.**

Whenever the code official determines that a vacant, unsecured, or boarded structure exists, owner shall be notified or the owner's representative shall be notified.

**Sec. 8-146. - Trespass notice.**

The code official may also require the owner of the property to post "No Trespassing" signs on the property and sign a letter with the Police Department authorizing the department to enforce no trespassing on the premises.

**Sec. 8-147. - Continuing nuisance.**

When the owner of a boarded or vacant structure fails to maintain the property in accordance with this section or when repeated violations of this section occur for the same property, the code official may seek other remedies as provided by this code, local ordinances or state law including but not limited to demolition of the structure.

**Sec. 8-148. - Emergency hazard abatement.**

When any open structure constitutes such an imminent threat to life, limb or property such that it must be secured, closed or barricaded and compliance with other provisions of this code becomes infeasible as determined by the code official, the code official may summarily secure, close, or barricade the structure without prior notice to the property owner. All costs of boarding shall be recovered from current property owner.

## **ARTICLE 3. - BUILDING AND TECHNICAL CODES**

### **Sec. 8-161 – General**

References to the code shall be the adopted codes outlined in 8-162 through 8-172

### **Sec. 8-162. - International Building Code adopted.**

The International Building Code, including state adopted modifications as promulgated by the International Code Council and in the version most recently adopted by the State of South Carolina Department of Labor, Licensing and Regulation Building Codes Council, shall constitute and become an ordinance of the town, and is hereby adopted, incorporated in, and made a part of this article as fully as though they were set out at length herein, except as amended by this article. The amendments and modifications and succeeding editions of this code or succeeding amendments or modifications to this code, shall become effective within the Town of Moncks Corner on the date specified as the effective date by the State of South Carolina. Prior to such effective date, the existing code standard shall remain in full force and effect. Further, after the effective date of each updated version, all laws, code standards, and versions so updated shall be treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution or appeal existing as of the effective date of the update and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended version. The code adopted by this section and amended by this article shall be known as and may be cited as "the building code."

Adoption of the International Building Code shall also include appendix H.

### **Sec. 8-163. - International Residential Code adopted.**

The International Residential Code, including state adopted modifications as promulgated by the International Code Council and in the version most recently adopted by the State of South Carolina Department of Labor, Licensing and Regulation Building Codes Council, shall constitute and become an ordinance of the town, and is hereby adopted, incorporated in, and made a part of this article as fully as though they were set out at length herein, except as amended by this article. The amendments and modifications and succeeding editions of this code or succeeding amendments or modifications to this code, shall become effective within the Town of Moncks Corner on the date specified as the effective date by the State of South Carolina. Prior to such effective date, the existing code standard shall remain in full force and effect. Further after the effective date of each updated version, all laws, code standards, and versions so updated shall be treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution or appeal existing as of the effective date of the update and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended version. The code adopted by this section and amended by this article shall be known as and may be cited as "the residential code."

Adoption of the International Residential Code shall also include appendix H and J

International Residential Code addenda:

R301.2 Climatic and Geographic Design Criteria. Buildings shall be constructed in accordance with the provisions of this section. Additional criteria shall be established by the local jurisdiction and set forth in Table R301.2(1)

- Ground Snow Load: 5



- Wind Speed: 140 mph
- Topographic Effects: No
- Special Wind Region: No
- Wind-Borne Debris Zone: Yes
- Seismic Design Category: D2
- Weathering Damage: Moderate
- Front-Line Depth: 0
- Termite: Yes
- Winter Design Temp: 28
- Ice Barrier Underlayment Required: No
- Flood Hazards: Ordinance Ch. 18
- Air Freezing Index: 50
- Mean Annual Temp: 64.8

**Sec. 8-164. - International Existing Building Code adopted.**

The International Existing Building Code, including state adopted modifications thereto, adopted and promulgated by the International Code Council, Inc., code is now in force, and in as far as such code can have application within the town as fully as set out herein, or except as the same may be inconsistent with and modified by the provisions of state law, or except as follows: All persons within the town affected thereby shall comply strictly with all regulations and requirements imposed by the International Existing Building Code and by this code, when so applicable. The amendments and modifications and succeeding editions of this code or succeeding amendments or modifications to this code, shall become effective within the Town of Moncks Corner on the date specified as the effective date by the State of South Carolina. Such code shall be cited as "the existing building code." Substitute pages received for incorporation in the International (Existing) Building Code, correcting errors, such as grammar, punctuation, section reference, etc., which do not amend the intent of any section as now written are also amended hereby.

**Sec. 8-165. - International Plumbing Code adopted.**

The International Plumbing Code, including state adopted modifications as promulgated by the International Code Council and in the version most recently adopted by the State of South Carolina Department of Labor, Licensing and Regulation Building Codes Council, shall constitute and become an ordinance of the town, and is hereby adopted, incorporated in, and made a part of this article as fully as though they were set out at length herein, except as amended by this article. The, including amendments and modifications and succeeding editions of this code or succeeding amendments or modifications to this code, shall become effective within the Town of Moncks Corner on the date specified as the effective date by the State of South Carolina. Prior to such effective date, the existing code standard shall remain in full force and effect. Further after the effective date of each updated version, all laws, code standards, and versions so updated shall be treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution or appeal existing as of the effective date of the update and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended version. The code adopted by this section and amended by this article shall be known as and may be cited as "the plumbing code."

**Sec. 8-166. - International Fuel Gas Code adopted.**

The International Fuel Gas Code, including state adopted modifications as promulgated by the International Code Council and in the version most recently adopted by the State of South Carolina Department of Labor, Licensing and Regulation Building Codes Council, shall constitute and become an ordinance of the town, and is hereby adopted, incorporated in, and made a part of this article as fully as though they were set out at length herein, except as amended by this article. The, including amendments and modifications and succeeding editions of this code or succeeding amendments or modifications to this code, shall become effective within the Town of Moncks Corner on the date specified as the effective date by the State of South Carolina. Prior to such effective date, the existing code standard shall remain in full force and effect. Further, after the effective date of each updated version, all laws, code standards, and versions so updated shall be treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution or appeal existing as of the effective date of the update and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended version. The code adopted by this section and amended by this article shall be known as and may be cited as "the fuel gas code."

**Sec. 8-167. - International Mechanical Code adopted.**

The International Mechanical Code, including state adopted modifications as promulgated by the International Code Council and in the version most recently adopted by the State of South Carolina Department of Labor, Licensing and Regulation Building Codes Council, shall constitute and become an ordinance of the town, and is hereby adopted, incorporated in, and made a part of this article as fully as though they were set out at length herein, except as amended by this article. The International Mechanical Code, including amendments and modifications and succeeding editions of this code or succeeding amendments or modifications to this code, shall become effective within the Town of Moncks Corner on the date specified as the effective date by the State of South Carolina. Prior to such effective date, the existing code standard shall remain in full force and effect. Further, after the effective date of each updated version, all laws, code standards, and versions so updated shall be treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution or appeal existing as of the effective date of the update and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended version. The code adopted by this section and amended by this article shall be known as and may be cited as "the mechanical."

**Sec. 8-168. - International Fire Code adopted.**

The International Fire Code, including state adopted modifications as promulgated by the International Code Council and in the version most recently adopted by the State of South Carolina Department of Labor, Licensing and Regulation Building Codes Council, shall constitute and become an ordinance of the town, and is hereby adopted, incorporated in, and made a part of this article as fully as though they were set out at length herein, except as amended by this article. The amendments and modifications and succeeding editions of this code or succeeding amendments or modifications to this code, shall become effective within the Town of Moncks Corner on the date specified as the effective date by the State of South Carolina. Prior to such effective date, the existing code standard shall remain in full force and effect. Further, after the effective date of each updated version, all laws, code standards, and versions so updated shall be treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution or appeal existing as of the effective date of the update and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they

stood under the repealed or amended version. The code adopted by this section and amended by this article shall be known as and may be cited as "the fire code."

Adoption of the International Fire code shall also include Appendix B and Appendix D.

**Sec. 8-169. - National Electrical Code adopted.**

The National Electrical Code, including state adopted modifications , as promulgated by the National Fire Protection Association and approved by the American National Standards Institute in the version most recently adopted by the State of South Carolina Department of Labor, Licensing and Regulation Building Codes Council, shall constitute and become an ordinance of the town, and is hereby adopted, incorporated in, and made a part of this article as fully as though it were set out at length herein, except as amended by this article. The amendments and modifications and succeeding editions of this code or succeeding amendments or modifications to this code, shall become effective within the Town of Moncks Corner on the date specified as the effective date by the State of South Carolina. Prior to such effective date, the existing code standard shall remain in full force and effect. Further after the effective date of each updated version, all laws, code standards, and versions so updated shall be treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution or appeal existing as of the effective date of the update and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended version. The code adopted by this section and amended by this article shall be known as and may be cited as "the electrical code."

**Sec. 8-170. - International Energy Conservation Code adopted.**

The International Energy Conservation Code, including state adopted modifications as promulgated by the International Code Council and in the version most recently adopted by the State of South Carolina Department of Labor, Licensing and Regulation Building Codes Council, shall constitute and become an ordinance of the town, and is hereby adopted, incorporated in, and made a part of this article as fully as though they were set out at length herein, except as amended by this article. The appendices, amendments and modifications and succeeding editions of this code or succeeding amendments or modifications to this code, shall become effective within the Town of Moncks Corner on the date specified as the effective date by the State of South Carolina. Prior to such effective date, the existing code standard shall remain in full force and effect. Further, after the effective date of each updated version, all laws, code standards, and versions so updated shall be treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution or appeal existing as of the effective date of the update and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended version. The code adopted by this section and amended by this article shall be known as and may be cited as "the energy conservation code."

**Sec. 8-171. - International Property Maintenance Code adopted.**

The International Property Maintenance Code, including state adopted modifications thereto, adopted and promulgated by the International Code Council, Inc., as such code is now in force, and in as far as such code can have application within the town, is hereby adopted and placed in full force and effect within the Town of Moncks Corner as fully as set out herein, or except as the same may be inconsistent with and modified by the provisions of state law, or except as follows: All requirements imposed by the International Existing Building Code and by this code, when so applicable. Such code may be known and shall be cited as "the existing building code." Substitute pages received for incorporation in the

International Existing Building Code, correcting errors, such as grammar, punctuation, section reference, etc. which do not amend the intent of any section as now written are also amended hereby.

Adoption of the International Property Maintenance Code shall also include appendix A.

International Property Maintenance Code addenda:

202: The definition of rubbish shall include furniture, appliances, household items, equipment and other personal property which is no longer safely usable for the purpose for which it was manufactured.

302.4: Premises and exterior property shall be maintained free from weeds or plant growth in excess of twelve (12) inches.

308.2.2: Refrigerators and similar equipment, with or without doors attached, shall not be discarded, abandoned, or stored on the exterior of premises.

### **Sec. 8-172. - International Swimming Pool and Spa Code adopted.**

The International Swimming Pool and Spa Code, including state adopted modifications thereto, adopted and promulgated by the International Code Council, Inc., as such code is now in force, and in as far as such code can have application within the town, is hereby adopted and placed in full force and effect within the Town of Moncks Corner as fully as set out herein, or except as the same may be inconsistent with and modified by the provisions of state law, or except as follows: All requirements imposed by the International Existing Building Code and by this code, when so applicable. Such code may be known and shall be cited as "the existing building code." Substitute pages received for incorporation in the International Existing Building Code, correcting errors, such as grammar, punctuation, section reference, etc. which do not amend the intent of any section as now written are also amended hereby.

Adoption of the International Swimming Pool and Spa Code shall also include appendix A, B, and C.

## **ARTICLE 4. - PERMITS, LICENSES AND FEES**

### **DIVISION 1. - PERMITS**

#### **Sec. 8-181. - Required.**

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

#### **Sec. 8-183. - 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 the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

- (1) Non Residential

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.
2. 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.
3. Fences not over 7 feet (1829 mm) high.
4. 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.
5. 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.
6. 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.
7. Temporary motion picture, television and theater stage sets and scenery.
8. 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.
9. Shade cloth structures constructed for nursery or agricultural purposes, and not including service systems.
10. Swings and other playground equipment.
11. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.
12. 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:

1. Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
2. 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.
3. 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.

(2) Residential

Building:

1. One-story detached accessory structures, provided that the floor area does not exceed 200 square feet (18.58 m<sup>2</sup>).
2. Fences not over 7 feet (2134 mm) high.
3. 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.
4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18 927 L) and the ratio of height to diameter or width does not exceed 2 to 1.
5. Sidewalks and driveways.
6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
7. Prefabricated swimming pools that are less than 24 inches (610 mm) deep.
8. Swings and other playground equipment.
9. 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.
10. Decks not exceeding 200 square feet (18.58 m<sup>2</sup>) in area, that are not more than 30 inches (762 mm) above grade at any point, are not attached to a dwelling do not serve the exit door required by Section R311.4.

Electrical:

1. Listed cord-and-plug connected temporary decorative lighting.
2. Reinstallation of attachment plug receptacles but not the outlets therefor.
3. Replacement of branch circuit overcurrent devices of the required capacity in the same location.
4. Electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.

5. Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

Gas:

1. Portable heating, cooking or clothes drying appliances.
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 appliances.
2. Portable ventilation appliances.
3. Portable cooling units.
4. Steam, hot- or chilled-water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
6. Portable evaporative coolers.
7. Self-contained refrigeration systems containing 10 pounds (4.54 kg) or less of refrigerant or that are 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, drainpipe, 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.

**Sec. 8-185. - Repairs.**

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.

**Sec. 8-186. - Public service agencies.**

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

**Sec. 8-187. - Application for permit.**

To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the building services department for that purpose. Such application shall:

- (1) Identify and describe the work to be covered by the permit for which application is made;
- (2) Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work;
- (3) Indicate the use and occupancy for which the proposed work is intended;
- (4) Be accompanied by construction documents and other information as required in Section 106.3;
- (5) State the valuation of the proposed work;
- (6) Be signed by the applicant, or the applicant's authorized agent; and
- (7) Give such other data and information as required by the Chief Building Official.

**Sec. 8-188. - Action on application.**

The Chief Building Official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the Chief Building Official shall reject such application in writing, stating the reasons therefore. If the Chief Building Official is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the Chief Building Official shall issue a permit therefore as soon as practicable.

**Sec. 8-189. - Time limitation of application.**

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

**Sec. 8-190. - 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 Chief Building Official from requiring the correction of errors in the construction documents and other data. The Chief Building Official is also authorized to prevent the occupancy or use of a structure where in violation of this code or of any other ordinances of the town.

**Sec. 8-191. - 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 Chief



Building Official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

**Sec. 8-192. - Placement of permit.**

The building permit and approved plans or copy shall be kept on the site of the work until the completion of the project. Permit shall not be subject to the elements of the weather.

**Sec. 8-193. - Homeowner permitting.**

An owner of residential property who improves the property or who builds or improves structures or appurtenances on the property if he does the work himself, with his own employees, or with licensed contractors; provided that the structure, group of structures, or appurtenances, including the improvements, are intended for the owner's sole occupancy or the occupancy by the owner's family and are not intended for sale or rent, and provided further, that the general public does not have access to this structure. In an action brought under this article, proof of the sale or rent or the offering for sale or rent of the structure by the owner-builder within two years after completion or issuance of a certificate of occupancy is prima facie evidence that the project was undertaken for the purpose of sale or rent and is subject to the penalties provided in this article. As used in this item, "sale" or "rent" includes an arrangement by which an owner receives compensation in money, provisions, chattel, or labor from the occupancy, or the transfer of the property or the structures on the property.

**Sec. 8-194. - Non-owner occupied properties.**

An owner of non-owner-occupied property who improves the property or who builds or improves structures of less than 5,000 square feet or other appurtenances on the property, either by himself or with the owner's employees, if all structural and mechanical work is performed by licensed contractors regardless of the cost of construction and if the property is not sold for two years after completion of the improvements. For purposes of this item, "structural" means foundation, pier, load-bearing partition, perimeter wall, internal wall exceeding ten feet in height, roof, floor, and any other work deemed by the town to be structural.

**Sec. 8-195. - Issuance refusal.**

It is the duty of a Chief Building Official to refuse to issue a permit for any undertaking which would classify the applicant as a contractor under this article unless the applicant has furnished evidence that he/she is licensed by the South Carolina Department of Labor, Licensing and Regulation. It is also the duty of the Chief Building Official, or other authority charged with issuing building or other similar permits, to report to South Carolina Department of Labor, Licensing, and Regulation the name and address of any entity that, in his opinion, has violated this article by bidding or contracting for work which is regulated under this article.

**DIVISION 2. – SAFETY**

**Sec. 8-200 – Safety during construction**

All construction, alteration, renovation, demolition or repair requiring a permit in the Town shall adhere to Chapter 33, Safety During Construction of the International Building Code.

## **DIVISION 3. – LICENSES**

### **Sec. 8-205. – Moncks Corner Business License**

- (1) Moncks Corner business license required. Before any person shall engage in work requiring a permit from the Town of Moncks as a contractor, he/she must first have applied for and obtained a Moncks Corner business license. Applicants seeking a business license or a renewal thereof as a contractor must provide the Town with proof that the applicant has been certified as a contractor in their particular field by the State of South Carolina. It shall be a violation of the ordinances of the Town of Moncks Corner for any contractor to engage in work within the Town of Moncks Corner without a valid Moncks Corner business license.
- (2) Contractor license required to pull permits. Unless excused from license requirements by subsection (3) herein, all permits to construct, alter, or repair any residential, commercial, industrial, or accessory structures, or to remove trees, must be obtained by an appropriately licensed contractor or the property owner. Should the property owner obtain the permit personally on behalf of a hired contractor, the owner shall provide the Town with proof of the contractor's license.
- (3) Moncks Corner contractor license exceptions.
  - a. This section shall not require a license for performance of any kind of construction, alteration, repairs or other work upon any property when such work is performed on owner-occupied residential property directly by the owner thereof.
  - b. A contractor license is not required upon property owned by a public utility corporation when the work is performed directly by employees of the public utility corporation where such work is required as a part of the maintenance, construction or operation of the plant or property of any such public utility corporation.
  - c. Even where no license is required due to this exception, permits shall be secured and such work shall be inspected as provided in the International Building Code adopted herein.
  - d. The words "performed directly by the owner," as used in this subsection, shall not be construed to include any contractor employed by the owner, nor shall the wording in this subsection be interpreted so as to abrogate or in any way modify the permit, inspection or other sections and provisions of this article.

## **DIVISION 4. - FEES**

### **Sec. 8-210. - Permit fees.**

Determination of valuation for a permit shall be a signed contract. Cost proposals for new development determination shall be the contract price or by calculation utilizing the per square foot cost analysis published in the "Square foot construction cost table" prepared by the International Code Council. The determined valuation will be the higher of either the contract price or the calculated per square foot valuation provided by I.C.C. The per square foot value will be reviewed and adjusted at the discretion of the town administrator or his/her designee, July 1, of each year based upon the most recent publication of the "Square Foot Construction Cost Table." For all other permits, the valuation will be determined by the contract price.

**Sec. 8-211. - Payment of fees.**

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

**Sec. 8-212. - Project permits and 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 Town of Moncks Corner fee schedule. Separate permits and fees shall be required for all projects.

**Sec. 8-213. - Penalty for working without a permit.**

Where work for which a permit is required by the Municipal Code of the Town of Moncks Corner is commenced before obtaining a permit therefore, the Chief Building Official shall charge a double fee before issuance of the required permit(s). Payment of the extra charge and any delay in the issuance of the permit(s) shall not affect the imposition of any penalty provided by law for violation of the Municipal Codes.

**Sec. 8-214. - Schedule of permit fees.**

Permit values shall be determined by using the latest ICC building valuation data using the state multiplier or construction cost, whichever is higher.

(1) Plan review fees: Residential and commercial plan review fees shall be one-half of the cost of the building permit fee.

(2) Building permit fees: \$25.00 administrative fee plus:

Value of work	Fee
Less than \$1,000.00	No additional fee
\$1,001.00 to \$50,000.00	\$15.00 + \$5.00 per \$1,000.00 over \$1,000.00
\$50,001.00 to \$100,000.00	\$260.00 + \$4.00 per \$1,000.00 over \$50,000.00
\$100,000.00 to \$500,000.00	\$460.00 + \$3.00 per \$1,000.00 over \$100,000.00
\$500,000.00 and up	\$1,660.00 + \$2.00 per \$1,000.00 over \$500,000.00
Demolition fee	\$50.00
Moving a building (no construction)	\$100.00

Moving a mobile home	\$50.00
Online permit access fee (per project)	\$50.00
On-time inspection fee	\$100.00
Re-inspection fees	\$50.00 first re-inspection, \$100.00 for second re-inspection. For each re-inspection thereafter, the fee will increase in \$50.00 increments.

- (3) *Electrical permits*: \$40.00 per meter, up to and including 200 amps; each additional amp .15 per amp over 200 amps; or \$50.00, whichever is greater.
- (4) *Temporary construction pole*: \$25.00.
- (5) *Mechanical permits*: \$30.00 per unit [unit is defined as any structure having a separate electric meter] plus \$2.00 for each \$1,000.00 of cost or fraction thereof or \$50.00 per unit, whichever is greater.
- (6) *Gas permits*: \$20.00 per unit [unit is defined as any structure having a separate electric meter] plus \$2.00 for each additional fixture over one fixture, or \$50.00 per unit, whichever is greater.
- (7) *Plumbing permits*: \$20.00 per unit [unit is defined as any structure having a separate electric meter] plus \$2.00 for each additional fixture over one fixture, or \$50.00 per unit, whichever is greater.
- (8) *Communication tower*: \$300.00. (Ordinance No. 1888-14)
- (9) *Signs*: \$15.00 for the first \$2,000.00; each additional \$1,000.00 = \$3.00 per \$1,000.00.

**Sec. 8-216. - Related fees.**

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

**Sec. 8-217. - Refunds.**

The Chief Building Official is authorized to establish a refund policy. All requests for refunds shall be submitted in writing by the permit holder or an authorized designee.

**ARTICLE 5. - INSPECTIONS**

**Sec. 8-221. - General.**

Construction or work for which a permit is required shall be subject to inspection by the Chief 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 purposes. Neither the Chief Building Official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

**Sec. 8-222. - Preliminary inspection.**

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

**Sec. 8-223. - Required inspections.**

The Chief Building Official, upon notification, shall make the inspections set forth in section 8-203.

- (1) Geotechnical survey
- (2) Footing, pier, poured columns and foundation inspection. Footing, pier, poured columns 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 84, the concrete need not be on the job.
- (3) 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 subfloor.
- (4) Lowest floor elevation. In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification shall be submitted to the Chief Building Official.
- (5) Exterior sheathing. Exterior wall sheathing and roof sheathing shall be inspected after the exterior wall sheathing is applied and before any energy wrap, siding or brick, roof covering is installed.
- (6) Trade rough-ins shall be performed for the following: mechanical work, electrical work, and plumbing work. This inspection shall be completed prior to frame.
- (7) Frame inspection. Framing inspections shall be made after the roof deck or sheathing, all framing, fire blocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are installed.
- (8) Insulation inspection shall be made prior to the installation of all wall coverings.
- (9) Lath and gypsum board inspection. Lath and gypsum board that is part of a fire rated assembly or shear assembly shall be inspected after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished.
- (10) Fire-resistant penetrations. Protection of joints and penetrations in fire-resistance-rated assemblies shall not be concealed from view until inspected and approved.
- (11) Energy efficiency inspections. Inspections shall be made to determine compliance with IECC Articles 3, 4, and 5 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.
- (12) Elevation documentation. If located in a flood hazard area, the documentation of elevations required shall be submitted to the chief building official prior to the final inspection.

- (13) Final inspection. Final inspection shall be made after the permitted work is complete and prior to occupancy.
- (14) Other inspections. In addition to the inspections specified above, the Chief 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 Building & Codes Enforcement.
- (15) Special inspection. Special inspections shall be regulated by the provisions of the section of International Building Code addressing special inspection requirements.

**Sec. 8-224. - Inspection agencies.**

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

**Sec. 8-225. - Inspection requests.**

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

**Sec. 8-226. - Approval required.**

Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the Chief Building Official. The Chief Building Official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his 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 Chief Building Official.

**ARTICLE 6 – FIREWORKS**

**Sec. 8-250. - Fireworks stands.**

Temporary fireworks stands may only be used in C-2 general commercial zoning districts for the following holiday seasons.

- (1) July 4. Firework stands may not be erected earlier than June 13 and must be removed from the premises no later than July 18.
- (2) Christmas and New Year. Firework stands may not be erected earlier than December 1 and must be removed from the premises no later than January 8.

All buildings shall require a fire inspection (\$35.00 fee) prior to issuance of the required license(s). There shall be no on-site storage of firework stands between holiday seasons. All stands existing on-site at the time this section is enacted shall be removed at the end of the next holiday season.

**NOW, THEREFORE, BE IT ORDAINED** and ordered by the Mayor and Town Council of the Town of Moncks Corner, South Carolina, in Council duly assembled on this 16<sup>th</sup> day of April, 2019, that the Ordinance of the Town of Moncks Corner is amended.

First Reading: March 19, 2019

Second Reading/Public Hearing: April 16, 2019

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Michael A. Locklear, Mayor

Attest:

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Marilyn M. Baker, Clerk-Treasurer

Approved As To Form:

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John S. West, Town Attorney