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LANCASTER, SC

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER) **ORDINANCE NO. 2015-1320**

AN ORDINANCE

TO AMEND CHAPTERS 7, 19, AND 20 OF THE LANCASTER COUNTY CODE, RELATING TO UPDATE CODE REFERENCES, DELINEATE DUTIES FOR THE BUILDING OFFICIAL AND ZONING OFFICIAL, UPDATE MODULAR BUILDING CODES; AND TO PROVIDE FOR OTHER MATTERS RELATED THERETO.

Be it ordained by the Council of Lancaster County, South Carolina:

Section 1. Chapter 7 – Update Code and Permit References.

Chapter 7 of the Lancaster County Code, as last amended, is further amended to read:

Sec. 7-1. - Standard codes adopted.

The following codes, as promulgated by the International Code Council and in the version most recently adopted by the State of South Carolina's Department of Labor, Licensing and Regulation, shall constitute and become an ordinance of the county, and are hereby adopted as fully as though set out at length herein, excluding the appendices and including Chapter One, except as further provided herein. Provided, however, that the provisions of the codes which concern the qualification, removal, dismissal, duties, responsibilities of, and administrative procedures for all building officials, deputy building officials, chief inspectors, and other inspectors and assistants are not adopted herein.

Amendments to these codes shall become effective in the county on the effective date specified by the state.

2012 Editions:

International Building Code, with South Carolina amendments;
International Residential Code, with South Carolina amendments;
International Mechanical Code, including Chapter One;
International Plumbing Code, including Chapter One;
International Fire Code, with South Carolina amendments;
International Fuel Gas Code, with South Carolina amendments;

2011 Edition:

National Electric Code.

2009 Edition:

International Energy Conservation Code.

(Ord. No. 259, 12-5-94; Ord. No. 298, 8-19-97; Ord. No. 437, 4-30-01; Ord. No. 548, 6-30-03; Ord. No. 847, 9-10-07; Ord. No. 1171, § 1, 10-8-2012)

Cross reference— Adoption of technical codes, § 2-64; building and zoning department to enforce building and construction codes, § 25-61.

Sec. 7-2. - Optional codes adopted.

The following codes, as promulgated by the International Code Council and in the version most recently adopted by the State of South Carolina's Department of Labor, Licensing and Regulation, shall constitute and become an ordinance of the county, and are hereby adopted as fully as though set out at length herein, excluding the appendices and including Chapter One, except as further provided herein. Provided, however, that the provisions of the codes which concern the qualification, removal, dismissal, duties, responsibilities of, and administrative procedures for all building officials, deputy building officials, chief inspectors, and other inspectors and assistants are not adopted herein.

Amendments to these codes shall become effective in the county on the effective date specified by the state.

2012 Editions:

International Existing Building Code
International Property Maintenance Code.
International Swimming Pool And Spa Code

(Ord. No. 847, 9-10-07)

Sec. 7-23. - Administration and enforcement.

(a) Permits required by this ordinance shall be issued in compliance with the provisions hereof by the Building Official who shall also collect and properly administer all fees established under section 7-25 of this ordinance.

(b) the county Building Official is hereby designated as the enforcement official of this ordinance, which designation also includes county employees authorized by the Building Official as his representative.

(c) Sworn law enforcement personnel of the county shall assist the Building Official in the enforcement of this ordinance upon request.

(d) Upon notice from the Building Official, work on any building or structure or activity underway being done contrary to the provisions of this ordinance shall be immediately stopped. Such notice shall be in writing and shall be transmitted to the owner of the property, or his agent, or the person performing work, and shall state the conditions under which work may be resumed. Such written notice shall be sufficient if mailed to the last recorded address of the owner, hand delivered, or affixed to the affected improvement or mobile home.

(e) It shall be unlawful for any public utility, rural electric cooperative, or any agency furnishing electric current to connect electrical energy to any building, structure, or mobile home or premises where a permit is required under this ordinance prior to the issuance thereof or to maintain any such connection upon notice by the Building Official that such connection was made in violation of the provisions of this ordinance. This connection restriction includes temporary connection for construction purposes.

(Ord. No. 129, § 3, 3-25-86)

Sec. 7-24. - Permit administration.

(a) It shall be unlawful for any person to engage in activity included under section 7-22 of this ordinance [article] unless an application has been filed and a permit granted by the Building Official. Each application for a building or mobile home permit shall be made in a form required by the Building Official. Building permit applications shall include, but not be limited to, all information mandated under S.C. Tax Commission Rule Number 117-118 entitled "General Requirements for Building Permits." The Building Official shall certify each application as a condition precedent to permit issuance.

(b) The Building Official shall make every reasonable effort to assist an applicant in completing the building or mobile home permit application form; however, the applicant for such permit is wholly responsible for obtaining and entering complete and accurate information on the permit application form. If the permit application is deemed incomplete, inaccurate or non conforming to the provisions of this or other pertinent ordinances or laws, the Building Official shall reject said application in writing indicating what action the applicant must take to conform.

(c) The building or mobile home application shall require the applicant to identify any public utility, electric co-op, or agency that will supply electric power to the affected improvement and the Building Official shall supply a copy of the building permit to any entity so identified. The Building Official shall transmit permit copies to identified power supply entities at least once each week.

(d) Upon approval of a mobile home permit application involving placement, the ~~auditor~~ Building Official shall issue a placement decal, which decal shall be permanently affixed to

said mobile home by the owner thereof. Upon approval of a mobile home permit involving movement of same within or from Lancaster County, the Building Official shall issue a moving permit card, which card shall be conspicuously displayed on the rear of said mobile home while same is being moved.

(e) A copy of any building permit issued by the Building Official shall be displayed at the affected premises in a conspicuous place and protected from the weather. No work shall begin prior to posting of the permit and posting shall be maintained until work for which the permit was issued is complete and ready for occupancy or use.

(f) If, in the opinion of the Building Official, the applicant's valuation of any improvement on a building permit application appears to be underestimated, the application shall be rejected unless the applicant can show detailed estimated cost to meet the Building Official's approval. Should the tax assessor, upon his establishment of market value for taxing purposes, determine that said market value exceeds the value entered upon the building permit application for the affected improvement by a factor greater than ten (10) percent, the tax assessor shall bill the owner of said improvement and the owner shall pay any additional permit fee that would have been payable based on proper valuation at the time of permit issuance.

(g) Any building permit issued shall become invalid unless work authorized is commenced within six (6) months of its issuance or after commencement is discontinued for a period of six (6) months. Any mobile home permit (permanent decal) involving placement shall be valid only as long as the unit for which it was issued remains within Lancaster County and in the same ownership as when the permit was issued. Any mobile home permit involving movement of a mobile home within or from Lancaster County shall be valid only while said unit is being moved between locations entered upon the application form.

(h) It is unlawful for any person, individual, company, corporation, or other entity to move a building or structure over any road in this county without first obtaining a permit from the county building and zoning department. The permit must be obtained before the person begins the process of preparing the building or structure for moving. The form of the application for a moving permit shall be determined by the county building and zoning department. The moving permit is valid for fifteen (15) calendar days. Upon a showing of just cause, the building and zoning department may extend the period of time the moving permit is valid by not more than a total of fifteen (15) calendar days. The moving permit must accompany the building or structure while it is being moved by displaying it on the rear of the building or structure in a conspicuous place. The moving permit must be available for inspection at all times. The permit required by this subsection is in addition to any other permit required by the county except that this subsection does not apply to the movement of one-story detached buildings or structures which are valued at five thousand dollars or less (\$5,000.00) and to the movement of mobile homes.

(Ord. No. 129, § 4, 3-25-86; Ord. No. 829, 6-21-07; Ord. No. 1049, § 1, 8-31-10)

Sec. 7-25. - Schedule of permit fees.

(a) No permit shall be issued until fees as established as a part of annual county budget ordinance have been paid.

(1) *Building permits.* Building permits shall not be required for one-story detached accessory structures which are valued at five thousand dollars (\$5,000.00) and less. Zoning permits are required for all structures.

(2) *Sign fee.* All fees shall be paid at the time of issuance of the permit or inspection made.

(3) *Penalties.* Where work for which a permit is required and is commenced prior to obtaining said permit or attaining approval to proceed prior to obtaining said permit, the fees herein shall be doubled, yet the payment of such double fee shall not relieve any person or persons from fully complying with the applicable code in the execution of said work nor from any other penalties prescribed herein.

Should the fees be waived by official action of the county council or other governmental entities, all other permit and code compliance requirements shall still be applicable and required.

(4) *Electrical permit.*

a. Required on all commercial and industrial projects. Building permit will not cover electrical permit in these occupancies where multiple trades are doing work.

b. Required on all residential or commercial projects when a building permit is not issued.

(5) *Plumbing permit.*

a. Required on all commercial and industrial projects. Building permit does not cover plumbing installations in these occupancies where multiple trades are doing work.

b. Required on all residential or commercial projects when a building permit is not issued.

c. If any plumbing installation commences prior to obtaining the permit or obtaining approval to proceed prior to obtaining the permit, the fee herein shall be doubled.

(6) *H.V.A.C. (mechanical) permit.*

a. Required on all commercial and industrial projects. Building permit does not cover mechanical installations where multiple trades are doing work.

b. Required on all residential or commercial projects when a building permit is not issued.

c. If any mechanical installation commences prior to obtaining the permit or obtaining approval to proceed prior to obtaining the permit, the fee herein shall be doubled.

(7) *Gas permits.* Required on all commercial and industrial projects. Building permit does not cover gas installations in these occupancies where multiple trades are doing work.

(8) *Moving permits.* All fees, if any, shall be paid at the time of issuance of the permit.

(9) *Religious institutions.* The first thirty thousand dollars (\$30,000.00) in combined building permit fees and plan review fees shall be waived for work on a sanctuary, church educational facility (except pre-school, K—12 school, or post-secondary school facilities), and family life center facility of a religious institution. Other facilities of a religious institution, including, but not limited to, a manse, parsonage, or a

denominational administrative facility, shall have standard fees assessed. Proof of designation as a religious institution shall be by submission of the appropriate Internal Revenue Service documentation.

(b) Where any activity regulated by this ordinance is commenced prior to issuance of the required permit, the applicable fee shall be doubled.

(c) The building official shall maintain accurate accounting records of all permit fees collected and shall remit all cash receipts to the county treasurer as required by the county's cash management policy.

(Ord. No. 129, § 5, 3-25-86; Ord. No. 532, 2-24-03; Ord. No. 656, 2-28-05; Ord. No. 846, 9-10-07; Ord. No. 1049, § 2, 8-31-10; Ord. No. 1300, §§ 1, 2, 9-8-2014)

Section 2. Chapter 19 – Update Department References.

Section 19-104 of the Lancaster County Code, as last amended by Ordinance No. 502, is further amended to read:

Sec. 19-104. - Alarm users and alarm user permits.

(a) An alarm user shall:

- (1) Maintain the premises and security alarm system in a manner that will minimize or eliminate false alarms;
- (2) Review all alarm system operating instructions, including those for verification of an alarm;
- (3) Notify the alarm system monitoring company of a false alarm activation as soon as the user is aware of the false alarm;
- (4) Not manually activate an alarm except when needing an immediate sheriff's office response to an emergency;
- (5) Obtain all required permits under county ordinance.

(b) In order to ensure that alarm system users have necessary information properly documented and that violations can be accurately billed and proper notification sent out, all alarm users shall be required to obtain an alarm user permit from the Lancaster County Zoning Department. The alarm user permit shall be effective as long as the permittee remains at the address that is the subject of the permit. The cost of the alarm user permit shall be ten dollars (\$10.00).

(c) All present alarm users shall pay a ten dollar (\$10.00) fee payable between August 1, 2002, and September 30, 2002.

(d) In the event that an alarm user changes addresses, the information on the alarm user permit must be updated within thirty (30) days to the new address. No additional fee will be charged. After thirty (30) days, no response will be afforded to alarm users that have failed to comply with the permit update requirements of this section.

(e) A resident who moves to a residence that contains an alarm will be required to pay a ten dollar (\$10.00) fee, unless his previous home had an alarm system that was permitted.

(Ord. No. 502, 6-17-02)

Section 3. Chapter 20 – Update Code References And Amend Uses.

Sections 20-27, 20-29, and 20-30 of the Lancaster County Code, as last amended by Ordinance No. 265, are further amended to read:

Sec. 20-27. - Requirements.

- (a) Such use shall be occupied as residences only, unless otherwise approved for a specified use as stated further in this article.
- (b) No more than two (2) mobile homes or one (1) mobile home and one (1) single family dwelling detached shall occupy the same lot, provided one (1) of the dwellings shall be owner occupied and each shall have separate and individual utilities (electrical, water, sewer, gas) situated on a minimum lot size of one and one-half (1.5) acres. The mobile home shall not be located within the required yard space of the single family dwelling or other mobile home and at least twenty (20) feet from the other dwelling or mobile home.
- (c) Tires and rims shall be removed.
- (d) Mobile homes shall be supported and properly tied down as per appendix H of the International Building Code or manufacturer recommended specifications, whichever being more stringent within seventh day of placement.
- (e) Mobile homes shall be underpinned with brick, block, other approved masonry methods, or with continuous aluminum, fiberglass panel, or vinyl skirting extending to the ground completely encircling the mobile home prior to utility connection being authorized.
- (f) Have properly constructed steps and handrails of masonry or weather resistant lumber at each entrance and exit. If mobile home is installed at a height requiring more than three (3) steps then a properly constructed landing of masonry or weather resistant lumber with minimum dimensions of three (3) feet by five (5) feet shall be properly constructed.
- (g) Mobile homes shall be connected to properly installed sewage disposal systems, potable water supply, approved electrical service supply as per the International Plumbing Code, DHEC regulations, National Electrical Code, latest editions.

(Ord. No. 265, 2-6-95)

Sec. 20-29. - Mobile homes as special occupancies.

- (a) Mobile homes may not be used for temporary offices
- (e b) A mobile home may not be used as a classroom by a school or a religious affiliation,

(Ord. No. 265, 2-6-95)

Sec. 20-30. - Moving permits required.

- (a) Moving permits shall be filed on forms provided by the office of the zoning official. The moving permit will be issued when all taxes due on the mobile home have been paid. The permit will be valid for fifteen (15) days with an extension approved by the zoning official for just cause. Extension not to exceed fifteen (15) days.

(b) The mobile home moving permit shall accompany the mobile home while it is being moved. The permit shall be displayed on the rear of the mobile home in a conspicuous place. It shall be the duty of the transporter that the required moving permit is properly displayed and accompanies said mobile home while in transport.

(c) A mobile home dealer or others repossessing a mobile home under a security agreement, or upon receipt of a legal repossession document from the principal of the security agreement may move a mobile home where it is located and relocate it to a secure location within the county until a moving permit can be obtained not to exceed fifteen (15) days. Under no circumstances shall the mobile home leave the boundaries of the county until all taxes and other county liens are satisfied and a moving permit issued.

(d) Each time a mobile home is relocated notwithstanding that the location may be made numerous times within a year.

(e) When a dealer moves a mobile home for rental purpose and is being located or relocated.

(Ord. No. 265, 2-6-95)

Section 4. Severability.

If any section, subsection or clause of this ordinance is held to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected.

Section 5. Conflicting Provisions.

To the extent this ordinance contains provisions that conflict with provisions contained in the Lancaster County Code or other County ordinances, orders and resolutions, the provisions contained in this ordinance supersede all other provisions and this ordinance is controlling.

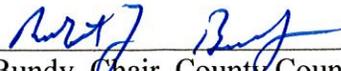
Section 6. Effective Date.

This ordinance is effective upon third reading.

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AND IT IS SO ORDAINED, this 9th day of February, 2015.

LANCASTER COUNTY, SOUTH CAROLINA

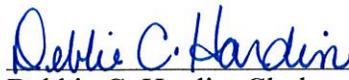


Bob Bundy, Chair, County Council



Steve Harper, Secretary, County Council

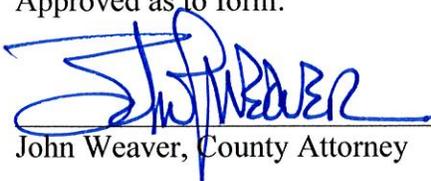
ATTEST:



Debbie C. Hardin, Clerk to Council

First Reading: January 12, 2015
Second Reading: January 26, 2015
Third Reading: February 9, 2015

Approved as to form:



John Weaver, County Attorney