

Chapter 4

BUILDINGS AND BUILDING REGULATIONS*

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*Cross references—Fire prevention and. protection generally, Ch. 7; flood damage prevention generally, Ch. 8; weeds and trash, § 11-21 et seq.; planning and development generally, Ch. 13; S.C. Highway 93 corridor, § 13-26 et seq.; solid waste generally, Ch. 14; streets and sidewalks generally, Ch. 15; utilities generally, Ch. 17; zoning generally, App. A.

State law reference—Buildings generally, S.C. Code 1976, § 5-25-310 et seq.

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ARTICLE L IN GENERAL

Sec. 4-1. Central Area Fire Protection District; legal description.

The Central Area Fire Protection District shall be all of the land and area of Pickens County, South Carolina, contained and embraced within the following boundaries, excluding the properties embraced within the limits of the Town of Central, South Carolina:

Beginning at the point where Isaqueena Lake enters Lake Hartwell; then following Isaqueena Lake northerly to Six Mile Creek; thence northeasterly along the center of Six Mile Creek to the intersection of Six Mile Creek and South Carolina State Highway 8-39-160, also known as Jones Mill Road; thence southeasterly along the center of state highway S-39-160 to Pleasant Hill Church Road; thence southeasterly along the center of Pleasant Hill Church Road, crossing state highway 133 to Browning Road; thence easterly along the center of Browning Road to the intersection of Browning Road with South Carolina State Highway S-39-337, also known as Maw Bridge Road, and South Carolina State Highway S-39-277, also known as Lay Bridge Road; crossing Maw Bridge Road; thence easterly along the center of state highway S-39-277 to the intersection of state highway S-39-277 and Twelve Mile River; thence northeasterly along the center of Twelve Mile River to the center of the intersection of Twelve Mile River and state highway S-39-51, also known as Robinson Bridge Road; thence southeasterly along the center of state highway S-39-51 to the intersection of state highway S-39-51 and the limits of the Town of Norris, South Carolina; thence southwesterly along the limits of the Town of Norris to the center of the intersection of the limits of the Town of Norris and Hidden Creek Road (Garvin Road); thence southeasterly along the center of Hidden Creek Road to the center of the intersection of Hidden Creek Road and Green Meadow Road; thence southeasterly along the center of Green Meadow Road to the center of the intersection of Green Meadow Road and South Carolina State Highway 8-39-895, also known as Midway Road; thence easterly along the center of state highway S-39-395 to the center of the intersection of state highway S-39-395 and Fifteen Mile Creek; thence southerly along the center of Fifteen Mile Creek to the center of the intersection of Fifteen Mile Creek and South Carolina State Highway 5-39-44; thence southerly along the center of state highway S-39-44, crossing United States Highway 123, also known as John C. Calhoun Memorial Highway, to the center of the intersection of South Carolina State Highway 8-39-44, also known as Sims School Road, and the Pickens-Anderson County line; thence southwesterly along the center of the Pickens-Anderson County line to the center of the intersection of said county lines and the limits of the City of Clemson, South Carolina; thence northerly along the limits of the City of Clemson to the point of intersection with the bounds of Lake Hartwell, the Pickens-Oconee County line; thence northerly along the Pickens-Oconee County line to the point where Isaqueena Lake enters Lake Hartwell, the beginning point of this description.

(Ord. of 5-7-84)

Cross reference—Fire prevention and protection generally, Ch. 7.

State law reference—Municipalities shall pass fire limit ordinances, S.C. Code 1976, § 5-25-1110.

Secs, 4-2---4-25. Reserved.

ARTICLE II TECHNICAL CODES'

Sec. 4-26. Adoption of codes.

(a) The mayor and town council hereby establish the minimum regulations governing the conditions and, maintenance of all property, buildings and structures; by providing standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation. and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures; known as the building code;

And provide for the adoption by reference of codes for the regulation of construction within the town of limits.

Mandatory codes include the:

- (1) 2006 Edition of the International Building Code;
- (2) 2006 Edition of the International Residential Code;
- (3) 2006 Edition of the International Fire Code;
- (4) 2006 Edition of the International Plumbing Code;
- (5) 2006 Edition of the International Mechanical Code;
- (6) 2006 Edition of the International Fuel Gas Code;
- (7) 2006 Edition of the International Energy Conservation Code.

These codes are automatically adopted by the state example. 2006 International Codes will be effective July 1, 2008.

Pursuant to the authority vested in council under Chapter 9 of Title 6 of the South Carolina Code of Laws as and if amended, the town does hereby adopt by reference for regulation of construction within the Town of Central, South Carolina, the following:

- (8) 2006 Edition of the International Existing Building Code.
- (9) National Electrical Code, 2005 Annex G, Includes Administration and Enforcement.

This code is effective July 1, 2007.

*Cross reference—Adoption *A* fire code, § 7-41 et seq.

State law references—Municipal authority to adopt technical codes by reference, S.C. Code 1976, §§ 5-7-280, 6-9-60; mandatory adoption of certain nationally recognized codes, S.C. Code 1976, § 6-9-60; codes applicable to building inspections, S.C. Code 1976, § 6-9-130; building codes amendment procedure, S.C. Code 1976, 8-240; qualifications for building codes amendments, S.C. Code Reg. 8-245; local adoption of building codes, S.C. Code Reg. 8-265; municipality may not enforce national building code provisions regulating farm structures, S.C. Code 1976, § 6-9-65(B); municipal responsibility to enforce barrier-free building design standards, S.C. Code Reg. 19-400.3(B).

(10) 2006 Edition of the International Residential Code:

a. Appendix E, Manufactured Housing Used As Dwellings.

ii Appendix G, Swimming Pools, Spas and Hot Tubs.

(11) *Schedule of fees:*

a. Appendix B—Recommended Schedule of Permit Fees, 1997 (By SBCCI).

Minimum acceptable valuation for establishing fee shall be the most current "Building Valuation Data" as published by IBC or F. W. Dodge Building Statistics.

b. Minimum permit fee is \$50.00.

c. Reinspection fee is \$25.00.

(b) The building code in this section shall continue in force until new or revised successor building codes are subsequently made available for each, respectively, by the publisher and adopted by the South Carolina Building Codes Council. Once new or revised or successor Building Codes for each, respectively, are published and adopted by the South Carolina Building Codes Council, such building codes shall be immediately adopted as part of the City Code, but shall be implemented and enforced one-year from the date of adoption by the South Carolina Building Code Council.

(Ord. No. B0-91-05-13, § 1, 4-08-91; Ord. No. 94-1441-BC, 12-12-94; Ord. No. 3-98-SBC, 2-9-98; Ord. No. 7-01-BC, 8-13-01; Ord. No. 01-08-07BC, §§ 101, 201, 4-9-07)

Sec. 4-27. Enforcement.

(a) Within the codes, when reference is made to duties of certain officials named therein, the designated building official for the county who has corresponding duties to the named official in such code shall be deemed to be the responsible official so far as enforcing the codes within the corporate limits of the town. This responsibility shall be assigned to the county building official by agreement between the town and the county. All fees and permit costs associated with building within the corporate limits of the town shall be set by the county building official responsible for inspecting and certifying the construction.

(b) The city clerk and treasurer for the town shall maintain in his office copies of the adopted codes and regulations for purchase. The adopted codes will be sold at the published nonmember rate.

(Ord. No. B0-91-05-13, § 4, 4-08-91)

Sec. 4-28. Violations.

The construction, reconstruction, erection, structural alteration or use of any building or other structure, or the use of land or premises in violation of any of the provisions of this article is hereby declared to be a misdemeanor. In addition to all other remedies provided by law, the Town or any property owner or occupant, may institute injunction, mandamus or other appropriate action or proceeding to prevent such unlawful construction, reconstruction, erection, alteration or use, in any court of competent jurisdiction.

Every action or omission designated as a misdemeanor by this article shall be punishable at the discretion of the court to a maximum fine of \$500.00, plus court costs, and/or 30 days in jail.

Where such an act or omission is continued, it is a violation of the provisions of this article after notice of such violation each and every day during which such act or omission is continued shall be deemed a separate misdemeanor.

(Ord. No. B0-91-05-13, § 2, 4-08-91; Ord. No. 7-01-BC, 8-13-01; Ord. No. 01-08-07BC, § 301, 4-9-07)

Sec. 4-29-4-45. Reserved.

ARTICLE III. PERMITS

DIVISION 1. GENERALLY Sec. 4-46.

Construction—Required.

It shall be unlawful for any person to construct or improve any building in the town, unless an application has been filed with and a permit granted by the building official for such construction or improvement. The form of such permit shall be approved by the office of the building inspector.

(Code 1979, § 4-201)

Sec. 4-47. Same—Application.

The building official shall prepare the application forms for all permits, which forms shall show information to be of assistance to them in locating the real estate on which the construction or improvement is to be made and in checking tax returns. This information shall include but not be limited to the following:

- (1) Name of owner of the real estate;
- (2) Street number;
- (3) Estimated cost of construction or improvement;
- (4) Type of construction or improvement;
- (5) Type of roof;
- (6) Number of stories;
- (7) Number of rooms; and
- (8) The permit number issued by the county health department concerning sewerage or waste.

(Code 1979, § 4-202)

Sec. 4-48. Mobile home occupancy.

It shall be unlawful for any person to occupy a mobile home in the town unless an application has been filed with and a permit granted by the county tax assessor and the town permitting such occupancy. The county tax assessor shall prepare application forms which shall show information to be of assistance to him in locating the real estate on which the mobile home is located and in checking tax returns. This information shall include but not be limited to the following:

- (1) The name of the owner of the real estate on which the mobile home is to be located;
- (2) The street number;
- (3) The make and model of the mobile home; and
- (4) The number of rooms in the mobile home.

(Code 1979, § 4-203)

Sec. 4-49. Issuance; distribution of copies; display on demand.

(a) The building official shall issue permits upon the applicant's request; provided that he has obtained the permit and necessary approval from the health department approving the sewage disposal system. The permits shall be numbered and made in quadruplicate. The original shall be filed with the county tax assessor, one copy shall be given to the owner or applicant, one copy shall be filed with the county treasurer, and one copy shall be filed with the utility company when application for electric service is made.

(b) The permit, when issued, shall be kept at the building or place where such construction or improvement is being done and, on demand, shall be produced by the person in charge of such work for inspection by any police officer or properly designated agent of the town. It shall be unlawful to continue the work after such demand unless and until the permit is produced for inspection.

(Code 1979, § 4-204)

Sec. 4-50. Acquisition prerequisite to connection of electricity.

It shall be unlawful for any public utility company or rural electric cooperative to make a new connection of electrical energy to a building or mobile home requiring a permit under this article until such permit is acquired for the construction or improvement of the building or for the occupancy of the mobile home. Any company or cooperative receiving a request for a connection where the owner does not have a permit shall report such request to the town. No company or cooperative shall be required to determine the cost or value of the building being constructed or improved.

(Code 1979, § 4-205)

Secs. 4-51-4-65. Reserved.

DIVISION 2. FEES

Sec. 4-66. Established.

Fees, which are established from time to time by the town council, shall be charged for permits issued in accordance with this division.

(Code 1979, § 4-206)

Sec. 4-67. Plan-checking fee.

When the valuation of the proposed construction exceeds \$1,000.00 and a plan is required to be submitted, a plan-checking fee shall be paid to the building official at the time of submitting plans and specifications for checking. Such plan-checking fee shall be equal to one-half of the building permit fee.

(Code 1979, § 4-206)

Sec. 4-68. Doubled without permit.

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

(Code 1979, § 4-206)

Sec. 4-69. Exceptions.

No fee shall be paid for new roofs, painting, and reguttering.

(Code 1979, § 4-206)

Sees. 4-70-4-90. Reserved.

ARTICLE W. UNFIT DWELLINGS AND STRUCTURES*

Sec. 4-91. Buildings unfit for human habitation.

Be it recognized that there exists within the town certain dwellings and other structures which are unfit for human habitation and/or use due to dilapidation, defects increasing the hazards of fire, accidents, or other calamities, lack of ventilation, light or sanitary facilities, and/or other conditions rendering such dwellings and/or structures unsafe or unsanitary, dangerous or detrimental to the health, safety, or morals or otherwise inimical to the welfare of the residents of the town.

(Ord. No. 07-13-09DEM, 8-10-09)

*Editor's note—Ord. No. 07-13-09DEM, adopted Aug. 10, 2009, did not specifically amend the Code; hence, inclusion herein as Art. TV, §§ 4-91-4-106 was at the discretion of the editor. See also the Code Comparative Table.

Sec. 4-92. Power exercised by building official.

'Whenever it is determined that any of the conditions exist as described above, the police powers of the town may be exercised to repair, close, or demolish any such dwelling or other structure in the manner hereinafter provided.

(Ord. No. 07-13-09DEM, 8-10-09)

Sec. 4.93. Complaint notice and hearing.

The powers to be exercised under this section shall be exercised by the building official or other designated representative.

(Ord. No. 07-13-09DEM, 8-10-09)

Sec. 4-94. Order to repair or demolish.

Whenever a complaint or petition is filed with the building official, or other designated representative, by any one of the administrative heads of the town, or by at least five residents of the town, charging that any dwelling or other structure is unfit for human habitation, or whenever it appears to the building official, or other designated representative, (on his own motion) that any dwelling or other structure is unfit for human habitation, the building official shall, in 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 or other structure a complaint in letter form stating the charges in that respect and containing a notice that a hearing will be held before town not less than ten days nor more than 30 days after the service of such complaint or letter; that the owner and parties in interest shall be given the right to file an answer to the complaint in letter form 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 prevail big in courts of law or equity shall not be controlling in such hearings. In the event an emergency arises whereby it appears that human life or safety is involved, the building official may shorten the notice of hearing to no less than one day.

(Ord. No. 07-13-09DEM, 8-10-09)

Sec. 4-95. Posted notice.

(a) That if, after such notice and hearing, the town council determines that a dwelling or other structure under consideration is unfit for human habitation it shall be stated in writing, such writing to include the findings of fact in support of such determination, and this writing shall be issued and caused to be served upon the owner of such property together with or in the form of an order.

(b) If the repair, alteration, or improvement of the dwelling or other structure can be made at a reasonable cost in relation to the value of the dwelling or other structure, the owner shall be required within, the time specified in such order, to repair, alter, or improve such dwelling or other structure to render it fit for human habitation or to vacate and close the dwelling or other structure as a human habitation; or

(c) If the repair, alteration or improvement of the dwelling or other structure cannot be made at a reasonable cost in relation to the value of the dwelling or other structure (reasonable cost being not over 50 percent of the value), the owner then shall be required, within the time specified in the order, to remove or demolish such dwelling.

(Ord. No. 07-13-09DEM, 8-10-09)

Sec. 4-96. Removal authority of town.

If such owner fails to comply with the order to remove or demolish the dwelling, the building official, or other authorized representative, may cause such dwelling or other structure to be removed or demolished forthrightly.

(Ord. No. 07-13-09DEM, 8-10-09)

Sec. 4-97. Lien upon property taxes.

That the amount of the cost of such repairs, alterations, or improvements, vacating and closing, or removal, or demolition by the public officer 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. In accordance with S.C. Code 1976, § 31-15-30(6).

(Ord. No. 07-13-09DEM, 8-10-09)

Sec. 4-98. Nuisance abatement power of town.

No part of this section shall be construed in any way to impair or limit any and all powers of the town to define and declare nuisances and/or to cause their removal or abatement by summary proceedings or otherwise.

(Ord. No. 07-13-09DEM, 8-10-09)

Sec. 4-99. Conditions constituting unfit dwellings/buildings.

A dwelling or other structure is unfit for human habitation if conditions exist in such dwelling or other structure which are dangerous or injurious to health, demolition by neglect, safety or morals of the occupants of such dwelling, the occupants of neighboring dwellings or other residents of the town. Such conditions may include the following, without limiting the generality of the foregoing defects therein increasing the hazards of fire, accidents, or other calamities; lack of adequate ventilation, light or sanitary facilities; dilapidation; disrepair; structural defects; uncleanliness; and any other conditions in any reasonable way relating to the fitness for human habitation as previously set forth.

(Ord. No. 07-13-09DEM, 8-10-09)

Sec. 4-100. Service of complaints.

Complaints by letters or orders hereunder shall be delivered to and/or served upon such persons either personally or by certified mail., but if the whereabouts of such persons are unknown and cannot be ascertained in the exercise of reasonable diligence the building official 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 this area. 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 Pickens County Clerk of Court and such filing of the complaint or order shall have the same force and effect as other notices provided by law. (Ord. No. 07-13-09DEM, 8-10-09)

Sec. 4-101. Disposition of proceeds of sale.

If a dwelling or other structure is removed or demolished by the building official, he shall sell the materials of such dwelling and shall credit the proceeds of such sale against the cost of the removal or demolition and any balance remaining shall be deposited with the Pickens County Clerk of Court by the building official and shall be secured in such manner as may be directed by such clerk of court and shall be disbursed by such clerk of court to the persons found to be entitled thereto by final order or decree of such court. As per S.C. Code 1976, § 31-15-90.

(Ord. No. 07-13-09DEM, 8-10-09)

Sec. 4-102. Trespassing prohibited.

(a) It shall be unlawful for any person to trespass upon the curtilage of a condemned building or structure on private property which has been declared unsafe by the town building

(b) It shall further be unlawful for any person or persons to remove any baffle used to close windows, doors, underpinning, or other openings in the building or structure.

(c) The building official shall ensure trespassing notices are filed and notice of "No Trespassing" posted on four sides of the building or structure.

(d) There shall be no violation under this section for entry upon curtilage, building or structure by police or fire personnel, building official or a licensed contractor on the premises for the purpose of repair, removal or razing of the building or structure.

(e) The owner may enter upon the premises when accompanied by any of the personnel listed in the above subsection (d). (Ord. No. 07-13-09DEM, 8-10-09)

Sec. 4-103. Unlawful to remove or deface public notices.

It shall be unlawful for any person or persons to remove or deface public notices of "Condemned Structure—Unsafe" or "No Trespassing" which are required to be posted upon the condemned building or structure.

(Ord. No. 07-13-09DEM, 8-10-09)

Sec. 4-104. Rights of persons affected by orders.

(a) Any person affected by an order issued by a public officer may within 60 days after the posting and service of the order, petition the circuit court for an injunction restraining the public officer from carrying out the provisions of the order and the court may, upon such petition, issue a temporary injunction restraining the public officer pending the final disposition of the case. 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. 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 public officer as to facts, if supported by evidence, shall be conclusive. Costs shall be in the discretion of the court. The remedies herein provided shall be exclusive remedies and no person affected by an order of the public officer shall be entitled to recover any damages for action taken pursuant to any order of the public officer or because of compliance by such person with any order of the public officer. In accordance with S.C. Code 1976, § 31-15-70.

(b) Grievance procedure. The property owner may present a case for extension of deadline to the town council. Town council has the authority to extend the deadline for one 90-day period.

(Ord. No. 07-13-09DEM, 8-10-09)

Sec. 4-105. Expected chain of events.

Building official determines building to be unsafe or five residents submit petition to building official and building official will determine safety of property.

Building official notifies owner and gives owner notice of hearing (at least ten days) before council.

Owner appears before town council and council determines if building is unfit and sets a date for repairs or demolition.

If building is not repaired or demolished by time frame set by council then the town repairs or demolishes property and places lien on property in the same manner as municipal taxes.

(Ord. No. 07-13-09DEM, 8-10-09)

Sec. 4-106. Definitions.

The following terms whenever used or referred to in this article shall have the following respective meanings for the purpose of this article, unless a different meaning clearly appears in the context:

Building official shall mean the person who is charged with the administration and enforcement of this code, or any duly authorized representative.

Condemn shall mean to adjudge unfit for occupancy.

Demolition by neglect shall mean neglect in the maintenance of a building, resulting in one or more of the following conditions:

- (a) Parts, components, or details of the building which are defective or deteriorated or so attached that they may fall off;
- (b) Defective or deteriorated foundation;
- (c) Defective or deteriorated floor supports;
- (d) Members of walls or other vertical supports that split, lean, list or buckle due to defective construction or deterioration or that are otherwise insufficient to carry imposed loads;
- (e) Members of ceilings, roofs, ceiling and roof supports, or other horizontal supports that are insufficient to carry imposed loads;
- (f) Fireplaces or chimneys which list, bulge, or settle due to defective construction or deterioration;
- (g) Unsafe electrical or mechanical conditions or conditions constituting a fire hazard;
- (h) Defective or deteriorated siding, masonry joints, windows, exterior doors, flashing, venting or any other defect or condition in the building which renders it not properly watertight;
- (i) Defective or deteriorated down spouts or gutters such that rain runoff is not directed off of the roof and away from the foundation; or component, or architectural detail.

Dwelling shall mean any building or structure, or part thereof, used and occupied for business, human habitation or intended to be so used.

Governing body shall mean the town council or other legislative body charged with governing the Town of Central.

Imminent danger shall mean a condition which could cause serious or life threatening injury or death at any time.

Municipality shall mean the Town of Central regardless of population.

Owner shall mean any person, agent, operator, firm, or corporation having a legal or equitable interest in the property; or the holder of the title in fee simple and every mortgagee of record; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered, to take possession of real property by a court.

Parties of interest shall mean all individuals, associations, corporations and others who have interests of record in a dwelling and any that are in possession thereof.

Public authority shall mean any housing authority or any officer who is in charge of any department or branch of the Town of Central relating to health, fire, or building regulations or to other activities concerning dwellings in the Town of Central.

Public officer shall mean the officer or officers who are authorized by ordinances to exercise the powers prescribed by such ordinances.

(Ord. No. 07-1.3-09DEM, 840-09)