

Ordinance 20-01

An Ordinance Amending Lexington County Code of Ordinances Chapter 14, Article V Building Code



Building Code Ordinance

County of Lexington



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ARTICLE 1

Administration

Section 1.1 Title. These regulations shall be known as the Building Code Ordinance of Lexington County, hereinafter referred to as “this ordinance.”

Section 1.2 Scope. The provisions of the International Building Codes (including Chapter 1), including State adopted appendices, in the version most recently adopted by the State of South Carolina Department of Labor, Licensing, and Regulation (SCLLR) 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.

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 (including Chapter 1) in the version most recently adopted by the State of South Carolina Department of Labor, Licensing, and Regulation (SCLLR).

1.2.1 Appendices. Provisions in the appendices shall not apply unless specifically adopted through this Ordinance or through the State adoption process.

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the update and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended version of the code.

1.2.3 Amendments. Upon adoption by County Council, the Building Official may submit variations and modifications to the South Carolina Building Codes Council. Upon approval of the South Carolina Building

Codes Council, submitted variations and modifications may be adopted as part of this Ordinance in the same manner as previous amendments.

Section 1.3 Intent. The purpose of this Ordinance is to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations.

Section 1.4 Adopted and Referenced Codes. The codes listed in this Section and referenced elsewhere in this code shall be considered part of the requirements of this ordinance to the prescribed extent of each such reference as authorized by statutes 5-7-280, 6-9-50, and 6-9-60 of the South Carolina Code of Laws, 1976, as amended.

1.4.1 Electrical. The provisions of the *National Electrical Code* shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

1.4.2 Gas The provisions of the *International Fuel Gas Code* (including Chapter 1) 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.

1.4.3 Mechanical. The provisions of the *International Mechanical Code* (including Chapter 1) shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems.

1.4.4 Plumbing. The provisions of the *International Plumbing Code* (including Chapter 1) 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.

1.4.5 Fire Prevention. The provisions of the *International Fire Code* (including Chapter 1) 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, automated sprinkler systems, and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

1.4.6 Energy Conservation. The provisions of the *International Energy Conservation Code* shall apply to all matters affecting or relating to structures and energy consumption, as adopted and amended by the South Carolina Building Energy Efficiency Standards Act.

ARTICLE 2

Applicability

Section 2.1 General. Where, in any specific case, different sections of the codes specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

Section 2.2 Other Laws. The provisions of the ordinance shall not be deemed to nullify any provision of local, state or federal law.

Section 2.3 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 Ordinance.

Section 2.4 Referenced Codes and Standards. The codes and standards referenced shall be considered part of the requirements of this Ordinance to the prescribed extent of each such reference and as further regulated in Sections 2.5 and 2.6.

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

Section 2.5 Conflicts. Where conflicts occur between provisions of this Ordinance and referenced codes and standards, the provisions of this Ordinance shall apply.

Section 2.6 Specific Adoption of Chapter 1 on the International Codes. It shall be made clear that with the State adoption of all permissible International Building Codes, it will also be known that Chapter 1 of all permissible codes will also be adopted as specifically called out below:

International Residential Code
International Building Code
International Plumbing Code
International Mechanical Code
International Fuel Gas Code
International Existing Building Code
International Fire Code

International Energy Conservation Code
National Electrical Code

Section 2.7 Appendices. Provisions in the appendices shall not apply unless specially referenced in the adopting ordinance.

Section 2.8 Partial Invalidity. In the event that any part of provision of this Ordinance 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.

Section 2.9 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 Ordinance, or the *International Fire Code*, or as is deemed necessary by the Building Official for the general safety and welfare of the occupants and the public.

Section 2.10 Additions, Alterations, or Repairs. Additions, alterations, or repairs to any structure shall conform to the requirements for a new structure without requiring the existing structure to comply with the requirements of this Ordinance, unless otherwise state. Additions, alterations, repairs, and/or relocations shall not cause an existing structure to become unsafe or adversely affect the performance of the building.

Section 2.11 Application of References. Referenced to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section, or provision of this Ordinance.

ARTICLE 3

Division of Building Inspections and Safety

Section 3.1 Creation of Enforcement Agency. The Division of Building Inspections and Safety is hereby created and the official in charge thereof shall be known as the Building Official. The Building Official shall be appointed by the County of Lexington.

Section 3.2 Deputies. In accordance with prescribed procedures, 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.

ARTICLE 4

Duties and Powers of Building Official

Section 4.1 General. The Building Official is hereby authorized and directed to enforce the provisions of this Ordinance. The Building Official shall have the authority to render interpretations of the code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this Ordinance. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this Ordinance.

Section 4.2 Applications and Permits. The Building Official shall receive applications, review construction documents and issue permits for the erection, 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 Ordinance.

Section 4.3 Notices and Orders. The Building Official shall issue all necessary notices or orders to ensure compliance with this Ordinance.

Section 4.4 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. The Building Official is authorized to engage such expert opinion as deemed necessary to report upon the unusual technical issues that arise.

Section 4.5 Identification. The Building Official or his/her designee shall carry proper identification when inspecting structures or premises in the performance of duties under this Ordinance.

Section 4.6 Right of Entry. Where it is necessary to make an inspection to enforce the provisions of this Ordinance, 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 Ordinance which makes the structure or premises unsafe, dangerous or hazardous, the Building Official is authorized to enter the structure or premises at a

reasonable time to inspect or to perform the duties imposed by this Ordinance, 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 have request entry. If entry is refused, the Building Official shall have recourse to the remedies provided by law to secure entry.

Section 4.7 Division of 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.

Section 4.8 Liability. The Building Official, member of the Board of Appeals or employee charged with the enforcement of this Ordinance, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this Ordinance or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability of any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this ordinance 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 ordinance.

Section 4.9 Approved Materials and Equipment. Materials, equipment and devices approved by the Building Official shall be constructed and installed in accordance with such approval.

4.9.1 Used Materials and Equipment. The use of used materials which meet the requirements of this Ordinance for new materials is permitted. Used equipment and devices shall not be reused unless approved by the Building Official.

Section 4.10 Modifications. Wherever there are practical difficulties involved in carrying out the provisions of this Ordinance, the Building Official shall have the authority to grant modifications for individual cases upon application of the permit holder or permit holders, 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 Division of Building Inspections and Safety.

Section 4.11 Alternative Materials, Design and Methods of Construction and Equipment. The provisions of this Ordinance are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by the 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. Compliance with the specific performance-based provisions of the International Codes shall be an alternative to the specific requirements of this code. Where the alternative material, design, or method of construction is not approved, the Building Official shall respond in writing, stating the reason(s) why the alternative was not approved.

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

4.11.2 Tests. Where 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 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 County of Lexington. Test methods shall be 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. Test shall be performed by an approved agency. Reports of such tests shall be retained by the Building Official for a period required for retention of public records.

ARTICLE 5

Permits

Section 5.1 Required. Any owner, contractor, 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.

Section 5.2 Work Exempt from Permit. Exemptions from permit requirements of this Ordinance 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 provided the floor area does not exceed 200 square feet (18.58 square meters).
2. Fences.
3. Retaining walls, unless supporting a surcharge or impounding Class I, II, or IIIA liquids.
4. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18,927 liters) and the ratio of height to diameter or width does not exceed 2 to 1.
5. Sidewalks and driveways.
6. Painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work.
7. Temporary motion picture, television and theater stage sets and scenery.
8. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 60 inches deep and are installed entirely above ground with factory made plug-in electrical.
9. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
10. Swings and other playground equipment.
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.

12. Nonfixed and moveable fixtures, cases, racks, counters, and partitions not over 5 feet 9 inches (1753 mm) in height.
13. Decks not exceeding 200 square feet (18.58 square meters) in area, that are not more than 30 inches (762 millimeters) above grade at any point, are not attached to a dwelling, and are not required to serve an exit door.

Electrical:

1. Listed cord-and-plug connected temporary decorative lighting.
2. Reinstallation of attachment plug receptacles, but not the outlets therefor.
3. Replacement of branch circuit overcurrent devices of the required capacity in the same location.
4. Electrical wiring, devices, appliances, apparatus, or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.
5. Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

Gas:

1. Portable heating, cooking, or clothes drying appliances.
2. Replacement of minor parts that does not alter approval of equipment or make such equipment unsafe.
3. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Mechanical:

1. Portable heating appliances.
2. Portable ventilation appliances.
3. Portable cooling units.
4. Steam, hot- or chilled-water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
6. Portable evaporation coolers.
7. Self-contained refrigeration systems containing 10 pounds (4.54 kilograms) or less refrigerant or that are actuated by motors of 1 horsepower (746 watts) 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, 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 inspections 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.

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

5.5.2 Repairs. Application or notice to the Building Official is not required for ordinary repairs to structures, replacement of lamps, or the connection of approval 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.

5.5.3 Public Service Agents. 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.

Section 5.3 Application for Permit. To obtain a permit, the applicant shall first file an application in writing on a form furnished by the Division of Building Inspections and Safety for that purpose. Such application shall include:

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address, or similar description that will readily identify and definitely locate the proposed building or work.

3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by construction documents and other information as required by this Ordinance.
5. State the valuation of the proposed work, if applicable.
6. Be signed by the applicant, or the applicant's authorized agent.
7. Give such other data and information as required by the Building Official.

5.3.1 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 therefor. 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.

5.3.2 Time Limitation of Application. An application for a permit for 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.

Section 5.4 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 ordinance or of any other ordinance. Permits presuming to give authority to violate or cancel the provisions of this ordinance or other ordinances 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 ordinance or of any other ordinance.

Section 5.5 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 90 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 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

Section 5.6 Suspension or Revocation. The Building Official is authorized to suspend or revoke a permit issued under the provisions of this ordinance wherever the permit is issued 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.

Section 5.7 Placement of Permit. Work requiring a building permit shall not be commenced until the permit holder or his agent shall have the building permit card in a conspicuous place on the front of the premises. The permit shall be protected from the weather and in such position as to allow inspection by various County officials. This permit card shall be maintained in such position by the permit holder until the Certificate of Occupancy is issued by the Building Official.

Section 5.8 Responsibility. It shall be the duty of every person who performs work for the installation or repair of buildings, structures, electrical, gas, mechanical, or plumbing systems, for which this code is applicable, to comply with this code.

Section 5.9 Preliminary Inspection. Before issuing a permit, the Building Official is authorized to examine or cause to be examined buildings, structures, and/or sites for which an application has been filed.

Section 5.10 Flood Plain Areas. Any person, owner or authorized agent who intends to construct any building or structure, for which a building permit is required, in a flood hazard areas shall first provide documented approval for such construction as issued by the Floodplain Manager for the Department of Community Development. A final inspection cannot be conducted and a Certificate of Occupancy cannot be issued until the Floodplain Manager, or his/her designee, has concluded all applicable provisions of the Lexington County Flood Damage Prevention Ordinance have been met.

Section 5.11 Zoning, Landscape, and Land Disturbance Permits are Required. Any person, owner, or authorized agent who intends to construct or alter any building or structure for which a building permit is required shall first provide a valid zoning permit, landscape permit, and/or land disturbance permit, as applicable, from the delegated authority of the jurisdiction where the construction or alteration is to be located.

Section 5.12 Water and Sewer Approval Required. When required by the Building Official, an applicant for a building permit must submit to the Building Official a certificate issued by the appropriate authority granting approval for water and sewer facilities.

ARTICLE 6

Construction Documents

Section 6.1 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 State and Local statute. 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 Ordinance.

6.1.1 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.

6.1.2 Manufacturer's Installation Instructions. Manufacturer's instructions, as required by this Ordinance, shall be available on the job site at the time of inspection.

6.1.3 Information on Braced Wall Design. For buildings and structures utilizing braced wall design, and where required by the Building Official, braced wall lines shall be identified on the construction documents. Pertinent information, including, but not limited to, bracing methods, location, and length of braced wall panels and foundation requirements of braced wall panels at top and bottom shall be provided.

6.1.4 Site Plan or Plot Plan. The construction documents submitted with the application for permit shall be accompanied by a site plan showing the size and location of the new construction and existing structures on the site and distances from lot or property lines. The Building Official is

authorized to waive or modify the requirement for a site plan where the application for a building permit is for alteration or repair or where otherwise warranted.

Section 6.2 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.

6.2.1 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.

6.2.2 Previous Approvals. This Ordinance 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.

6.2.3 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 approved, 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 holders’ own risk with the building operation and without assurance that a permit for the entire structure will be granted.

6.2.4 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.

Section 6.3 Amended Construction Documents. Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.

Section 6.4 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 the date of completion of the permitted work, or as required by State or Local laws.

ARTICLE 7

Temporary Structures and Uses

Section 7.1 General. The Building Official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of services, but shall not be permitted for more than 180 days. The Building Official is authorized to grant extensions for demonstrated cause.

Section 7.2 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.

Section 7.3 Provisional 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* (NFPA 70).

Section 7.4 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 used to be discontinued.

ARTICLE 8

Fees

Section 8.1 Payment of Fees. A permit shall not be valid until the fees prescribed have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

Section 8.2 Schedule of 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 established by Lexington County Council.

Section 8.3 Building Permit Valuations. Building permit valuation shall include total value of the work for which a permit is being issued, such as electrical, gas, mechanical, plumbing equipment and other permanent systems, including materials and labor.

Section 8.4 Related Fees. The payment of the fee for the construction, alterations, removal, or demolition for work done in connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or hold of the permit from the payment of other fees that are prescribed by law.

Section 8.5 No Charge Permit. At the discretion of the Building Official, he may waive the required permit fee on any community or charitable project for which all labor, materials and profit are donated. The Building Official shall notify the County Administrator in writing of all such projects.

Section 8.6 Refunds. The Building Official is authorized to refund permit fees provided the work authorized was not begun.

Section 8.7 Work Commencing Before Permit Issuance. Any person who commences work requiring a permit on a building, structure, electrical, gas, or plumbing system before obtaining the necessary permits shall be subject to a fee established by Lexington County Council, in addition to the required permit fees.

ARTICLE 9

Inspections

Section 9.1 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 ordinance or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this or of other ordinances shall not be valid. It shall be the duty of the permit applicant to cause the work or to remain accessible and exposed for inspection purposes. 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.

Section 9.2 Types of Inspections. For on-site construction, from time to time, the Building Official, upon notification from the permit holder or his agent shall make or cause to be made any necessary inspections and shall either approval that portion of the constructions as completed or shall notify the permit holder or his or her agent wherein the same fails to comply with this code.

9.2.1 Footing/Monolithic Slab Inspection. Inspection of the footing or monolithic slab pour is to be done prior to the concrete placement and after properly graded (for monolithic slabs), trenches dug, vapor barrier installed (slabs), and reinforcement installed.

9.2.2 Foundation Inspection. Inspection of the foundation shall be made after poles or piers are set or trenches or basement areas are excavated and any required forms erected and any required reinforcing steel is in place and supported prior to the placing of concrete. The foundation inspection shall include excavations for thickened slabs intended for the support of bearing walls, partitions, structural supports, or equipment and special requirements for wood foundations.

9.2.3 Sheathing Inspection. Inspection of the structural wall OSB or plywood is to be made prior to the application of any weather barriers or sealants. The nailing pattern must be observed, per code, for the area and all fasteners to be flush with the sheathing. All nails penetrating a

pressure treated sole plat or mudsill must be hot dipped galvanized or stainless per adopted codes. Any over penetrating nails or damaged panels must be replaced.

9.2.4 Fire-Resistant-Rated Wall and Soffit Construction Inspection.

Where fire-resistant-rated construction is being required between dwelling units or due to the location on the property, the Building Official shall require an inspection of such construction after lathing or gypsum board or gypsum panel products are in place, but before any wrap or exterior coverings can be applied. Property materials, fasteners, and joint fire caulking will need to be installed per the details provided and minimum code standards.

9.2.5 Framing, Plumbing, HVAC, Mechanical, Gas, and Electrical Systems Inspection (Rough In).

Rough inspection of framing, 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 a framing inspection. Draft stopping and fire blocking must be completed at this time for inspection.

9.2.6 Insulation Inspection.

Inspection of the insulation shall be done prior to any drywall or any wall covering that would prevent the visibility and inspection of the insulation. Spray foam insulations will fall under the same inspection and completed after the rough inspection.

9.2.7 Provisional Power and Gas Inspections for Meter Release.

Inspection of the electrical and gas systems shall be done prior to any connection to utilities. A 10-psi test is required for all gas piping as well as the bonding to be completed, if necessary, at the meter location. All electrical meter bases, panels, sub panels, devices, and lights shall be installed and 100 percent safe in order to receive a power release. Any light fixtures that may not be present at the time of inspections may be properly capped off (wire nuts acceptable) and inspected during the final inspection.

9.2.8 Other Inspections.

In addition to the previously listed inspections, the Building Official shall have the authority to make or require any other inspections to ascertain compliance with this code and other laws enforced by the Building Official.

9.2.9 Final Inspection.

Final inspection shall be made after the permitted work is complete and prior to occupancy. All utilities must be connected and all systems in operation prior to requesting a final inspection. Smoke detectors and carbon monoxide alarms, as well as electrical GFCI and

AFCI devices, must be tested during final inspection. All related zoning, landscape, flood, fire, and land disturbance inspections should be conducted and passed prior to scheduling a final inspection.

Section 9.3 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. All requests for acceptance must be made prior to commencement of work.

Section 9.4 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 inspections of such work that are required by this code.

Section 9.5 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 Ordinance. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the Building Official.

ARTICLE 10

Certificate of Occupancy

Section 10.1 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 therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provision of this Ordinance or of other ordinances of Lexington County. Certificates presuming to give authority to violate or cancel the provisions of this Ordinance or other ordinances or codes of Lexington County shall not be valid. Certificate of occupancies are not required for work exempt from permits and accessory buildings or structures not intended to be occupied.

Section 10.2 Change in Use. Changes in the character or use of an existing structure shall not be made except as specified in Sections 3408 and 3409 of the *International Building Code*.

Section 10.3 Certificate Issued. After the Building Official inspects the building or structure and does not find violations of the provisions of this Ordinance and other laws that are enforced by the Division of Building Inspections and Safety, the Building Official shall issue a certificate of occupancy that contains the following:

1. The building permit number.
2. The address of the structure.
3. The name and address of the owner or the owner's authorized agent.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this Ordinance for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the Building Official.
7. The edition of the code under which the permit was issued.
8. If an automatic sprinkler system is provided and whether the sprinkler system is required.
9. Special stipulations and conditions of the building permit, if any.

Section 10.4 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. The Building Official will coordinate with other departments or agencies that may require final approvals prior to issuing a temporary certificate of occupancy

Section 10.5 Revocation. The Building Official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this Ordinance wherever the certificate is issued 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 Ordinance.

ARTICLE 11

Service Utilities

Section 11.1 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 Ordinance for which a permit is required, until released by the Building Official.

Section 11.2 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.

Section 11.3 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 Ordinance and the codes referenced in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without approval as required by this Ordinance. 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.

ARTICLE 12

Building Code Board of Appeals

Section 12.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of this ordinance, there shall be and is hereby created a Board of Appeals. The Board of Appeals shall be appointed by County Council and shall hold office at its pleasure.

Section 12.2 Application for Variances or Appeals. A written application for a variance or an appeal shall be filed with the Building Official by the property owner or his designated agent or the aggrieved party. Copies of the application shall be transmitted to the members of the Board.

Section 12.3 Limitation on Authority. An application for appeal shall be based on a claim that the true intent of the Ordinance or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this ordinance 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 Ordinance.

Section 12.4 Qualifications. The Building Code Board of Appeals shall consist of nine (9) members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of Lexington County. The Board shall consist of at least one (1) architect, one (1) engineer, one (1) general contractor, one (1) residential builder, one (1) member at large, and one (1) member each from the building, electrical, mechanical, and plumbing industries. All members shall be residents of the County. All members shall be appointed by the County Council and serve without compensation. The Building Official shall be an ex officio member of said Board but shall have no vote on any matter before the Board.

Section 12.5 Terms. Members of the Board shall be appointed for four (4) year terms. The Board shall annually select members to serve as chairman and vice-chairman. The chairman and vice-chairman shall be selected at the meeting occurring in January.

Section 12.6 Rules and Proceedings with the Board. The Board shall adopt rules of procedure for conducting its business. A member shall not hear an appeal in which that member has a personal, professional, or financial interest.

The Board may call upon any other agency of Lexington County or information in the performance of its duties and it shall be the duty of such other agency to render such information to the Board as may be reasonably required.

Section 12.7 Meetings of the Board. The Board shall meet at least once each month when there are appeals or applications for variances. Special meetings may be held at the call of the chairman provided that at least a 24-hour notice of such meeting is given to every member.

The presence of five (5) members shall create a quorum and motions shall pass or fail by majority of those members actually voting. Motions which receive an equal number for and against shall be deemed to fail. Only members in attendance at a meeting shall be eligible to vote on motions before the Board. Proxy votes shall not be used.

Section 12.8 Public Hearings. A public hearing shall be held by the Board for all appeals and variances.

Section 12.9 Decisions. Every decision of the Board of Appeals shall be final, subject, however, to such remedy as any aggrieved party might have at law or in equity. It shall be in writing and shall indicate the vote upon the decision. Every decision shall be promptly filed in the Office of the Building Official, and shall be open to public inspection; a certified copy shall be sent by mail or otherwise to the appellant.

Section 12.10 Appeals of Decisions of the Board. Any appeal of a decision previously rendered by the Board shall be heard again in its entirety when in the opinion of the chairman new or different information warrants such a hearing. The chairman shall have sole authority to decide if the requested appeal is to be reheard. Any person, whether or not a previous party of the original appeal, shall have the right to apply to the appropriate court for a writ of certiorari or other injunctive relief. Such appeals shall be made in a manner and time as prescribed by law.

Section 12.11 Records. The Building Official shall designate a qualified staff member to serve as secretary to the Board who shall make a detailed record of all its proceedings, which shall set forth the reasons for its decisions, the vote of each member participating therein, the absence of a member, and any failure of a member to vote.

ARTICLE 13

Violations

Section 13.1 Unlawful Acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, move, demolish or occupy any building, structure or equipment regulated by this ordinance, or cause same to be done, in conflict with or in violation of any of the provisions of this Ordinance.

Section 13.2 Notice of Violation. The Building Official is authorized to serve a notice of violation or order on the person(s) responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition, or occupancy of a building or structure in violation of the provisions of this Ordinance, or in violation of a detail statement or a plan approved thereunder, or in violation of a permit or certificate issued under the provisions of this Ordinance. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

Section 13.3 Prosecution of Violation. If the notice of violation is not complied with in the time prescribed by such notice, the Building Official is authorized to request the delegated code enforcement agency for Lexington County to prosecute the illegal activity. The Building Official is authorized to request legal counsel to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy or the building or structure in violation of the provisions of this Ordinance or direction made pursuant thereto.

Section 13.4 Penalties for Violation. Violation of the provision of this Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Any person, firm, or corporation who violates this ordinance or fails to comply with any of its requirements shall, upon convictions thereof, be fined not more than the maximum allowable penalty jurisdiction of the Magistrate's Court. Each day such violation continues shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties here in provided.

The Building Official or other appropriate County official may also seek injunctive relief or any other appropriate action in courts of competent jurisdiction to enforce the provisions of this ordinance.

ARTICLE 14

Stop Work Order

Section 14.1 Authority. Whenever the Building Official finds any work regulated by this Ordinance being performed in a manner either contrary to the provisions of this ordinance or dangerous or unsafe, the Building Official is authorized to issue a stop work order. Such work shall be immediately stopped.

Section 14.2 Issuance. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

Section 14.3 Unlawful Continuance. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed in this Ordinance.

ARTICLE 15

Permit Types Defined

Section 15.1 General. Where in any specific case, different sections of the codes specify different materials, methods of construction, or other requirements, the most restrictive shall apply. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

Section 15.2 Electrical Safety Permit (Utility Reconnection Request). When required by the utility provider, an “Electrical Safety” permit is intended to cover the inspection of the electrical service equipment, grounding, bonding, and panel boxes in order to determine if the system has remained unchanged. Any evident changes or alterations of the electrical equipment will result in a violation of the permit and an electrical permit will be required to inspect what has been changed or altered. Attics and crawlspaces are not inspected, as that falls under the liability of the owner or agent who obtained the permit. The inspection is only intended to energize a system that previously had power and remained unchanged and does not cover alterations.

Section 15.3 Swimming Pool Permits. When installing an in-ground swimming pool, all electrical and gas installed that is associated with the operation of the pool pumps, heating equipment, and motors will require an electrical and/or gas permit. The permit will cover the installation of panels, breakers, Ground Fault Circuit Interrupter (GFCI receptacles), timers, pumps, motors, gas lines, and pool deck equipotential bonding grids. Above ground swimming pools less than 60 inches in height and equipped with a factory GFCI protected cord for direct connection to any 120 volt receptacle that is already located on the exterior of the home are exempt from permitting. The following inspections are required:

1. A) Equipotential bonding grid around pool and steel reinforcement and B) all metal components and lights.
2. Electrical sub panel and power installations to include pumps, time clocks, and pump management devices. Individual pump repair or replacement does not require permitting.
3. Gas lines installed for pool heaters and equipment.

Section 15.4 Demolition Permits. When demolishing and/or removing an existing building or structure, a permit shall be issued for the scope of work. A final inspection must be completed to confirm the demolition and/or removal of the building or structure has been completed.

ARTICLE 16

Unsafe Structures and Equipment

Section 16.1 Conditions. Structures or existing equipment that are or hereafter become unsafe, insanitary 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. A vacant structure that is not secured against entry shall be deemed unsafe.

Section 16.2 Record. The Building Official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

Section 16.3 Notice. If an unsafe condition is found, the Building Official shall serve on the owner, agent or person in control of the structure, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time.

Section 16.4 Method of Service. Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by law. If the certified or registered letter is returned showing that letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

Section 16.5 Restoration. The structure or equipment determined to be unsafe by the Building Official is permitted to be restored to a safe condition to the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with this Ordinance.

Section 16.6 Failure to Comply. If the owner fails to comply with the order to repair, alter, or improve or to remove and demolish, they shall be in violation of this Ordinance and subject to such penalty as outlined in Article 13 of this Ordinance.

Section 16.7 Removal or Demolition. If the owner of an unsafe structure fails to comply with the order to remove or demolish the dwelling, building, or other structure, the Building Official, or other authorized representatives, may cause such dwelling or building or other structure to be removed or demolished, as outlined in Chapter 14 – Article III of the County Code of Ordinances.

ARTICLE 17

Fire Code Inspections

Section 17.1 General. The Building Official shall appoint a fire code official authorized to enforce the provision of this Ordinance and shall have the authority to render interpretations of the fire code and to adopt policies, procedures, rules and regulations in order to clarify the application of its provisions. Such interpretations, policies, procedures, rules and regulations shall be in compliance with the intent and purpose of this ordinance and shall not have the effect of waiving requirements specifically provided for in the fire code.

Section 17.2 Inspection Authority. The fire code official is authorized to enter and examine any building, structure, marine vessel, vehicle or premises in accordance with and for the purpose of enforcing this Ordinance.

Section 17.3 Inspections. The fire code official is authorized to conduct such inspections as are deemed necessary to determine the extent of compliance with the provisions of this ordinance and to approve reports of inspection by approved agencies or individuals. All reports of such inspections shall be prepared and submitted in writing for review and approval. Inspection reports shall be certified by a responsible officer of such approved agency or by the responsible individual.

Section 17.4 Chapter One of the Fire Code. The requirements in Chapter One of the *International Fire Code* shall be included in this Ordinance whose purpose is to establish the minimum requirements consistent with nationally recognized good practice for providing a reasonable level of life safety and property protection from the hazard of fire, explosion or dangerous conditions in new and existing buildings, structures and premises and to provide safety to fire fighters and emergency responders during emergency operations. Where differences occur between provisions in Chapter One of the *International Fire Code* and this Ordinance, the provisions of this Ordinance shall apply.

ARTICLE 18

Manufactured Homes

Section 18.1 Manufactured Home Inspections. One inspection will be performed by Lexington County. The inspection is to be scheduled after the manufactured home has been placed on site and connected to a septic tank or sewer system, all electrical work and mechanical appurtenances are completed and ready to be energized by the utility supplier, a current Lexington County Mobile Home Tax Sticker has been displayed, the address has been appropriately posted, and all provision of this article have been completed. If all items are approved, a utility release will be forwarded to the utility supplier.

Section 18.2 Steps, Landings, and Railings. Manufactured homes shall be equipped with steps, landings, and railings as prescribed in the *International Residential Code*.

Section 18.3 Foundations, Anchoring Systems, and Tiedowns. Manufactured homes must be installed per the manufacturer's installation instruction. Used homes, without manufacturer's installation instructions, are to be installed per the Manufacturer Housing Board Regulations as promulgated by the South Carolina Department of Labor, Licensing and Regulation.

Section 18.4 Underpinning. Manufactured homes must be underpinned with masonry, mobile home skirting, or other material approved by the Building Official. Underpinning shall be installed in accordance with the installation specifications and instructions of the particular manufactured home, or the specifications and instructions of the mobile home skirting manufacturer, or the applicable section of the *International Building Code* for the material involved.

Access to and ventilation of these enclosed under floor areas shall be in accordance with the specifications of the manufactured home. If such specifications are not obtainable, the requirements of the *International Residential Code* shall be followed.

Section 18.5 Date of Construction. Manufactured homes manufactured before June 15, 1976 shall not be considered in compliance with the minimum construction standards established by this Ordinance. Such homes may

not be established as new residences with existing homes allowed to continue to be occupied at their current location only.

Section 18.6 Derelict Mobile Homes. No owner of real property shall maintain, store, collect or allow to remain, any derelict mobile home on their property. For the purposes of this section, a derelict mobile home shall be defined by Section 6-1-150 of the South Carolina Code of Laws, as amended.

Section 18.7 Manufactured Home Retail Dealers. This section shall not apply to any sales lot of a manufactured home retail dealer currently licensed through the South Carolina Manufactured Housing Board.

Adopted: July 28, 2020

NOW THEREFORE BE, it ordained by the Lexington County Council as follows:

Provisions in any other County Ordinance in conflict with this ordinance are hereby repealed.

This Ordinance shall be effective upon its enactment.

Enacted this _____ day of _____, 2020.

Scott Whetstone
Chairman, Lexington County Council

ATTEST:

Brittany Shumpert, Clerk

First Reading: January 15, 2020
Public Hearing: February 25, 2020
Second Reading: July 14, 2020
Third & Final Reading: July 28, 2020
Filed W/Clerk of Court: