

ORDINANCE NO: 3-2022
Second Reading

Amendment to Ordinance No. 1-2018. An Ordinance to Adopt International Building Codes

An Ordinance entitled " Adopting by Reference, as published by the International Code Council, The International Building Code, The International Plumbing Code, The International Mechanical Code, The International Fuel Gas Code, The International Fire Code, The International Energy Conservation Code; The Standard Swimming Pool Code, The International Existing Building Code, The International Property Maintenance Code, The International Residential Code for use on one and two family dwellings only as published by the International Code Council, Inc. and the National Electric Code as published by the National Fire Protection Association", as the building codes of the County of the Town of Atlantic Beach, South Carolina.

Be it ordained by the Town Council of Atlantic Beach:

Section 1

That Ordinance No. **2013-30**, adopted **September 10, 2013**, be deleted in its entirety and this Ordinance be substituted therefore as a consolidation and update of the above previous Ordinance.

Section 2 - Specific Codes

The Codes shall be updated at every major change, which is normally every three years. Amendments shall be reviewed as necessary on an annual basis.

2.1 Building Codes:

The following codes as noted and as herein contained shall constitute and become an ordinance of the Town of Atlantic Beach:

- 2.1.1 The International Residential Code for One and Two Family Dwellings, 2018 Edition, with modifications.
- 2.1.2 The International Plumbing Code, 2018 Edition, with modifications.
- 2.1.3 The International Fuel Gas Code, 2018 Edition, with modifications.
- 2.1.4 The International Mechanical Code, 2018 Edition, with modifications.
- 2.1.5 The International Fire Code, 2085 Edition, with modifications.
- 2.1.6 The International Building Code, 2018 Edition, with modifications.
- 2.1.7 The International Energy Conservation Code, 2009 Edition, with modifications.
- 2.1.8 The National Electric Code, 2017 Edition, with modifications.
- 2.1.9 The International Property Maintenance Code, 2018 Edition, with modifications.
- 2.1.10 The International Existing Building Code, 2018 Edition
- 2.1.11 The **International Swimming Pool and Spa Code**, 2018 Edition, with modifications.
- 2.1.12 Fire Flow Guidelines as written by Horry County
- 2.1.13 ICC/ANSI 117.1, 2017 Edition

2.2 Revisions Specific to the International Property Maintenance Code, 2012 Edition

the following Sections are here by revised as written below.

- 2.2.1 Chapter 1, Section 101.1, Title. Shall read, "These regulations shall be known as the Maintenance Code of Atlantic Beach, South Carolina. Hereinafter referred to as "this code".
- 2.2.2 Chapter I, Section 103.5 Fees shall read, "The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the following schedule.
1. Initial inspection. - No charge.
 2. If utilized, citation to Magistrates Court for overgrown lot. - \$200
 3. If utilized, citation for unsafe structure. - \$500
 4. If utilized, private contractor for yard cleaning. - Low bid plus \$200. The Town may utilize contractors previously approved for lawn or park maintenance.
 5. If utilized, private contractor for structure removal. - Low bid plus \$300
 6. If utilized, Town's staff and equipment for yard maintenance - Cost plus \$300
 7. If utilized, Town's staff and equipment for structure removal - Cost plus \$300.
- 2.2.3 Chapter 3, Section 302.4 Weeds shall read, "All premises and exterior property shall be maintained free from weeds or plant growth in excess of twenty (20) inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens."
- 2.2.4 Chapter 4, Section 304.14 Insect Screens shall read, "During the period from May 1st to November 1st, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any other areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged, or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition. Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans are employed.
- 2.2.5 Chapter 6, Section 602.3 Heat Supply shall read, "Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 1st to April 1st to maintain a temperature of not less than 68° F (20° C) in all habitable rooms, bathrooms, and toilet rooms.
 Exceptions: 1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity.
 The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code. 2. In areas where the average monthly temperature is above 30° F (-1° C) a minimum temperature of 65° F (18° C) shall be maintained.
- 2.2.6 Chapter 6, Section 602.4 Occupiable Work Spaces shall read, "Indoor occupiable work Spaces shall be supplied with heat during the period from October 1st to April 1st to

maintain a temperature of not less than 65° F (18° C) during the period the spaces are occupied."

Exceptions. 1. Processing, storage and operation areas that require cooling or special temperature conditions. 2. Areas in which persons are primarily engaged in vigorous physical activities.

2.3 Revision specific to the 2009 Energy Code.

3.3.1 Notwithstanding section 402.4.3 of the 2009 Edition of the International Energy Conservation code, new wood burning fireplaces shall have tight fitting flue dampers and outdoor combustion air.

Section 3 - Administration

The administration procedures contained in Chapter 1 of the International Building Codes are hereby adopted as official policies and procedures for administration.

Section 4 - Text Changes:

1. National Electric Code, Section 230.70(a) change to read:

The service disconnecting means shall be installed at a readily accessible location outside of a building or structure.

Exception: The service disconnecting means may be located within a one hour fire rated enclosure with direct access to the exterior of the building at ground level.

2. National Electric Code, Section 310.2(6) add the following:

Except that only copper conductors shall be allowed beyond the main distribution panel.

Section 5 - Areas Governed:

This Ordinance shall govern the Town of Atlantic Beach within the Horry County.

Section 6 - Building Department Established:

There is hereby established in the Town of Atlantic Beach a Building Department under the supervision of the Building Official of the County. The Building Official shall be appointed by the Town Manager and supervise the Building Department of the Town.

Section 7 - Building Inspector(s) - Appointment:

The Building Official, with the approval of the Town Manager, may appoint such number of inspectors, assistants and other employees as shall be authorized from time to time. Persons appointed shall, within reasonable time, obtain certifications and training appropriate to their responsibilities.

Section 8 - Fire Marshal Division Established:

There is hereby established three (3) Fire Marshal Divisions as Fire Districts (fire coverage areas). The Fire Divisions for the purpose of this Ordinance are to serve the unincorporated areas

of Horry County.

The Fire Chiefs of each Fire Department shall serve as Fire Official. The Fire Chief may appoint person(s) qualified to serve as Fire Inspector(s). The Fire Inspector shall have the same authority as the Fire Official.

Section 9 - Enforcement:

A. The Building Official shall enforce all codes referenced herein. Building Inspectors, Fire Inspectors, Plans Reviewers and any other persons appointed by the Building Official, Fire Official or County Administrator who will interpret any portion of the referenced codes shall make their reports to the Building Official. The Building Official shall use the concept of "Approvability" as a guide in this determination. This is defined as whether the issue meets the requirements and intent of the referenced code.

B. The Fire Department shall be responsible for the annual inspection of commercial property upon issuance of a Certificate of Occupancy by the Building Official. The Standard Fire Prevention Code and any referenced codes shall be the basis for the annual inspection.

Section 10 - Right of Entry:

The Building Official, Fire Official and/or their representatives may enter any building, structure or premises in the County to perform any duty imposed upon him/her by this code.

Section 11 - Plans and Specifications:

When work contemplated is regulated by this Ordinance and enforced by the Building Official, plans and specifications shall be submitted for review. All plans shall be of a quality and type to enable review agencies to determine compliance with the codes. Commercial projects of any size and type require three (3) sets of plans to be submitted to the Building Department for review, with one set for the appropriate Fire Official. Residential projects of any size and type require two (2) sets of plans to be submitted. Plans for commercial projects shall be reviewed within 10 working days and code issues will be noted. One and two family dwelling plans shall be reviewed within 5 working days and code issues will be noted. The Building Official may require additional time for the review process. Corrections must be made to the plans before a permit can be issued. Plans are not approved unless stamped by the Building Department, signed and dated.

Section 12 - Permitting:

1. A building permit is required if the work involves any referenced code or any county ordinance. No construction, remodeling, plumbing, electrical, mechanical or gas work, nor swimming pool construction or land development shall begin without securing the required permit from the Building Official or authorized representative.
2. Projects that are simply home improvements do not require a building permit. Home improvements are defined as painting, repairing or replacing plumbing fixtures, replacing rotten wood that is not structural in nature, or any project necessary in the upkeep and maintenance of a single family dwelling.
3. Projects less than \$10,000 in value are required to obtain a building permit but are exempted from plan submittal and plan review requirements. Projects such as additions, porches, decks, garages, sheds, and open air agricultural buildings fall within this category.

Section 13 - Posting of Permit Card:

Work requiring a building permit shall not be commenced until the permit holder or his agent shall have posted the building permit card in front of the premises facing the public right-of-way. The permit shall be protected from weather and displayed to allow the inspector to record the required entries. The permit card shall be displayed until the work is completed and approved.

Section 14 - Inspections:

A. Inspections shall be made by authorized persons. They shall be routinely made at selected stages of construction, prescribed by written policy of the Building Department and listed on the permit cards. No inspection will be made unless the permit card is posted and an approved, stamped set of plans is on site and available to the inspector. A \$100.00 re-inspection fee must be paid to the Building Department before a re-inspection can be scheduled if the project is not ready for the requested inspection, if the premises are locked, if the permit card and/or approved plans are not available or if the previously requested inspection was not necessary.

B. Inspections shall be made on the next work day when possible upon request. Requests for next day inspections will be taken between 8:30 a.m. and 4:00 p.m., Monday through Friday, except official Town holidays.

C. After each inspection, a notice shall be given to the permit holder as to approval or disapproval, listing all required corrections and code references. Electrical wiring shall not be covered or concealed until the work has been inspected and approved.

D. It shall be unlawful for any person to connect or reconnect any installation of electrical wiring, devices, appliances or equipment to a source of power supply without one of the following permits or certificates:

- (1) Construction Power Permit which allows power to be connected to a temporary power pole for construction purposes.
- (2) Mobile Home Certificate of Occupancy which allows connection to a power source.

(3) Certificate of Occupancy which allows occupancy of the building or structure. This must be signed by the appropriate authority(s) before a building or structure or any portion thereof may be occupied. The certificate is required for all construction.

(4) Certificate of Compliance allows electrical connection to a structure under construction but does not permit occupancy of the structure. This certificate is valid for a period of 90 days with one renewal permitted of an expiration time period approved by the Building Official. Failure to have a final inspection approved and a final certificate of occupancy issued within this time period will result in disconnection of electrical power.

(5) Other certificates as required by codes.

E. Projects such as porches, decks, garages, sheds and open air agricultural buildings that are valued less than \$10,000 are exempt from inspections. However, all projects are subject to a final inspection to assure compliance with minimum Building and Zoning code requirements.

F. Additions, regardless of value, are subject to normal types of inspections required by the Building Official. Additions shall be defined as an increase to the original footprint of the dwelling.

Section 15- Stop Work Order:

Upon notice from the Building Official or his/her agent that work on any building, structure or development is being done in violation to the provisions of this Ordinance or any other Ordinance or in a dangerous or unsafe manner, such work shall be immediately stopped. Such notice shall be in writing and shall be given to the owner of the property or to his agent, or to the person doing the work or posted in a conspicuous place at the job site. If an emergency exists, no written notice shall be required to be given by the Building Official.

Section 16 -Liability:

No officer or employee or member of the Construction Board of Adjustment and Appeals (a.k.a. Building Code Board of Appeals), charged with the enforcement of this code, acting for the Town in the discharge of his/her duties, shall thereby render him/herself liable personally, and he/she is hereby relieved from all personal liability for any damage that may occur to person or property as a result of any act required or permitted in the discharge of his/her duties. Any suit brought against any officer or employee because of any act performed by him/her in the enforcement of any provisions of this code shall be defended by Town of Atlantic Beach until the final termination of the proceedings.

Section 17 - Records:

The Building Official shall keep or cause to be kept a record of the business of the department. The department records shall be open to the public for inspection as required by Federal and State Law.

Section 18 - Validity:

If any section, part of a section, or provision of this Ordinance shall for any reason be declared by any competent authority to be unconstitutional or invalid for any other reason, such shall not affect the validity of the other provisions hereof.

Section 19 - Repeal of Conflicting Ordinances:

All Ordinances or parts of Ordinances of the Town of Atlantic Beach inconsistent or in conflict with the provisions of this Ordinance are hereby re pealed to the extent of such inconsistency or conflict.

Section 20 - Building Code Board of Appeals

(A) Review Responsibilities of the Code Update

The Building Code Board of Appeals shall review and propose amendments to all codes referred to in this Ordinance and shall within 60 days of receipt of proposed amendments if they are not adopted by Ordinance recommend in part or total, such amendments to the Town of Atlantic Beach Council for final determination.

(B) Appeals

The Board shall hear appeals to the decisions of the Building Official or Fire Official in the manner specified by the Building Code and the Board's by-laws.

Section 21 - Violations and Penalties:

Any person, firm, corporation or agent who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, or who has undertaken any land development, or who shall erect, construct, alter, demolish or move any structure, or has erected, constructed, altered, repaired, moved or demolished a building or structure in violation of a detailed statement or drawing submitted and permitted thereunder, or in the absence of such shall be guilty of a misdemeanor. Each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed or continued, and upon conviction of any such violation such person shall be punished by a fine not to exceed Two Hundred Dollars (\$200 .00) or imprisonment of not more than thirty days.

Section 22 - Fire Flow Guidelines:

Recognizing that varying conditions exist in Horry County regarding fire suppression water requirements and availability, this document establishes guidelines to be used to establish minimum standards for new construction, renovations and additions, as it relates to fire suppression.

- A. Areas served by public water supply systems should follow these minimum standards:
1. All lines should be at least 6 inches in diameter except short extensions servicing fewer than four properties, provided all structures are within 500 feet of a fire hydrant. These short extensions may be sized based on commonly accepted engineering practices.
 2. All lines except short extensions should be looped whenever practical.
 3. In residential areas all dwellings shall be within 500 feet of a fire hydrant. In non-residential areas all structures shall be within 1,000 feet of a fire hydrant.
 4. All water system extensions shall be required to include hydrants at spacings listed in #3 above.
 5. As new structures and dwellings are constructed hydrants shall be added to conform to the standard in #3. The utility provider and property owner shall determine financial Arrangements.

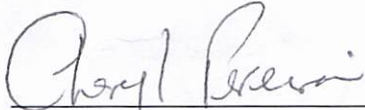
6. The minimum fire flow shall not be less than 1,000 GPM. However, flows beyond this minimum may be required for certain occupancies as well as types of construction. Projects requiring increased fire flows should discuss with the appropriate fire department alternatives which will help protect lives and structures. Fire flows less than 1,000 GPM may require additional water sources or construction methods. The Building Official shall review these and determine if a permit is to be issued.
- B. Areas without public water supply systems but having alternate watersources:
1. The fire department shall identify alternate water sources such as streams, ponds, etc. within two (2) road miles of the structure.
 2. The alternate water sources shall be equipped with dry hydrants when practical.
 3. Cost of the dry hydrant shall be the responsibility of the project owner but the County Public Works Department will install the dry hydrant and maintain it and it will be available for Fire Department usage.
 4. If there is no water source available within 2 miles, see Section C.
- C. Areas without a public water supply system and lacking alternate water sources:
1. Since the mission of the Fire Service is to save lives and protect property, design and construction must address the lack of adequate water for fire suppression.
 2. Because these areas present unique challenges to the Fire Service, any project should involve the Fire Service during the planning stage. There are a number of options which can result in a safer building with lower insurance costs. These may include but are not limited to:
 - a. Change the construction to a more fire resistant type.
 - b. Decrease the building size.
 - c. Provide fire walls within the footprint of the building.
 3. Owners who elect to build in these areas must recognize the lack of water will limit the Fire Department's ability to extinguish a fire.

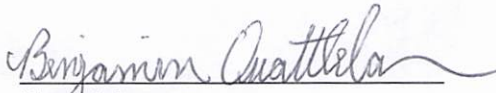
Section 23 - Effective Date

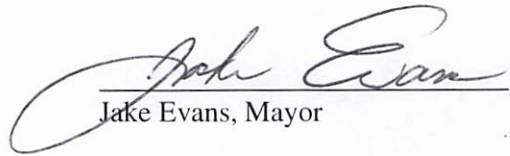
This Ordinance shall become effective immediately upon adoption in accordance with State law. Submissions received after these dates must comply with the most current codes.

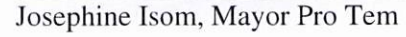
DONE, IN COUNCIL, ASSEMBLED THIS 4TH DAY OF APRIL, 2022.

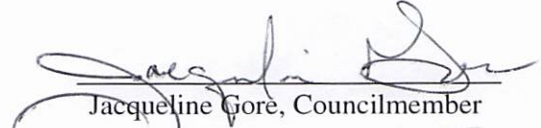
ATTEST:


Town Clerk

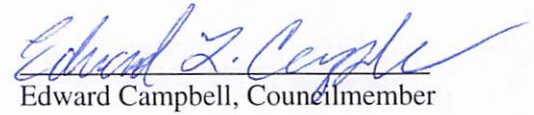

Town Manager


Jake Evans, Mayor


Josephine Isom, Mayor Pro Tem


Jacqueline Gore, Councilmember


Jim DeWitt, Councilmember


Edward Campbell, Councilmember

First Reading: March 7, 2022

Second Reading: May 2, 2022

FOR INFORMATION: The Building Official is also charged by State Law to enforce additional regulations as follows:

- Section 40-59-10 relating to licensing of Residential Builders, Commercial Builders, and Specialty Contractors