

CHAPTER 6. BUILDINGS

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ARTICLE I. GENERAL

Section 6-1. Fire Limits

The area within the following district limits shall constitute the fire district of the Town: Within the town limits of Hemingway.

Section 6-2. Numbering of Buildings

The owner of any building shall affix conspicuously on the front thereof such numbers as may be assigned to such building by the Town Clerk. The Town Clerk shall assign numbers to buildings in accordance with the plat on file in his office. The numbers are to be of such size and description as the Council may hereafter designate.

Section 6-3. Removal of Damaged Buildings

Any person having or being in possession of a residence or other buildings in the Town burned by fire, lightning, etc., and rendered unfit for use, shall remove such building from the premises within such period of time as follows; the case insurance is claimed, within ninety (90) days from the adjustment of the insurance, and

incase there is no insurance, within ninety (90) days from the fire or other accident: PROVIDED, no building permit shall be required for such demolition or removal.

Section 6-4. Penalties

Any person, firm, corporation or agent who shall violate any of the provisions of this Article, or fail to comply therewith, or with any of the requirements thereof, shall be guilty of a misdemeanor. Each such person, firm, corporation or agent shall be deemed guilty of a separate offense for each and every day or a portion thereof during which any violation of any provision of this Article is committed or continued and, upon conviction of any such violation, such person shall be punished by a fine not exceeding two hundred dollars (\$200) or a fine not exceeding that provided by state law or be imprisoned for not more than thirty (30) days.

ARTICLE II. BUILDING STANDARDS

Section 6-20. Adoption of State Code

All the provisions and requirements of the Southern Standard Building Code as set forth in Sections 47:1151 through 47:1261 of the 2012 Code of Laws of South Carolina and amendments thereto insofar as such provisions have application to the Town of Hemingway are hereby adopted and made a part of this Chapter as fully as though set out herein. It shall be unlawful for any person to fail or refuse to comply with the sections of the state law referred to above.

Section 6-21. Adoption of Southern Standard Code [AMENDED 09/10/15](#)

There is hereby adopted by the Town of Hemingway for the purpose of establishing rules and regulations for the construction, alteration, removal demolition, equipment, use and occupancy, locations and maintenance of buildings and structures--including fees, permits and penalties--that certain building code known as the Southern Standard Building Code, being particularly the 2012 edition, and any subsequent revisions or additions and amendments, save and except such portions as are hereinafter deleted, modified, amended, or provided for in this Code of which not less that one copy has been and now is filed in the office of the Clerk of the Town of Hemingway and the same is hereby adopted and incorporated as fully as if set out at length herein, and the provisions thereof shall be controlling in the construction of all buildings and structures therein contained within the corporate limits of the Town of Hemingway.

AMENDMENT:

WHEREAS, it is the desire of the Town of Hemingway to adopt building codes in order to be more responsive to the needs of the public; and,

WHEREAS, the adoption of building codes relating to public safety, health and general welfare, is in the best interests of the citizens of the Town of Hemingway;

NOW THEREFORE, BE IT ORDAINED by the Hemingway Town Council , in session duly assembled, that the Town of Hemingway Code is amended, to adopt and incorporate by reference, as if fully set out in this ordinance, the documents stipulated in this ordinance, for use and enforcement within the jurisdiction of the Town of Hemingway. Those documents shall be known and referred to collectively as “the building codes” to include any subsequent revisions or additions and amendments to the codes listed above. (09/10/2015)

BUILDING CODES ADOPTED **Omitted 9/10/15**

- (A) The International Building Code, 2003 Edition, as published by the International Code of Council, Inc.
- (B) The International Residential Code for One and Two Family Dwellings, 2003 Edition, as published by the International Code Council, Inc.
- (C) The International Plumbing Code, 2003 Edition, as published by the International Code Council, Inc.
- (D) The International Mechanical Code, 2003 Edition, as published by the International Code Council, Inc.
- (E) The International Fuel Gas Code, 2003 Edition, as published by the International Code Council, Inc.
- (F) The International Fire Code, 2003 Edition, as published by the International Code Council, Inc.
- (G) The National Electrical Code, 2005 Edition, as published by the National Fire Protection Association.

This ordinance shall apply to all areas within the Town of Hemingway, excluding any parcels of land owned by the State of South Carolina or the Federal Government and any buildings or structures located thereon.

Section 6-22. Building Official

There is hereby created the office of Building Inspector.

Section 6-23. Duties of Building Inspector

The Building Inspector shall determine whether or not any building or structure constitutes an unsafe building as defined in Section 6-40 and shall, upon finding such unsafe conditions to exist, give written notice stating the defects thereof to the owner, agent or person in control of such building or structure, and cause the same to be abated in accordance with the provisions of Section 6-41. If necessary, such notice shall also require the building, structure or portion thereof to be vacated forthwith and not reoccupied until the specified repairs and improvements are completed, inspected and approved by the Building Inspector. He shall cause to be posted at each entrance to such building or structure a notice: "This Building Is Unsafe And Its Use Or Occupancy Has Been Prohibited By The Building Inspector". In cases of emergency involving imminent danger to human life or health, the Building Inspector shall promptly cause such buildings, structures or portions thereof to be made safe or removed. The Building Inspector shall also inspect the construction of new buildings or structures and new additions to preexisting buildings or structures to insure that said construction conforms to the requirements of this section.

DIVISION 2. STANDARDS OF CONSTRUCTION

Section 6-31. Permits Required

It shall be unlawful for any person, persons, firm or corporation to erect, construct, repair, move or remodel any building or structure within the Town limits of the Town of Hemingway without first applying for and receiving from the Building Inspector a permit as hereinafter required, provided, any such building or structure may only be constructed according to the Southern Standard Building Code, provided, no permit shall be required for any minor repair or alteration costing, in the aggregate, less than one thousand dollars (\$1000).

Section 6-32. Industrial Permits

No building or premises in the Town not heretofore used for industrial purposes shall be erected or used for industrial purposes unless special permission for such erection or use is granted by the Building Inspector. Any person, firm, or corporation refused permission to erect or use a building for industrial purposes shall have the

right to petition the Building Inspector to have a public hearing on the matter, which public hearing shall be granted by the Building Inspector.

Section 6-33. Repairing or Remodeling Wooden Buildings Within Fire Limits

It shall be unlawful for any person, persons, firm or corporation to repair or remodel any building or structure made of wood within the Fire limits of the Town, except major repairs or remodeling, and the plans for such repair or remodeling shall be first submitted to the Building Inspector and a permit acquired as herein provided.

Section 6-34. Fees **AMENDED 10/11/2007**

On all buildings, structures or alterations requiring a building permit, as provided in this Chapter, there is hereby levied fees in accordance with the following schedule:

(a) Permit Fees

TOTAL VALUATION	FEE
\$1000 and less	No fee, unless inspection required, in which case a \$15.00 fee for each inspection shall be charged.
\$1000 to \$50,000	\$15.00 for the first \$1000 plus \$5.00 for each additional thousand or fraction thereof, to and including \$50,000.
\$50,000 to \$100,000	\$260.00 for the first \$50,000 plus \$4.00 for each additional thousand or fraction thereof, to and including \$100,000.
\$100,000 to \$500,000	\$460.00 for the first \$100,000 plus \$3.00 for each additional thousand or fraction thereof, to and including \$500,000.
\$500,000 and up	\$1660.00 for the first \$500,000 plus \$2.00 for each additional thousand or fraction thereof.

(b) Moving of Building or Structures

For the moving of any building or structure, the fee shall be \$50.00.

AMENDED: 12/08/2011

AN ORDINANCE TO AMEND SECTION 6-34 OF THE BUILDING ORDINANCE TO CHANGE BUILDING PERMIT FEES

BE IT ENACTED, that there be prescribed fees set for all building development and that no permit, as set forth in the Zoning Ordinance, be issued until the fee prescribed herein shall have been paid, nor shall an amendment to a permit be approved until the additional fee, if any, shall have been paid, and that if any person commences any work on a building or structure or starts any development before obtaining the necessary permit from the Building Official, he shall be subject to the penalty of a double permit fee, and that the Building Official shall keep a permanent and accurate accounting of all permits and fees and all other monies collected. A copy of all building permit application and certificates of occupancy shall be kept on file in the Building Office for a period of three years.

THEREFORE BE IT ORDAINED THAT, on all buildings and structures, developments a fee shall be paid at the time of issuance of a permit, in accordance with the following schedule:

1. FEE SCHEDULE

TOTAL VALUATION	FEE
\$2500 OR LESS	A permit will be required, but at no charge to the owner.

Contractors will need to secure a Business License.

\$2501 to \$50,000	\$50.00 for the first \$2500 plus \$5.00 for each additional thousand or fraction thereof, to and including \$50,000.
\$50,001 to \$100,000	\$300 for first \$50,000 plus \$4.40 for each additional thousand or fraction thereof, to and including \$100,000.
\$100,001 to \$500,000	\$500 for first \$100,000, plus \$3.30 for each additional thousand or fraction thereof, to and including \$500,000.
\$500,001 and up	\$1850 for first \$500,000, plus \$2.25 for each additional thousand or fraction thereof.

2. Inspections, if needed, will be conducted by the Town. The fee is \$50.00 for commercial inspections and \$25.00 for residential inspections. These fees are for each inspection. Exp. If a commercial property needs two inspections (electricity and plumbing) the cost will be \$100.00.
3. For the moving of any building or structure at least 1500 square feet in size, the fee shall be \$100.00. If there are extenuating circumstances caused by the moving, the Town Building Inspector will reassess the costs and make the owner aware of these additional expenses.
4. For the demolition of any building or structure, the fee shall be \$100.00
5. For every change of tenant permit for commercial buildings, the fee shall be \$25.00.
6. When the value of the proposed construction exceeds \$10,000 or a plan is required to be submitted by the applicable building codes, a plan checking fee shall be paid to the Building Official at the time of the issuance of the building permit. Said plan checking shall be equal to one-half of the building permit fee but in no case less than \$30.00.

If in the opinion of the Building Official the valuation of building or alteration of a structure appears to be underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimated cost to meet the approval of the Building Official. Permit valuations shall include total cost such as plumbing, electrical, and mechanical equipment and other systems to be a part of the structure.

Any and all ordinances in conflict herewith are hereby repealed and should any provisions of this ordinance be found to be invalid the remainder of same shall remain in full force and effect.

Section 6-35. Failure to Acquire Permit

Violations arising under Section 6-31 shall be regarded as separate violations for each day following commencement of construction and shall be punishable as separate offenses.

DIVISION 3. IMPROPER MAINTENANCE OF BUILDINGS OR STRUCTURES

Section 6-40. Unsafe Buildings or Structures

All buildings or structures which are unsafe, unsanitary, or not provided with adequate egress, or which constitutes a fire hazard, or are otherwise dangerous to human life, or which in relations to existing use constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment are, severally in contemplation of this section, unsafe buildings. All such buildings are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition.

Section 6-41. Elimination of Unsafe Conditions

Upon receipt of written notice, the owner, agent or person in control of a building or structure declared to be unsafe shall cause the same to be made safe within the time stated in such notice by completing specified repairs or improvements or by demolishing and removing the building or structure or portion thereof. If necessary, the building shall be vacated until the unsafe conditions have been abated. In case the owner, agent or person in control shall fail, neglect, or refuse to comply with notice to repair, rehabilitate, or to demolish and remove said building or structure, or portion thereof, the Building Inspector, after having ascertained the cost, shall cause such building, structure or portion thereof to be demolished, secured or required to remain vacant. In cases of emergency, the unsafe conditions shall be abated by the Building Inspector with such assistance and at such cost as he may deem necessary. For this purpose, adjacent structures may be caused to be vacated, fences erected, public or private ways closed, or other appropriate relief measures taken. Cost incurred under this section shall be paid out of the treasury on certificate of the Building Inspector. Such costs shall be charged to the owner of the premises involved and shall be collected in the manner provided by law.

Section 6-42. Appeals From Decision of Building Inspector Declaring Building or Structure Unsafe

The owner, agent or person in control shall have the right, except in case of emergency, to appeal from the decision of the Building Inspector and to appear before the Board of Zoning Appeals at a specified time and place to show cause why he should not comply with said notice.

Section 6-43. Unlawful Interference With Premises Caused to be Vacated of Unsafe Conditions

It shall be unlawful for any person, firm or corporation or their agents or other servants to remove the "Unsafe Notice" posted on premises caused to be vacated because of unsafe conditions without written permission from the Building Inspector, or for any person to enter such building except for the purpose of making the required repairs or demolishing the same.

ARTICLE IV. DAY CARE FACILITIES

Section 6-40. Day Care Facilities

Family day care homes, group day care homes, or overnight day care facilities may be established in R-3, High Density Residential District, zoning districts upon a finding by the zoning administrator that the requirements and approval process that follow are met. In addition, family day care homes as defined by SC DHEC shall be allowed as a conditional use in R-1, Low Density Residential District, zoning district provided no more than six (6) children are registered within SC DHEC guidelines and the home has no more than one employer who must be a resident of the premises and upon a further finding by the zoning administrator that the requirements and approval process that follow are met.

1. Permitting requirements.

- (1) the proposed facility must meet the definition for either a family day care home or group

- day care home. Overnight day care facilities are allowed only in conjunction with approved family day care homes; and
- (2) proof of application for the facilities registration with the Department of Social Services is submitted and regulations for public and private child day care centers by the Department of Social Services of South Carolina are met; and
 - (3) no more than six (6) persons and registered as recipients of child care services in one (1) facility; and
 - (4) outdoor play is allowed only between the hours of 8:00 a.m. and 6:00 p.m.; and
 - (5) the facility is an accessory use of a residence occupied by the operator of the facility; and
 - (6) the proposed outdoor lighting on the facility does not unduly impact neighboring properties; and
 - (7) there are no signs advertising or identifying the property as a family day care home.

2. Approval Process.

Prior to the issuance of a zoning permit, the zoning administrator shall cause the property upon which the proposed facility is to be located to be posted for ten (10) consecutive days, advising that the occupant of the property has applied for a zoning permit to establish a day care facility at the location and supplying a phone number to call for further information. Should no objection to the permit, as hereinafter set forth, be received by the zoning administrator during the ten (10) day posting period, the zoning administrator shall, after verifying that the facility meets the requirements as set forth above, issue the zoning permit. If, prior to the expiration of time during which the property is posted, the zoning administrator is presented with a petition in opposition to the issuance of a zoning permit, signed by a majority of the owners of property located within 200 feet of any lot line of the property where the facility is proposed to be located, then the matter shall be referred to the Board of Zoning Appeals. The Board of Zoning Appeals shall, in considering the matter, prior to the issuance of the permit, verify that the facility meets the requirements as set forth above and the facility is otherwise compatible with the surrounding neighborhood based upon the size of the proposed facility, the potential for increased traffic and noise and the location of plat, loading and circulation areas.

On an annual basis, the zoning administrator shall determine whether each day care facility permitted under this section remains in compliance with all the terms of this ordinance, and shall initiate such enforcement procedures as may be appropriate. All operators of day care facilities permitted under this section shall cooperate fully with the zoning administrator and his designees, including, but not limited to, providing pertinent information upon request and affording access to that portion of the premises which is used for day care for reasonable site inspections.