

STATE OF SOUTH CAROLINA) AN ORDINANCE OF THE TOWN OF SURFSIDE BEACH  
 ) TO AMEND SECTION 13-21 OF THE TOWN'S CODE OF  
 ) ORDINANCES AND ADD SECTION 13-22 TO INCLUDE  
COUNTY OF HORRY ) AMENDMENTS OF CERTAIN SECTIONS OF CHAPTER 1 OF THE  
 ) INTERNATIONAL BUILDING CODES AND REPLACE THOSE  
 ) ADMINISTRATIVE SECTIONS WITH LANGUAGE SPECIFICALLY  
TOWN OF SURFSIDE BEACH) RELATED TO THE TOWN OF SURFSIDE BEACH

**WHEREAS**, the Mayor and Town Council of the Town of Surfside Beach, in council duly assembled on this 23rd day of July, 2019 desires to amend certain sections of the International Building Codes adopted by the Town of Surfside Beach; and

**WHEREAS**, every municipality and county in South Carolina that did not "opt out" of the code Enforcement Program must enforce the mandatory building codes after they are reviewed and adopted by the Building Code Council; and

**WHEREAS**, Municipalities and counties are restricted from promulgating their own building codes, in whole or in part or adopting and enforcing building codes other than those referenced in Section 6-9-50 of the South Carolina Code. Unless modified by the Council all chapters, *except the Administrative Chapter (Chapter 1)*.

**NOW, THEREFORE**, by the power and authority granted to the Surfside Beach Town Council by the State of South Carolina, the following sections of the Administrative Chapter (Chapter 1) of the International Building Codes is hereby amended as follows:

### **Sec. 13-21. - Adoption of building codes.**

Pursuant to South Carolina Title 6, Chapter 9, as may be amended by the General Assembly, the Town of Surfside Beach hereby adopts the latest editions of the following national codes and the standards referenced, or as adopted by the South Carolina Building Codes Council, as set forth herein for the regulations of construction within the Town of Surfside Beach: building, residential **(except for the Administrative Chapter 1)** gas, plumbing, mechanical, fire, **swimming** and energy codes as promulgated, published, amended or made available by the International Code Council Inc., and the National Electrical Code as published by the National Fire Protection Association, including the International Property Maintenance Code. Each code is published separately in book form and is adopted by reference as though copied fully in this section, as published by the International Code Council, Inc. and the National Fire Protections Code. Any provision identifying the jurisdiction shall be deemed to be the Town of Surfside Beach. A file of record of these codes are in the offices of the ~~city clerk and~~ building official. International Building Code (excluding Appendix A and B). **As amended in Section 13-22 of this code.**

### **Sec. 13-22 – Chapter 1, Scope and Administration**

The following sections are hereby amended as follows:

1. **Section 101.1** These provisions shall be known as the *Building Code* of the **Town of Surfside Beach**, and shall be cited as such and will be referred to herein as "this code."

**Section 101.1** These provisions shall be known as the *Residential Code for One-and Two-family Dwellings* of the **Town of Surfside Beach**, and shall be cited as such and will be referred to herein as "this code."

2. **SECTION 103 – SECTION 103 – DEPARTMENT OF BUILDING SAFETY**

~~R103.1 Creation of enforcement agency. The department of building safety is hereby created and the official in charge thereof shall be known as the building official.~~

~~R103.2 Appointment. The building official shall be appointed by the jurisdiction.~~

~~R103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the building official shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the building official.~~

**For the purpose of Chapter 1 the definition of "Building Official" shall include any code official that has a current International Code Council (ICC) certification as a Certified Building Official and is current and in good standing with both the ICC and the South Carolina Labor, License and Regulations Board (SCLLR). The Town's Planning, Building and Zoning Department shall be charged with the enforcement of this code. Personnel matters such as hiring, promotions, termination etc. shall follow the Town's Personnel Policy.**

3. **104.2 Applications and permits.** The *building official* shall receive applications, review *construction documents* and **approve the issue issuance** of *permits* for the erection and *alteration* of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.
4. **104.2.1 Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas.** For applications for reconstruction, rehabilitation, *repair, alteration, addition* or other improvement of existing buildings or structures located in *flood hazard areas*, the *building official* and a **certified floodplain manager** shall determine if the proposed work constitutes substantial improvement or *repair of substantial damage*. Where the *building official* and a **certified floodplain manager** determines that the proposed work constitutes substantial *improvement* or *repair of substantial damage*, and where required by this code, the *building official* shall require the building to meet the requirements of Section 1612.
5. **104.7 Department records.** The ~~*building official*~~ **Planning, Building and Zoning Department** 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 the retention of public records.
6. **104.8 Liability.** The *building official*, members of the **construction** board of appeals or employee charged with the enforcement of this code, while acting for the ~~*jurisdiction*~~ **Town of Surfside Beach** in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered civilly or criminally liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties.
7. **104.8.1 Legal defense.** Any suit or criminal complaint 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 code shall be defended by legal representatives of the *jurisdiction Town of Surfside Beach* until the final termination of the proceedings. The *building official* or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

8. **104.10 Modifications.** Where there are practical difficulties involved in carrying out the provisions of this code, the *building official* shall have the authority to grant modifications for individual cases, 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, life and fire safety or structural requirements and is certified by a SC licensed engineer specializing in the subject. The details of action granting modifications shall be recorded and entered in the files of the ~~department of building safety~~ **Planning, Building & Zoning Department.**
9. **104.10.1 – Flood Hazard Areas -** ~~The *building official* shall not grant modifications to any provisions required in flood hazard areas as established by Table R301.2(1) unless a determination has been made that:~~
  1. ~~There is good and sufficient cause showing that the unique characteristics of the size, configuration or topography of the site render the elevation standards of Section R322 inappropriate.~~
  2. ~~Failure to grant the modification would result in exceptional hardship by rendering the lot undevelopable.~~
  3. ~~The granting of modification will not result in increased flood heights, additional threats to public safety, extraordinary public expense, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.~~
  4. ~~The modification is the minimum necessary to afford relief, considering the flood hazard.~~
  5. ~~Written notice specifying the difference between the design flood elevation and the elevation to which the building is to be built, stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation and stating that construction below the design flood elevation increases risks to life and property, has been submitted to the applicant.~~ **Amendments or modifications to properties in the flood hazard area shall be presented to the construction board of appeals for a decision. (Ref. Sec.14-23 et. seq.)**
10. **104.11.2 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 to substantiate claims for alternative materials or methods, the *building official* shall have the authority to require tests as evidence of compliance to be made at no expense to the *jurisdiction Town of Surfside Beach*. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the *building official* shall approve the testing procedures. Tests shall be performed by an SC Licensed Engineer specialized in the subject matter. Reports of such tests shall be retained by the ~~*building official*~~ **Planning, Building and Zoning Department** for the period required for retention of public records.
11. **105.2.1 Emergency repairs.** Where *equipment* replacements and repairs must be performed in an emergency situation, the *permit* application shall be submitted within the next working business day to the ~~*building official*~~ **administrative official responsible for issuing permits.**

12. **105.3 Application for permit.** To obtain a *permit*, the applicant shall first file an application therefor in writing on a form furnished by the department of **building safety Planning, Building & Zoning** for that purpose. Such application shall:
1. Identify and describe the work to be covered by the *permit* for which application is made.
  2. Describe the land on which the proposed work is to be done by 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 in Section R106.1.
  5. State the valuation of the proposed work.
  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*.
13. **105.3.1 Action on application.** ~~The building official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing.~~ If the application or the construction documents do not conform to the requirements or 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 therefor as soon as practical.~~ **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, except as provided herein below 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.**
14. **105.3.1.1 Determination of substantially improved or substantially damaged existing buildings in flood hazard areas.** For applications for reconstruction, rehabilitation, *addition*, alteration, repair or other Improvement of existing buildings or structures located in a flood hazard area as established by Table R301.2(1), **the building official and the certified floodplain manager (CFM)** shall examine or cause to be examined the *construction documents* and shall make a determination with regard to the value of the proposed work. For buildings that have sustained damage of any origin, the value of the proposed work shall include the cost to repair the building or structure to its pre-damaged condition. If the *building official and the certified floodplain manager (CFM)* finds that the value of proposed work equals or exceeds ~~50~~ **48** percent of the market value of the building or structure before the damage has occurred or the improvement is started, the proposed work is a substantial improvement or restoration of substantial damage and the building official **and certified floodplain manager (CFM)** shall require existing portions of the entire building or structure to meet the requirements of Section R322 and 1612.3 where applicable **as well as Chapter 14 of the Town's Code of Ordinances.**

For the purpose of this determination, a substantial improvement shall mean any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 ~~48~~ percent of the market value of the structure before the start of construction of the improvement. This term includes structures that have incurred repetitive loss or substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- a) any project of improvement to a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or,
- b) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Permits shall be cumulative for a period of five (5) years. If the improvement project is conducted in phases, the total of all costs associated with each phase, beginning with the issuance of the first permit, shall be utilized to determine whether "substantial improvement" will occur.

15. **105.4 Validity of permit.** The issuance or granting of a *permit* shall not be construed to be a *permit* for, or an *approval* of, any violation of any of the provisions of this code or of any other ordinance of the ~~jurisdiction~~ **Town of Surfside Beach**. *Permits* presuming to give authority to violate or cancel the provisions of this code or other ordinances of the ~~jurisdiction~~ **Town of Surfside Beach** 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 authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of ~~this jurisdiction~~ **The Town of Surfside Beach**.
16. **105.7 Placement of permit/plans.** The building *permit* **placard and associated plans** ~~or a copy~~ shall be kept on the site of the work until the completion of the project.
17. **106.1.4 Information for construction in flood hazard areas.** For buildings and structures located in whole or in part in flood hazard areas as established by Table R301.2(1), *construction documents* shall include:
  1. Delineation of flood hazard areas, floodway boundaries and floodzones and the design flood elevation, as appropriate.
  2. The elevation of the proposed lowest floor, the height of the proposed lowest floor above the highest adjacent *grade*.
  3. The elevation of the bottom of the lowest horizontal structural member in coastal high hazard areas (VE Zone) and in Coastal A Zones where such zones are delineated on flood hazard maps identified in Table R301.2(1) or otherwise delineated by the ~~jurisdiction~~ **Town of Surfside Beach**.
18. **106.3.1 Approval of construction documents.** Where the building official approves the issuance of a permit, the construction documents shall be approved in writing or by a stamp that states "REVIEWED FOR CODE COMPLIANCE." One set of construction documents so reviewed shall be retained by the ~~building official~~ **Building, Planning and Zoning Department**. 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*.

19. **106.5 Retention of construction documents.** One set of *approved construction documents* shall be retained by the ~~building official~~ **Planning, Building & Zoning Department** for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws.
20. **109.1.6.1 Elevation documentation.** If located in a special flood hazard area, the documentation of elevations required in Section R322.1.10 and the Town's Flood Damage Prevention Ordinance shall be submitted to the ~~building official~~ **certified floodplain manager** prior to the final inspection.
21. **109.3 Inspection requests.** It shall be the duty of the *permit* holder or their agent to notify the ~~building official~~ **administrative official responsible for issuing permits** that such work is ready for inspection. It shall be the duty of the person requesting any inspections required by this code to provide access to and means for inspection of such work. Inspections must be scheduled at least a day in advance.
22. **110.1 Use and occupancy.** A building or structure shall not be used or occupied, and a change in existing use or occupancy classification of a building or structure or portion thereof shall not 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 provisions of this code or of other ordinances of the ~~jurisdiction~~ **Town of Surfside Beach**. Certificates presuming to give authority to violate or cancel the provisions of this code or other ordinances of the ~~jurisdiction~~ **Town of Surfside Beach** shall not be valid.
23. **110.3 Certificate issued.** After the building official inspects the building or structure and does not find violations of the provisions of this code or other laws that are enforced by the jurisdiction **Planning, Building and Zoning** department of building safety, the building official shall issue a certificate of occupancy containing 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 code.
  6. The name of the *building official*.
  7. The edition of the code under which the *permit* was issued.
24. ~~**110.4 Temporary occupancy.** The *building official* is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the *permit*, provided that such portion or portions shall be occupied safely. The *building official* shall set a time period during which the temporary certificate of occupancy is valid. Delete in entirety~~
25. **112.3 Qualifications.** The **construction** board of appeals shall consist of members who are qualified by experience and training to pass judgment on matters pertaining to building construction and are not employees of the ~~jurisdiction~~ **Town of Surfside Beach. (ref. Sec. 2-61 et. seq.)**

26. **113.3 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 legal counsel of the *jurisdiction* **Town of Surfside Beach** 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 of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

**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. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

**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.

**EFFECTIVE DATE.** This ordinance shall take effect immediately upon approval at second reading by the Town Council of the Town of Surfside Beach, South Carolina.

**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 27<sup>th</sup> day of August 2019.

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Robert F. Childs, III, Mayor

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David Pellegrino, Mayor Pro Tempore

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Bruce H. Dietrich, Town Council

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Mark L. Johnson, Town Council

\_\_\_\_\_  
Ron Ott, Town Council

\_\_\_\_\_  
Debbie Scoles, Town Council

\_\_\_\_\_  
Randle M. Stevens, Town Council

Attest:

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Debra E. Herrmann, CMC, Town Clerk