

STATE OF SOUTH CAROLINA) AN ORDINANCE OF THE TOWN OF SURFSIDE BEACH
COUNTY OF HORRY) TO AMEND ARTICLE III of CHAPTER 13, SECTION 13-47
TOWN OF SURFSIDE BEACH) TO REQUIRE PERMITS, ESTABLISH RESPONSE TIMES,
) AND FEES FOR FOIA DISCLOSURES

WHEREAS, the Mayor and Town Council of the Town of Surfside Beach duly assembled on this 22nd day of January 2019; and

WHEREAS, the Mayor and Town Council have determined that it would be in the best interests of the Town's citizens, residents, homeowners, and current or potential licensed business owners to codify an efficient review timeline for review of certain permit applications; and

WHEREAS, the Mayor and Town Council desire to amend Chapter 13 to expedite the efficient processing of applications for building and other permits.

NOW, THEREFORE, by the power and authority granted to the Surfside Beach Town Council by the State of South Carolina that Chapter 13, Article III Permits and Fees, Section 13-27, General Provisions for Permits, Reviews, and Approvals, is hereby amended as set forth hereinbelow:

Chapter 13 – BUILDINGS AND BUILDING REGULATIONS

ARTICLE III. – PERMITS AND FEES

DIVISION 1-- IN GENERAL

Sec. 13-47. - General Provisions for Permits, Reviews, and Approvals

- (a) *Permit required.* Permits are required under this Chapter prior to commencing activity regulated by this Chapter.
- (b) *Fees mandatory.* No building or zoning permit, or amendment thereto, shall be issued until the fees prescribed in this article have been paid. Stormwater management plan, board of zoning appeals, planning commission, or other reviews shall not be commenced nor shall any approval become effective until such time as the fee prescribed by this article has been paid. Governmental entities shall be required to obtain permits, but shall be exempt from any fee.
- (c) *Transferability.* Except as is otherwise required by law, building and/or zoning permits issued by the town shall be nontransferable regardless of the type of permit, i.e., by location, owner, or permit holder.

- (d) *Separate permit required.* A separate building and/or zoning permit shall be required for each building, structure, renovation, addition, or repair. Multiple events are not allowed to be issued on one (1) permit.
- (e) *Failure to obtain permit.* The failure of any person, partnership, firm, or corporation to obtain a permit or approval prior to the commencement of any activity, for which a permit or approval is required, shall constitute a violation of chapters 13, 14, 15, and/or 17 and shall be punishable as provided therein. Except as may be otherwise provided by this article, failure to obtain a permit or approval prior to the commencement of any activity, for which a permit or approval is required, shall, in addition to other remedies, result in the assessment of late fees as provided below:
- (1) A late fee shall be added to the cost of the required permit or review. The late fee shall be equal to no less than one hundred (100) percent of the cost of the required permit or review as specified herein. In cases where a permit is required by this code but no fee has been established, a minimum late fee of ten dollars (\$10.00) shall be assessed.
 - (2) In addition to the late fee as provided in part (1) above, failure to obtain a building permit as required by division 2 of this article shall result in penalty of two hundred dollars (\$200.00).
 - (3) After receipt of written notice from the code enforcement official and/or building official, an additional late fee of twenty-five dollars (\$25.00) shall be assessed for each calendar week, that a permit and/or approval is not obtained.
- (f) *Response to Application .* The administrative official responsible for the issuance of permits required under this Chapter and or other approvals shall respond with issuance of a permit or denial to each residential application within fifteen (15) business days, and to each commercial application within twenty (20) business days. Records shall be maintained of all responses, permits and approvals. For applications for building or demolition permits not requiring additional review, this shall be a final response with issuance or denial of a permit within the stated times, except as provided hereinbelow in this Chapter. For applications for permits under this Chapter requiring review by the Planning Commission or Town Council, this response will be an initial response. Nothing herein is intended to limit the Town's time for final response to complex applications under this Chapter requiring review outside of the Staff of the Planning, Building and Zoning Department, or in cases of emergency.
- (g) *Records.* The record of all permit and approvals shall be, upon request, open to public inspection during regular office hours. At the discretion of the administrative official, a fee may be assessed for labor and copying costs for reproducing documents requested consistent with the Town's fee schedule, published in compliance with the Freedom of Information Act and maintained at Town Hall. Fees assessed must be collected at the time records are delivered.

SEVERABILITY. If any provision, clause, sentence, or paragraph of this ordinance or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions of this article, which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.

EFFECT OF SECTION HEADINGS. The headings or titles of the sections hereof shall be solely for convenience of reference and shall not affect the meaning, construction, interpretation or effect of this ordinance.

REPEAL AND EFFECTIVE DATE. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed. This ordinance shall take effect immediately upon second reading by the Mayor and Town Council of the Town of Surfside Beach.

BE IT ORDERED AND ORDAINED by the Mayor and Town Council of the Town of Surfside Beach, South Carolina, in assembly and by the authority thereof, this 12th day of February 2019.

Surfside Beach Town Council

Robert F. Childs, III, Mayor

David L. Pellegrino, Mayor Pro Tempore

Bruce H. Dietrich, Town Council

Mark L. Johnson, Town Council

Ron Ott, Town Council

Debbie Scoles, Town Council

Randle M. Stevens, Town Council

Attest:

Debra E. Herrmann, CMC, Town Clerk