

## Chapter 10

### BUILDINGS AND BUILDING REGULATIONS\*

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**\*Federal law reference**—Compliance of federal buildings with local building codes and zoning laws, consideration of local laws and cooperation with local officials required, 40 USC 3312.

**State law references**—Enforcement of building codes, S.C. Code 1976, § 6-9-10; mandatory recognition of certain technical codes, S.C. Code 1976, § 6-9-50; codes applicable to building inspections, S.C. Code 1976, § 6-9-130.

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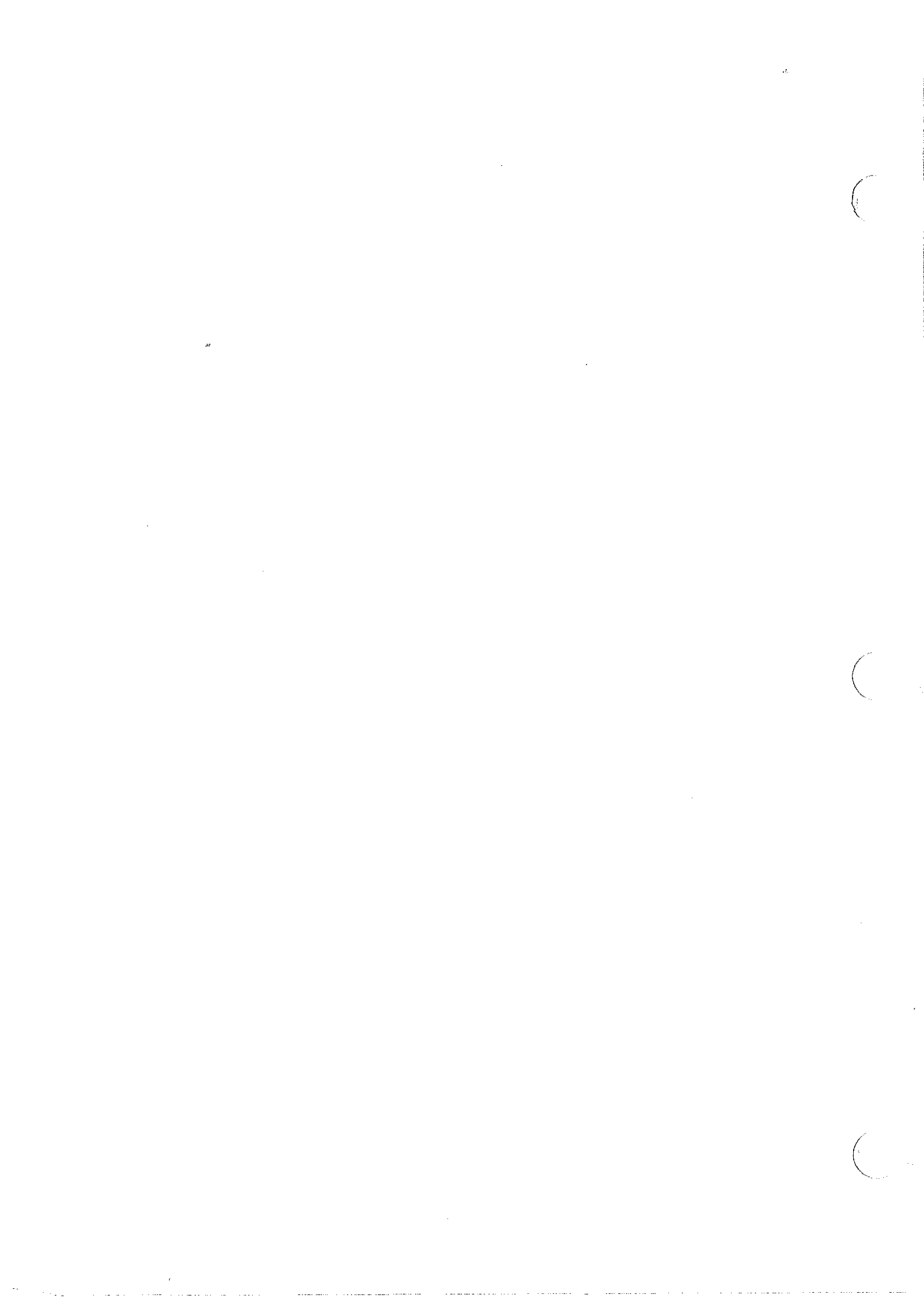
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**ARTICLE I. IN GENERAL****Sec. 10-1. Permit fees and criteria.**

Building permit fees and criteria, in addition to related fees and charges for applications, amendments, compliance requests, relocation, and inspections, shall be as established from time to time by ordinance.

**Secs. 10-2—10-20. Reserved.****ARTICLE II. ADMINISTRATION****Sec. 10-21. Purpose.**

The purpose of this chapter is to provide minimum requirements to safeguard health and public welfare through structural strength, means of egress, stability, sanitation, adequate light and ventilation and to provide safety to life and property from fire and other hazards attributed to the built environment.

(Ord. No. 2003-7, § 1-1.1, 6-14-2004)

**Sec. 10-22. Scope.**

The provisions of this chapter shall apply to the construction, alteration, repair, equipment, use and occupancy, location, maintenance, removal and demolition, of every building, structure installation or any appurtenances connected or attached to such buildings or structures.

(Ord. No. 2003-7, § 1-1.2, 6-14-2004)

**Sec. 10-23. Title.**

The provisions embraced within the following articles and sections shall constitute, be known and cited as the "Building Codes Ordinance for Calhoun County, South Carolina," hereafter referred to as the "Ordinance."

(Ord. No. 2003-7, § 1-1.3, 6-14-2004)

**Sec. 10-24. Area of applicability.**

This chapter shall apply to the unincorporated areas of the county and those municipalities which make an agreement with the county council to be regulated, in like fashion, by the terms of this chapter.

(Ord. No. 2003-7, § 1-1.4, 6-14-2004)

**Sec. 10-25. Conflict with other ordinances.**

Whenever the provisions of this chapter impose more restrictive standards than are required in or under any other ordinance or regulation, the standards herein contained shall

prevail. Whenever the provisions of any other ordinance or regulation, requires more restrictive standards than are required herein, the requirements of such ordinance or regulation shall prevail.

(Ord. No. 2003-7, § 1-1.6, 6-14-2004)

**Sec. 10-26. Savings clause.**

(a) No provisions of this chapter shall be held to deprive any federal or state agency, or any applicable governing body having jurisdiction, of any power or authority which it had on the effective date of the ordinance from which this chapter is derived or of any remedy then existing for the enforcement of its orders, nor shall it deprive any individual or corporation of its legal rights as provided by law.

(b) Nothing in this chapter shall be construed to affect any suit or proceeding now pending in any court, or any right acquired, or liability incurred nor any cause or causes of action accrued or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired or affected by this chapter.

(Ord. No. 2003-7, § 1-1.7, 6-14-2004)

**Secs. 10-27—10-55. Reserved.**

**ARTICLE III. ORGANIZATION OF OFFICE OF BUILDING INSPECTIONS**

**Sec. 10-56. Established.**

There is hereby established an office of building inspections.

(Ord. No. 2003-7, § 1-2.1, 6-14-2004)

**Sec. 10-57. Building official.**

Within the office of building inspections there is hereby established the position of building official for the county and the building official shall:

- (1) Operate the office of building inspections;
- (2) Administer and enforce this chapter as provided in article IV of this chapter;
- (3) Perform any related duties as directed by the county administrator;
- (4) Be employed by the county through the county administrator, and in accordance with the personnel policies and procedures of the county.

(Ord. No. 2003-7, § 1-2.2, 6-14-2004)

**Sec. 10-58. Building inspectors.**

The building official shall supervise such building inspectors as employed by the county administrator and in accordance with the personnel policies and procedures of the county.

(Ord. No. 2003-7, § 1-2.3, 6-14-2004)

**Sec. 10-59. Deputy.**

The building official shall designate as his deputy a qualified employee in the office of building inspections who shall, during the absence or disability of the building official, exercise all powers and duties of the building official.

(Ord. No. 2003-7, § 1-2.4, 6-14-2004)

**Sec. 10-60. Other staff.**

The building official shall supervise any other necessary staff to fulfill the provisions of this chapter as employed by the county administrator and in accordance with the personnel policies and/or procedures of the county.

(Ord. No. 2003-7, § 1-2.5, 6-14-2004)

**Sec. 10-61. Restrictions on employees.**

No employee of the office of building inspections shall be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of a building, or in the making of plans or of specifications for any building or structure located within the area of applicability as defined in section 10-24 unless he is the owner of such building. No such employee shall engage in any work which is inconsistent with his duties or with the interests of the office of building inspections.

(Ord. No. 2003-7, § 1-2.6, 6-14-2004)

**Sec. 10-62. Qualifications of the building official.**

The building official shall have at least five years' experience or equivalent, as an architect, engineer, inspector, contractor, or superintendent of construction or any combination of these. The building official should be certified through a recognized certification program and registered with the state. The building official shall be appointed or hired by the applicable governing authority.

(Ord. No. 2003-7, § 1-2.7, 6-14-2004)

**Secs. 10-63—10-82. Reserved.****ARTICLE IV. BUILDING OFFICIAL****Sec. 10-83. Right of entry.**

(a) Where it is necessary to make an inspection to enforce the provisions of this Code; or where the building official has reasonable cause to believe that there exists in a structure or upon a premises, a condition which is contrary to or in violation of this Code which makes the structure or premises unsafe, dangerous or hazardous, the building official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this Code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested.

(b) If such structure or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

(Ord. No. 2003-7, § 1-3.1, 6-14-2004)

**Sec. 10-84. Stop work orders.**

(a) Whenever the building official finds any work regulated by this Code being performed in a manner contrary to the provisions of this Code or in a dangerous or unsafe manner, the building official is authorized to issue a stop work order.

(b) The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work.

(c) Upon issuance of a stop work order, the cited work shall immediately cease.

(d) The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

(e) Any person who shall continue to work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

(Ord. No. 2003-7, § 1-3.2, 6-14-2004)

**Sec. 10-85. Revocation of permits.**

The building official may revoke a permit or approval issued under the provisions of this chapter, in case there was any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based. In all cases, no permit fee shall be refunded.

(Ord. No. 2003-7, § 1-3.3, 6-14-2004)

**Sec. 10-86. Requirements not covered by chapter.**

Any requirement necessary for the safety, strength, or stability of an existing or proposed building, structure or installation, or for the safety of the occupants of a building or structure, not specifically covered by this chapter, shall be determined by the building official subject to appeal to the board of development appeals.

(Ord. No. 2003-7, § 1-3.4, 6-14-2004)

**Sec. 10-87. Alternate materials and methods of construction.**

(a) The provisions of this Code are not intended to prevent the installation of material or to prohibit any design or method of construction not specifically prescribed by this Code, provided that such alternative has been approved.



(b) An alternate design, material or method shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this Code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this Code in quality, strength, effectiveness, fire resistance, durability and safety.

(c) Whenever 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.

- (1) Test methods shall be as specified in this Code or by other recognized test standards.
- (2) In the absence of recognized and accepted test methods, the building official shall approve the testing procedures.
- (3) Tests shall be performed by an approved agency.
- (4) Reports of such tests shall be retained by the building official for the period required for retention of public records.

(Ord. No. 2003-7, § 1-3.5, 6-14-2004)

#### **Sec. 10-88. Liability.**

The building official, member of the board of development appeals or employee charged with the enforcement of this Code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this Code or other pertinent laws or ordinance, shall not thereby be rendered 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. Any suit 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 representative of the jurisdiction until the final determination 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.

(Ord. No. 2003-7, § 1-3.6, 6-14-2004)

#### **Sec. 10-89. Unsafe buildings.**

(a) *Authority.* Whenever the building official or his representative finds that there exists in the county dwelling or buildings which are unfit for human habitation and/or other use due to dilapidation, defects increasing the hazards of fires, accidents or other calamities, lack of ventilation, light or sanitary facilities, or other conditions rendering such dwellings or buildings unsafe or unsanitary, dangerous or detrimental to the health, safety or morals or otherwise inimical to the welfare of the residents of the county, the building official or his

designated representative may, upon the approval of a majority of the members of the council, exercise the county's police powers to repair, close or demolish any such dwelling or building.

(b) *Filing of complaint and investigation.* Whenever a complaint or petition is filed with the building official, or his designated representative, by any one of the administrative heads of the county departments which routinely deal with areas relevant to this statute, or by at least five residents or property owners of the county who have some portion of their property within 2,000 feet of some portion of the property upon which the dwelling or building or other structure is located, charging that any dwelling or building or other structure is unfit for human habitation, or whenever it appears to the building official, on his own motion, that any dwelling or building or other structure is unfit for human habitation, the building official shall, if 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 building or other structure, a complaint and notice in letter form, return receipt requested, stating the charges in that respect and that a hearing will be held before the building official or his designated representative not less than ten calendar days nor more than 30 calendar 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 prevailing in the courts of law or equity shall not be controlling in such hearings.

(c) *Notice to owner and necessary action by owner.* If, after such notice and hearing, the building official or his designated representative determines that a dwelling or building 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 a notice:

- (1) If the repair, alteration or improvement of the dwelling or building or other structure can be made at a reasonable cost in relation to the value of the dwelling or building or other structure, the owner shall be required within the time specified in such order, to repair, alter or improve such dwelling or building or other structure to render it fit for human habitation; or
- (2) If the repair, alteration or improvement of the dwelling or building or other structure cannot be made at a reasonable cost in relation to the value of the dwelling or building or other structure, the owner shall be required, within the time specified in the order, to remove or demolish such dwelling or building.

(d) *Failure to comply.* If the owner fails to comply with the order to repair, alter or improve or remove and demolish, the building official, or his designated representative, may cause such dwelling or building or other structure to be repaired, altered or improved, or removed or demolished. Such failure to comply shall also constitute a violation of this chapter and may be punishable as outlined in section 10-248.

(e) *Costs.* The amount of the cost of such repairs, alterations or improvements, or removal or demolition by the county shall be a lien against the real property placed and collected through appropriate judicial process.

(f) *Unfitness.* A dwelling or building or other structure is unfit for human habitation if conditions exist in such dwelling or building or other structure which are dangerous or injurious to health or safety of the occupants of such dwelling, building or other structure, the occupants of neighboring dwelling or building or other structures, or other residents of the county. Such conditions may include the following, without limiting the generality of the foregoing:

- (1) Defects therein increasing the hazards of fire, accidents, or other calamities;
- (2) Lack of adequate ventilation, light or sanitary facilities, uncleanliness;
- (3) Structural defects, dilapidation, disrepair; and
- (4) Any other conditions in a reasonable way relating to unfitness for human habitation as set forth in this subsection (f).

(g) *Service of complaint.* Complaints by letter or orders hereunder shall be delivered to and/or served upon such persons either personally or by registered mail, return receipt requested, but if the whereabouts of such persons are unknown and cannot be ascertained in the exercise of reasonable diligence, the building official or his designated representative 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 the county.

- (1) A copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order.
- (2) A copy of such complaint or order shall also be filed with the county clerk of court, and such filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law.

(h) *Rights of persons affected by orders.* Any person affected by an order issued by the building official or his designated representative may within 60 days after the posting and service of the order, petition the circuit court for an injunction restraining the building official or his designated representative 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 cause. 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 as authorized by S.C. Code 1976, § 32-14-370, as amended. 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 the facts, if supported by evidence, shall be conclusive. Costs shall be at 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 building official or his designated representative or because of compliance by such person with any order of the public officer.

(i) *Powers and duties.* The building official, or his designated representative, may exercise such powers and duties as may be necessary or convenient to carry out and effectuate the purposes and provisions of this chapter, including the following powers in addition to others herein granted:

- (1) To investigate the dwelling or building or other structure conditions in the county in order to determine which dwellings or buildings or other structures therein are unfit for human habitation;
- (2) To administer oaths and affirmations, examine witnesses and receive evidence;
- (3) To enter upon premises for the purposes of making examination, provided such entries be made in such manner as to cause the least possible inconvenience to the person in possession;
- (4) To appoint and fix the duties of such officers, agents, and employees as he deems necessary to carry out the purposes of this chapter; and
- (5) To delegate any of his functions and powers under this chapter to such officers and agents as he may choose.

(Ord. No. 2003-7, § 1-3.7, 6-14-2004)

**Sec. 10-90. Records and reports.**

(a) The building official shall maintain records of building permit applications, or permits issued, or certificates issued, of all inspections made, of reports rendered, and of notices or orders issued. He shall keep on file, copies of all documents relating to building work for the period required for retention of public records.

(b) All records of the office of building inspections shall be open to public inspection during stated office hours, but shall not be removed from the office of building inspections without the written consent of the building official.

(c) He shall submit written reports covering the activities of the department of inspections at the request of the county administrator.

(d) The building official shall include in his activity report a summary of the decisions of the board of development appeals.

(e) He shall, at all times, keep the county administrator informed of any controversial or conflicting situations which could jeopardize the efficient and consistent functioning of the department of inspections.

(Ord. No. 2003-7, § 1-3.8, 6-14-2004)

**Sec. 10-91. Cooperation of other officials.**

The building official may request, and shall receive so far as may be necessary in the discharge of his duties, the assistance and cooperation of other officials of the county.

(Ord. No. 2003-7, § 1-3.9, 6-14-2004)

**Secs. 10-92—10-110. Reserved.****ARTICLE V. BUILDING PERMIT APPLICATION****Sec. 10-111. When required.**

(a) Any owner, authorized agent or contractor who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this chapter, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

Commencement of any construction, for which a permit is required, prior to obtaining the proper permit(s) shall result in an additional permit fee of \$100.00 or doubling of the permit fee, whichever is greater.

(b) A permit to install a manufactured home is required regardless of the cost of installation.

(c) One copy of the required permit shall be forwarded to the county auditors.

(d) Nothing contained herein shall require any public utility company to obtain a permit for work performed in its respective field.

(Ord. No. 2003-7, § 1-4.1, 6-14-2004; Ord. No. 2007-2, 10-8-2007)

**Sec. 10-112. Work exempt from permit.**

The following work is exempt from the requirement of obtaining a permit:

- (1) Ordinary repairs and maintenance.
- (2) Fences.
- (3) Retaining walls unless supporting a structure.
- (4) Water tanks.
- (5) Sidewalks, driveways and patios.
- (6) Painting, papering, tiling, carpeting, cabinets and similar cosmetic finish-type work.
- (7) Swings and other playground equipment accessory to a one- or two-family dwelling.
- (8) One-story detached storage structure, accessory to a one- or two-family dwelling, provided that the floor area does not exceed 500 square feet.

- (9) Shade cloth structures, constructed for nursery or agricultural purposes and not including service systems.
  - (10) Window awnings supported by an exterior wall.
  - (11) Movable cases, counters and partitions not over five feet nine inches in height.
- (Ord. No. 2003-7, § 1-4.1.1, 6-14-2004)

**Sec. 10-113. Form.**

Application for a permit shall be made on the form provided by the building official. The applicant shall furnish information as may be required to complete the application.

(Ord. No. 2003-7, § 1-4.2, 6-14-2004)

**Sec. 10-114. Plans and specifications.**

When required by the building official, two or more copies of the specifications and drawings shall accompany every application. The building official may require details, computations, diagrams and other data necessary to describe the construction or installation and basis of calculations and they shall bear the signature of the person responsible for the design.

(Ord. No. 2003-7, § 1-4.3, 6-14-2004)

**Sec. 10-115. Plat diagram.**

The building official shall require a plat diagram to be submitted with the application for a permit. When deemed necessary by the building official this diagram shall show, but not be limited to, the following:

- (1) Location of the proposed building or structure and of every existing building or structure on the site or lot.
  - (2) The location of such proposed building or structure with respect to the property lines of said site or lot.
  - (3) Any access or right of way of any street adjoining said site or lot.
  - (4) Size, shape, height, and use of existing or any proposed structures.
  - (5) When required, a plat with metes and bounds description of the site or lot prepared by a certified land surveyor.
  - (6) Street address assigned by the E-911 office.
- (Ord. No. 2003-7, § 1-4.4, 6-14-2004)

**Sec. 10-116. Floodplain areas.**

(a) A plat of a proposed development submitted to the planning commission for approval which contains lands subject to flooding shall have such areas delineated as being subject to flooding. The building located on such land must comply with section R-323 of the International Residential Code.

(b) It shall be the responsibility of the applicant to provide ample information indicating that the requested permit area does not fall within the area defined in subsection (a) of this section.

(Ord. No. 2003-7, § 1-4.5, 6-14-2004)

**Sec. 10-117. When zoning permits required.**

If proposed construction, for which a building permit is applied for, is to be done in an area of the county which is subject to zoning regulations as enacted by the county, then the applicant must also submit to the building official a valid zoning permit for said construction issued by the zoning department of the county. The zoning permit must be submitted by the applicant to the building official along with the application for a building permit. If the requirements of this section have not been fully complied with, the building official shall not issue the building permit.

(Ord. No. 2003-7, § 1-4.6, 6-14-2004)

**Sec. 10-118. When land development regulations are applicable.**

If proposed construction, for which a building permit is applied for, is to be done in an area which is subject to subdivision regulations as enacted by the county, then the building official shall issue a building permit only if said construction is in compliance with the land development regulations of the county.

(Ord. No. 2003-7, § 1-4.7, 6-14-2004)

**Sec. 10-119. Water and sewer approval required.**

When required by the building official, an applicant for a building permit must submit to the building official a certificate issued by the appropriate authority granting approval for water and sewer facilities.

(Ord. No. 2003-7, § 1-4.8, 6-14-2004)

**Sec. 10-120. Examination of application.**

(a) The building official shall examine or cause to be examined each application for a permit, the drawings and specifications and all other data filed therewith. If the application together with all supporting data conform to the requirements of this chapter and other pertinent laws and ordinances, then he shall issue a permit therefor to the applicant upon payment of the required fee as provided in article VII of this chapter.

(b) If the application for a permit and the supporting data filed therewith describe work which does not conform to the requirements of this ordinance or other pertinent laws or ordinances, the building official shall not issue a permit, but shall return the drawings to the applicant with his refusal to issue such a permit. Such refusal, when requested, shall be in writing and shall contain the reasons therefore. The applicant may appeal the decision of the building official to the board of development appeals as provided in article X of this chapter.

(c) The building official may accept an affidavit from a registered architect or engineer stating that the plans submitted conform to the technical codes. For buildings and structures, the affidavit shall state that the plans conform to the laws as to egress, type of construction and general arrangement and, if accompanied by drawings, show the structural design and that the plans and design conform to the requirements of the technical codes as to strength, stresses, strains, loads and stability. The building official may without any examination or inspection accept such affidavit. Where the building official accepts such an affidavit in lieu of performing a plan review, the architect or engineer shall assume full responsibility for the design's compliance with all provisions of the technical codes and other pertinent laws or ordinances.

(Ord. No. 2003-7, § 1-4.9, 6-14-2004)

**Secs. 10-121—10-138. Reserved.**

## **ARTICLE VI. BUILDING PERMIT**

**Sec. 10-139. Conditions.**

(a) A permit may be denied by the building official to any contractor that has previously demonstrated sub-standard performance in the county.

(b) The building official shall act upon an application for a permit without unreasonable or unnecessary delay. A permit issued shall be construed to be a license to proceed with the work and shall not be construed as authority to violate, conceal, alter, or set aside any of the provisions of the chapter, nor shall such issuance of a permit prevent the building official from thereafter requiring correction or errors in plans or in construction, or of violations of this chapter. Any permit issued shall become invalid unless the work authorized by it was commenced within six months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of one year after the time the work is commenced; provided, that for cause, one or more extensions of time for periods not exceeding 90 days each may be allowed in writing by the building official.

(Ord. No. 2003-7, § 1-5.1, 6-14-2004; Ord. No. 2007-2, 10-8-2007)

**Sec. 10-140. Notification of quitting required.**

(a) Should any person to whom a permit was issued quit the construction or installation for any reason, he shall notify the building official and state the reason. If the construction or installation was partially completed, the person to whom the permit was issued, upon quitting the installation, shall notify the building official and request an inspection. Acceptance of, or violations against the work shall be recorded by the inspector on the permit record. No refund of the permit shall be granted to the person to whom the permit was issued.



(b) If the holder of a permit quits an installation and fails to notify the building official, the owner or his agent may notify the building official and request inspection. Upon inspection the holder of the permit shall be sent a notice of any violation. The owner may then secure another qualified person to proceed with the work.

(c) If no work was done, the holder of the permit shall be entitled to a refund on his permit; provided, however, that a minimum charge shall be made.

(Ord. No. 2003-7, § 1-5.2, 6-14-2004)

**Sec. 10-141. Posting.**

Work requiring a building permit shall not be commenced until the permit holder or his agent shall have the building permit card in a conspicuous place on the front of the premises. The permit shall be protected from the weather and in such position as to permit the building official to conveniently make the required entries thereon. This permit card shall be maintained in such position by the permit holder, until the certificate of occupancy is issued by the building official.

(Ord. No. 2003-7, § 1-5.3, 6-14-2004)

**Secs. 10-142—10-165. Reserved.**

**ARTICLE VII. BUILDING FEES**

**Sec. 10-166. General.**

No permit shall be issued until the required fees are paid. Nor shall an amendment to a permit be approved until the additional fee, if any, due to any increase in the estimated cost of the building, or structure, is paid.

(Ord. No. 2003-7, § 1-6.1, 6-14-2004)

**Sec. 10-167. Schedule of fees.**

The schedule for all fees and permits shall be established by the county council.

(Ord. No. 2003-7, § 1-6.2, 6-14-2004)

**Sec. 10-168. No charge permit.**

At the discretion of the building official, he may waive the required permit fee on any community or charitable project for which all labor, materials and profit are donated. The building official shall notify the county administrator in writing of all such projects.

(Ord. No. 2003-7, § 1-6.3, 6-14-2004)

**Secs. 10-169—10-189. Reserved.**

**ARTICLE VIII. INSPECTIONS****Sec. 10-190. Required.**

The building official shall inspect or cause to be inspected at various intervals all construction, installations or work for compliance to the provisions of this chapter. The results of any inspection performed shall not be construed as an approval of a violation of the provision of this chapter or of any other ordinances of this jurisdiction. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes.

- (1) *Footing.* The footing inspection shall be made after excavations are complete and prior to the placement of concrete.
  - (2) *Concrete slab or under floor inspection.* To be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place but before any concrete is placed.
  - (3) *Rough-in.* To be made after the roof deck, framing, fire blocking and bracing are in place and pipes, chimneys and vents to be concealed are completed and the rough electrical, plumbing, heating and ducts are approved.
  - (4) *Fire resistant penetrations.* Protection of joists, partitions, structural members and penetrations in fire resistant rated assemblies shall not be concealed from view until inspected.
  - (5) *Other inspections.* In addition to the inspections specified above, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this Code.
  - (6) *Final.* The final inspection shall be made after all work authorized by the building permit is complete.
- (Ord. No. 2003-7, § 1-7.1, 6-14-2004)

**Sec. 10-191. Agencies.**

The building official is authorized to accept reports of approved inspection agencies provided such agencies satisfy the requirements as to qualifications (minimum standards are deemed to be state licensed).

(Ord. No. 2003-7, § 1-7.1.1, 6-14-2004)

**Sec. 10-192. Notification.**

(a) *Advance notice.* It shall be the duty of the permit holder to give reasonable advance notice to the building official when work is ready for inspection and testing. A log of all telephone calls or other requests for inspections shall be kept by the building official, so that a permanent record can be had of the time and date when such requests for inspections were made.

(b) *Contractor's responsibility.* It shall be the duty of the permit holder to ensure that the work will meet the required inspections or test before giving the advance notice.  
(Ord. No. 2003-7, § 1-7.2, 6-14-2004)

**Sec. 10-193. Results.**

The building official, upon notification, shall make the requested inspections and notify the permit holder or his agent as to the results of the inspection. If any portion of the work does not substantially comply with the requirements of this chapter a reinspection will be required before such portion is covered or concealed.  
(Ord. No. 2003-7, § 1-7.3, 6-14-2004)

**Sec. 10-194. Reinspections.**

When reinspections are made necessary for reasons of noncompliance or otherwise through fault or error on the part of the permit holder, or on part of his employees, after the notice has been given in writing by the building official setting forth the violation then the permit holder shall pay the established fees for the additional required inspection.  
(Ord. No. 2003-7, § 1-7.4, 6-14-2004)

**Secs. 10-195—10-211. Reserved.**

**ARTICLE IX. CERTIFICATE OF OCCUPANCY**

**Sec. 10-212. Use and occupancy.**

No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of this Code or of other ordinances of the jurisdiction.  
(Ord. No. 2003-7, § 1-8.1, 6-14-2004)

**Sec. 10-213. Changes in use.**

Changes in the character or use of an existing structure shall not be made except as specified in chapter 34 of the International Building Code, 2003 Edition, as required by the state code council.  
(Ord. No. 2003-7, § 1-8.2, 6-14-2004; Ord. No. 2005-3, 7-25-2005)

**Sec. 10-214. Certificate issued.**

After the building official inspects the building or structure and finds no violations of the provisions of this Code or other laws that are enforced by the office of building inspections and after all required fees have been paid, the building official shall issue a certificate of occupancy.  
(Ord. No. 2003-7, § 1-8.3, 6-14-2004)

**Sec. 10-215. Temporary certificate of 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.

(Ord. No. 2003-7, § 1-8.4, 6-14-2004)

**Sec. 10-216. Revocation.**

The building official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this Code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this Code.

(Ord. No. 2003-7, § 1-8.5, 6-14-2004)

**Sec. 10-217. Placement or replacement of used modular units.**

Before placement or replacement in the county, all used modular units must be recertified by the manufacturer and occupied for its intended use.

(Ord. No. 2007-2, 10-8-2007)

**Secs. 10-218—10-240. Reserved.**

**ARTICLE X. BOARD OF DEVELOPMENT APPEALS**

**Sec. 10-241. Establishment.**

The board of development appeals is hereby established and shall consist of five members:

- (1) One member and one alternate, appointed from each council district.
- (2) All members shall be residents of the county.
- (3) All members shall be appointed by the county council and serve without compensation.
- (4) The building official shall be an ex officio member of said board but shall have no vote on any matter before the board.
- (5) The board shall annually select one of its members to serve as chairperson.

(Ord. No. 2003-7, § 1-9.1, 6-14-2004)

**Sec. 10-242. Term of office.**

(a) Of the members first appointed:

- (1) Two shall be appointed for two-year terms;
- (2) Two shall be appointed for three-year terms; and

- (3) One shall be appointed for a four-year term.
  - (b) Thereafter, members shall be appointed to four-year terms.
  - (c) Members shall remain in office until a replacement has been appointed.
  - (d) Members may be reappointed.
  - (e) Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made.
- (Ord. No. 2003-7, § 1-9.2, 6-14-2004)

**Sec. 10-243. Postponed hearing.**

When three or more members are not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing. A member shall not hear an appeal in which that member has a personal, professional or financial interest.

(Ord. No. 2003-7, § 1-9.3, 6-14-2004)

**Sec. 10-244. Records.**

The building official shall designate a qualified clerk to serve as secretary to the board who shall make a detailed record of all its proceedings, which shall set forth the reasons for its decisions, the vote of each member participating therein, the absence of a member, and any failure of a member to vote.

(Ord. No. 2003-7, § 1-9.4, 6-14-2004)

**Sec. 10-245. Procedures.**

The board shall establish rules and regulations for its own procedures not inconsistent with the provisions of this chapter. The board shall meet upon notice from the chairperson, or at stated periodic meetings.

(Ord. No. 2003-7, § 1-9.5, 6-14-2004)

**Sec. 10-246. Variations and modifications.**

(a) The board of development appeals, when so appealed to and after a hearing, may vary the application of any provision of this chapter to any particular case when, in its opinion, the enforcement thereof would do manifest injustice, and would be contrary to the spirit and purpose of this chapter or public interest, or when, in its opinion the interpretation of the building official should be modified or reversed.

(b) Notice of appeal shall be in writing and filed within 30 days after the decision is rendered by the building official.

(c) In the case of a building, structure or installation, which in the opinion of the building official, is unsafe or dangerous, the building official may on his order limit the time for such appeal to a shorter period.

(d) A decision of the board of development appeals to vary the application of any provision of this chapter or to modify an order of the building official shall specify in what manner such variation or modification is made, the conditions upon which it is made and the reasons therefor.

(Ord. No. 2003-7, § 1-10.1, 6-14-2004)

**Sec. 10-247. Decisions.**

(a) Every decision of the board of development appeals shall be final subject, however, to such remedy as any aggrieved party might have at law or in equity. It shall be in writing and shall indicate the vote upon the decision. Every decision shall be promptly filed in the office of the building official, and shall be open to public inspection; a certified copy shall be sent by mail or otherwise to the appellant.

(b) The board of development appeals shall, in every case, reach a decision without unreasonable or unnecessary delay.

(c) If a decision of the board of development appeals reverses or modifies a refusal, order or disallowance of the building official, or varies the application of any provision of this chapter, the building official shall immediately take action in accordance with such decision.

(Ord. No. 2003-7, § 1-10.2, 6-14-2004)

**Sec. 10-248. Violations and penalties.**

(a) The violation of any provisions of this chapter shall constitute a misdemeanor, and any person, firm, corporation or agent who shall commence construction on a building or structure before obtaining the necessary building permit as required by this chapter or who shall otherwise violate any provision of this chapter shall, upon conviction, be punished by a fine not to exceed \$200.00 or imprisonment of not more than 30 days. Each day such violation shall continue shall be deemed a separate offense.

(b) In the event of any violation or proposed violation of this chapter, the building official, or other appropriate authority of the county, or any adjacent or neighboring property owner who would be damaged by such violation, in addition to other remedies, may apply to a court of competent jurisdiction for injunctive relief, mandamus, or other appropriate proceeding to prevent, correct or abate such violation or threatened violation.

(Ord. No. 2003-7, § 1-11.1, 6-14-2004)

**Secs. 10-249—10-274. Reserved.**