

CHAPTER 8: BUILDINGS AND BUILDING REGULATIONS

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Editor's note:

In May of 1994, the Town Council approved arrangements with the county, which established the County Joint Planning Commission. The County Building and Zoning Department assumed the responsibility for Building Code enforcement, building inspection and zoning enforcement. The official title for the Building Inspector is County Building and Zoning Official. All fees are established, approved, collected and retained by the county.

Statutory reference:

Building permits, see S.C. Code § 5-25-310

§ 8-1 STATE LAW GOVERNS WHERE CONFLICTS EXIST.

Should any conflict arise between the provisions of this chapter and any state law, rule or regulation, the provisions of state law shall prevail and be controlling.

§ 8-2 PERMITS; REQUIRED; FEE.

(A) No building or structure, nor any additions thereto, shall be erected or constructed unless a permit has been issued by the county's Building and Zoning Department and a fee paid as may be required by standard codes, when adopted, or this code.

(B) Such fee shall be in an amount as established from time to time by the county and set forth in the schedule of rates and fees, available for public examination in the Town Clerk's office.

§ 8-3 SAME; INDUSTRIAL BUILDINGS; APPEAL.

No person desiring to construct, erect or use a building for industrial purposes, shall do so without first applying for a permit. If the permit is not approved, the applicant may appeal the decision to the Town Council.

§ 8-4 NON-RESIDENT CONTRACTOR REQUIRED TO OBTAIN BUSINESS LICENSE.

It shall be unlawful for a non-resident contractor to commence any work until a business license has been obtained therefor.

§ 8-5 WORK TO BE PERFORM BY LICENSED ELECTRICIANS AND PLUMBERS.

All electric and plumbing services, when not performed by the property owner, shall be performed by electricians and plumbers licensed by the state, unless otherwise authorized by the Town Council.

§§ 8-6—8-28 RESERVED.

ARTICLE II: BUILDING CODES

Section

- 8-29 Homeowner provisions
- 8-30 Permit not required for ordinary repairs and maintenance
- 8-31 Unsafe buildings or structures; posting and notice
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- 8-35 Use of alternate materials and methods prohibited without approval
- 8-36 Disclaimer of liability
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Editor's note:

Lancaster County has assumed the responsibility for regulation and enforcement of building and safety codes regarding building standards and safety for the town.

Statutory reference:

Adoption by reference of codes and standards, see S.C. Code §§ 6-9-50 and 6-9-60

Enforcement of building codes, see S.C. Code § 6-9-10

Provisions of building and safety codes regarding building standards and safety binding upon local government, see S.C. Code § 6-9-5

§ 8-29 HOMEOWNER PROVISIONS.

Nothing in this chapter shall prevent any homeowner from installing or maintaining buildings, electrical wiring or plumbing within his or her own property boundaries; provided, such work is done by himself or herself and is used exclusively by him, her or his or her family. Such privilege does not convey the right to violate any of the provisions of this chapter, neither is it to be construed as exempting any such property owner from obtaining a permit and having the work inspected.

Statutory reference:

Issuance of local building permit requires either licensure or exemption from requirements, see S.C. Code § 40-59-280

§ 8-30 PERMIT NOT REQUIRED FOR ORDINARY REPAIRS AND MAINTENANCE.

Ordinary minor repairs and general maintenance may be made without a permit; provided that, such repairs shall not violate any of the provisions of this code. Examples of minor repairs and general maintenance shall include, but not be limited to, painting, reroofing, carpeting and the like.

§ 8-31 UNSAFE BUILDINGS OR STRUCTURES; POSTING AND NOTICE.

To every building which shall appear to the Building Inspector to be dangerous to life or limb, or because of its liability to fire, bad conditions of walls, overloaded construction, decay or other cause shall be held to be unsafe, the Building Inspector shall affix a notice of the dangerous character of the structure at a conspicuous place on the exterior wall of the building and shall give immediate notice to the owner or agent for the correction of such condition.

§ 8-32 SAME; COUNCIL NOTICE TO CORRECT, REMOVE OR DISCONTINUE.

The Building Inspector shall report his or her findings to the Mayor and Council which, after consideration, may issue an order for the immediate correction, removal or discontinuance of the hazard.

§ 8-33 APPEALS MADE TO MAYOR AND COUNCIL.

Appeals from decisions of authorized officials shall be to the Mayor and Council.

§ 8-34 TOWN BUILDINGS TO BE SMOKE FREE.

Buildings owned by the town are hereby declared to be and shall remain smoke-free environments.

§ 8-35 USE OF ALTERNATE MATERIALS AND METHODS PROHIBITED WITHOUT APPROVAL.

A person designated by the Council shall authorize the use of alternate materials or construction methods; provided, the proposed design complies with the provisions of the standard Building Code.

§ 8-36 DISCLAIMER OF LIABILITY.

This chapter shall not be construed to relieve from or lessen the responsibility of any party owning, operating, controlling or installing any building, electrical, gas or plumbing equipment from damages to anyone insured thereby, nor shall the town be held as assuming any such liability by reason of any inspection authorized in this chapter or certificate issued.

§§ 8-37—8-60 RESERVED.

ARTICLE III: NUMBERING SYSTEM FOR BUILDINGS AND PROPERTY

Section

8-61 Required

8-62—8-80 Reserved

§ 8-61 REQUIRED.

(A) All buildings and properties located within the corporate limits shall hereafter be assigned a number identified by the numbering system maintained by the Town Clerk, in conjunction with the United States Postal Service and the town's post office.

(B) The Town Clerk shall assign said number to each building and property located within the corporate limits.

(C) The owner, occupier or agent of each building and property shall place or cause to be placed upon each building and property owned or occupied by him or her the number assigned by the Town Clerk as follows.

(1) Numbers shall be a minimum of three inches in height, durable and clearly visible.

(2) Numbers shall be placed conspicuously immediately above or to the side of the door facing the street so that the number can be plainly seen from the street. If the building is more than 50 feet from the street, the number shall be placed near the walk, driveway or common entrance to the building upon a gatepost, fence, post, tree or other appropriate place so that the number can be plainly seen from the street.

(3) If the building has a street-side mailbox, the number may be painted upon or affixed to the mailbox. It shall, as closely as possible, approximate the height of three inches as space permits; provided, it can be plainly seen from the street.

(D) It shall be the responsibility of the owner, occupier or agent of each existing or newly acquired or constructed building and property who does not know the number assigned to his or her building or property to obtain the number from the Town Clerk who shall provide the number requested.

§§ 8-62—8-80 RESERVED.

ARTICLE IV: MOBILE HOMES

Section

- 8-81 Defined
- 8-82 Permanent foundation and underpinning required
- 8-83 Utilities
- 8-84—8-99 Reserved

§ 8-81 DEFINED.

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

§ 8-82 PERMANENT FOUNDATION AND UNDERPINNING REQUIRED.

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

§ 8-83 UTILITIES.

(A) *Required.* Water and sewerage facilities shall be a prerequisite to either locating or occupying a mobile home within the corporate limits, unless otherwise authorized by the Council.

(B) *Sewer connections to be approved.* It shall be unlawful to connect a mobile home to existing sewer connections without approval of the town.

§§ 8-84—8-99 RESERVED.

ARTICLE V: REHABILITATED HISTORIC PROPERTIES

Section

- 8-100 Special tax assessment created
- 8-101 Purpose
- 8-102 Eligible historic properties
- 8-103 Eligible rehabilitation for historic properties
- 8-104 Process
- 8-105—8-110 Reserved

§ 8-100 SPECIAL TAX ASSESSMENT CREATED.

A special tax assessment is created for eligible rehabilitated historic properties property for a period of 20 years equal to the assessed value of the property at the time of preliminary certification.
(Ord. 2019-007, passed 8-19-2019)

§ 8-101 PURPOSE.

It is the purpose of this article to:

- (A) Encourage the rehabilitation of historic properties;
- (B) Promote community development and redevelopment;
- (C) Encourage sound community planning; and

(D) Promote the general health, safety and welfare of the community.
(Ord. 2019-007, passed 8-19-2019)

§ 8-102 ELIGIBLE HISTORIC PROPERTIES.

(A) *Certification as historic property.* In order to be eligible for the special tax assessment, historic properties must receive preliminary and final certification.

(1) *Preliminary certification.* To receive preliminary certification, a property must meet the following conditions:

(a) The property meets the requirements for historic designation as established in this section;

(b) The proposed rehabilitation work receives a recommendation of approval from the appropriate architectural reviewing authority (hereinafter “reviewing authority”) and is consistent with the rehabilitation standards as set forth in this article. The reviewing authority shall review all proposed improvements associated with the rehabilitation and make a recommendation to the Town Council regarding the project’s eligibility. For the purpose of this article, the reviewing authority shall be defined as follows:

1. In any municipality that has an architectural review board, the municipal board shall serve as the reviewing authority; and

2. In the unincorporated areas of the county, and within any municipality that does not have an architectural review board the state’s Department of Archives and History shall serve as the reviewing authority for historic properties.

(c) Be a project that commenced by or after 1-1-2018 through the date of the adoption of this article and work was permitted to have begun prior to receiving preliminary certification; or

(d) Be a project that commences on or after the date of the adoption of this article.

(2) *Final certification.* To be eligible for final certification, a property must have met the following conditions:

(a) The property has received preliminary certification;

(b) The minimum expenditures for rehabilitation as set forth in this article have been incurred and paid;

(c) The completed rehabilitation receives a recommendation for approval from the reviewing authority as being consistent with the plans approved by the reviewing authority during preliminary certification;

(d) All application fees have been paid in full by the applicant; and

(e) The property has met all other requirements of this article.

(B) *Historic designation.* In order to be eligible for the special tax assessment, the property must meet one of the following criteria:

(1) The property must be listed on the National Register of Historic Places either individually or as a contributing property in a district; or

(2) The property is designated as a historic property by the Town Council based upon criteria established by the Town Council and the property is at least 50 years old.

(C) *Historic property criteria.* In order to be eligible for the special tax assessment, the property must meet one of the following criteria:

(1) Any property included in one of the categories below is considered a historic property:

(a) Listed on the National Register of Historic Places;

(b) Determined eligible for the National Register by the state's Department of Archives and History;

(c) A contributing property in a National Register Historic District;

(d) Qualifying for and having a state historical marker; or

(e) Location in an area designated by the Town Council as a historic district rehabilitation area and the property is at least 50 years old.

(2) All other properties must demonstrate:

(a) Association with events that have made a significant contribution to the broad patterns of history;

(b) Association with the lives of significant persons in the past; or

(c) Embodiment of distinctive characteristics of a type, period or method of construction; or representation of the work of a master or possession of high artistic values.

(3) Property owners seeking eligibility as historic property must receive a historic property determination by filling an application with the town.

(a) The completed rehabilitation receives a recommendation for approval from the reviewing authority as being consistent with the plans approved by the reviewing authority during preliminary certification.

(b) All application fees have been paid in full by the applicant.

(c) The property has met all other requirements of this article.

(Ord. 2019-007, passed 8-19-2019)

§ 8-103 ELIGIBLE REHABILITATION FOR HISTORIC PROPERTIES.

(A) *Standards for rehabilitation.* To be eligible for the special tax assessment, historic rehabilitations must be conducted according to the following standards.

(1) The historic character of a property shall be retained and preserved. The removal of historic materials or alterations or of features and spaces that characterize each property shall be avoided.

(2) Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development shall not be undertaken.

(3) Most properties change over time. Those changes that have acquired historic significance in their own right shall be retained and preserved.

(4) Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a property should be preserved.

(5) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new should match the old in design, color, texture and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.

(6) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

(7) New additions, exterior alterations or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale and architectural features to protect the historic integrity of the historic property and its environment.

(8) New additions and adjacent new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

(B) *Work to be reviewed.* The following work will be reviewed according to the standards set forth above:

(1) Repairs to the exterior of the designated building;

(2) Alterations to the exterior of the designated building;

(3) New construction on the property on which the building is located, including site work;

(4) Alterations to interior primary public spaces, as defined by the reviewing authority; and

(5) Any remaining work where the expenditures for such work are being used to satisfy the minimum expenditures for rehabilitation, including, but not limited to, alterations made to mechanical, plumbing and electrical systems.

(C) *Minimum expenditures for rehabilitation.* To be eligible for the special property tax assessment, the owner or the owner's estate must meet the minimum expenditures for rehabilitation.

(1) The minimum investment shall be 20% of the fair market value of the building which is to be rehabilitated.

(2) Fair market value means the appraised value as certified to the county by a real estate appraiser licensed by the state, the sales price as delineated in a bona fide contract of sale within 12 months of the time it is submitted or the most recent appraised value published by the County Tax Assessor.

(D) *Expenditures.* Expenditures for rehabilitation means the actual cost of rehabilitation relating to one or more of the following:

(1) Improvements located on or within the historic building as designated;

(2) Improvements outside of, but directly attached to, the historic building which are necessary to make the building fully useable (such as vertical circulation), but shall not include rentable/habitable floor space attributable to new construction;

(3) Architectural and engineering services attributable to the design of the improvements; and

(4) Costs necessary to maintain the historic character or integrity of the building,

(E) *Scope.* The special tax assessment may apply to the following:

(1) Structure(s) rehabilitated; and

(2) Real property on which the building is located.

(F) *Time limits.* If the project is not complete after two years, but the minimum expenditures for rehabilitation have been incurred, the property continues to receive the special assessment until the project is completed.

(Ord. 2019-007, passed 8-19-2019)

§ 8-104 PROCESS.

(A) *Fee required.* There is a fee required for the review of rehabilitation work during the final certification process. Final certification of the property will not be given until the fee has been paid in full by the applicant. Fees shall be established in the town's budget document.

(B) *Plan required.* Owners of property seeking approval of rehabilitation work must submit a completed rehabilitation of property application with supporting documentation to the Building Official or his or her designee prior to beginning work. Rehabilitation work conducted prior to approval of the application is done so at the risk of the property owner and may disqualify the property from eligibility for the special tax assessment.

(C) *Preliminary certification.* Upon receipt of the completed application, the Building Official or his or her designee shall submit the plan to the reviewing authority for a recommendation as to whether the project is consistent with the standards for rehabilitation. Upon receipt of the reviewing authority's recommendation, the County Administrator or his or her designee shall notify the owner in writing. Upon receipt of this determination, the property owner may:

(1) If the application is approved, begin rehabilitation; or

(2) If the application is not approved, he or she may revise such application in accordance with comments provided by reviewing authority.

(D) *Substantive changes.* Once preliminary certification is granted to an application, substantive changes must be approved in writing by the County Administrator or his or her designee. Any substantive changes made to the property during rehabilitation that are not approved by the Town Administrator or his or her designee, upon review and recommendation of the reviewing authority, are conducted at the risk of the property owner and may disqualify the project from eligibility during the final certification process.

(E) *Final certification.*

(1) Upon completion of the project, the property must receive final certification in order to be eligible for the special assessment. The reviewing authority shall inspect completed projects to determine if the work is consistent with the approval recommended by the reviewing authority and granted by the town during preliminary certification. The review process for final certification shall be established by the reviewing authority and may include a physical inspection of the property. The reviewing authority shall notify the applicant in writing of its recommendation. If the applicant wishes to appeal the reviewing authority's recommendation, the appeal must follow the reviewing authority's appeals process. The County Administrator or his or her designee may grant final certification only if the following conditions have been met:

(a) The completed work meets the standards for rehabilitation as established in this article;

(b) Verification is made that the minimum expenditures have been incurred in accordance with the provisions of this article; and

(c) Any fee(s) shall be paid in full.

(2) Upon receiving final certification, the property will be assessed for the remainder of the special assessment period on the fair market value of the property at the time the preliminary certification was made, or the final certification was made whichever occurred earlier.

(F) *Additional work.* For the remainder of the special assessment period after final certification, the property owner shall notify the Town Administrator or his or her designee of any additional work, other than ordinary maintenance, prior to the work beginning. The reviewing authority shall review the work and make a recommendation to the County Administrator or his or her designee whether the overall project is consistent with the standards for rehabilitation. The Town Administrator or his or her designee shall notify the property owner in writing if the overall project is consistent with the standards for rehabilitation. If the additional work is found to be inconsistent by the reviewing authority, the County Administrator or his or her designee shall notify the owner in writing within 30 days of its decision to rescind approval. The property owner may withdraw his or her request and cancel or revise the proposed additional work to the satisfaction of the Town Administrator or his or her designee.

(G) *Notification.* Upon final certification of a rehabilitated historic property, the County Assessor, Auditor and Treasurer shall be notified by the Town Administrator or his or her designee that such property has been duly certified and is eligible for the special tax assessment.

(H) *Application.* Once the final certification has been granted, the owner of the property shall make application to the County Auditor for the special assessment provided for herein. The special assessment shall remain in effect for the length of the special assessment period, unless the property shall become decertified under the provisions of this section.

(I) *Date effective.* If an application for preliminary or final certification is filed on or before May 1 or the preliminary or final certification is approved on or before August 1, the special assessment authorized herein is effective for that year. Otherwise, it is effective beginning with the following year. The special assessment only begins in the current or future tax years as provided for in this section. The special assessment period shall not exceed 20 years in length, and in no instance may the special assessment be applied retroactively.

(J) *Previously certified properties.* A property certified to receive the special property tax assessment under the existing law continues to receive the special assessment in effect at the time certification was made.

(K) *Decertification.* Once the property has received final certification and assessed as rehabilitated historic property, it remains so certified and must be granted the special assessment until the property becomes disqualified by any one of the following:

(1) Written notice from the owner to the County Auditor requesting removal of the special assessment:

(2) Removal of the historic designation by the Town Council based upon non-compliance of the criteria established in this article; or

(3) Rescission of the approval of rehabilitation by the county, at the recommendation of the reviewing authority, because of alterations or renovation by the owner or the owner's estate which cause the property to no longer possess the qualities and features which made it eligible for final certification. Notification of any change affecting eligibility must be given immediately to the County Assessor, Auditor and Treasurer.

(Ord. 2019-007, passed 8-19-2019)

§§ 8-105—8-110 RESERVED.