



Town of Kiawah Island Building Ordinance

2013-08

ARTICLE 9 BUILDING AND BUILDING CODES

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CHAPTER I GENERAL

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Sec. 9.1 Title

These regulations shall be known as the building code of the Town of Kiawah Island.

Sec. 9.2 Scope

The provisions of this code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of every structure or any appurtenances connected or attached to such structures.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing and manufacturer's instructions shall apply.

Sec. 9.3 Intent

The purpose of this code is to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to firefighters and emergency responders during emergency operations.

Sec. 9.4 Referenced Codes

These codes listed and referenced elsewhere in this ordinance shall be considered part of the requirements of this code to the prescribed extent of each such reference.

Sec. 9.5 Historic Buildings

Historic buildings: The provisions of this code relating to the construction, alteration, repair, enlargement restoration, relocation or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and/or classified by the federal, state or local jurisdiction as historic buildings when such buildings or structures are judged by the Building Official to be safe and in the public interest of health, safety and welfare regarding any proposed construction, alteration, repair, enlargement, restoration, relocation, change of occupancy, or moving of buildings.

Historic buildings are defined as:

- (1) Listed or preliminarily determined to be eligible for listing in the National Register of Historic Places; or
- (2) Determined by the Secretary of the U.S. Department of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined to qualify as an historic district; or
- (3) Designated as historic under a state or local historic preservation program that is approved by the Department of Interior.
- (4) Individually listed on a local inventory of historical places that has been certified by the South Carolina Department of Archives and History.

Sec. 9.6 Fire District

The following described territory shall be designated and known as the Kiawah fire coverage area of the Town of Kiawah Island: The intersection of Betsy Kerrison and Kiawah Island Parkway and all the properties up to and including High Dune Lane. These properties shall be under the jurisdiction of St. Johns Fire District.

Sec. 9.7 Address numbers

(1) Display Required

The owner or occupant of each lot or parcel of land upon which a building or unit is located shall permanently affix and display on each building and or unit the address number which has been assigned by the building services department in cooperation with postal, telephone and utility authorities and with state agencies in the manner specified in this section.

(2) Specifications

(a) Design

The assigned address number shall be displayed on all residential buildings or units by numerals or letters not less than three inches in height, and on all businesses by numerals or

letters not less than four inches in height. Written, printed or scripted words are insufficient and shall not satisfy the requirements of this section.

(b) Color

The color of the numerals shall be in sharp contrast to their background so as to be plainly visible and legible.

(c) Location

The assigned address numbers for non-owner occupied structures shall be displayed on the front of the building or unit above or beside the door, so as to be plainly visible and legible from the centerline of the street during daylight hours. For owner occupied structures addressing shall be provided at a minimum on every mailbox located on given parcel. Where a unit does not face the street of assignment, the assigned number facing the street shall also have an arrow or other indication pointing to the assigned unit, where additional posting shall exist. The front of the building or unit, for the purpose of this section, shall be that side facing the street for which a number has been assigned. Where a building or unit is set back more than fifty feet from the edge of the improved portion of the street, the assigned address number shall be additionally displayed on a freestanding post or mailbox. Such additional displays shall comply with the specifications enumerated in this section, where applicable, and shall be located on one of the following:

- (1) A freestanding sign set back no more than 25 feet from the edge of the improved portion of the street;
- (2) A mailbox located according to the U.S. Postal Service regulations at the edge of the street. The number displayed shall appear on both sides of the mailbox unless the mailbox is one of a group serving multiple buildings or units, in which case the number display shall appear on the front of each box; or
- (3) A four-inch by four-inch post with numerals attached in vertical display within ten feet of the street right-of-way at the driveway intersection when the dwelling is set back beyond the visual sight distance.

(d) Obstruction

The assigned number shall be displayed so that its view from the street is not obstructed by trees, shrubbery, porches, building architecture or their physical impediments.

(3) Display of Unassigned Numbers; Maintenance

- (a) The display of any address number other than that assigned by the Development Services Department is expressly prohibited.
- (b) It shall be the responsibility of the building or unit owner, lessee, tenant or occupant to maintain the number display at all times as required by and in accordance with the provisions of this section.

(4) New Buildings

(a) Display prior to completion of construction. Owners, or agents of owners, of all lots and parcels for which new construction has been approved, as evidenced by issuance of a permit, shall temporarily or permanently display their assigned address numbers prior to the performance of any construction or building inspection.

(b) Display on completed buildings. No certificate of occupancy will be issued until the assigned address number is permanently displayed in accordance with the provisions of this section.

(c) Residential properties shall be identified by the graphics on mailbox posts as specified: 3 inch letters hand routed numerals (Helvetica Medium font) shall be present on the mailbox post mounting arm, and shall be flat white in color.

(5) Violations; Enforcement

(a) Violations generally

The owner, lessee, tenant or occupant of each lot or parcel of land, building or unit failing to properly display an assigned address number as prescribed under the provisions of this section shall be deemed in violation of this section.

(b) Determination and notice

Upon the determination of any such violation, the building services department, the fire department or the police department shall issue a notice of violation to the owner and/or occupant of the lot or parcel of land. Such notice violation shall provide a ten-day period from the date of issuance in which to correct such violation. Notice shall be posted at the property and served to the owner, lessee, tenant or occupant of the building by certified mail or hand delivery.

(c) Failure to comply with notice; continuing violations

Each day of violation beyond the initial ten-day warning period shall be deemed a separate violation subject to the enforcement action as set forth.

(6) Penalty

Any person found to be in violation of any provision of this section shall be subject to punishment in accordance with Section 9-174 of this ordinance.

(7) Exemptions

The owners of all buildings or units in the Town of Kiawah Island or any future part of the Town of Kiawah Island and within in those boundaries shall be exempt from violating the provisions of this section for a period of 30 days from the effective date of the ordinance from which this section is derived, or 21 days from the date of first notification of the appropriate address for that building or unit, whichever period is longer, in order to ensure a reasonable period of compliance.

Sec. 9-8 Availability of Copies of Technical Codes

Copies of the various technical codes adopted in this chapter, duly authenticated by the Town of Kiawah Island are posted on International Code Council's website in a readable only format at icc.safe.org. State modifications are available for viewing by going to the website for the Department of Labor, Licensing and Regulation of South Carolina. Links are provided on the Town of Kiawah Island's website at www.kiawahisland.org.

Sec. 9.9 - 9.10 Reserved

DIVISION 1 APPLICABILITY

Sec. 9.11 General

Sec. 9.12 Other Laws

Sec. 9.13 Application of References

Sec. 9.14 Referenced Codes and Standards

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Sec. 9.11 General

Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

Sec. 9.12 Other Laws

The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

Sec. 9.13 Application of References

References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

Sec. 9.14 Referenced Codes and Standards

The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

Sec. 9.15 Partial Invalidity

In the event that any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

Sec. 9.16 Existing Structures

The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the International Fire Code, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

Sec. 9.17 Reserved

DIVISION 2 CONSTRUCTION DOCUMENTS

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Sec. 9.18 Submittal Documents

Construction documents, special inspection and structural observation programs, and other data shall be submitted in one or more sets with each application for a permit. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

Exception: The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this code.

Sec. 9.19 Information on Construction Documents

Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted when approved by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the building official.

Sec. 9.20 Fire Protection System Drawings

Fire protection system drawings, Shop drawings, fire sprinkler specification sheet, manufacture specifications data for each system component for the fire protection system(s) shall be submitted to indicate conformance with this code and the construction documents and shall be approved prior to the start of system installation. All documentation shall be performed by a registered SC licensed engineer bearing his/her seal or fire sprinkler contractor with a qualifying party with a NICET Level IV Technician Certification in “Fire Protection Engineering Technology Automatic Sprinkler System Layout”.

Sec. 9.21 Means of Egress

The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress in compliance with the provisions of this code. The construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

Sec. 9.22 Exterior Wall Envelope

Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this code. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners,

end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings. The construction documents shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system which was tested, where applicable, as well as the test procedure used.

Sec. 9.23 Site Plan

The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The building official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.

Sec. 9.24 Examination of Documents

The building official shall examine or cause to be examined the accompanying construction documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.

Sec. 9.25 Approval of Construction Documents

When the building official issues a permit, the construction documents shall be approved, in writing or by stamp, as "Reviewed for Code Compliance." One set of construction documents so reviewed shall be retained by the building official. 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 or a duly authorized representative.

Sec. 9.26 Previous Approvals

This code shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

Sec. 9.27 Phased Approvals

The building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such permit for the foundation or

other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.

Sec. 9.28 Design Professional in Responsible Charge

Generally: When it is required that documents be prepared by a registered design professional, the building official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The building official shall be notified in writing by the owner if the registered design professional in responsible charge is changed or is unable to continue to perform the duties. The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building. Where structural observation is required by Section 1709 of the International Building Code, the design engineer shall name the individual or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur (see also duties specified in Section 1704 of the International Building Code).

Sec. 9.29 Deferred Submittals

For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the building official within a specified period. Deferral of any submittal items shall have the prior approval of the building official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the building official. Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the building official with a notation indicating that the deferred submittal documents have been reviewed and been found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the design and submittal documents have been approved by the building official.

Sec. 9.30 Amended Construction Documents

Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.

Sec. 9.31 Retention of Construction Documents

One set of approved construction documents shall be retained by the building official 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.

Sec. 9.32 Fire Flow

Determination of fire flow demand shall be governed by sections B104, B105 and table B105.1 of the International Fire Code.

Sec. 9.33 – 9.40 Reserved

DIVISION 3 TEMPORARY STRUCTURES AND USES

Sec. 9.41 General

Sec. 9.42 Conformance

Sec. 9.43 Temporary Power

Sec. 9.44 Termination of Approval

Sec. 9.45 – 9.50 Reserved

Sec. 9.41 General

The building official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The building official is authorized to grant extensions for demonstrated cause.

Sec. 9.42 Conformance

Temporary structures and uses shall conform to the structural strength, fire safety, and means of egress, accessibility, light, ventilation and sanitary requirements of this code as necessary to ensure the public health, safety and general welfare.

Sec. 9.43 Temporary Power

The building official is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued.

Sec. 9.44 Termination of Approval

The building official is authorized to terminate such permit for a temporary structure or use and to order the temporary structure or use to be discontinued.

Sec. 9.45 – 9.50 Reserved

DIVISION 4 RESIDENTIAL DRIVEWAYS

Sec. 9.51 – 9.60 Reserved

Chapter II

Administration

DIVISION 1 DIVISION OF BUILDING/CODES

Sec. 9.61 Creation of Enforcement Agency

Sec. 9.62 Appointment of Building Official

Sec. 9.63 Code Enforcement Officers

Sec. 9.64 – 9.70 Reserved

Sec. 9.61 Creation of Enforcement Agency

The division of building-codes is hereby created and the official in charge thereof shall be known as the building official.

Sec. 9.62 Appointment of Building Official

The town administrator shall appoint a building official to serve at his/her pleasure, who shall be known as the building official.

Sec. 9.63 Code Enforcement Officers

Kiawah Island building official and inspectors shall be sworn code enforcement officers of the Town of Kiawah Island and shall perform duties as code enforcement officers in conjunction with duly assigned building code responsibilities.

Sec. 9.64 – 9.70 Reserved

DIVISION 2 DUTIES AND POWERS OF BUILDING OFFICIAL

Sec. 9.71 General

Sec. 9.72 Applications and Permits

Sec. 9.73 Notices and Orders

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Sec. 9.85 Evacuation

Sec. 9.86 – 9.90 Reserved

Sec. 9.71 General

The building official is hereby authorized and directed to enforce the provisions of this code. The building official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

Sec. 9.72 Applications and Permits

The building official shall receive applications, review construction documents and issue permits for the erection, and alteration, demolition and moving of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

Sec. 9.73 Notices and Orders

The building official shall issue all necessary notices or orders to ensure compliance with this code.

Sec. 9.74 Inspections

The building official shall make all of the required inspections, or the building official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The building official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

Sec. 9.75 Identification

The building official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

Sec. 9.76 Right of Entry

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. 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.

Sec. 9.77 Department Records

The building official 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 retention of public records.

Sec. 9.78 Liability

The building official, members of the boards of 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 law 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 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.

Sec. 9.79 Approved Materials and Equipment

Materials, equipment and devices approved by the building official shall be constructed and installed in accordance with such approval.

Sec. 9.80 Used Materials and Equipment

The use of used materials which meet the requirements of this code for new materials is permitted. Used equipment and devices shall not be reused unless approved by the building official.

Sec. 9.81 Modifications

Wherever 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, upon application of the owner or owner's representative, 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, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the development services department.

Sec. 9.82 Alternative Materials, Design and Methods of Construction and Equipment

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

Sec. 9.83 Research Reports

Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

Sec. 9.84 Tests

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. 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 approved agency. Reports of such tests shall be retained by the building official for the period required by the State of South Carolina for retention of public records.

Sec. 9.85 Evacuation

The building official and/or the fire department official in charge of an incident shall be authorized to order the immediate evacuation of any occupied building deemed unsafe when such building has hazardous conditions that presents imminent danger to building occupants. Persons so notified shall immediately leave the structure or premises and shall not enter or re-enter until authorized to do so by the building official and/or the fire department official in charge of the incident.

Sec. 9.86 – 9.90 Reserved

In addition to the smoke detectors required in Section R 314 of the International Residential Code, additional smoke detectors shall be installed in all attic areas. Spacing of smoke

detectors shall be based on manufacturer's specifications. All smoke detectors shall be interconnected, and electrical with battery back-up.

Exception:

Homes that were in existence prior to the adoption of this ordinance are exempt.

DIVISION 3 CERTIFICATE OF OCCUPANCY

Sec. 9.91 Use and Occupancy

Sec. 9.92 Certificate Issued

Sec. 9.93 Temporary Occupancy

Sec. 9.94 Revocation

Sec. 9.95 - 9.100 Reserved

Sec. 9.91 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 therefore 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 Town of Kiawah.

Sec. 9.92 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 department of building safety, the building official shall issue a certificate of occupancy that contains the following:

- (1) The building permit number.
- (2) The address of the structure.
- (3) The name and address of the owner.
- (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 for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
- (6) The name of the building official.
- (7) The edition of the code under which the permit was issued.

- (8) The use and occupancy, in accordance with the provisions of Chapter 3 of the International Building Code.
- (9) The type of construction as defined in Chapter 6 of the International Building Code.
- (10) The design occupant load.
- (11) If an automatic sprinkler system is provided, whether the sprinkler system is required.
- (12) Any special stipulations and conditions of the building permit.

Sec. 9.93 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.

Sec. 9.94 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.

Sec. 9.95 - 9.100 Reserved

DIVISION 4 SERVICE UTILITIES

Sec. 9.101 Connection of Service Utilities

Sec. 9.102 Temporary Connection

Sec. 9.103 Authority to Disconnect Service Utilities

Sec. 9.104 - 9.110 Reserved

Sec. 9.101 Connection of Service Utilities

No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this code for which a permit is required, until released by the building official.

Sec. 9.102 Temporary Connection

The building official shall have the authority to authorize the temporary connection of the building or system to the utility source of energy, fuel or power.

Sec. 9.103 Authority to Disconnect Service Utilities

The building official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the codes referenced in case of emergency where necessary to eliminate an immediate hazard to life or property. The building official shall notify the serving utility, and wherever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

Sec. 9.104 - 9.110 Reserved

DIVISION 5 CONSTRUCTION BOARD OF APPEALS

Sec. 9.111 General

Sec. 9.112 Limits on Authority

Sec. 9.113 Board Structure

Sec. 9.114 Qualifications

Sec. 9.115 Appeal Submittals

Sec. 9.116 Filing Fees

Sec. 9.117 – 9.120 Reserved

Sec. 9.111 General

In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created the construction board of appeals. Board members shall be appointed by the governing body and shall hold office at its pleasure. The boards shall adopt rules of procedure for conducting their business. The board shall meet annually when there are no scheduled appeals to be heard.

Sec. 9.112 Limits on Authority

An application for appeal shall be based on a claim that the true intent of the code or the rules legally adopted there under have been incorrectly interpreted, the provisions of the code do not fully apply or an equally good or better method is proposed. The boards shall have no authority to waive requirements of this code.

Sec. 9.113 Board Structure

The board shall consist of seven members. Two members shall be South Carolina licensed engineers or architects. There shall be one member from each of the construction trades who are licensed by

the State of South Carolina Contractors Licensing Board in the disciplines of building, electrical, plumbing, and mechanical. One member shall have past experience as a fire investigator or fire marshal.

Sec. 9.114 Qualifications

The boards of appeal shall consist of member's possess a minimum of ten years of experience in their given discipline, and licensed by the State of South Carolina as a professional engineer and contractors. Who can pass matters pertaining to the scope of work performed under the code represented by their board. Town employees shall not be members of the board except as ex officio liaisons.

Sec. 9.115 Appeal Submittals

Appeal forms shall be submitted no less than 14 working days prior to the appeal hearing to be scheduled. The ex officio liaison for the board shall notify the appellant as to when the appeal will be heard.

Sec. 9.116 Filing Fees

There shall be a 75.00 filing fee for all appeals.

Sec. 9.117 – 9.120 Reserved

DIVISION 6 VIOLATIONS

Sec. 9.121 Unlawful Acts

Sec. 9.122 Notice of Violation

Sec. 9.123 Prosecution of Violation

Sec. 9.124 Violation Penalties

Sec. 9.125 Licensing Requirements

Sec. 9.126 - 10.130 Reserved

Sec. 9.121 Unlawful Acts

It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

Sec. 9.122 Notice of Violation

The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

Sec. 9.123 Prosecution of Violation

If the notice of violation is not complied with promptly, the building official is authorized to request the legal counsel of the town 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.

Sec. 9.124 Violation Penalties

Any person who violates a provision of this code or fails to comply with any of the requirements there of or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.

- (1) *Violation; mandamus and injunctive relief; penalty*
 - a) Replaced with the following: For a violation of the codes or regulations adopted pursuant to this article, the building official, adjacent or neighboring property owner who would be damaged by the violation, in addition to other remedies, may apply for injunctive relief, mandamus, or other appropriate proceeding. A court may grant temporary injunctive relief upon receipt of a verified affidavit asserting imminent danger or emergency situation.
 - b) Replace with the following: A person, firm, business, corporation, or other entity found to be in violation of this Code must receive a citation and pay an ordinance violation penalty in an amount not to exceed two hundred (\$200.00) dollars. Before being charged with a second violation the person, firm, business, corporation, or other entity must be given ten (10) business days from the date of the issuance of the citation to remedy the violation or submit a plan for correcting the violation.
 - c) Replace with the following: A person, firm, business, corporation, or other entity who fails to correct the violation or submit a plan for correcting the violation within ten (10) business days of the issuance of the citation must pay an ordinance violation penalty not to exceed five hundred (\$500.00) dollars. Each day a violation continues is a separate offense.

Sec. 9.125 Licensing Requirements

A person, firm, business, corporation, or other entity who engages in construction activity within the boundaries of the Town of Kiawah Island and fails to obtain a Town of Kiawah Island contractor license, or, is found to be an unlicensed contractor as required by the South

Carolina Code of Laws, shall be subject to a maximum ordinance violation penalty of five hundred (\$500.00) dollars. Each day the violation exists is a separate offense.

Sec. 9.126 - 10.130 Reserved

DIVISION 7 STOP WORK ORDERS

Sec. 9.131 Authority

Sec. 9.132 Issuance

Sec. 9.133 Unlawful Continuance

Sec. 9.134 – 9.140 Reserved

Sec. 9.131 Authority

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

Sec. 9.132 Issuance

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. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

Sec. 9.133 Unlawful Continuance

Whenever the building official issues a citation alleging an ordinance violation where no specific penalty is provided, the ordinance violation shall be punished by an ordinance violation penalty of not more than five hundred (\$500.00) dollars or imprisonment not exceeding thirty (30) days, or both. Each day an ordinance violation continues shall constitute a separate offense.

Sec. 9.134 – 9.140 Reserved

Division 8 DEMOLITION

Sec. 9.141 General

Sec. 9.142 Owner Responsibilities

Sec. 9.143 Permits

Sec. 9.144 Sale or Lease

Sec. 9.145 Maintained

Sec. 9.146 Natural Disasters

Sec. 9.147 Rehabilitation

Sec. 9.148 Boarded Up Structures

Sec. 9.149 Structures Abated by the Town

Sec. 9.150 Notice of Procedure for Vacant, Unsecured, or Boarded Structures

Sec. 9.151 Trespass Notice

Sec. 9.152 Continuing Nuisance

Sec. 9.153 Emergency Hazard Abatement

Sec. 9.154 – 9.160 Reserved

Sec. 9.141 General

Except as otherwise provided, it shall be unlawful for any person to demolish, remove, or tear down any structures or portion thereof without first making application with the building official and obtaining the required permit.

(1) Structures which at the beginning of demolition exceed 5,000 square feet shall have a permit issued by the building official or its designee and a fee in accordance with requirements necessary shall be charged.

(a) Requirements may include, but are not limited to, a bond or insurance in amounts reasonably determined by the town in the town's sole discretion; fencing, curtains or barricades around the construction area; monitoring and reporting of any hazardous materials; satisfactory evidence to the town that all environmental issues and conditions related to the demolition have been addressed and properly permitted, (including proper permits from the Environmental Protection Agency and the South Carolina Department of Health and Environmental Control); a time frame for completion with monetary penalties for overruns; mutual agreement as to finish and final landscape; and any other requirement the town deems necessary to insure and maintain the integrity of the neighborhood and community. Approval letters that relate to asbestos abatement shall provide to the building official prior to any demolition permit being issued.

(2) Permits will be issued for 3 months. If the work described in the permit has not begun within 45 days from the date of issue, the permit will expire and be void.

(3) The town retains the right to enter the site at reasonable times to inspect or perform duties as imposed by the applicable town codes governing this activity.

(4) The building official, or his designee, is authorized to issue a stop work order requiring work to cease until specific violations of the permit are corrected or the proper permit obtained. Violation of any provisions of this article or failure to comply with any stop work order conditions (including the remediation, repair, and correction of all damaged or destroyed conditions and structures to the satisfaction of the town) is a misdemeanor punishable by an ordinance violation penalty not exceeding \$500.00 or imprisonment not exceeding 30 days or both. Each day such violation continues shall be a separate offense. The ordinance violation penalty for continuing violations shall be \$500.00 per day. The town may utilize all legal and equitable remedies, including obtaining injunctive relief, in order to enforce the provisions of this section. In addition, the town may, at its sole discretion, maintain the stop work order for a period of up to five years or until the owner of the property has remedied, repaired and corrected all damaged or destroyed conditions and structures to the satisfaction of the town, whichever period of time is later.

Sec. 9.142 Owner Responsibilities

No person shall allow a structure to stand vacant for more than thirty (30) days unless the owner establishes by substantial evidence to the reasonable satisfaction of the building official one of the following applies.

Sec. 9.143 Permits

The structure is the subject of an active building permit for repair or rehabilitation and the owner is progressing diligently to complete the repair or rehabilitation.

Sec. 9.144 Sale or Lease

The structure meets all applicable codes, does not contribute to blight, is ready for occupancy and is actively being offered for sale, lease or rent.

Sec. 9.145 Maintained

The structure does not contribute to and is not likely to contribute to blight because the owner is actively maintaining and monitoring the structure so that it does not contribute to blight. Active maintenance and monitoring shall include:

(1) The structure does not contribute to and is not likely to contribute to blight because the owner is actively maintaining and monitoring the structure so that it does not contribute to blight. Active maintenance and monitoring shall include:

(a) Maintenance of landscaping and plant material in good condition.

(b) Maintenance of the exterior of the structure including but not limited to paint and finishes in good condition.

(c) Prompt and regular removal of all exterior trash, debris and graffiti.

(d) Maintenance of the structure in continuing compliance with all applicable codes and regulations.

(e) Prevention of criminal activity on the premises including but not limited to use and sale of controlled substances, prostitution, criminal street gang activity, loitering, or trespassing.

Sec. 9.146 Natural Disasters

If the structure is vacant due to fire, flood, earthquake, or other form of natural disaster and the owner is actively pursuing assistance for demolition, rehabilitation, or restoration of the structure and/or premises from local, state or federal assistance programs or from insurance agencies.

Sec. 9.147 Rehabilitation

The owner of any boarded structure whether boarded by voluntary action of the owner or as a result of enforcement activity by the town shall ensure that the structure is boarded to board-up standards provided in Section 9-137. In no case shall a structure remain boarded for a period more than six (6) months.

Exception: Commercial structures when the Town determines that it is in the public interest and the owner provides substantial evidence to the reasonable satisfaction of the code official that the structure complies with Section 112.3.

Sec. 9.148 Boarded Up Structures

The boarding of a vacant structure shall be according to the specifications approved by the code official.

Sec. 9.149 Structures Abated by the Town

If the town boards the vacant structure, the structure may be boarded in a manner which is determined to adequately prevent unauthorized entry or vandalism. All costs of boarding endured by the town shall be recovered from current property owners.

Sec. 9.150 Notice of Procedure for Vacant, Unsecured, or Boarded Structures

Whenever the code official determines that a vacant, unsecured, or boarded structure exists, owner shall be notified by certified mail or the owner's representative shall be notified.

Sec. 9.151 Trespass Notice

The code official may also require the owner of the property to post "No Trespassing" signs on the property and sign a letter with the County of Charleston Police Department authorizing the department to enforce no trespassing on the premises.

Sec. 9.152 Continuing Nuisance

When the owner of a boarded or vacant structure fails to maintain the property in accordance with this section or when repeated violations of this section occur for the same property, the code official

may seek other remedies as provided by this code, local ordinances or state law including but not limited to demolition of the structure.

Sec. 9.153 Emergency Hazard Abatement

When any open structure constitutes such an imminent threat to life, limb or property such that it must be secured, closed or barricaded and compliance with other provisions of this code becomes infeasible as determined by the code official, the code official may summarily secure, close, or barricade the structure without prior notice to the property owner. All costs of boarding shall be recovered from current property owner.

Sec. 9.154 - 9.160 Reserved

CHAPTER III BUILDING AND TECHNICAL CODES

Sec. 9.161 IBC

Sec. 9.162 IRC

Sec. 9.163 IEBC

Sec. 9.164 IPC

Sec. 9.165 IFGC

Sec. 9.166 IMC

Sec. 9.167 IFC

Sec. 9.168 NEC

Sec. 9.169 IECC

Sec. 9.170 IPMC

Sec. 9.171 ISPSC

Sec. 9.172 – 9.180 Reserved

Sec. 9.161 International Building Code adopted

The International Building Code, including state adopted modifications as promulgated by the International Code Council and in the version most recently adopted by the State of South Carolina Department of Labor, Licensing and Regulation Building Codes Council, shall constitute and become an ordinance of the town, and is hereby adopted, incorporated in, and made a part of this article as fully as though they were set out at length herein, except as amended by this article. The amendments and modifications and succeeding editions of this code or succeeding amendments or

modifications to this code, shall become effective within the Town of Kiawah Island on the date specified as the effective date by the State of South Carolina. Prior to such effective date, the existing code standard shall remain in full force and effect. Further, after the effective date of each updated version, all laws, code standards, and versions so updated shall be treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution or appeal existing as of the effective date of the update and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended version. The code adopted by this section and amended by this article shall be known as and may be cited as "the building code".

Upon resolution by the town council, the building official for the town may submit variations and modifications to the South Carolina Building Codes Council as authorized by the South Carolina Code (as amended). Upon the approval of the South Carolina Building Codes Council, submitted variations and modifications shall become amendments to this section.

Sec. 9.162 International Residential Code adopted

The International Residential Code, including state adopted modifications as promulgated by the International Code Council and in the version most recently adopted by the State of South Carolina Department of Labor, Licensing and Regulation Building Codes Council, shall constitute and become an ordinance of the town, and is hereby adopted, incorporated in, and made a part of this article as fully as though they were set out at length herein, except as amended by this article. The amendments and modifications and succeeding editions of this code or succeeding amendments or modifications to this code, shall become effective within the Town of Kiawah Island on the date specified as the effective date by the State of South Carolina. Prior to such effective date, the existing code standard shall remain in full force and effect. Further after the effective date of each updated version, all laws, code standards, and versions so updated shall be treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution or appeal existing as of the effective date of the update and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended version. The code adopted by this section and amended by this article shall be known as and may be cited as "the residential code".

Upon resolution by the town council, the building official for the town may submit variations and modifications to the South Carolina Building Codes Council as authorized by the South Carolina Code (as amended). Upon the approval of the South Carolina Building Codes Council, submitted variations and modifications shall become amendments to this section.

Sec. 9.163 International Existing Building Code adopted

The International Existing Building Code, including state adopted modifications thereto, adopted and promulgated by the International Code Council, Inc., code is now in force, and in as far as such code can have application within the town as fully as set out herein, or except as the same may be inconsistent with and modified by the provisions of state law, or except as follows: All persons within the town affected thereby shall comply strictly with all regulations and requirements imposed by the International Existing Building Code and by this code, when so applicable. The amendments and

modifications and succeeding editions of this code or succeeding amendments or modifications to this code, shall become effective within the Town of Kiawah Island on the date specified as the effective date by the State of South Carolina. Such code shall be cited as "the existing building code." Substitute pages received for incorporation in the International [Existing] Building Code, correcting errors, such as grammar, punctuation, section reference, etc., which do not amend the intent of any section as now written are also amended hereby.

Upon resolution by the town council, the building official for the town may submit variations and modifications to the South Carolina Building Codes Council as authorized by the South Carolina Code (as amended). Upon the approval of the South Carolina Building Codes Council, submitted variations and modifications shall become amendments to this section.

Sec. 9.164 International Plumbing Code adopted

The International Plumbing Code, including state adopted modifications as promulgated by the International Code Council and in the version most recently adopted by the State of South Carolina Department of Labor, Licensing and Regulation Building Codes Council, shall constitute and become an ordinance of the town, and is hereby adopted, incorporated in, and made a part of this article as fully as though they were set out at length herein, except as amended by this article. The, including amendments and modifications and succeeding editions of this code or succeeding amendments or modifications to this code, shall become effective within the Town of Kiawah Island on the date specified as the effective date by the State of South Carolina. Prior to such effective date, the existing code standard shall remain in full force and effect. Further after the effective date of each updated version, all laws, code standards, and versions so updated shall be treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution or appeal existing as of the effective date of the update and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended version. The code adopted by this section and amended by this article shall be known as and may be cited as "the plumbing code".

Upon resolution by the town council, the building official for the town may submit variations and modifications to the South Carolina Building Codes Council as authorized by the South Carolina Code (as amended). Upon the approval of the South Carolina Building Codes Council, submitted variations and modifications shall become amendments to this section.

Sec. 9.165 International Fuel Gas Code adopted

The International Fuel Gas Code, including state adopted modifications as promulgated by the International Code Council and in the version most recently adopted by the State of South Carolina Department of Labor, Licensing and Regulation Building Codes Council, shall constitute and become an ordinance of the town, and is hereby adopted, incorporated in, and made a part of this article as fully as though they were set out at length herein, except as amended by this article. The, including amendments and modifications and succeeding editions of this code or succeeding amendments or modifications to this code, shall become effective within the Town of Kiawah Island on the date specified as the effective date by the State of South Carolina. Prior to such effective date, the existing code standard shall remain in full force and effect. Further, after the effective date of each

updated version, all laws, code standards, and versions so updated shall be treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution or appeal existing as of the effective date of the update and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended version. The code adopted by this section and amended by this article shall be known as and may be cited as "the fuel gas code".

Upon resolution by the town council, the building official for the town may submit variations and modifications to the South Carolina Building Codes Council as authorized by the South Carolina Code (as amended). Upon the approval of the South Carolina Building Codes Council, submitted variations and modifications shall become amendments to this section.

Sec. 9.166 International Mechanical Code adopted

The International Mechanical Code, including state adopted modifications as promulgated by the International Code Council and in the version most recently adopted by the State of South Carolina Department of Labor, Licensing and Regulation Building Codes Council, shall constitute and become an ordinance of the town, and is hereby adopted, incorporated in, and made a part of this article as fully as though they were set out at length herein, except as amended by this article. The International Mechanical Code, including amendments and modifications and succeeding editions of this code or succeeding amendments or modifications to this code, shall become effective within the Town of Kiawah Island on the date specified as the effective date by the State of South Carolina. Prior to such effective date, the existing code standard shall remain in full force and effect. Further, after the effective date of each updated version, all laws, code standards, and versions so updated shall be treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution or appeal existing as of the effective date of the update and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended version. The code adopted by this section and amended by this article shall be known as and may be cited as "the mechanical".

Upon resolution by the town council, the building official for the town may submit variations and modifications to the South Carolina Building Codes Council as authorized by the South Carolina Code (as amended). Upon the approval of the South Carolina Building Codes Council, submitted variations and modifications shall become amendments to this section.

Sec. 9.167 International Fire Code adopted

The International Fire Code, including state adopted modifications as promulgated by the International Code Council and in the version most recently adopted by the State of South Carolina Department of Labor, Licensing and Regulation Building Codes Council, shall constitute and become an ordinance of the town, and is hereby adopted, incorporated in, and made a part of this article as fully as though they were set out at length herein, except as amended by this article. The amendments and modifications and succeeding editions of this code or succeeding amendments or modifications to this code, shall become effective within the Town of Kiawah Island on the date specified as the effective date by the State of South Carolina. Prior to such effective date, the existing code standard shall remain in full force and effect. Further, after the effective date of each

updated version, all laws, code standards, and versions so updated shall be treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution or appeal existing as of the effective date of the update and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended version. The code adopted by this section and amended by this article shall be known as and may be cited as "the fire code".

Adoption of the International Fire Code shall also include adoption of table B105.1, sections B104, and B105 of appendix B of the International Fire Code. Adoption of the International Fire code shall also include appendix D.

Upon resolution by the town council, the building official for the town may submit variations and modifications to the South Carolina Building Codes Council as authorized by the South Carolina Code (as amended). Upon the approval of the South Carolina Building Codes Council, submitted variations and modifications shall become amendments to this section.

Sec. 9.168 National Electrical Code adopted

The National Electrical Code, including state adopted modifications , as promulgated by the National Fire Protection Association and approved by the American National Standards Institute in the version most recently adopted by the State of South Carolina Department of Labor, Licensing and Regulation Building Codes Council, shall constitute and become an ordinance of the town, and is hereby adopted, incorporated in, and made a part of this article as fully as though it were set out at length herein, except as amended by this article. The amendments and modifications and succeeding editions of this code or succeeding amendments or modifications to this code, shall become effective within the Town of Kiawah Island on the date specified as the effective date by the State of South Carolina. Prior to such effective date, the existing code standard shall remain in full force and effect. Further after the effective date of each updated version, all laws, code standards, and versions so updated shall be treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution or appeal existing as of the effective date of the update and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended version. The code adopted by this section and amended by this article shall be known as and may be cited as "the electrical code".

Upon resolution by the town council, the building official for the town may submit variations and modifications to the South Carolina Building Codes Council as authorized by the South Carolina Code (as amended). Upon the approval of the South Carolina Building Codes Council, submitted variations and modifications shall become amendments to this section.

Sec. 9.169 International Energy Conservation Code adopted

The International Energy Conservation Code, including state adopted modifications as promulgated by the International Code Council and in the version most recently adopted by the State of South Carolina Department of Labor, Licensing and Regulation Building Codes Council, shall constitute and become an ordinance of the town, and is hereby adopted, incorporated in, and made a part of this article as fully as though they were set out at length herein, except as amended by this article. The

appendices, amendments and modifications and succeeding editions of this code or succeeding amendments or modifications to this code, shall become effective within the Town of Kiawah Island on the date specified as the effective date by the State of South Carolina. Prior to such effective date, the existing code standard shall remain in full force and effect. Further, after the effective date of each updated version, all laws, code standards, and versions so updated shall be treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution or appeal existing as of the effective date of the update and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended version. The code adopted by this section and amended by this article shall be known as and may be cited as "the energy conservation code." Upon resolution by the town council, the building official for the city may submit variations and modifications to the South Carolina Building Codes Council as authorized by the South Carolina Code (as amended). Upon the approval of the South Carolina Building Codes Council, submitted variations and modifications shall become amendments to this section.

Sec. 9.170 International Property Maintenance Code

The International Property Maintenance Code, including state adopted modifications thereto, adopted and promulgated by the International Code Council, Inc., as such code is now in force, and in as far as such code can have application within the town, is hereby adopted and placed in full force and effect within the Town of Kiawah Island as fully as set out herein, or except as the same may be inconsistent with and modified by the provisions of state law, or except as follows: All requirements imposed by the International Existing Building Code and by this Code, when so applicable. Such code may be known and shall be cited as "the existing building code." Substitute pages received for incorporation in the International Existing Building Code, correcting errors, such as grammar, punctuation, section reference, etc. which do not amend the intent of any section as now written are also amended hereby.

Sec. 9.171 International Swimming Pool and Spa Code

The International Swimming Pool and Spa Code, including state adopted modifications thereto, adopted and promulgated by the International Code Council, Inc., as such code is now in force, and in as far as such code can have application within the town, is hereby adopted and placed in full force and effect within the Town of Kiawah Island as fully as set out herein, or except as the same may be inconsistent with and modified by the provisions of state law, or except as follows: All requirements imposed by the International Existing Building Code and by this Code, when so applicable. Such code may be known and shall be cited as "the existing building code." Substitute pages received for incorporation in the International Existing Building Code, correcting errors, such as grammar, punctuation, section reference, etc. which do not amend the intent of any section as now written are also amended hereby.

Sec. 9.172 - 9.180 Reserved

DIVISION 1 PERMITS

Sec. 9.181 Required

Sec. 9.182 Trade Permit

Sec. 9.183 Work Exempt from Permit

Sec. 9.184 Emergency Repairs

Sec. 9.185 Repairs

Sec. 9.186 Public service agencies

Sec. 9.187 Application for permit

Sec. 9.188 Action on application

Sec. 9.189 Time Limitation of Application

Sec. 9.190 Validity of Permit

Sec. 9.191 Expiration

Sec. 9.192 Placement of Permit

Sec. 9.193 Homeowner Permitting

Sec. 9.194 Non-Owner Occupied Properties

Sec. 9.195 Issuance Refusal

Sec. 9.196 Permit Fees

Sec. 9.197 - 9.200 Reserved

Sec. 9.181 Required

Any owner or authorized agent 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 code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

Sec. 9.182 Trade Permit

Contractors who are required by Section 40-59-30 of the South Carolina Code of Laws to obtain a specialty contractor's license from the South Carolina Residential Builders Commission shall also be subject to obtaining a trade permit prior to engaging or offering to engage in the business of construction trades on the properties known as the Town of Kiawah Island. Trade permits are required for each project with a construction cost of One Thousand (\$1,000.00) dollars and shall be posted in a conspicuous place and shall be protected from the weather.

Sec. 9.183 Work Exempt from Permit

Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Trade Permits shall not be required for the following:

Building:

- (1) One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11.15 m²).
- (2) Fences not in excess of seven feet high.
- (3) Oil derricks.
- (4) Retaining walls which are not over four feet (1,219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.
- (5) Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18,925 L) and the ratio of height to diameter or width does not exceed two to one.
- (6) Sidewalks and driveways not more than 30 inches (762 mm) above grade and not over any basement or story below and which are not part of an accessible route.
- (7) Temporary motion picture, television and theater stage sets and scenery.
- (8) Prefabricated swimming pools accessory to a Group R-3 occupancy, as applicable in Section 101.2, which are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18,925 L) and are installed entirely above ground.
- (9) Shade cloth structures constructed for nursery or agricultural purposes and not including service systems.
- (10) Swings and other playground equipment accessory to detached one- and two-family dwellings.
- (11) Window awnings supported by an exterior wall which do not project more than 54 inches (1,372 mm) from the exterior wall and do not require additional support of Group R-3, as applicable in Section 101.2, and Group U occupancies.

(12) Movable cases, counters and partitions not over five feet nine inches (1,753 mm) in height.

(13) Projects where the total cost of construction including material and labor is less than One Thousand (1,000.00) dollars.

Electrical:

Repairs and maintenance: Minor repair work that is less than One Thousand (1000) dollars in construction cost, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

Radio and television transmitting stations:

The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for power supply, the installations of towers and antennas.

Temporary testing systems:

A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

Gas:

Portable heating appliances, replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:

Portable heating appliance, portable ventilation equipment, portable cooling unit, steam, hot or chilled water piping within any heating or cooling equipment regulated by this code or the replacement of any part which does not alter its approval or make it unsafe, portable evaporative cooler, self-contained refrigeration system containing ten pounds (4.54 kg) or less of refrigerant and actuated by motors of one horsepower (746 W) or less.

Plumbing:

The stopping of leaks in drains, water, soil, waste or vent pipe provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

Energy:

The following need not comply provided the energy use of the building is not increased:

- (1) Storm windows installed over existing fenestration.
- (2) Glass only replacements in an existing sash and frame.

Sec. 9.184 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.

Sec. 9.185 Repairs

Application or notice to the building official is not required when the construction cost of the project is less than One Thousand (1000) dollars for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

Sec. 9.186 Public Service Agencies

A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right.

Sec. 9.187 Application for Permit

To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the building services department 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 106.3.
- (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.

Sec. 9.188 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 of pertinent laws, the building official shall reject such application in writing, stating the reasons therefore. 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 therefore as soon as practicable.

Sec. 9.189 Time limitation of application

An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

Sec. 9.190 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. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction 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 also authorized to prevent the occupancy or use of a structure where in violation of this code or of any other ordinances of the town.

Sec. 9.191 Expiration

Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

Sec. 9.192 Placement of Permit

The building permit or copy shall be kept on the site of the work until the completion of the project. Permit shall not be subject to the elements of the weather.

Sec. 9.193 Homeowner Permitting

An owner of residential property who improves the property or who builds or improves structures or appurtenances on the property if he does the work himself, with his own employees, or with licensed contractors; provided that the structure, group of structures, or appurtenances, including the improvements, are intended for the owner's sole occupancy or the occupancy by the owner's family and are not intended for sale or rent, and provided further, that the general public does not

have access to this structure. In an action brought under this ordinance, proof of the sale or rent or the offering for sale or rent of the structure by the owner-builder within two years after completion or issuance of a certificate of occupancy is prima facie evidence that the project was undertaken for the purpose of sale or rent and is subject to the penalties provided in this ordinance. As used in this item, "sale" or "rent" includes an arrangement by which an owner receives compensation in money, provisions, chattel, or labor from the occupancy, or the transfer of the property or the structures on the property.

Sec. 9.194 Non-Owner Occupied Properties

An owner of non-owner-occupied property who improves the property or who builds or improves structures of less than five thousand square feet or other appurtenances on the property, either by himself or with the owner's employees, if all structural and mechanical work is performed by licensed contractors regardless of the cost of construction and if the property is not sold for two years after completion of the improvements. For purposes of this item, "structural" means foundation, pier, load-bearing partition, perimeter wall, internal wall exceeding ten feet in height, roof, floor, and any other work deemed by the town to be structural.

Sec. 9.195 Issuance Refusal

It is the duty of a building official to refuse to issue a permit for any undertaking which would classify the applicant as a contractor under this ordinance unless the applicant has furnished evidence that he/she is licensed by the South Carolina Department of Labor, Licensing and Regulation. It is also the duty of the building official, or other authority charged with issuing building or other similar permits, to report to South Carolina Department of Labor, Licensing, and Regulation the name and address of any entity that, in his opinion, has violated this ordinance by bidding or contracting for work which is regulated under this ordinance.

Sec. 9.196 Permit Fees

Determination of valuation for a permit shall be a signed contract. Cost proposals for new development determination shall be the contract price or by calculation utilizing the per square foot cost analysis published in the "Square foot Construction Cost Table" prepared by the International Code Council. The determined valuation will be the higher of either the contract price or the calculated per square foot valuation provided by I.C.C. The per square foot value will be reviewed and adjusted at the discretion of the town administrator or his/her designee, July 1, of each year based upon the most recent publication of the "Square Foot Construction Cost Table". For all other permits, the valuation will be determined by the contract price.

Sec. 9.197 - 9.200 Reserved

Division 2 LICENSES

Sec. 9.201 Licenses

Sec. 9.202 Definitions

Sec. 9.203 Residential Specialty Contractor License

Sec. 9.204 Residential Sprinkler System Contractors

Sec. 9.205 Prohibited Residential Contractor Permitting

Sec. 9.206 - 9.210 Reserved

Sec. 9.201 Licenses

(1) Any person or firm that wishes to obtain building permits for work within the Town of Kiawah Island is required to possess a valid state contractor's license issued by South Carolina Labor, Licensing and Regulation Residential Builders Commission and or the Contractor's Licensing Board.

(2) Any person or firm engaged in the business of performing plumbing, electrical or mechanical work within the Town of Kiawah Island shall possess a valid town business license and a valid South Carolina mechanical contractor license, a valid South Carolina residential specialty license, and a Town of Kiawah Island contractor's license for the type of work to be permitted.

(3) Contractors duly licensed by the State of South Carolina shall also obtain a contractor's license from the Town of Kiawah Island.

(4) Commencing to perform construction activities on properties within the Town of Kiawah Island when the undertaking is two hundred (\$200.00) dollars or more prior to obtaining a contractor's license from the State of South Carolina and a permit from the Town of Kiawah Island shall constitute an ordinance violation and shall result in an ordinance violation penalty not to exceed five hundred (\$500.00) dollars. Each day the ordinance violation continues constitutes a separate offense.

Sec. 9.202 Definitions

(1) Alarm business means an entity that is licensed by the South Carolina Contractor's Licensing Board to engage in the burglar or fire alarm system business, or both.

(2) General construction means the installation, replacement, or repair of a building, structure, highway, sewer, grading, asphalt or concrete paving, or improvement of any kind to real property.

(3) General Contractors – “ Building” which includes commercial, industrial, institutional, modular, and all other types of building construction, including residential structures. This license classification includes all work under the sub classifications of Wood Frame Structures-Class II, Interior Renovation, Masonry, Pre-engineered Metal Buildings, General Roofing, and Structural Shapes.

Licenses under this classification may perform ancillary work, including grading, associated with the building or structure which the licensee has been engaged to construct. However, if a project

includes work performed under a Mechanical Contractor sub classification or any of these license sub classifications, the licensee must have a license for this work or use a contractor licensed in the appropriate license classification or sub classification to perform the work: Swimming Pools, Bridges, Boring and Tunneling, Water and Sewer Lines, Pipe Lines, Railroad Lines, Specialty Roofing, Marine, Water and Sewer Plants, and Asphalt Paving.

(4) Licensed contractor means an entity that is licensed by the South Carolina Contractor's Licensing Board to engage in general, mechanical, residential, and or residential specialty contracting within the State.

(5) Mechanical construction means the installation, replacement, or repair of plumbing, heating, air conditioning, electrical systems.

(6) Mechanical contractor means an entity which performs or supervises, or offers to perform or supervise mechanical construction.

(7) Residential builder means one who constructs, superintends, or offers to construct or superintend the construction, repair, improvement, of a residential building or structure which is not over three floors in height and which does not have more than sixteen units in any single apartment building.

(8) Residential specialty contractor means an independent contractor who is not a licensed residential builder, who contracts with a licensed residential builder, or individual property owner to do work, repairs, improvements which require special skills and involves the use of specialized construction trades or craft. Specialty contractors are prohibited from hiring sub-contract labor.

(9) Total cost of construction means the actual cost incurred by the owner, all contractors, subcontractors, and other parties for labor, material, equipment, profit and incidental expenses for the entire project. This does not include the cost of design services unless those services are included in the construction contract.

Sec. 9.203 Residential Specialty Contractor License

The Town of Kiawah finds that the following residential specialty classifications must be licensed as a specialty contractor by the State of South Carolina. That an applicant is qualified to engage in a residential specialty contractor classification as noted on his license. Contractor's engaging in construction activities on the properties of the Town of Kiawah Island must be licensed when the undertaking to be performed is 200.00 dollars. When the cost of an undertaking to be performed by a licensed residential specialty contractor exceeds five thousand dollars, the licensee must obtain an executed surety bond in the amount of not less than ten thousand dollars. This bond is to be registered with the South Carolina Department of Labor, Licensing and Regulation, and shall be duly noted on the licensee's contractor's license.

(1) Heating and Air Conditioning Installer and Repairers

(2) Plumbers

(3) Electricians

(4) Vinyl and Aluminum Siding Installers

(5) Insulation Installers

(6) Roofers

(7) Floor covering installers

(8) Masons

(9) Dry wall installers;

(10) Carpenters;

(11) Stucco installers;

(12) Painters/wall paper installers

Sec. 9.204 Residential Sprinkler Contractors

Residential sprinkler systems shall be installed by a licensed South Carolina plumbing contractor, who is certified for such installations. Systems shall be installed as defined in section 2904 of the International Residential Code. Those residential sprinkler systems that are designed shall bare the seal of a NICET level III Technician with a certification in “Fire Protection Engineering Technology automatic Sprinkler System layout.”

Sec. 9.205 Prohibited Residential Contractor Permitting

Firms or individuals licensed by the South Carolina Department of Labor, Licensing and Regulation as a residential builder, or a residential specialty contractor shall be prohibited from performing work on non-owner occupied properties.

Exception: Work that is minor in scope as determined by the building official.

Sec. 9.206 – 9.210 Reserved

DIVISION 3 FEES

Sec. 9.211 Payment of Fees

Sec. 9.212 Project Permits and Permit Fees

Sec. 9.213 Permit Valuations

Sec. 9.214 Penalty for Working without a Permit

Sec. 9.215 Schedule of Permit Fees

Sec. 9.216 Related Fees

Sec. 9.217 Refunds

Sec. 9.218 – 9.220 Reserved

Sec. 9.211 Payment of Fees

A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

Sec. 9.212 Project Permits and Permit Fees

On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the Town of Kiawah Island fee schedule. Separate permits and fees shall be required for all projects.

Sec. 9.213 Permit Valuations

The applicant for a permit shall submit a signed contract. Cost proposals for new development shall be determined by the contract price or by calculation utilizing the per square foot cost analysis published in the “Square foot Construction Cost Table” prepared by the International Code Council. The determined valuation will be the higher of either the contract price or the calculated per square foot valuation provided by I.C.C. The per square foot value will be reviewed and adjusted at the discretion of the Town Administrator or his/her designee, July 1, of each year based upon the most recent publication of the “Square Foot Construction Cost Table”. For all other permits, the valuation will be determined by the contract price.

Sec. 9.214 Penalty for Working without a Permit

Where work for which a permit is required by section 9-62 of the Municipal Code of the Town of Kiawah Island is commenced before obtaining a permit therefore, the building official shall charge a double fee before issuance of the required permit(s). Payment of the extra charge and any delay in the issuance of the permit(s) shall not affect the imposition of any penalty provided by law for violation of the Municipal Codes.

Sec. 9.215 Schedule of Permit Fees

Attached to and made a part hereof is **Exhibit A** which sets forth specific Schedule of Permit Fees.

Sec. 9.216 Related Fees

The payment of the fee for the construction, alteration, removal or demolition for work done in connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

Sec. 9.217 Refunds

The building official is authorized to establish a refund policy. All requests for refunds shall be submitted in writing by the permit holder or an authorized designee.

Sec. 9.218 – 9.220 Reserved

CHAPTER V INSPECTIONS

Sec. 9.221 General

Sec. 9.222 Preliminary Inspection

Sec. 9.223 Required Inspections

Sec. 9.224 Inspection Agencies

Sec. 9.225 Inspection Requests

Sec. 9.226 Approval Required

Sec. 9.227 - 9.230 Reserved

Sec. 9.221 General

Construction or work for which a permit is required shall be subject to inspection by the building official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

Sec. 9.222 Preliminary Inspection

Before issuing a permit, the building official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

Sec. 9.223 Required Inspections

The building official, upon notification, shall make the inspections set forth in subsection 9-203.

(1) Footing, pier, poured columns and foundation inspection

Footing, pier, poured columns and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any

required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.

(2) Concrete slab and under-floor inspection

Concrete slab and under-floor inspections shall 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 or floor sheathing installed, including the subfloor.

(3) Lowest floor elevation

In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required in Section 1612.5 shall be submitted to the building official.

(4) Exterior sheathing

Exterior wall sheathing and roof sheathing shall be inspected after the exterior wall sheathing is applied and before any energy wrap, siding or brick, roof covering is installed.

(5) Trade rough-ins

Trade rough-ins shall be performed for the following: mechanical work, electrical work, and plumbing work. This inspection shall be completed prior to installing insulation.

(6) Insulation

Insulation inspection shall be made prior to the installation of all wall coverings.

(7) Frame inspection

Framing inspections shall be made after the roof deck or sheathing, all framing, fire blocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are installed.

(8) Lath and gypsum board inspection

Lath and gypsum board that is part of a fire rated assembly or shear assembly shall be inspected after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished.

(9) Fire-resistant penetrations

Protection of joints and penetrations in fire-resistance-rated assemblies shall not be concealed from view until inspected and approved.

(10) Energy efficiency inspections

Inspections shall be made to determine compliance with IECC chapters 3, 4, and 5 and shall include, but not be limited to, inspections for: envelope insulation R and U values, fenestration U value, duct system R value, and HVAC and water-heating equipment efficiency.

(11) 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 and other laws that are enforced by the division of building/codes.

(12) Special Inspection

Special inspections shall be regulated by the provisions of the section of International Building Code addressing special inspection requirements

Sec. 9.224 Inspection Agencies

The building official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

Sec. 9.225 Inspection Requests

It shall be the duty of the holder of the building permit or their duly authorized agent to notify the building official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code.

Sec. 9.226 Approval Required

Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official.

Sec. 9.227 - 9.230 Reserved

Chapter VI IMPACT FEES [future use only]

Chapter VII STORM WATER MASTER PLAN [future use only]

Chapter VIII RESERVED

Chapter IX RESERVED

Chapter X RESERVED

Chapter XI SEVERABILITY

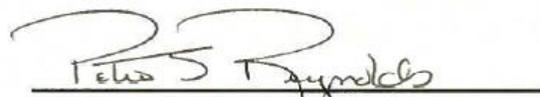
If any part of this Ordinance is held to be unconstitutional, it shall be construed to have been the legislative intent to pass said Ordinance without such unconstitutional provision, and the remainder of said Ordinance shall be deemed to be valid as if such portion had not been included. If said Ordinance, or any provisions thereof, is held to be inapplicable to any person, group of persons, property, kind of property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property or circumstances

Chapter XII EFFECTIVE DATE AND DURATION

This Ordinance shall be effective upon its enactment by the Town Council for the Town of Kiawah Island.

PASSED, APPROVED, AND ADOPTED BY COUNCIL FOR THE TOWN OF KIAWAH ISLAND ON THIS 3rd DAY OF SEPTEMBER, 2013


Charles R. Lipuma, Mayor
Town of Kiawah Island


Petra S. Reynolds, Town Clerk

First Reading Approval: August 6, 2013
Second Reading Approval: September 3, 2013

