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Second Reading : April 5, 2022
Public Hearing : May 3, 2022
Third Reading : May 3, 2022
Effective Date : Immediately

I, Kaela Brinson, Council Clerk,
certify that this Ordinance was
advertised for Public Hearing on
April 14, 2022.

ORDINANCE NO. 22-O-04

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[TO AMEND TITLE 13 – BUILDINGS AND CONSTRUCTION, CHAPTER 13.04 – CONSTRUCTION CODES ADOPTED, CHAPTER 13.12 – FLOOD DAMAGE PREVENTION, CHAPTER 13.16 – MANUFACTURED HOMES AND CHAPTER 13.20 – UNIFORM ORDINANCE SUMMONS, TO COINCIDE WITH THE TEN YEAR UPDATE OF THE COLLETON COUNTY COMPREHENSIVE PLAN.]

WHEREAS:

1. Title 13 – Buildings and Construction, Chapter 13.04 – Construction Codes Adopted, Chapter 13.12 – Flood Damage Prevention, Chapter 13.16 – Manufactured Homes and Chapter 13.20 – Uniform Ordinance Summons, of the Colleton County Code of Ordinances were reviewed by the Planning Commission on October 26, 2020, November 23, 2022 and March 28, 2022; and
2. Chapters 13.04, 13.12, 13.16 and 13.20 were edited for legal sufficiency, redundancy and/or unnecessary words and phrases, and updated and clarified simplified phrases in order to be current with the accepted American Planning Association (APA) principles and practices; and
3. County Council believes it is in the best interest of the citizens of Colleton County to approve the changes set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY COLLETON COUNTY COUNCIL, DULY ASSEMBLED, THAT:

1. **Title 13 – Buildings and Construction, Chapter 13.04 – Construction Codes Adopted**, of the Colleton County Code of Laws (the same being inclusive of and one with the Originating and Amending Ordinances), and all subparagraphs thereof, is hereby amended in its totality to read as follows:

CHAPTER 13.04. – BUILDING CODES ADOPTED

Sections:

13.04.010. – Adoption by reference.

13.04.010. – Adoption by reference.

A. 1. The following codes are adopted by reference as though they were copied herein fully:

International Building Code—2018 Edition (IBC 2018), including Chapter 1;
International Energy Conservation Code—2009 Edition;
International Fire Code—2018 Edition (IFC 2018);
International Fuel Gas Code—2018 Edition (IFGC 2018);
International Mechanical Code—2018 Edition (IMC 2018);
International Plumbing Code—2018 Edition (IPC 2018);
International Residential Code—2018 Edition (IRC 2018), including Chapter 1;
and
International Swimming Pool and Spa Code—20182 Edition (ISPSC 2018);
(International Codes will include South Carolina Modifications)
National Electrical Code—2014 Edition;
NFPA 70 – National Electric Code 2017 (NEC 2017)
NFPA 101 Life Safety Code—2015 Edition;
Standard for Residential Construction in High-Wind Regions ICC 600—2008
Edition;
Accessible and Usable Buildings and Facilities ICC A117.1—2009 Edition.

2. Accessory structure exemption wording is removed within the IBC and the IRC and replaced with the following language:

One-story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 225 square feet are exempt from permits.

B. Within said codes, when reference is made to the duties of a certain official named therein, that designated official of Colleton County, shall be responsible for enforcing the provisions of said code(s).

C. Areas not affected. This chapter shall not affect any incorporated areas of the County of Colleton, unless an intergovernmental agreement exists between the County and the incorporated area, nor any parcel of land owned by the State of South Carolina or the federal government, or any buildings or installations placed thereon.

D. Areas affected. Except for those portions of land excluded under subsection C above, this chapter shall cover all unincorporated portions of Colleton County.

- E. Contractor's licenses required. Every contractor or builder who shall make contracts for the construction or repair of buildings for which a county permit is required, and/or subletting the same or any part thereof, shall be required to secure a license from Colleton County. Applicants desiring to be licensed with the county as a general, residential, or mechanical contractor must file an application with the planning and development department, accompanied by the current license fee, and show proof of licensure by the State of South Carolina.
- F. Building code fees. Fees as established and updated periodically by county council, usually in the annual budget ordinance, shall apply as set forth in such ordinance.
- G. Violation of the construction codes as adopted by Colleton County is punishable by a \$500.00 fine and/or up to 30 days in jail. Performing construction activities that require a Building, Zoning, or other required Permit, before acquiring the appropriate Permit(s), shall be punishable by a Double Permit Fee for each Permit required. Each day's violation of any of provisions of these codes shall constitute a new and separate offense.

2. **Title 13 – Buildings and Construction, Chapter 13.12 – Flood Damage Prevention**, of the Colleton County Code of Laws (the same being inclusive of and one with the Originating and Amending Ordinances), and all subparagraphs thereof, is hereby amended in its totality to read as follows:

CHAPTER 13.12. - FLOOD DAMAGE PREVENTION

ARTICLE 13.12-1. - GENERAL PROVISIONS

Sections:

- 13.12-1.010. - Statutory authorization.**
- 13.12-1.020. - Findings of fact.**
- 13.12-1.030. - Statement of purpose and objectives.**
- 13.12-1.040. - Lands to which this chapter applies.**
- 13.12-1.050. - Permit required.**
- 13.12-1.060. - Compliance.**
- 13.12-1.070. – Interpretation.**
- 13.12-1.080. - Partial invalidity and severability.**
- 13.12-1.090. – Warning and Disclaimer of Liability.**
- 13.12-1.100. – Penalty.**

13.12-1.010. - Statutory authorization.

The Legislature of the State of South Carolina has in S.C. Code 1976, title 4, chapters 9 (article 1), 25, and 27, and amendments thereto, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety,

and general welfare of its residents. Therefore, the Colleton County council (governing body) of Colleton County, Walterboro, South Carolina, does ordain as follows.

13.12-1.020. - Findings of fact.

The special flood hazard areas (SFHAs) of Colleton County are subject to periodic inundation which results in loss of life and property; health and safety hazards; disruption of commerce and governmental services; extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

Furthermore, these flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in SFHAs by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

13.12-1.030. - Statement of purpose and objectives.

A. It is the purpose of this chapter to promote the public health, safety, and general welfare and to minimize public/private losses due to flood conditions in specific areas by provisions designed to:

1. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
4. Control filling, grading, dredging, and other development which may increase erosion or flood damage; and
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

B. The objectives of this chapter are:

1. To protect human life, health, and public and private property;
2. To minimize expenditure of public money for costly flood control projects; rescue and relief efforts; prolonged business interruptions; damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines; and streets and bridges located in floodplains;
3. To help maintain a stable tax base providing for the sound use and development of flood prone areas in such a manner as to minimize future flood blight areas; and

4. To insure that potential home buyers are notified that property is in a special flood hazard area (SFHA).

13.12-1.040. - Lands to which this chapter applies.

This chapter shall apply to all SFHAs within the jurisdiction of Colleton County as identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS), dated December 21, 2017, with accompanying maps and other supporting data that are hereby adopted by reference and declared to be a part of this chapter. Upon annexation any SFHAs identified by FEMA in its Flood Insurance Study for the unincorporated areas of Colleton County, with accompanying map and other data are adopted by reference and declared part of this chapter.

13.12-1.050. - Permit required.

A building or zoning permit shall be required to be in conformance with the provisions of this chapter prior to the commencement of any development activities.

13.12-1.060. - Compliance.

No structure or land shall hereafter be located, extended, converted, or structurally altered without full compliance with the terms of this chapter and other applicable regulations.

13.12-1.070. - Interpretation.

In the interpretation and application of this chapter all provisions shall be considered as minimum requirements, liberally construed in favor of the governing body, and deemed neither to limit nor repeal any other powers granted under state law. This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

13.12-1.080. - Partial invalidity and severability.

If any part of this chapter is declared invalid, the remainder of the chapter shall not be affected and shall remain in force.

13.12-1.090. - Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the SFHAs or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of Colleton County or by any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

13.12-1.100. – Penalty.

Any person violating or failing to comply with the provisions of this Chapter shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than

\$500.00 or imprisoned for not more than 30 days for each such violation. Each day on noncompliance with the provisions of this Chapter shall constitute a separate offense.

ARTICLE 13.12-2. - DEFINITIONS

Sections:

13.12-2.010. - General.

13.12-2.020. - Definitions.

13.12-2.010. - General.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

13.12-2.020. - Definitions.

Accessory structure (appurtenant structure) means structures that are located on the same lot as the principal structure and the use of which is incidental to the use of the principal structure; used for parking or storage only; walled and roofed; and small (less than 600 sq. ft. in A and AE flood zones and less than 100 sq. ft. in V and VE flood zones). Accessory structures should constitute a minimal investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, tool sheds, and small bathhouses.

Addition (to an existing building) means an extension or increase in the floor area and/or height of a building or structure and which shall comply with the requirements for new construction regardless as to whether the addition is a substantial improvement or not. Where a firewall or load-bearing wall is provided between the addition and the existing building, the addition shall be considered a separate building, and must comply with the standards for new construction.

Agricultural structure (aquaculture structure farming conducted in water) means a structure used solely for agricultural purposes in which the use is exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock. Agricultural structures are considered "walled and roofed" when the structure includes at least two outside rigid walls and a fully secured roof. Structures used for human habitation; employment or entertainment; multiple or mixed purposes, do not satisfy the "exclusive use" requirement. Agricultural structures are not exempt from the provisions of this chapter.

Appeal means a request for a review of the floodplain administrator's or CFM's interpretation of any provision of this chapter.

Area of shallow flooding means a designated AO or VO zone on a community's FIRM with base flood depths of one to three feet where a clearly defined channel does not exist,

where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of special flood hazard (SFHA) means the land in the floodplain within a community subject to a one percent or greater chance of being equaled or exceeded in any given year.

Base flood; Base Flood Elevation (BFE) means the flood having a one percent chance of being equaled or exceeded in any given year. BFE is the computed elevation to which floodwater is anticipated to rise during the Base Flood.

Basement means any enclosed area of a building that is below grade on all sides.

Building means any structure built for support, shelter, or enclosure for any occupancy or storage.

Breakaway wall is a wall that is not part of the structural support of a building that is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation systems.

CFM is a Certified Flood Manager.

Coastal high hazard area means a SFHA extending from offshore to the inland limit of the primary frontal dune along an open coast and any other area subject to velocity wave action from storms or seismic sources.

Critical development means development critical to the community's public health and safety, is essential to the orderly functioning of a community, it stores and/or produces highly volatile, toxic, or water-reactive materials, or it houses occupants that may be insufficiently mobile to avoid loss of life or injury. Examples of critical developments include jails, hospitals, schools, fire stations, nursing homes, wastewater treatment facilities, water plants, and gas/oil/propane storage facilities.

Design Flood Elevation (DFE) is the base flood elevation (BFE) plus freeboard of three (3) feet.

Development means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials. Development includes the following; any change in the intensity of use of the land; previous man-made wetland or of any natural resource area; agriculture and forestry operations.

Elevated building means a non-basement building constructed to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns, piers, or shear walls parallel to the flow of water.

Enclosure, (enclosed space or area) means any space below the BFE and enclosed on all sides by walls or partitions. A V-zone building elevated on an open foundation without an enclosure or other obstructions below the BFE, is said to be free-of-obstruction, such that the space below the BFE is surrounded by insect screening, louvered slats (wooden or plastic lattice, slats, or shutters are permissible if at least 40 percent of their area is open and that lattice can be no thicker than ½ inch, or that slats and shutters can be no thicker than one inch), or open wood lattice.

Executive Order 11988 (Floodplain Management). Issued by President Carter in 1977, this order requires that no federally assisted activities be conducted in or have the potential to affect identified SFHAs, unless there are no feasible alternatives.

Existing construction means, for the purposes of determining rates, structures for which the start of construction commenced before April 14, 1987.

Existing manufactured home park or subdivision means an existing manufactured home park or subdivision that was completed before April 7, 1987.

Expansion to an existing manufactured home park or subdivision means adding more spaces to, and enlarging the park or subdivision which includes roads and utilities.

FEMA is the Federal Emergency Management Agency.

Flood means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, or the unusual and rapid accumulation of runoff of surface waters from any source.

Flood hazard boundary map (FHBM) means an official map of a community, issued by FEMA, where the boundaries of the SFHAs have been defined as Zone A.

Flood insurance rate map (FIRM) means an official map of a community, on which FEMA has delineated both the SFHAs and the risk premium zones applicable to the community.

Flood insurance study (FIS) means the official report provided by FEMA which contains flood profiles, as well as the flood boundary floodway map and the water surface elevation of the base flood.

Floodplain & Flood Prone Area means any land area susceptible to being inundated by water from any source.

Floodplain management is the operation of an overall program of corrective and preventative measures for reducing flood damage with floodplain management regulations.

Floodplain management regulations is such federal, state, and local regulations, which provide standards for the purpose of flood damage prevention and reduction.

Flood-resistant material means any building material capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Please refer to Technical Bulletin 2, current edition, Flood-Resistant Materials for Buildings Located in SFHAs in Accordance with the NFIP document number FIA-TB-2, current edition, and available from FEMA. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Flood Zones – Special Flood Hazard Areas

"A"-zone. Areas subject to inundation by the one-percent-annual-chance flood event. Because detailed hydraulic analyses have not been performed, no base flood elevations (BFEs) or flood depths are shown.

"AE" zone. Areas subject to inundation by the one-percent-annual-chance flood event determined by detailed methods. BFEs are shown within these zones.

"VE" zone. High risk areas subject to inundation by at least a one-percent-annual-chance flood event as determined by detailed methods, and where wave action is expected with wave heights of more than 3.0 feet. BFEs or base flood depths are shown within these zones.

"X" zone (shaded). Moderate risk areas within the 0.2-percent-annual-chance floodplain, areas of one-percent-annual-chance flooding where the average depths are less than one foot. No BFEs or base flood depths are shown within these zones.

"X" zone (unshaded). Minimal risk areas outside the one-percent and 0.2-percent-annual-chance floodplains. No BFEs or base flood depths are shown within these zones.

Freeboard means a factor of safety usually expressed in feet above the established (BFE) for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

Functionally dependent facility means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

Highest adjacent grade (HAG) means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure.

Historic structure means any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of the Interior (DOI)) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places;
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified:
 1. By an approved state program as determined by the Secretary of Interior; or
 2. Directly by the Secretary of Interior in states without approved programs. Some structures/districts listed on the state or local inventories may not be "historic" as cited above, but have been included on the inventories since it is believed that the structures or districts have the potential for meeting the "historic" structure criteria of the DOI. In order for these structures to meet NFIP historic structure criteria, it must be demonstrated and evidenced that the South Carolina Department of Archives and History has individually determined the structure or district meets DOI historic structure criteria.

Increased cost of compliance (ICC). Applies to all new and renewed flood insurance policies effective on and after June 1, 1997. The NFIP shall enable the purchase of insurance to cover the cost of compliance with land use and control measures established under section 1361. It provides coverage for payment of a claim to help pay the cost to comply with State or community floodplain management laws or ordinances after a flood in which a building has been declared substantially or repetitively damaged.

Limited storage means an area used for storage and intended to be limited to incidental items that can withstand exposure to the elements and have low flood damage potential. Such an area must be of flood resistant or breakaway material, void of utilities except for essential lighting and cannot be temperature controlled. If the area is located below the

BFE in an A, AE and A1-A30 zone it must meet the requirements of section 13.12-4.010(E) of this chapter. If the area is located below the BFE in a V, VE and V1-V30 zone it must meet the requirements of section 13.12-4.060.

Lowest adjacent grade (LAG) is an elevation of the lowest ground surface that touches any of the exterior walls of a building or proposed building walls.

Lowest floor means the lowest floor of the lowest enclosed area. Any unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor provided that such an enclosure is not built so as to render the structure in violation of other provisions of this chapter.

Manufactured/mobile home means a structure designed to be a dwelling unit that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured/mobile home" does not include a recreational vehicles, travel trailers or motorized homes registered for travel on highways, nor modular buildings.

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. The term does not include the premises where unoccupied manufactured homes, whether new or used, are parked for the purpose of inspection, sale, storage or repair, or recreational vehicle parks. Mean sea level means for the purposes of this chapter, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which the BFEs listed is shown on a community's FIRM.

National Geodetic Vertical Datum (NGVD) means, as corrected in 1929, elevation reference points set by National Geodetic Survey based on mean sea level.

North American Vertical Datum (NAVD) means the North American Vertical Datum (NAVD) Vertical control, as corrected in 1988, used as the reference datum on the FIRM.

New construction means a structure for which the start of construction commenced after April 7, 1987. The term also includes any subsequent improvements to such structure.

New manufactured home park or subdivision means a manufactured home park or subdivision where construction was completed on or after April 7, 1987.

Pre-Development is the conditions that existed prior to land disturbance or redevelopment activity at the time of the application.

Primary frontal dune means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and subject to erosion and overtopping from high tides and waves during coastal storms. The inland

limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

Recreational vehicle means a vehicle which is: built on a single chassis; 400 square feet or less when measured at the largest horizontal projection; designed to be self-propelled or permanently towable by a light-duty truck; and, designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

Repetitive loss means a building covered by a contract for flood insurance that has incurred flood-related damages on two occasions during a ten-year period ending on the date of the event for which a second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25 percent of the market value of the building at the time of each such flood event.

Section 1316 of the National Flood Insurance Act of 1968. The act provides that no new flood insurance shall be provided for any property found by FEMA to have been declared by a state or local authority to be in violation of state or local ordinances.

Severe repetitive loss (SRL) property is flood-related damage property that has at least four claims for buildings and/or contents exceeding \$5,000 or at least two building-only payments that cumulatively exceeds the market value of the building.

Stable natural vegetation. The first place on the waterfront where plants such as sea oats hold sand in place.

Start of construction (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348)), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction was within 180 days of the permit issue date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include the following: land preparation; clearing, grading, and filling; nor does it include the installation of streets and/or walkways; excavation for footings, piers or foundations, or the erection of temporary forms; the installation of accessory buildings, such as garages or sheds. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

Structure means a walled and roofed building, a manufactured/mobile home, including a gas or liquid storage tank, or other man-made facility or infrastructure that is principally above ground.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 49 percent of the market value of the structure before the damage occurred. Such repairs may be undertaken successively and their costs counted cumulatively. Please refer to the definition of "substantial improvement."

Substantial improvement means any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 49 percent of the market value of the structure before the start of construction of the improvement. This term includes structures that have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

1. Any project of improvement to a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions (does not include American with Disabilities Act compliance standards); or
2. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure;
3. Permits shall be cumulative for a period of eight years. If the improvement project is conducted in phases, the total of all costs associated with each phase, beginning with the issuance of the first permit, shall be utilized to determine whether "substantial improvement" will occur.

Substantially improved existing manufactured home park or subdivision means, where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 49 percent of the value of the streets, utilities and pads before the repair, reconstruction, or improvement commenced.

Variance means a grant of relief from the requirements of this chapter as provided under the provisions of sections 13.12-5.030 Historic Structures and 13.12-5-050 Agricultural Structures only.

Violation means the failure of a structure or other development to be fully compliant with these regulations.

Watersheds is a land area that channels rainfall and snowmelt to creeks, streams, and rivers, and eventually to outflow points such as reservoirs, bays, and the ocean. The watershed consists of surface water--lakes, streams, reservoirs, and wetlands--and all the underlying groundwater.

ARTICLE 13.12-3. - ADMINISTRATION

Sections:

- 13.12-3.010. - Designation of floodplain administrator.**
- 13.12-3.020. - Adoption of letter of map revisions (LOMR).**
- 13.12-3.030. – Reserved.**
- 13.12-3.040. - Permitting and certification requirements.**
- 13.12-3.050. – Duties and Responsibilities of the floodplain administrator and Certified Floodplain Manager.**
- 13.12-3.060. – Administrative Procedures**

13.12-3.010. - Designation of floodplain administrator.

The planning and development director (director), the floodplain administrator, Certified Floodplain Manager (CFM) or director's designee are hereby appointed to administer and implement the provisions of the ordinance codified in this chapter.

13.12-3.020. - Adoption of letter of map revisions (LOMR).

Adopt all LOMRs that are issued in the areas identified in section 13.12-1.040.

13.12-3.040. - Permitting and certification requirements.

A. Building/zoning permit applications shall be made to the floodplain administrator on appropriate forms prior to any development activities. The permit application shall include, but not be limited to, two sets of plans drawn to scale showing: the nature, location, dimensions, and elevations of the area in question; existing or proposed structures; and the location of fill materials, storage areas, and drainage facilities. Specifically, the following information is required:

1. A plot plan that shows the 100-year floodplain contour or a statement that the entire lot is within the floodplain must be provided by the permit applicant when the lot is within or appears to be within the floodplain as mapped by FEMA or the floodplain identified pursuant to either subsection 13.12-3.050(K) or sections 13.12-4.030 and 13.12-4.040. The plot plan must be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same.
2. Where BFE data is provided as set forth in section 13.12-1.040 or subsection 13.12-3.050(K), the application for a permit within the SFHA shall show:
 - a) The elevation (in relation to mean sea level) of the lowest floor of all new and substantially improved structures; and
 - b) If the structure will be floodproofed in accordance with subsection 13.12-4.020(B) requirements of the elevation (in relation to mean sea level) to which the structure will be floodproofed.
3. Where BFE data is not provided. If no BFE data is provided as set forth in section 13.12-1.040 or subsection 13.12-3.050(K), then the provisions of section 13.12-4.040 must be met.

4. Alteration of watercourse. Where any watercourse will be altered or relocated as a result of proposed development, the permit application shall include: a description of the extent of watercourse alteration or relocation; an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and, a map showing the location of the proposed watercourse alteration or relocation.

B. Certifications.

1. Floodproofing certification. When a structure is floodproofed, the applicant shall provide certification from a registered, professional engineer that the nonresidential, floodproofed structure meets the floodproofing criteria in the non-residential construction requirements of subsection 13.12-4.020(B).
2. Elevation Certification (EC). Each EC submission must pass inspection in order to proceed to the next phase of the project.
 - a) Before structural development. First construction drawing EC is submitted based on the structural blueprints and detailed site plans. This submission is required in order to review the permit application.
 - b) During construction. A lowest floor elevation (building under construction EC) or floodproofing certification is required after the lowest floor is completed. As soon as possible after completion of the lowest floor and before any further vertical construction commences, or floodproofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the floodplain administrator a certification of the elevation of the lowest floor, or floodproofed elevation, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer. Any work done prior to submission of the certification shall be at the permit holder's risk. The floodplain administrator shall review the floor elevation survey data submitted. The permit holder immediately and prior to further progressive work being permitted to proceed shall correct deficiencies detected by such review. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop work order for the project.
 - c) Final grading and completed structure. The final EC should be completed after final grading is completed and before the call to inspect to get a CO and request for permanent power.
3. V-Zone certification. When a structure is located in zones V, VE, or V1-30, certification shall be provided from a registered professional engineer, separate from submitted plans, that new construction and substantial improvement meets the criteria

for the coastal high hazard areas outlined in section 13.12-4.060, Coastal High Hazard Areas (V-Zones).

4. As-built certification. Upon completion of the development a registered professional engineer, or land surveyor, in accordance with SC law, shall certify according to the requirements of subsections 13.12-3.040(B)(1), (B)(2), and (B)(3) of this section that the development is built in accordance with the submitted plans and previous pre-development certifications.

13.12-3.050. - Duties and responsibilities of the floodplain administrator and Certified Floodplain Manager (CFM).

Duties of the floodplain administrator and CFM shall include, but not be limited to:

- A. Permit review. Review all building and zoning permits located within a SFHA to assure that the requirements of this chapter have been satisfied.
- B. Requirement of federal and/or state permits. Advise permittee that additional federal or state permits may be required, and if specific federal or state permits are known, require that copies of such permits be provided and maintained on file with the building permit.
- C. Watercourse alterations.
 1. Notify adjacent communities and the South Carolina Department of Natural Resources (SCDNR), Land Resources and Conservation Districts Division, State Coordinator for the NFIP, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA
 2. In addition to the notifications required, watercourse alterations per subsection 13.12-3.050(C)(1), written reports of maintenance records must be maintained to show that maintenance has been provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished. This maintenance must consist of a comprehensive program of periodic inspections, and routine channel clearing and dredging, or other related functions. The assurance shall consist of a description of maintenance activities, frequency of performance, and the local official responsible for maintenance performance. Records shall be kept on file for FEMA inspection.
 3. If the proposed project will impact the configuration of the watercourse, floodway, or BFE for which a detailed flood insurance study has been developed, the applicant shall apply for and must receive approval for a conditional letter of map revision (CLOMR) with FEMA prior to the start of actual construction.

4. Within 60 days of completion of an alteration of a watercourse, referenced in the certification requirements of subsection 13.12-3.040(B)(4), the applicant shall submit as-built certification, by a registered professional engineer, to FEMA.
- D. Floodway encroachments. Prevent encroachments within floodways unless the certification and flood hazard reduction provisions of subsection 13.12-4.020(E) are met.
- E. Adjoining floodplains. Cooperate with neighboring communities with respect to the management of adjoining floodplains and/or flood-related erosion areas in order to prevent aggravation of existing hazards.
- F. Notifying adjacent communities. Notify adjacent communities prior to permitting substantial commercial developments and large subdivisions to be undertaken in SFHAs and/or flood-related erosion hazards.
- G. Certification requirements.
1. Obtain and review actual elevation (in relation to mean sea level) of the lowest floor of all new or substantially improved structures, in accordance with administrative procedures outlined in subsection 13.12-3.040(B)(2) or the coastal high hazard area requirements outlined in subsection 13.12-4.060(E).
 2. Obtain the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been floodproofed, in accordance with the floodproofing certification outlined in subsection 13.12-3.040(B)(1).
 3. When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer in accordance with the nonresidential construction requirements outlined in subsection 13.12-4.020(B).
 4. A registered professional engineer shall certify that the design, specifications and plans for construction are in compliance with the provisions contained in the coastal high hazard area requirements outlined in subsections 13.12-4.060(D), (F) and (H) of this chapter.
- H. Map interpretation. Where interpretation is needed as to the exact location of boundaries of the SFHA (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the floodplain administrator shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in subsection 13.12-3.050(L).
- I. Prevailing authority. Where a map boundary showing an SFHA and field elevations disagree, the BFEs for flood protection elevations (as found on an elevation profile,

floodway data table, etc.) shall prevail. The correct information should be submitted to FEMA as per the map maintenance activity requirements outlined in subsection 13.12-4.020(G).

- J. Use of best available data. When BFE data or floodway data has not been provided in accordance with section 13.12-1.040, obtain, review, and reasonably utilize best available BFE and floodway data available from a federal, state, or other source, including data developed pursuant to the standards for subdivision proposals outlined in section 13.12-4.040 in order to administer the provisions of this chapter. Data from preliminary, draft, and final flood insurance studies constitutes best available data from a federal, state, or other source. Data must be developed using hydraulic models meeting the minimum requirement of NFIP approved model. If an appeal is pending on the study in accordance with 44 CFR ch. 1, parts 67.5 and 67.6, the data does not have to be used.
- K. Special flood hazard area/topographic boundaries conflict. When the exact location of boundaries of the SFHAs conflict with the current, natural topography information at the site the property owner may apply and be approved for a letter of map amendment (LOMA) by FEMA. The floodplain administrator in the permit file will maintain a copy of the LOMA issued from FEMA.
- L. On-site inspections. Make on-site inspections of projects in accordance with the administrative procedures outlined in subsection 13.12-3.060(D).
- M. Administrative notices. Serve notices of violations, issue stop work orders, revoke permits and take corrective actions in accordance with the administrative procedures in section 13.12-3.060.
- N. Records maintenance. Maintain all records pertaining to the administration of this chapter and make these records available for public inspection.
- O. Annexations and detachments. Notify the South Carolina Department of Natural Resources (SCDNR) Land, Water and Conservation Division, within six months, of any annexations or detachments that include SFHAs.
- P. Federally funded development. The President issued Executive Order 11988, Floodplain Management May 1977. E.O. 11988 directs federal agencies to assert a leadership role in reducing flood losses and losses to environmental values served by floodplains. Proposed developments must go through an eight-step review process. Evidence of compliance with the executive order must be submitted as part of the permit review process.
- Q. Substantial damage determination. Perform an assessment of damage from any origin to the structure using FEMA's Residential Substantial Damage Estimator (RSDE) software or another approved method (SCDNR Application) to determine if the

damage equals or exceeds 50 percent of the market value of the structure before the damage occurred.

- R. Substantial improvement determinations. Perform an assessment of permit applications for improvements or repairs to be made which equals or exceeds 49 percent of the market value of the structure before the improvement or repair is started. Cost of work counted for determining if and when substantial improvement to a structure occurs shall be cumulative for a period of eight years. If the improvement project is conducted in phases the total cost of all phases shall be used to determine whether "substantial improvement" will occur.
- S. Methods of market value determination. Market values shall be determined by one of the following:
1. The current assessed building value determined by the county assessor's office; or
 2. A certified appraisal from a registered professional licensed appraiser performed in accordance with South Carolina laws, within the past six months. The appraisal shall indicate actual replacement value of the building or structure in its pre-improvement condition, less depreciation for functionality, obsolescence, and site improvements; or
 3. The Marshall and Swift Residential Cost Handbook may be used to determine costs for buildings or structures; or
 4. A real estate purchase contract within 06 months prior to the date of the application for a permit.

13.12-3.060. - Administrative procedures.

- A. Inspections of work in progress. As the work progresses, the floodplain administrator shall make as many inspections of the work as needed to ensure the work is being done according to code and the terms of the permit. The floodplain administrator has a right, upon presentation of proper credentials, to enter on any premises within the county's jurisdiction, at any reasonable hour, for the purposes of inspection or other enforcement action.
- B. Stop-work orders. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this chapter, or without the proper permits, the floodplain administrator may order the work to be immediately stopped. The stop-work order shall be in writing, directed to the person doing the work, state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor. If the stop-work-order is issued due to a lack of permits being pulled for the work being performed, the violator shall be required to pay a

double permit fee for each permit needed before work can recommence. Failure to pay the double permit fees before work recommences shall initiate a citation where a court date will be assigned.

- C. Revocation of permits. The floodplain administrator may revoke and require the return of the development permit by notifying the permit holder in writing, stating the reason, such as: any substantial departure from the approved application, plans, or specifications; refusal or failure to comply with state or local laws; or, for false statements or misrepresentations made in securing the permit. Any permit mistakenly issued in violation of an applicable state or local law may also be revoked.
- D. Periodic inspections. The floodplain administrator and other designated county compliance officers shall have a right, upon presentation of proper credentials, to enter on any premises within the county's jurisdiction, at any reasonable hour for the purposes of inspection or other enforcement action.
- E. Violations to be corrected. When the floodplain administrator finds violations of applicable state and local laws, it shall be their duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law.
- F. Actions in event of failure to take corrective action. If the owner of a building or property fails to take prompt corrective action, the floodplain administrator shall give him written notice, by certified or registered mail to his last known address or by personal service, that:
 - 1. The building or property is in violation of this chapter and appropriate section;
 - 2. A hearing will be held before the floodplain administrator at a designated place and time, not later than ten days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
 - 3. Following the hearing, the floodplain administrator may issue such order to alter, vacate, or demolish the building; or to remove fill as appears appropriate.
- G. Order to take corrective action. If, upon a hearing held pursuant to the notice prescribed above, the floodplain administrator finds the building or development is in violation of this chapter, they shall make a written order to the owner, requiring them to remedy the violation within a period of not less than 60 days, unless the floodplain administrator finds that there is imminent danger to life or property, they may order that violation be remedied immediately, or in less than 60 days, as may be feasible.
- H. Appeal. Any owner who has received an order to take corrective action may appeal said order to the local elected governing body by giving written notice of appeal to the floodplain administrator and the clerk of council within ten days following

issuance of the order. In the event no appeal is made within 10 days, the order shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

- I. Failure to comply with order. If the owner fails to comply with an order of corrective action, where no appeal was taken, or fails to comply with an order of the governing body following an appeal, they shall be guilty of a misdemeanor and punished at the discretion of the court.
- J. Denial of flood insurance under the NFIP. If a structure remains in violation of this chapter after all other penalties are exhausted to achieve compliance, then the floodplain administrator shall notify FEMA to initiate a Section 1316 of the National Flood insurance Act of 1968, finding that the violator refuses to bring the violation into compliance with this chapter. If a violation has been remedied, the floodplain administrator shall notify FEMA and ask that the Section 1316 be rescinded.

ARTICLE 13.12-4. - PROVISIONS FOR FLOOD HAZARD REDUCTION

Sections:

13.12-4.010. - General standards.

13.12-4.020. - Specific standards.

13.12-4.030. – Standards for subdivision proposals.

13.12-4.040. – Standards for streams without established BFEs and/or floodways.

13.12-4.050. – Standards for streams with established BFEs but without floodways.

13.12-4.060. – Coastal high hazard areas (V-zones).

13.12-4.010. - General standards.

Development may not occur in the floodplain where alternative locations exist due to the inherent hazards and risks involved. Before a permit is issued, the applicant shall demonstrate that new structures cannot be located out of the floodplain and that encroachments into the floodplain are minimized. In all SFHAs the following provisions shall apply:

- A. Reasonably safe from flooding. Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.
- B. Anchoring. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- C. Flood resistant materials and equipment. All new construction and substantial improvements shall be constructed with flood resistant materials and use utility equipment resistant to minimize flood damage in accordance with Technical Bulletin 2, current edition, Flood Damage Resistant Materials Requirements.

- D. Minimize flood damage. All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.
- E. Critical development. Shall be elevated to the 500-year flood elevation or the highest known historical flood elevation (where records exist), whichever is greater. If no data exists establishing either of the above, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates 500-year flood elevation data.
- F. Utilities. All new and replacement electrical, ventilation, plumbing, heating and air conditioning equipment (including ductwork), and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within components during conditions of the base flood plus three feet . This requirement does not preclude the installation of outdoor faucets for shower heads, sinks, hoses, etc., as long as cut off devices and back flow devices are installed to prevent contamination to the service components and thereby minimize any flood damages to the building. No utilities or components shall be attached to breakaway walls.
- G. Water supply systems. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- H. Sanitary sewage systems. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- I. Gas or liquid storage tanks. All gas or liquid storage tanks, either located above ground or buried, shall be anchored to prevent flotation and/or lateral movement resulting from hydrodynamic and hydrostatic loads.
- J. Alteration, repair, reconstruction, or improvements. Any alteration, repair, reconstruction, or improvement to a structure in compliance with this chapter, shall also meet the requirements of "new construction" as contained in this chapter, including post-FIRM development and structures.
- K. Nonconforming buildings or uses. Nonconforming buildings or uses may not be enlarged, replaced, or rebuilt unless such enlargement or reconstruction is accomplished in conformance with the provisions of this chapter. Provided, however, nothing in this chapter shall prevent the repair, reconstruction, or replacement of an existing building or structure located totally or partially within the floodway, provided that the building or structure located below the DFE in the floodway is not increased or expanded.
- L. American with Disabilities Act (ADA). A building is required to meet the specific standards for floodplain construction outlined in section 13.12-4.020, and all

applicable ADA requirements. The ADA is not justification for issuing a variance or otherwise waiving these requirements. Also, the cost of improvements required to meet the ADA provisions shall be included in the costs of the improvements for calculating substantial improvement.

13.12-4.020. - Specific standards.

In all SFHAs (zones A, AE, V, and VE) where the DFE (BFE plus freeboard) is three (3) feet and the BFE data has been provided, as set forth in section 13.12-1.040 or outlined in section 13.12-3.050 the following provisions are required:

A. Residential construction. New construction and substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor elevated no lower than the DFE. No basements are permitted. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the elevated buildings requirements in subsection 13.12-4.020(D).

B. Nonresidential construction.

1. New construction and substantial improvement of any commercial, industrial, or non-residential structure shall meet the same standards as residential construction. Structures located in A-zones may be floodproofed in lieu of being elevated, provided that all areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.

2. A registered, professional engineer shall certify that the standards of this subsection are satisfied. Such certifications shall be provided to the floodplain administrator as set forth in the floodproofing certification requirements in subsection 13.12-3.040(B)(1). A variance may be considered for wet-floodproofing agricultural structures in accordance with the criteria outlined in section 13.12-5.040 if no other viable location for the structure can be found. Agricultural structures not meeting the criteria of section 13.12-5.040 must meet the nonresidential construction standards and all other applicable provisions of this chapter. Structures that are floodproofed are required to have an approved maintenance plan with an annual exercise. The floodplain administrator must approve the maintenance plan and receive notification of the annual exercises.

C. Manufactured homes.

1. Manufactured homes that are placed or substantially improved on sites located: outside a manufactured home park or subdivision; in a new manufactured home park or sub-division; in an expansion to an existing manufactured home park or subdivision; or, in an existing manufactured home park or subdivision must be elevated on a permanent foundation such that the

lowest floor of the manufactured home is elevated no lower than the DFE and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

2. Manufactured homes must be anchored to resist flotation, collapse, and lateral movement in accordance with Section 40-29-10 of the South Carolina Manufactured Housing Board Regulations, as amended. Additionally, when the elevation requirement would be met by an elevation of the chassis 36 inches or less above the grade at the site, the chassis shall be supported by reinforced piers or an engineered foundation. When the elevation of the chassis is above 36 inches in height an engineering certification is required.
3. An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood-prone areas. This plan shall be filed with and approved by the floodplain administrator and the local emergency preparedness coordinator.

D. Elevated buildings. New construction and substantial improvements of elevated buildings that include fully enclosed areas that are usable solely for the parking of vehicles, building access, or limited storage in an area other than a basement, and which are subject to flooding shall be designed to preclude finished space and automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

1. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
 - a) Provide a minimum of two openings on different walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - b) The bottom of all openings shall be no higher than one foot above the higher of the interior or exterior grade immediately under the opening;
 - c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions; and
 - d) Fill placed around foundation walls must be graded so that the grade inside the enclosed area is equal to or higher than the adjacent grade outside the building on at least one side of the building.
 - e) Only the portions of openings that are below the BFE can be counted towards the required net open area.

2. Hazardous velocities. Hydrodynamic pressure must be considered in the design of any foundation system where velocity waters or the potential for debris flow exists. If flood velocities are in excess of five feet per second or greater, foundation systems other than solid foundations walls should be considered so that obstructions to damaging flood flows are minimized.
3. Enclosures below BFE.
 - a) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).
 - b) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, except to enclose a single storage area and must be void of utilities except for essential lighting as required, and cannot be temperature controlled.
 - c) One wet location switch and/or outlet connected to a ground fault interrupt breaker may be installed below the required lowest floor elevation specified in the specific standards outlined in subsections 13.12-4.020(A), (B) and (C) of this ordinance .
 - d) All construction materials below the required lowest floor elevation specified in the specific standards outlined in subsections 13.12-4.020(A), (B) and (C) of this chapter should be of flood resistant materials.
- E. Floodways. Located within SFHAs established in section 13.12-1.040, are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris and potential projectiles and which could potentially cause erosion. The following provisions shall apply within such areas:
 1. No encroachments, including fill, new construction, substantial improvements, additions, and/or other developments shall be permitted unless:
 - a) It has been demonstrated through hydrologic and hydraulic analyses and/or No-Impact performed by a registered professional engineer certifying that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood. Such certification and technical data shall be presented to the floodplain administrator; and/or,
 - b) A CLOMR has been approved by FEMA. A letter of map revision must be obtained upon completion of the proposed development.

2. If subsection 13.12-4.020(E)(1), Floodways, is satisfied, then all shall comply with all applicable flood hazard reduction provisions of article 13.12-4.
3. No manufactured homes shall be permitted, except in an existing manufactured home park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring and the elevation standards of subsection 13.12-4.020(C) are met.
4. Permissible uses within floodways may include general farming, pasture, outdoor plant nurseries, horticulture, forestry, wildlife sanctuary, game farm, and other similar agricultural, wildlife, and related uses. Also, lawns, gardens, play areas, picnic grounds, and hiking and horseback riding trails are acceptable uses, provided that they do not employ structures or fill. Substantial development of a permissible use may require a No-Impact certification. The uses listed in this subsection are permissible only if and to the extent that they do not cause any increase in BFEs or changes to the floodway configuration.

F. Recreational vehicles, park model trailers and campers.

1. A recreational vehicle is ready for highway use if it is:
 - a) On wheels or jacking system;
 - b) Attached to the site only by quick-disconnect type utilities and security devices; and
 - c) Has no permanently attached additions.
2. Recreational vehicles placed on sites shall either be:
 - a) On site for fewer than 90 consecutive days; and
 - b) Be registered with SCDMV and ready for highway use, or meet the permit and certification requirements of section 13.12-3.040, general standards outlined in section 13.12-4.010, and manufactured homes standards in subsection 13.12-4.020(C).

G. Map maintenance activities. The NFIP requires flood data to be reviewed and approved by FEMA. This ensures that flood maps, studies and other data identified in section 13.12-1.040 accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:

1. Requirement to submit new technical data.

- a) For all development proposals that impact floodway delineations or BFEs, the community shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include, but are not limited to:
 - i. Floodway encroachments that increase or decrease BFEs or alter floodway boundaries;
 - ii. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the SFHA;
 - iii. Alteration of watercourses that result in a relocation or elimination of the SFHA, including the placement of culverts; and
 - iv. Subdivision or large scale, residential or commercial development proposals requiring the establishment of BFEs in accordance with section 13.12-4.030.
- b) It is the responsibility of the applicant to have technical data, required in accordance with subsection 13.12-4.020(G), prepared in a format required for a CLOMR or LOMR and submitted to FEMA. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.
- c) The floodplain administrator shall require a CLOMR prior to the issuance of a permit for:
 - i. Proposed floodway encroachments that increase the BFE; and
 - ii. Proposed development which increases the BFE by more than one foot in areas where FEMA has provided BFEs but no floodway.
- d) Permits approved by the floodplain administrator shall be conditioned upon the applicant obtaining a LOMR from FEMA for any development proposal subject to subsection 13.12-4.020(G).

2. Right to submit new technical data. The floodplain administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or BFEs, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the local jurisdiction and may be submitted at any time.

H. Accessory structures.

1. A detached accessory structure, with a value in excess of \$3,000.00, must comply with the requirements of FEMA's Technical Bulletin 7, current edition, Wet Floodproofing Requirements, or be elevated in accordance with subsections 13.12-4.020(A) and (D), or be dry floodproofed in accordance with subsection 13.12-4.020(B).

2. When accessory structures of \$3,000.00 or less are placed in a SFHA, the following additional criteria shall be met:
 - a) Accessory structures shall not be used for any type of human habitation such as work, sleeping, living, cooking or having restroom facilities or amenities;
 - b) Accessory structure shall not be larger than a one-story two –car garage, approximately 600 sq. ft. in SFHAs other than coastal high hazard areas (A and AE)
 - c) Accessory structure shall not be larger than 100 sq. ft. in coastal high hazard areas (V and VE)
 - d) Accessory structures shall be designed, constructed, and placed on the building site to: have low flood damage potential; offer the minimum resistance to the flow of floodwaters; and be firmly anchored to prevent flotation, collapse or lateral movement.
 - e) Service facilities such as electrical and heating equipment shall be installed in accordance with subsection 13.12-4.010(F); and
 - f) Openings to relieve hydrostatic pressure during a flood shall be provided below BFE in conformance with subsection 13.12-4.020(D)(1).
 - g) Accessory structures shall be built with flood resistance materials in accordance with technical Bulletin 2, Flood Damage-Resistant Materials Requirements, current edition, and available from FEMA Class 4 and 5 materials, referenced therein are acceptable.
3. Swimming pool utility equipment rooms. If the building cannot be built at or above the DFE because of functionality of the equipment, then a structure to house the pool equipment may be built below the DFE with the following provisions:
 - a) Meet the requirements for accessory structures in subsection 13.12-4.020(H).
 - b) The utilities must be anchored to prevent flotation and shall be designed to prevent water from entering or accumulating within the components during conditions of the base flood.
 - c) A variance may be granted to allow wet floodproofing of the structure.
4. Elevators.
 - a) Installing a float switch system or other system that provides the same level of safety is necessary for all elevators where there is a potential for the elevator cab to descend below the BFE during a flood per FEMA's Technical Bulletin

4(TB-4) Elevator Installation for Buildings Located in Special Flood Hazard Areas, current edition.

- b) All equipment that must be installed below the BFE such as counter weight roller guides, compensation cable and pulleys, and oil buffers for traction elevators and the jack assembly for a hydraulic elevator must be constructed using flood-resistant materials where possible per FEMA's TB-4.
- I. Fill. An applicant shall demonstrate through a site plan drawn by a registered professional engineer that fill is the only alternative to raising the building to meet the residential and non-residential construction requirements of subsections 13.12-4.020(A) and 13.12-4.020(B), and that the amount of fill used will not affect the flood storage capacity or adversely affect adjacent properties. The following provisions shall apply to all fill placed in the SFHA:
1. Fill shall not be placed in the floodway unless it is in accordance with the requirements in subsection 13.12-4.020(E)(1);
 2. Fill shall not be placed in tidal or non-tidal wetlands without the required state and federal permits;
 3. Fill must consist of soil and rock materials only. A registered professional geotechnical engineer may use dredged material as fill only upon certification of suitability. Landfills, rubble fills, dumps, and sanitary fills are not permitted in the floodplain;
 4. Fill used to support structures must comply with ASTM Standard D-698, and its suitability to support structures certified by a registered, professional engineer;
 5. Fill slopes shall not have a slope ratio greater or steeper than two horizontal to one vertical, as designed by a registered professional engineer. Flatter slopes may be required where velocities may result in erosion;
 6. The use of fill shall not increase flooding or cause drainage problems on neighboring properties;
 7. Fill may not be used for structural support in the coastal high hazard areas; and
 8. The fill will meet the requirements of FEMA Technical Bulletin 10, current edition, Ensuring That Structures Built On Fill In Or Near Special Flood Hazard Areas Are Reasonably Safe From Flooding.

13.12-4.030. - Standards for subdivision proposals.

- A. All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations and in Title 14, Land Management, Chapters 14.04 and 14.08 as applicable for subdivisions.
- B. All subdivision and other proposed new development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- C. All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood damage.
- D. The applicant shall meet the requirement to submit technical data to FEMA in subsection 13.12-4.020(G) when a hydrologic and hydraulic analysis is completed that generates BFEs.

13.12-4.040. - Standards for streams without established BFEs and/or floodways.

Located within SFHAs (zones A and V) established in section 13.12-1.040, are small streams where no BFE data has been provided or where no floodways have been identified. The following provisions apply within such areas:

- A. In all SFHAs where BFE data is not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates BFEs for all subdivision proposals and other proposed developments containing at least 50 lots or five acres, whichever is less.
- B. No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within 100 feet of the stream bank unless certification with supporting technical data by a registered, professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- C. If subsection 13.12-4.040(A) is satisfied and BFE data is available from other sources, all new construction and substantial improvements within such areas shall comply with all applicable flood hazard ordinance provisions of article 13.12-4 and shall be elevated or flood proofed in accordance with elevations established in subsection 13.12-3.030(K).
 - 1. Data from preliminary, draft, and final flood insurance studies constitutes best available data. Refer to FEMA Floodplain Management Technical Bulletin 1 Use of Flood Insurance Study (FIS) Data as Available Data, current edition. If an appeal is pending on the study in accordance with 44 CFR ch. 1, parts 67.5 and 67.6, the data does not have to be used.
 - 2. When BFE data is not available from a federal, state, or other source, one of the following methods may be used to determine a BFE. For further information regarding the methods for determining BFEs listed below, refer to

FEMA's manual Managing Floodplain Development in Approximate Zone A Areas:

- a. Contour interpolation:
 - i. Superimpose approximate Zone A boundaries onto a topographic map and estimate a BFE.
 - ii. Add one-half of the contour interval of the topographic map that is used to the BFE.
- b. Data extrapolation. A BFE can be determined if a site within 500 feet upstream of a reach of a stream for which a 100-year profile has been computed by detailed methods, and the floodplain and channel bottom slope characteristics are relatively similar to the downstream reaches. No hydraulic structures shall be present.
- c. Hydrologic and hydraulic calculations. Perform hydrologic and hydraulic calculations to determine BFEs using FEMA approved methods and software.

13.12-4.050. - Standards for streams with established BFEs but without floodways.

Along rivers and streams where BFE data is provided without a floodway are identified for a SFHA on the FIRM or in the FIS. The following provisions apply within such areas:

- A. No encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

13.12-4.060. - Coastal high hazard areas (V-zones).

Located within the SFHAss established in section 13.12-1.040, Lands, or subsection 13.12-3.050(K) are areas designated as coastal high hazard areas. These areas have special flood hazards associated with wave wash. The following provisions shall apply within such areas:

- A. All buildings or structures shall be located landward of the first line of stable natural vegetation and comply with all applicable DHEC and OCRM setback requirements.
- B. All new construction and substantial improvements shall be elevated so that the bottom of the lowest supporting horizontal structural member (excluding pilings or columns) of the lowest floor is located no lower than three foot above the BFE.
- C. All buildings or structures shall be securely anchored on pilings or columns, extending vertically below a grade of sufficient depth and the zone of potential scour, and securely anchored to the subsoil strata.

- D. All pilings and columns and the attached structures shall be anchored to resist flotation, collapse, lateral movement and scour due to the effect of wind and water loads acting simultaneously on all building components.
- E. A registered professional engineer shall certify that the design, specifications and plans for construction are in compliance with the provisions contained in subsections 13.12-4.060(C), (D), and (F).
- F. There shall be no fill used as structural support. Non-compacted fill may be used around the perimeter of a building for landscaping/aesthetic purposes provided the fill will wash out from storm surge, thereby rendering the building free of obstruction prior to generating excessive loading forces, ramping effects, or wave deflection. Only beach compatible sand may be used. The floodplain administrator shall approve design plans for landscaping/aesthetic fill only after the applicant has provided an analysis by an engineer, and/or soil scientist that demonstrates that the following factors have been fully considered:
1. Particle composition of fill material does not have a tendency for excessive natural compaction;
 2. Volume and distribution of fill will not cause wave deflection to adjacent properties; and
 3. Slope of fill will not cause wave run-up or ramping.
- G. There shall be no alteration of sand dunes that would increase potential flood damage.
- H. All new construction and substantial improvements have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than ten and no more than 20 pounds per square foot. Breakaway wall enclosures shall not exceed 299 square feet. Only flood resistant materials shall be used below the required flood elevation specified in 13.12-4.010(C). One wet location switch and/or outlet connected to a ground fault interrupt breaker may be installed below the required lowest floor elevation specified in 13.12-4.010(E).

Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot may be permitted only if a registered professional engineer certifies that the designs proposed meet the following conditions:

1. Breakaway wall collapse shall result from water load less than that which would occur during the base flood.

2. The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). The water loading shall be those values associated with the base flood. The wind loading values shall be those required by applicable IBC International Building Codes.
 3. Such enclosed space shall be useable solely for parking of vehicles, building access, or storage. Such space shall not be used for human habitation, finished or partitioned into multiple rooms, or temperature-controlled.
- I. No manufactured homes shall be permitted except in an existing manufactured home park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring and elevation standards of subsection 13.12-4.020(C).
 - J. Recreational vehicles shall be permitted in coastal high hazard areas provided that they meet the recreational vehicle criteria of subsection 13.12-4.020(F) and the provisions of subsection 13.12-4.020(I). Recreational vehicles, park model trailers and campers are prohibited as a principal use on any single lot of record located within the unincorporated portions of Edisto Island.
 - K. Accessory structures, below the required lowest floor elevation specified in subsection 13.12-4.060(B), are prohibited except for the following:
 1. Swimming pools.
 - a. They are installed at-grade or elevated at or above the DFE so long as the pool will not act as an obstruction.
 - b. They must be structurally independent of the building and its foundation.
 - c. They may be placed beneath a coastal building only if the top of the pool and any accompanying decking or walkway are flush with the existing grade and only if the lower area remains unenclosed.
 - d. As part of the certification process for V-zone buildings the design professional must consider the effects that any of these elements will have on the building in question and any nearby buildings.
 2. Access stairs attached to or beneath an elevated building:
 - a. Must be constructed of flood-resistant material;
 - b. Must be constructed as open staircases so they do not block flow under the structure in accordance with 44 CFR 60.3(e)(5).

3. Decks.

- a. If the deck is structurally attached to a building then the bottom of the lowest horizontal member must be at or above the elevation of the buildings lowest horizontal member.
- b. If the deck is to be built below the BFE then it must be structurally independent of the main building and must not cause an obstruction.
- c. If an at-grade, structurally independent deck is proposed then a design professional must evaluate the design to determine if it will adversely affect the building and nearby buildings.

L. Parking areas should be located on a stable grade under or landward of a structure. Any parking surface shall consist of gravel or aggregate.

M. All new and replacement utility equipment and systems, which include water supply, sanitary sewage, electrical, and HVAC including ductwork, and other service facilities shall be designed and installed to minimize or eliminate infiltration of floodwaters into these systems or components, or discharges from these systems into floodwaters during conditions of the DFE. This requirement does not include the installation of outdoor faucets for shower heads, sinks, hoses, etc., as long as cut off devices and back flow devices are installed to prevent contamination and minimize flood damages to the building. No utilities or components shall be attached to breakaway walls.

ARTICLE 13.12-5. - VARIANCE PROCEDURES

Sections:

13.12-5.010. - Establishment of the zoning board of appeals (ZBA).

13.12-5.020. - Right to appeal.

13.12-5.030. - Historic structures.

13.12-5.040. – Functionally dependent uses.

13.12-5.050. - Agricultural structures.

13.12-5.060. - Considerations.

13.12-5.070. - Findings.

13.12-5.080. - Floodways.

13.12-5.090. – Conditions.

13.12-5.010. - Establishment of the zoning board of appeals (ZBA).

The ZBA as established by the Colleton County council shall hear and decide requests for appeals and eligible variances from the requirements of this chapter.

13.12-5.020. - Right to appeal.

Any person aggrieved by the decision of the ZBA or any taxpayer may appeal such decision to the county circuit court.

13.12-5.030. - Historic structures.

Variances may be issued for the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

13.12-5.040. - Functionally dependent uses.

Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria in 13.12-5.050 are met, no reasonable alternative exist, and the development is protected by methods that minimize flood damage and create no additional threat to public safety.

13.12-5.050. – Agricultural Structures.

Variances may be issued to wet floodproof an agricultural structure provided it is used solely for agricultural purposes. In order to minimize flood damages during the base flood and the threat to public health and safety, the structure must meet all of the conditions and considerations of 13.12-5.080., this section, and the following standards:

A. Use of the structure must be limited to agricultural purposes as listed below:

1. Pole frame buildings with open or closed sides used exclusively for the storage of farm machinery and equipment,
2. Steel grain bins and steel frame corncribs,
3. General-purpose barns for the temporary feeding of livestock that are open on at least one side;
4. For livestock confinement buildings, poultry houses, dairy operations, and similar livestock operations, variances may not be issued for structures that were substantially damaged. New construction or substantial improvement of such structures must meet the elevation requirements of 13.12-4.020(B) of this ordinance; and

B. The agricultural structure must be built or rebuilt, in the case of an existing building that is substantially damaged, with flood-resistant materials for the exterior and interior building components and elements below the base flood elevation.

C. The agricultural structure must be adequately anchored to prevent flotation, collapse, or lateral movement. All of the structure's components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, hydrodynamic, and debris impact forces. Where flood velocities exceed 5 feet per second, fast-flowing

floodwaters can exert considerable pressure on the building's enclosure walls or foundation walls.

- D. The agricultural structure must meet the venting requirement of 13.12-4.020(D) of this ordinance.
- E. Any mechanical, electrical, or other utility equipment must be located at or above the DFE, or be contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with 13.12-4.010(E) of this ordinance.
- F. The agricultural structure must comply with the floodway encroachment provisions of 13.12-4.020(E) of this ordinance.
- G. Major equipment, machinery, or other contents must be protected. Such protection may include protective watertight floodproofed areas within the building, the use of equipment hoists for readily elevating contents, permanently elevating contents on pedestals or shelves above the base flood elevation, or determining that property owners can safely remove contents without risk to lives and that the contents will be located to a specified site out of the floodplain.

13.12-5.060. - Considerations.

In passing upon such applications, the ZBA shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter, and:

- A. The danger that materials may be swept onto other lands to the injury of others;
- B. The danger to life and property due to flooding or erosion damage, and the safety of access to the property in times of flood for ordinary and emergency vehicles;
- C. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- D. The importance of the services provided by the proposed facility to the community;
- E. The necessity of the facility to a waterfront location, (functionally dependent) where applicable;
- F. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- G. The compatibility of the proposed use with existing and anticipated development, and the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

- H. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
- I. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and roads and bridges; and
- J. Agricultural structures must be located in wide, expansive floodplain areas, where no other alternative location for the agricultural structure exists. The applicant must demonstrate that the entire farm acreage, consisting of a contiguous parcel of land on which the structure is to be located, must be in the SFHA and no other alternative and viable locations for the structure are available.

13.12-5.070. - Findings.

Findings listed above shall be submitted to the ZBA, in writing, and included in the application for a variance. Additionally, comments from the SCDNR, OCRM, SCDHEC, state coordinator's office, and the Army Corps. Of Engineers (USACE), as appropriate, must be taken into account and included in the permit file.

13.12-5.080. - Floodways.

Variances shall not be issued within any designated floodway if any increase in flood levels, or changes in the floodway configuration during the base flood discharge would result unless a CLOMR is obtained prior to issuance of the variance. In order to insure the project is built in compliance with the CLOMR for which the variance is granted the applicant must provide a bond for 100 percent of the cost to perform the development.

13.12-5.090. - Conditions.

Upon consideration of the factors listed above and the purposes of this chapter, the ZBA may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter. The following conditions shall apply to all variances:

- A. Variances may not be issued when the variance will make the structure in violation of other federal, state, or local laws, regulations, or ordinances.
- B. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the SFHA or floodway, to afford relief.
- C. Variances shall only be issued upon a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship, and a determination that the granting of a variance will not result in increased flood heights, change in floodway configuration, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- D. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the BFE and the elevation to which the

structure is to be built and a written statement that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. Such notification shall be maintained with a record of all variance actions.

- E. The floodplain administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request.
- F. Variances shall not be issued for unpermitted development or other development that is not in compliance with the provisions of this chapter. Violations must be corrected in accordance with subsection 13.12-3.040(E).

ARTICLE 13.12-6. - LEGAL STATUS PROVISIONS

Sections:

13.12-6.010. - Effect on rights and liabilities under the existing flood damage prevention ordinance.

13.12-6.020. - Effect upon outstanding building permits.

13.12-6.030. - Effective Date.

13.12-6.010. - Effect on rights and liabilities under the existing flood damage prevention ordinance.

This chapter in part comes forward by re-enactment of some of the provisions of the flood damage prevention ordinance enacted April 7, 1987, as amended October 7, 2008, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this chapter shall not affect any action, suit or proceeding instituted or pending. All provisions of the flood damage prevention ordinance of Colleton County enacted on April 7, 1987, as amended October 7, 2008, which are not reenacted herein, are repealed.

13.12-6.020. - Effect upon outstanding building permits.

Nothing herein contained shall require any change in the plans, construction, size or designated use of any building, structure or part thereof for which a building permit has been granted by the chief building inspector or his authorized agents before December 2, 2001; provided, however, that when construction is not begun under such outstanding permit within a period of 60 days subsequent to passage of this chapter, construction or use shall be in conformity with the provisions of this chapter.

13.12-6.030. - Effective Date.

This chapter shall become effective October 7, 2008.

- 3. Title 13 – Buildings and Construction, Chapter 13.16 – Manufactured/Mobile Homes, of the Colleton County Code of Laws (the same being inclusive of and one with the**

Originating and Amending Ordinances), and all subparagraphs thereof, is hereby amended in its totality to read as follows:

CHAPTER 13.16. – MANUFACTURED/MOBILE HOMES

Sections:

13.16.020. – Regulation of placement of certain manufactured or mobile homes.

13.16.030. – Wind Zone Requirements.

13.16.040. – Duty of owner to obtain a registration decal.

13.16.050. – Installation.

13.16.060. – Repair, alteration or modification.

13.16.070. – Permits required.

13.16.080. – Prerequisites for power.

13.16.090. – Change of occupancy.

13.16.100. – Temporary use permits.

13.16.110. – Discretion of the director of planning and development and building official.

13.16.120. – Penalty.

13.16.020. - Regulation of placement of certain manufactured or mobile homes.

- A. For the purposes of this Chapter, home or homes shall mean mobile homes or manufactured homes, and manufactured homes shall mean mobile homes, and vice-versa.
- B. No mobile homes manufactured prior to June 15, 1976, which are not currently permitted by Colleton County, may be brought into and granted a permit for placement in Colleton County, South Carolina.
- C. Mobile homes manufactured prior to June 15, 1976, which are, as of the date of the passage of the ordinance codified in this chapter, situated and legally permitted to be located in Colleton County may remain and may be granted a permit for relocation within the county, if structurally sound for relocation.
- D. Homes that have not been correctly or legally registered; derelict or non-habitable; deemed as no-value by the assessor's office; condemned by code enforcement; or otherwise removed from the tax rolls for any reasons, will be required to meet the guidelines within this chapter before said home can remain in the county. Such homes will require an inspection by the building department before power can be restored.

13.16.030. - Wind zone requirements.

- A. Federal law defines wind zone 2 as all areas within the boundaries of Colleton County, South Carolina. All manufactured homes are required to be labeled to meet the minimum wind speed for the zone in which they are to be placed.

Consequently, only homes built to wind zone 2 or 3 specifications, and labeled as wind zone 2 or 3 units, may be placed in Colleton County. The wind zone requirements are provisions of federal law, and no exceptions or variances are permitted; therefore, only wind zone 2 or 3 homes will be permitted to move and be placed within Colleton County.

- B. Wind zone 1 homes currently located and properly registered within the boundaries of Colleton County as of October 3, 2000, may continue to be occupied and used within the boundaries of Colleton County.

13.16.040. - Duty of owner to obtain a registration decal.

Each owner of a manufactured home located in Colleton County shall obtain and display a county registration decal as required by state law, within 15 days of purchase, or change of ownership, or if the manufactured home is relocated, except where:

- A. The unit is temporarily located within the county for the express predetermined purpose of conveyance outside the county within 30 days after arrival;
- B. The unit is held for display or exhibition purposes by a manufactured home dealer licensed by the state as such; or
- C. The unit is passing through the county on a public street, road, or highway for conveyance elsewhere.

13.16.050. - Installation.

The manufacturer's installation manual is the document to be used for the first placement of new manufactured homes; whereas subsequent installations must utilize the South Carolina Manufactured Housing Board regulations. Such written instructions must be available at the job site at the time of the inspection by the county building inspector. A manufactured home installer shall be liable to the purchaser of the manufactured home for failure to properly install/set up the manufactured home pursuant to the requirements of this chapter.

13.16.060. - Repair, alteration, or modification.

- A. Renovations, repairs, or modifications to manufactured homes are performed under the jurisdiction of the local building authority where the home is located.
- B. Such work shall be performed in accordance with the requirements of the most recently adopted edition of the International Residential Code (IRC), except where such repairs are performed by a qualified manufacturer's technician during the warranty period. In that case, the repairs shall comply with the Federal Manufactured Housing Construction and Safety Standards.

- C. A South Carolina manufactured home contractor or repairer, a licensed residential builder, a licensed general contractor, a licensed retail dealer or manufacturer, or an employee thereof for homes sold or manufactured by them, or a registered residential specialty contractor (as long as the Residential Builders' Commission recognizes the specialty), are all permitted to repair, alter, and/or modify manufactured homes.

13.16.070. - Permits required.

- A. A permit shall be required for the placement of any manufactured home within the unincorporated areas of Colleton County. Only a licensed dealer or installer of manufactured homes, or the unit's owner, if said owner is actually performing the installation, shall apply for the permit. It shall be unlawful for any person selling a manufactured home, or for a manufactured home mover, to deliver or place a unit upon any prospective temporary or permanent site without first having secured a manufactured home placement permit.
- B. No repair, renovation, or alteration to a manufactured home shall commence until a valid permit for such work has been applied for and issued by the planning and development department.
- C. Where work on a mobile home or its placement on a parcel has occurred prior to obtaining the required permit(s), any and all required permit fees shall be doubled, which may include the zoning permit, the manufactured home permit and/or building permit, as required. The payment of such doubled fee shall not relieve any persons from fully complying with the requirements of this chapter or with any other applicable codes in the execution of the work, nor from any other penalties prescribed. Failure to pay the double permit fees before work recommences shall initiate a citation where a court date will be assigned.

13.16.080. - Prerequisites for power.

- A. No electric service provider shall install a new connection of electricity to a manufactured home unless the director or assigned compliance officer has released permission to the provider. This includes manufactured homes where the power was turned off due to fire or other catastrophe, which requires a permit and inspection of the home prior to authorizing the power to be turned back on.
- B. If the electrical connection has been completed without proper inspections, the director or assigned compliance officer will require the provider to remove such service immediately, and the double permit fees and/or citation issuance defined in 13.16.070(C) above shall apply, as appropriate.

13.16.090. - Change of occupancy.

- A. HUD labeled manufactured homes are constructed as single-family detached residences only. They are not designed or intended for use as, nor will they meet any building code requirements for, offices, stores/shops, class rooms, places of assembly, storage buildings, etc.
- B. A home-occupation may be conducted from a manufactured home, as long as that use is permitted in the zoning district where the home is located, there are no existing HOA CC&Rs prohibiting it, and such use meets the provisions of any applicable state or federal laws, and the principal use remains as a residence.

13.16.100. - Temporary use permits.

The following is the only instance for which a temporary permit may be considered for a manufactured home:

- A. Permitting the temporary set up of a manufactured home for the purpose of remodeling or bringing such unit up to building standards. In this case, no plumbing hookup or electrical permit will be approved. This permit will expire in 90 days. Additional 30-day extensions may be requested from the director, but approval is not guaranteed.
- B. Nothing in this section exempts an applicant from securing all other required permits. Primary building permits must be applied for at the time the temporary use permit is approved.

13.16.110. - Discretion of the director of planning and development and building official.

- A. The director has the authority to render interpretations of this chapter and to adopt policies and procedures to clarify the application of its provisions. Such interpretations, policies and procedures shall be in conformance with the intent and purpose of this chapter.
- B. It shall also be at the discretion of the building official, with approval by the director to request disconnection of power and/or utilities to a manufactured home that has been installed or set up illegally, improperly, or without proper authority, when a home is in violation of this chapter or any other applicable state or federal laws; or where necessary due to safety and/or hazardous conditions.

13.16.120. - Penalty.

Any person violating or failing to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than \$500.00 or imprisoned for not more than 30 days for each such violation. Each day of noncompliance with the provisions of this chapter shall constitute a separate offense.

4. **Title 13 – Buildings and Construction, Chapter 13.20 – Uniform Ordinance Summons**, of the Colleton County Code of Laws (the same being inclusive of and one with the Originating and Amending Ordinances), and all subparagraphs thereof, is hereby amended in its totality to read as follows:

CHAPTER 13.20. - UNIFORM ORDINANCE SUMMONS

Sections:

13.20.010. - Ordinance summons form.

13.20.020. - Department responsibilities.

13.20.030. - Court and officer copies.

13.20.040. - Record maintenance for annual audit of summons.

13.20.050. - Violation—Penalty.

13.20.060. - Custodial arrest and motor vehicle regulation enforcement excluded.

13.20.010. - Ordinance summons form.

There shall be made available to all county compliance officers (which includes code enforcement officers, litter control officers, building inspectors, zoning administrators, floodplain administrators, sheriff's deputies, and the fire marshal) of this county an ordinance summons which complies with the requirements of S.C. Code 1976, § 56-7-80, as amended. The form shall be substantially the same as the form which is attached to the ordinance codified in this chapter and amended herein. The summons shall have the same affect whether served in person or sent by certified mail.

13.20.020. - Department responsibilities.

The planning and development department shall be responsible for having the summons books printed, issuing blank summons books, and keeping a record of the summons forms assigned to each individual compliance officer or in the case of fire-rescue and sheriff's deputies, the forms assigned to those departments.

13.20.030. - Court and officer copies.

Any compliance officer issuing an ordinance summons shall be responsible for forwarding the copy of the summons labeled "Court Copy" to the appropriate judicial office within 48 hours of issuing the summons. It shall also be the issuing officer's responsibility to keep the copy of the summons labeled "Officer Copy" until the appointed hearing time. After all action concerning the summons has been concluded, the issuing officer shall provide the "Officer Copy" of the summons to the director or the fire-rescue director (or their designees) within 48 hours.

13.20.040. - Record maintenance for annual audit of summons.

Planning and development and fire-rescue shall each be responsible for keeping the summons forms that have been turned in by their respective compliance officers in a manner which will allow for an annual audit of the summons forms.

13.20.050. - Violation—Penalty.

- A. Any person who fails to appear before the court as required by a uniform ordinance summons, without first having posted such bond, as may be required, or without having been granted a continuance by the court, is guilty of a misdemeanor and, upon conviction, must be fined not more than \$500.00 and/or be imprisoned for not less than two days nor more than 30 days.
- B. Any person, who is issued a summons for violation of the provisions of the Public Nuisance, Building & Construction, Land Development, Zoning, Flood Damage Prevention, and/or Fire Codes as adopted by Colleton County, shall upon conviction of such violation, be guilty of a misdemeanor, and the penalties prescribed by the individual code, chapter, section or by Chapter 1.08, General Penalty, of the Colleton County Code of Laws shall apply.

13.20.060. - Custodial arrest and motor vehicle regulation enforcement excluded.

The uniform ordinance summons may not be used to perform a custodial arrest. Further, no county ordinance regulating the use of motor vehicles on the public roads of the state can be enforced using this uniform ordinance summons. This chapter does not prohibit the county from enforcing ordinances by any other means allowed by law.

5. Severability:

If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application and to this end, the provisions of this Ordinance are severable.

6. Conflict:

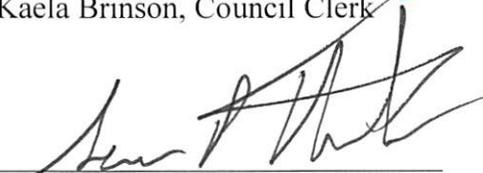
Provisions in other County Ordinances, Resolutions, policies, or by-laws in conflict with this Ordinance are hereby repealed.

ATTEST:

SIGNED:


Kaela Brinson, Council Clerk


Steven D. Murdaugh, Chairman


Approved as to Form
Sean Thornton, County Attorney

COUNCIL VOTE: UNANIMOUS
OPPOSED: