

**AN ORDINANCE**

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

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

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

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

**SECTION 101  
GENERAL**

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

**101.2 Scope.** The provisions of this code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

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

**101.3 Intent.** The purpose of this code is to regulate the provisions found in South Carolina Code Annotated Section 6-9-5 et seq. and South Carolina Code of Regulations 8-100 et seq. that establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations.

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

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

**Exception:** Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with a separate means of egress and their accessory structures shall comply with the *International Residential Code* as adopted by the S.C. Building Code Council.

**101.4.2 Electrical.** The provisions of the *National Electrical Code* as adopted by the S.C. Building Codes Council shall apply to the installation of electrical systems, including

alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

**101.4.3 Gas.** The provisions of the *International Fuel Gas Code* as adopted by the S.C. Building Codes Council shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

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

**101.4.5 Plumbing.** The provisions of the *International Plumbing Code* as adopted by the S.C. Building Codes Council shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system.

**101.4.6 Fire Prevention.** The provisions of the *International Fire Code* as adopted by the S.C. Building Codes Council shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices, from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

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

**101.4.8 Unsafe Buildings and Equipment (See Section 113).**

**101.5 Definitions** References throughout this code are defined as follows:

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

## **SECTION 102 APPLICABILITY**

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

**102.2 General.** Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

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

**102.4 Application of references.** References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

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

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

**102.6 Partial invalidity.** In the event that any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

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

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

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

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

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

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

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

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

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

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

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

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

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

**102.10.1 Historic buildings are defined as:**

1. Listed or preliminarily determined to be eligible for listing in the National Register of Historic Places; or
2. Determined by the Secretary of the U.S. Department of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined to qualify as an historic district; or
3. Designated as historic under a state or local historic preservation program that is approved by the Department of Interior.
4. Individually listed on a local inventory of historical places that has been certified by the South Carolina Department of Archives and History.

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

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

of proposed work equals or exceeds 50 percent of the fair market value of the building or structure, the entire building or structure shall be brought into compliance with all applicable codes.

**Exception: The Building Official is authorized to waive this requirement for proposed work associated with a Federal, State, and or Local grant funding source. This exception shall be limited to work necessary to meet the minimum standards for home repairs to correct existing violations of health, safety, sanitary codes, and all other work determined to be a safety hazard by the Building Official, which includes, but is not limited to building ramps, HVAC units, water, or sewage systems.**

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

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

## **SECTION 103 DEPARTMENT OF BUILDING INSPECTION SERVICES**

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

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

**103.3 Deputies.** In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the Building Official shall have the authority to appoint a Deputy Building Official, the related technical officers, Inspectors, Plan Examiners and other employees. Such employees shall have powers as delegated by the Building Official.

## **SECTION 104 DUTIES AND POWERS OF BUILDING OFFICIAL**

**104.1 General.** The Building Official is hereby authorized and directed to enforce the provisions of this code. The Building Official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

**104.2 Applications and permits.** The Building Official shall receive applications, review construction documents and issue permits for the erection, and alteration, demolition and moving of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

**104.3 Notices and orders.** The Building Official shall issue all necessary notices or orders to

ensure compliance with this code.

**104.4 Inspections.** The Building Official shall make all of the required inspections, or the Building Official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual.

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

**104.6 Right of entry.** Where it is necessary to make an inspection to enforce the provisions of this code, or where the Building Official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the building official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the Building Official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the Building Official shall have recourse to the remedies provided by law to secure entry.

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

**104.8 Liability.** The Building Official, member of the Construction Board of Adjustment and Appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer of 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 Building Official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

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

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

**104.10 Modifications.** Wherever there are practical difficulties involved in carrying out the provisions of this code, the Building Official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the building official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements.

The details of action granting modifications shall be recorded and entered in the files of the Department of Building Inspection Services.

**104.11 Alternative materials, design and methods of construction and equipment.** The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the Building Official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

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

**104.11.2 Tests.** Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the Building Official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the Building Official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the Building Official for the period required for retention of public records.

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

## **SECTION 105 PERMITS**

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

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

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

**105.1.2.2 Fire alarm and detection systems and related equipment.** A permit is required for installation of or modification to fire alarm and detection systems and related

equipment. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

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

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

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

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

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

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

**105.2 Work exempt from permit.** Exemptions from permit requirements of “this code” shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

**Building:**

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11 m<sup>2</sup>).
2. Fences not over 6 feet (1829 mm) high.
3. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18,925 L) and the ratio of height to diameter or width does not exceed 2:1.
4. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II, or IIIA liquids.
5. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.
6. Temporary motion picture, television and theater stage sets and scenery.
7. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (19000 L) and are installed entirely above ground.
8. Shade cloth structures constructed for nursery or agricultural purposes, and not including service systems.



9. Swings and other playground equipment.
10. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.
11. Window awnings supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.

#### **Electrical:**

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

**Radio and television transmitting stations:** The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.

**Temporary testing systems:** A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

#### **Gas:**

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

#### **Mechanical:**

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

#### **Plumbing:**

1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

## **Energy:**

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

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

**105.2.1 Emergency repairs.** Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the Building Official.

**105.2.2 Repairs.** Application or notice to the Building Official is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

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

**105.3 Application for permit.** To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the Department of Building Services for that purpose. Such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by address and tax map number (TMS) or property identification number (PID).
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by construction documents and other information as required in Section 106.
5. State the valuation of the proposed work.
6. Be signed by the applicant, or the applicant's authorized agent.
7. Submit such other data and information as required by the Building Official.

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

**105.3.2 Time limitation of application.** An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the Building Official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

**105.4 Validity of permit.** The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the Building Official from requiring the correction of errors in the construction documents and other data. The Building Official is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of this jurisdiction.

**105.5 Expiration.** Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The Building Official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extensions shall be requested in writing and justifiable cause demonstrated.

**105.6 Suspension or revocation.** The Building Official is authorized to suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

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

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

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

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

**SECTION 106  
CONSTRUCTION  
DOCUMENTS**

**106.1 Submittal documents.** Construction documents, statement of special inspections and other data shall be submitted in two or more sets with each permit application. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the Building Official is authorized to require additional construction documents to be prepared by a registered design professional.

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

**106.1.1 Information on construction documents.** Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted when approved by the Building Official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the Building Official.

**106.1.1.1 Fire protection system shop drawings.** Shop drawings for the fire protection system(s) shall be submitted to indicate conformance with this code and the construction documents and shall be approved prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9 of the IBC.

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

**106.1.2 Means of egress.** The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress in compliance with the provisions of this code. In other than occupancies in Groups R-2, R-3, and I-1, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

**106.1.3 Exterior wall envelope.** Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this code. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane, details around openings and wind borne debris protection systems.

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

**106.1.4 Energy Requirements.** Details shall include, but are not limited to, insulation

materials and their *R*-values; fenestration *U*-factors and SHGCs; system and equipment efficiencies, types, sizes and controls; duct sealing, insulation and location; and air sealing details.

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

**106.3 Examination of documents.** The Building Official shall examine or cause to be examined the accompanying construction documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.

**106.3.1 Approval of construction documents.** When the Building Official issues a permit, the construction documents shall be approved, in writing or by stamp, as "Reviewed for Code Compliance." One set of construction documents so reviewed shall be retained by the Building Official. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the Building Official or a duly authorized representative.

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

**106.3.3 Phased approval.** The Building Official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.

**106.3.4 Design professional in responsible charge.**

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

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

Where structural observation is required by the IBC, the statement of special inspections shall name the individual or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur.

**106.3.4.2 Deferred submittals.** For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the Building Official within a specified period.

Deferral of any submittal items shall have the prior approval of the Building Official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the Building Official.

Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the Building Official with a notation indicating that the deferred submittal documents have been reviewed and been found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the design and submittal documents have been approved by the Building Official.

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

**106.5 Retention of construction documents.** One set of approved construction documents shall be retained by the Building Official for a period of not less than 180 days from date of completion of the permitted work, as required by state, local laws or in accordance with the County of Charleston Records Retention Schedule.

## **SECTION 107 TEMPORARY STRUCTURES AND USES**

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

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

**107.3 Temporary power.** The Building Official is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in the *National Electrical Code*.

**107.4 Termination of approval.** The Building Official is authorized to terminate such permit for a temporary structure or use and to order the temporary structure or use to be discontinued.

## **SECTION 108 FEES**

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

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

**108.3 Building permit valuations.** The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the Building Official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the Building Official. Final building permit valuation shall be set by the Building Official.

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

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

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

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

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

## **SECTION 109 INSPECTIONS**

**109.1 General.** Construction or work for which a permit is required shall be subject to inspection by the Building Official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purpose. Neither the Building Official nor the jurisdiction shall be liable for expense entailed in

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

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

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

**109.3.1 Footing and foundation inspection.** Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.

**109.3.2 Concrete slab and under-floor inspection.** Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the sub floor.

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

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

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

**109.3.5 Frame and masonry inspection.** Framing inspections shall be made after the roof deck or sheathing, all framing, fire blocking, bracing and masonry are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved.

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

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



that the location of grout cleanouts and size of grout spaces comply with the requirements of this code.

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

**109.3.9 Energy efficiency inspections.** Inspections shall be made to determine compliance with the International Energy Conservation Code and shall include, but not be limited to inspections for: envelope insulation  $R$  and  $U$  values, fenestration  $U$  value, duct system  $R$  value, and HVAC and water-heating equipment efficiency.

**109.3.10 Other inspections.** In addition to the inspections specified above, the Building Official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the Building Official.

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

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

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

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

**109.6 Approval required.** Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the Building Official. The Building Official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the Building Official.

## **SECTION 110 CERTIFICATE OF OCCUPANCY**

**110.1 Use and occupancy.** No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the Building Official has issued a certificate of occupancy therefore as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid.

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

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

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

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

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

**110.5 Revocation.** The Building Official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

## **SECTION 111 SERVICE UTILITIES**

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

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

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

decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

## **SECTION 112 LICENSING & REGISTRATION**

### **112. Definitions.**

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

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

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

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

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

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

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

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

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

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

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

### **112.1 County License or Registration required.**

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

a) Anyone required to be licensed or registered by the County shall present a copy of his/her state license or registration, if required by state statutes. If the application is satisfactory, a County license or registration shall be issued to the applicant within the limitations of the state license or registration is required by state statutes, or as established by the Construction Board of Adjustment and Appeal and upon payment of the required license and registration fee.

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

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

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

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

perform the work, the owner must then have a licensed or registered County contractor secure a permit and do the work.

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

- a) The owner shall do the construction-related work himself, with his own employees, or with county licensed or registered contractors or individuals;
- b) The structure, group of structures, or appurtenances, including the improvements, shall be intended for the owner's sole occupancy or occupancy by the owner's family, and shall not be intended for sale or rent for a minimum of two (2) years after completion or issuance of a certificate of occupancy;
- c) The term 'sale' or 'rent' includes an arrangement by which an owner received compensation in money, provisions, chattel, or labor from the occupancy, or the transfer of the property or the structures on the property;
- d) The general public shall not have access to this structure;
- e) This section does not exempt a person who is employed by the owner and who acts in the capacity of a builder of any kind;
- f) The homeowner shall personally appear and sign the building permit application and shall provide Charleston County with a disclosure statement provided by the Building Official or his designee; and
- g) The owner shall promptly file as a matter of public record a notice with the Register of Mesne Conveyance, indexed under the owner's name in the grantor's index, stating that the residential building or structure was constructed by the owner as an unlicensed builder.

### **SECTION 113 UNSAFE DWELLINGS AND EQUIPMENT**

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

**113.2 General.** Structures or existing equipment that are or hereafter become unsafe, unsanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the Building Official deems necessary and as provided for in this section.

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

### **113.2.2 Powers of the Building Official.**

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

- (1) To investigate the dwelling conditions in the jurisdiction in order to determine which dwellings therein are unfit for human habitation;
- (2) To administer oaths and affirmations, examine witnesses and receive evidence;
- (3) To enter upon premises for the purpose of making examinations, provided such entries be made in such manner as to cause the least possible inconvenience to the persons in possession;
- (4) To appoint and fix the duties of such officers, agents and employees as deemed necessary to carry out the purposes of this ordinances; and
- (5) To delegate any of his functions and powers to such officers and agents as he may designate.

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

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

### **113.2.4**

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

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

(b) if the repair, alteration or improvement of the dwelling cannot be made at a reasonable cost in relation to the value of the dwelling (as determined by the Building Official), requiring the owner, within the time specified in the order, to remove or demolish such dwelling;

(4) That, if the owner fails to comply with an order to repair, alter or improve or to vacate and close the dwelling, the Building Official may cause such dwelling to be repaired, altered or improved or to be vacated and closed; that the Building Official may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful";

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

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

### **113.3 Unsafe Conditions**

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

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

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

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

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

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

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

**113.3.8** The stress in any material, member or portion thereof, due to all imposed loads

including dead load exceeds the stresses allowed in “this code” for new buildings.

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

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

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

#### **113.4 Minimum Standards**

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

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

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

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

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

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

**113.4.7 Electric Lights and Outlets:** Where there is electric service available to the building structure, every habitable room or space shall contain at least two separate and remote receptacle outlets. Bedrooms shall have, in addition, at least one wall switch controlled lighting outlet, In kitchens, two separate circuits and controlled lighting outlets shall be provided (receptacles rendered inaccessible by appliances fastened in place or by appliances occupying dedicated space shall not be considered as these required outlets) and a wall or ceiling lighting outlet controlled by a wall switch shall be provided. Every hall, water closet compartment, bathroom, laundry room or furnace room shall contain at least one ceiling-mounted or wall-mounted lighting outlet in every bathroom and laundry room there shall be provided at least one receptacle outlet. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.

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



jurisdiction.

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

### **113.5 Additional Minimum Residential Standards**

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

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

**113.5.1.2 Location of Sanitary Facilities:** All required plumbing fixtures shall be located within the dwelling unit and be accessible to the occupants of same. The water closet, tub or shower and lavatory shall be located in a room affording privacy to the user and such room shall have a minimum floor space of 30 sq. ft. (2.8m<sup>2</sup>) with no dimension less than 4 ft. (1219 mm). Bathrooms shall be accessible from habitable rooms, hallways, corridors or other protected or enclosed area.

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

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

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

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

1. Food preparation surfaces impervious to water and free of defects which could trap food or liquid.

2. Shelving, cabinets or drawers for the storage of food and cooking and eating utensils, all of which shall be maintained in good repair.
3. Freestanding or permanently installed cook stove. Portable electric cooking equipment shall not fulfill this requirement. Portable cooking equipment employing flame shall be prohibited.
4. Mechanical refrigeration equipment for the storage of perishable foodstuffs.

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

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

### **113.5.2 Minimum Requirements for Light and Ventilation**

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

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

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

### **113.5.3 Minimum Dwelling Space Requirements**

**113.5.3.1 Required Space in Dwelling Unit:** Every dwelling unit shall contain at least 150 sq. ft. (13.9 m<sup>2</sup>) of floor space for the first occupant thereof and at least an additional 100 sq. ft. (9.3 m<sup>2</sup>) of floor area per additional occupant. The floor area shall be calculated on the basis of the total area of all habitable rooms.

**113.5.3.2 Required Space on Sleeping Rooms:** In every dwelling unit, every room

occupied for sleeping purposes by one occupant shall contain at least 70 sq. ft. of floor space, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 sq. ft. (4.6 m<sup>2</sup>) of floor space for each occupant thereof.

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

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

1. The floor and walls are impervious to leakage of underground and surface runoff water and are insulated against dampness, and
2. The total window area in each room is equal to at least the minimum window area size as required and
3. Such required minimum window area is located entirely above the grade of the ground adjoining such window area, and
4. The total of openable window area in each room is equal to at least the minimum as required, except where some other device affording adequate ventilation is supplied.

#### **113.5.4 Sanitation Requirements**

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

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

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

#### **113.5.5 Rooming Houses**

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

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

passageway to all persons sharing such facilities.

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

**113.5.5.4 Minimum Floor Area for Sleeping Purposes:** Every room occupied for sleeping purposes by one person shall contain at least 70 sq. ft. (6.5 m<sup>2</sup>) of floor space and every room occupied for sleeping purposes by more than one person shall contain at least 50 sq. ft. (4.6 m<sup>2</sup>) of floor space for each occupant thereof.

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

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

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

## **SECTION 114 CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS**

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

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

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

**114.1.2 Officers, Rules, Meetings and Minutes.** The Charleston County Construction Board of Adjustments and Appeals shall elect one of its members as Chairperson and another as Vice- Chairperson, both who shall serve for one year or until re-election or a

successor is elected and qualified. The Charleston County Construction Board of Adjustment and Appeals shall adopt rules and procedures in accordance with the provision of this Ordinance and shall keep a record of its resolutions, findings and determinations, all of which, upon approval, shall be filed immediately in the office of Building Official. Such records shall be available for public review and inspection during normal business hours. The Building Official shall be a non-voting member of the Board and shall serve as the Secretary. Meetings of the Board shall be at the call of the Chairperson or at such other times as a majority of the Board may determine. Public notice of all meeting of the Board shall be provided by at least electronic deliver to the major news television stations, the major newspaper of general circulation, the major radio communication companies, and several individual town/jurisdiction papers. A quorum for the transaction of official business by the Board shall consist of six members. The decision of the Board shall be final unless the petitioner appeals the decision to the circuit court in Charleston County within thirty days after the date of the decision of the Board.

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

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

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

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

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

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

**114.7 Qualifications.** The Construction Board of Adjustment and Appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.

**114.8 Composition.** The Charleston County Construction Board of Adjustment and Appeals shall consist of eleven members appointed by Charleston County Council for a term of four years each. The term of office shall be staggered so no more than one-third of the board is appointed or replaced in any year. Members shall serve without compensation for the County. Any vacancy which may occur on the Board shall be filled by County Council appointing a successor to serve out the unexpired term of the vacancy. No member of the Board may hold an elected public office in Charleston County. The eleven-member board shall consist of the following:

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

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

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

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

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

**114.13 Additional Responsibilities.**

**114.13.1 Licensing**

- a. *Ground for revocation of County license or registration.* The Board may revoke the license or registration of any building contractor who is found guilty of fraud or deceit in obtaining a license, or gross negligence incompetence, or gross misconduct in conducting his business as a contractor. Any person who alleges gross negligence, incompetence, or gross misconduct against any contractor licensed or registered

hereunder shall submit such allegation in affidavit form and file the same with the Secretary of the Board.

- b. *Reissuance of revoked license or registration.* The Board may consider a request to reissue the County license or registration of any person whose license or registration has been revoked six (6) months after the date of revocation, if a majority of the members of the Board vote in favor of such reissuance for reasons the board deems sufficient. If the reissuance is denied, the reissuance can be reconsidered at six-month intervals thereafter.
- c. *Probation.* The Board may place any building contractor on probation for a specified period of time in lieu of revoking his or her County license or registration when allegations presented do not warrant revocation by the majority of the Board for whatever reasons the Board deems sufficient.
- d. *Hearing and decision of charges.* Grounds detailed in subsection (1) above, unless they are dismissed without hearing by the Board as unfounded or trivial, shall be heard based on testimony under oath and a determination shall be made by the Board within three (3) months after the date of the hearing. The accused may cross examine witnesses against him and produce evidence or witnesses in his or her defense. A written record shall be made of the proceedings. If, after such hearing, the Board, by majority, votes in favor of finding the accused guilty of any fraud or deceit in obtaining his license or registration, or gross negligence, incompetence, or gross misconduct in conducting his business as a contractor, his or her County license or registration will be revoked.

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

- 1. The Construction Board of Adjustment and Appeals shall hear the petition to determine if the annual stormwater management utility fee does not apportion the fee with approximate equality, based upon a reasonable basis of classification and with due regard to the benefits conferred by providing stormwater management services to the utility customer and the requirements of public health, safety or welfare. The determination of the annual fee by the Construction Board of Adjustment and Appeals is entitled to presumption of correctness and the applicant has the burden of rebutting the presumption of correctness.
- 2. The Construction Board of Adjustment and Appeals shall render a written decision on each application that is heard, and such written decision shall be issued within twenty (20) calendar days from the day the board heard the application. The decision of the Construction Board of Adjustment and Appeals shall contain findings of fact and conclusions of law and the decision shall be sent to the petitioner by first class mail.
- 3. Prior to bringing an action to contest an annual fee, the petitioner shall pay to the treasurer not less than the amount of the annual stormwater fee which he admits in good faith owes. Payment of the fee shall not be deemed an admission that the annual fee was due and shall not prejudice the applicant in bringing an action as provided herein.

**114.15 Floodplain Management**

The Construction Board of Adjustment and Appeals shall hear and decide requests for

appeals and variances as referenced in the current Ordinance, Entitled "The Flood Damage Prevention and Protection."

## **SECTION 115 VIOLATIONS**

### **115.1 Violations.**

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

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

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

### **115.2 Service of complaint.**

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

### **115.3 Rights of persons affected by orders.**

Any person affected by an order issued by the Building Official or his designated representative(s), may within 60 days after the posting and service of the order, petition the circuit court for an injunction restraining the Building Official or his designated representative(s) from carrying out the provisions of the order, and the court may, upon such petition, issue a temporary injunction restraining the Building Official pending the final disposition of the cause. Hearings shall be had by the court on such petitions within 20 days or as soon thereafter as possible and shall be given preference over other matters on the court's calendar as authorized by S.C. Code 1976, § 31-15-370, as amended. The court shall hear and determine the issues raised and shall enter such final order or decree as law



and justice may require. In all such proceedings, the findings of the Building Official as to the facts, if supported by evidence, shall be conclusive. Costs shall be at the discretion of the court. The remedies herein provided shall be exclusive remedies, and no person affected by an order of the Building Official shall be entitled to recover any damages for action taken pursuant to any order of the Building Official or his designated representative(s) or because of compliance by such person with any order of the Building Official.

#### **115.4 Penalties**

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

**115.4.2 Effective Date, Repealer; Savings Clause.** This ordinance shall be effective upon ratification. Prior to such date, the existing provisions of Chapter 4 of the Code of Ordinances, Charleston County shall remain in full force and effect. Upon such effective date, all laws, codes, ordinances and standards existing prior to the effective date shall be treated as remaining in full force and effect for the purpose of sustaining any vested right, civil action, special proceeding criminal prosecution or appeal existing as of the effective date of these amendments and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended version of the codes or regulations adopted pursuant to this article, the Building Official or other appropriate authority of the county, or any adjacent or neighboring property owner who would be damaged by such violation may, in addition to other remedies, apply for injunctive relief, mandamus or other appropriate proceedings to prevent, correct or abate such violation or threatened violation.

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

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ADOPTED and APPROVED in meeting duly assembled this 26<sup>th</sup> day of March 2024.

CHARLESTON COUNTY COUNCIL

By: \_\_\_\_\_  
Herbert R. Sass, III  
Chairman of Charleston County Council

ATTEST:

By: \_\_\_\_\_  
Kristen Salisbury  
Clerk of Charleston County Council

First Reading: February 13, 2024  
Second Reading: February 27, 2024  
Public Hearing: March 26, 2024  
Third Reading: March 26, 2024