

## **ORDINANCE 4349**

### **AN ORDINANCE OF THE CITY OF HARTSVILLE, SOUTH CAROLINA AMENDING AND RESTATING CHAPTER 10, ARTICLE II OF THE CITY'S CODE OF ORDINANCES; AND OTHER MATTERS RELATED THERETO.**

**WHEREAS**, the City of Hartsville, South Carolina (the “City”) is a municipal corporation created under the laws of the State of South Carolina;

**WHEREAS**, it is the responsibility of the City to ensure the general safety and welfare of the public, which includes maintaining reasonable standards of construction in buildings and other structures;

**WHEREAS**, Section 6-9-40 of the Code of Laws of South Carolina 1976, as amended requires that the South Carolina Building Codes Council review, adopt, modify and promulgate certain standard building codes;

**WHEREAS**, Section 6-9-50 of the Code of Laws of South Carolina 1976, as amended provides that the City “shall adopt by reference and amend only the latest editions of the following nationally recognized codes and the standards referenced in those codes for regulation of construction in this State: building, residential, gas, plumbing, mechanical, fire and energy...as promulgated, published and made available by the International Code Council, Inc. and the National Electrical Code as published by the National Fire Protection Association.”

**WHEREAS**, Section 6-9-60 of the Code of Laws of South Carolina 1976, as amended permits the discretionary adoption of other standard codes, including those regulating, “property maintenance, performance codes for buildings and facilities, existing building and swimming pool codes as promulgated, published or made available by the International Code Council, Inc.”

**WHEREAS**, the City has previously adopted and codified all of the required codes and certain of the permissive codes, including: the International Building Code (the “IBC”), the International Existing Building Code (the “IEBC”), the National Electrical Code (the “NEC”), the International Plumbing Code (the “IPC”), the International Mechanical Code (the “IMC”), the Fuel Gas Code (the “IFGC”), the International Fire Code (the “IFC”), the International Property Maintenance Code (the “IPMC”), the International Energy Conservation Code (the “IECC”), and the International Residential Code (the “IRC” and together with the IBC, the IEBC, the NEC, the IPC, the IMC, the IFGC, the IFC, the IPMC, the IECC, the “City’s Standard Codes”);

**WHEREAS**, it is the intent of the IBC to provide a reasonable level of safety, public health and general welfare, through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide a reasonable level of safety to fire fighters and emergency responders during emergency operations;

**WHEREAS**, it is the intent of the IEBC to provide for minimum requirements to safeguard the public health, safety and welfare insofar as they are affected by the repair, alteration, change of occupancy, addition and relocation of existing buildings;

**WHEREAS**, it is the intent of the NEC to achieve electrical safety in residential, commercial, and industrial occupancies;

**WHEREAS**, it is the intent of the IPC to establish minimum standards to provide a reasonable level of safety, health, property protection and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance or use of plumbing equipment and systems;

**WHEREAS**, it is the intent of the IMC to establish minimum standards to provide a reasonable level of safety, health, property protection and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance or use of mechanical systems;

**WHEREAS**, it is the intent of the IFGC to establish minimum standards to provide a reasonable level of safety, health, property protection and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance or use of fuel gas systems;

**WHEREAS**, it is the intent of the IFC to establish minimum requirements consistent with nationally recognized good practice for providing a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises, and to provide reasonable level of safety to the fire fighters and emergency responders during emergency operations;

**WHEREAS**, it is the intent of the IECC to regulate the design and construction of buildings for the use and conservation of energy over the life of each building;

**WHEREAS**, it is the intent of the IRC to establish minimum requirements to safeguard the public safety, health and general welfare through affordability, structural strength, means of egress facilities, stability, sanitation, light and ventilation, energy conservation and safety to life and property from fire and other hazards attributed to the build environment, and to provide safety to fire fighters and emergency responders during emergency operations;

**WHEREAS**, the City has reviewed all of the City’s Standard Codes and upon such review has determined to amend and restate the provisions of Chapter 10 – “Buildings and Building Regulations,” Article II – “Technical Codes” governing all such codes within the City.

**NOW, THEREFORE BE IT ORDAINED**, by the Mayor and City Council of the City of Hartsville, the governing body of the City, as follows:

### **Section 1. *Generally***

(A) Pursuant to Sections 6-9-50 and 6-9-60 of the Code of Laws of South Carolina 1976, as amended, the City shall only adopt the latest edition of certain national codes, which includes the City’s Standard Codes. For the purposes discussed above and generally to govern all building activities within the City, all of the City’s Standard Codes shall be amended and restated under the terms of this Ordinance. Any amendments, modifications and succeeding editions to each of the City’s Standard Codes or succeeding amendments or modifications to City’s Standard Codes shall become effective

upon the approval of the South Carolina Building Codes Council in conformance with State law; however, in no event shall any subsequent edition of the IPMC affect the administrative and enforcement provisions established herein. Except with respect to the IPMC, each of the model regulations, provisions, penalties, conditions and terms for the City's Standard Codes are hereby enacted by the City. The actual provisions of the City's Standard Codes shall be available for review in the office of the City Clerk.

(B) Certain provisions governing the IPMC were recently enacted by the City pursuant to the terms of Ordinance No. 4324 of the City dated March 13, 2018 ("Ordinance 4324"). Except for the provisions of Sec. 10-38 – "International Property Maintenance Code", which shall be amended and restated in its entirety by the provisions of this Ordinance, no other provisions of Ordinance 4324 shall be amended by the provisions of this Ordinance. While this Ordinance and Ordinance 4324 shall be read in conformity with one another, in the event of any inconsistency between Ordinance 4324 and this Ordinance, this Ordinance shall be controlling.

**Section 2. *Amendment and Restatement of Chapter 10, Article II.*** Chapter 10 "Buildings and Building Regulations," Article II "Technical Codes," as previously enacted various prior actions of the City Council of the City of Hartsville, the governing body of the City (the "City Council"), is hereby amended and restated in its entirety to now read as follows:

## **Chapter 10 - BUILDINGS AND BUILDING REGULATIONS**

### **ARTICLE II-TECHNICAL CODES**

#### **Sec. 10-31. – Public policy for building codes.**

(a) *Generally.* Pursuant to Title 6, Chapter 9 of the Code of Laws of South Carolina 1976, as amended and as may be further amended by the General Assembly, the City of Hartsville hereby adopts the latest editions of the following national codes and the standards referenced, or as adopted by the South Carolina Building Codes Council, as set forth herein for the regulations of construction within the City: building, electrical, mechanical, fuel gas, fire, property maintenance and energy codes as promulgated, published, amended or made available by the South Carolina Building Codes Council in conformance with the laws of the State of South Carolina. Any provision identifying the jurisdiction shall be deemed to be the City of Hartsville. A file of record of these codes is in the offices of the City Clerk.

(b) *Exclusions.* Deemed excluded from adoption under this Article II – "Technical Codes" is any provision, or part thereof of a standard code which concerns: (1) a department or official name or nomenclature; (2) the appointment, liabilities, qualifications, removal, dismissal and duties of the code enforcement or building official, any other city official or employee or appeals board; or (3) the establishment of fees.

(c) *Amendments.* Whenever the term "jurisdiction" is used in any of the standard codes approved herein, it shall be construed to mean the City of Hartsville, South Carolina.

(c) *Fees.* The fees for permits shall be as established in an ordinance adopted by City Council of the City of Hartsville, as the governing body of the City.

**Sec. 10-32. - International Building Code and International Existing Building Code.**

*Adoption of the International Building Code and International Existing Building Code.* This section is to be known and referred to as the “Building Code.” There is hereby adopted by the City the most current editions of the International Building Code (the “IBC”) and International Existing Building Code (the “IEBC”), as promulgated by the International Code Council Inc. and adopted by the South Carolina Building Codes Council, copy of which is to be kept permanently on file in the administrative offices of the City as part of the general ordinances of the City, with same being incorporated herein by reference, and without the necessity of setting out and copying in its entirety the said IBC and IEBC. Further, the enactment of the ordinance from which this Section is derived shall include the administrative provisions in Chapter 1 of both the IBC and the IEBC. To the extent any inconsistency exists between the administrative provisions of in Chapter 1 of the IBC and Chapter 1 of the IEBC, the provisions of Chapter 1 of the IBC shall control.

**Sec. 10-33. – National Electric Code.**

(a) *Adoption of the National Electric Code.* This section is to be known and referred to as the “Electric Code.” There is hereby adopted by the City the most current edition of the National Electric Code, as promulgated by the National Fire Protection Association and adopted by the South Carolina Building Codes Council, copy of which is to be kept permanently on file in the administrative offices of the City as part of the general ordinances of the City, with same being incorporated herein by reference, and without the necessity of setting out and copying in its entirety the said International Electric Code. Further, the enactment of the ordinance from which this Section is derived shall include the administrative provisions in Chapter 1 of the International Electric Code.

(b) *Electrician's license required.* It shall be unlawful for any person to contract to do any electrical work of any kind within the City unless he shall be the holder of an unrevoked and unexpired electrical license issued by the City or State of South Carolina, as applicable.

(c) *Master or journeyman electrician in control.* Where any electrical work requiring a permit is being done, a master or journeyman electrician (who is licensed in the City) shall at all times be in control of the work being performed. Homeowners are exempt if they comply with Section 10-2 herein.

(d) *Plumbing and piping to be in place.* All plumbing and other piping or tube work must be in place on work to be concealed before the electrical wiring is inspected. No wiring shall be considered as complete for final inspection until all

plumbing or piping is in place.

(e) *Concealment of wiring prior to inspection prohibited.* It shall be unlawful to lath, seal, or in any manner conceal any electrical wiring or equipment until it has been inspected and notices posted that it has been approved.

(f) *Suitable zone on each pole to be reserved for City.* On any pole of any electric light, power, street, railway, telephone, or telegraph company used jointly by two or more companies, each company shall be allotted a special zone, and shall confine its wires to that zone. Spaces shall be measured from the tops of poles downward, and a suitable zone on every pole shall at all times be reserved for the free use of the City.

(g) Poles, wires prohibited in certain areas.

(1) It shall be unlawful for any person to erect, maintain or operate or to permit to remain any pole, wire, line, or attachment owned or controlled by him and used or erected for use for the transmission of electricity, telephone or telegraphic communications over the City streets or sidewalks and within the following areas: Fifth Street from the south side of Home Avenue to the north side of Marlboro Avenue and Carolina Avenue for the west side of Fourth Street to the east side of Sixth Street. Each day during which any person shall maintain, operate or permit to remain any pole, wire, line, or attachments owned or controlled by him and used or erected for the use for the transmission of electricity, telephone or telegraphic communications over the city streets or sidewalks and within the areas described and set forth in this subsection shall constitute a separate offense and violation of this section.

(2) Nothing in this section shall prohibit the erection or maintenance of poles or standards within such area for City streetlights or the maintenance of necessary wires for transmission of electricity for the operation of such streetlights during such periods as the transmission of electricity to the rear of buildings which face or front on the streets and within the area named and described in subsection (g)(1) of this section shall for any reason be prevented or made impossible. Nothing in this section shall prohibit the distribution of electricity from wires or lines maintained for the operation of streetlights directly to such buildings as cannot for the time be served with electricity through other access.

#### **Sec. 10-34. – International Plumbing Code.**

(a) *Adoption of International Plumbing Code.* This section is to be known and referred to as the “Plumbing Code.” There is hereby adopted by the City the most current edition of the International Plumbing Code, as promulgated by the International Code Council, Inc. and adopted by the South Carolina Building Codes Council, copy of which is to be kept permanently on file in the administrative offices of the City as part of the general ordinances of the City, with same being incorporated herein by reference, and without the necessity of setting out and copying in its entirety the said International Plumbing Code. Further, the enactment

of the ordinance from which this Section is derived shall include the administrative provisions in Chapter 1 of the International Plumbing Code.

(b) *Plumber's license required.* It shall be unlawful for any person to contract to do any plumbing work of any kind within the City unless he shall be the holder of an unrevoked and unexpired plumber's license for such work issued by the issued by the City or State of South Carolina, as applicable.

(c) *Master or journeyman plumber in control.* Where any plumbing work requiring a permit is being done, a master or journeyman plumber (who is licensed in the City) shall at all times be in control of the work being performed. Homeowners are exempt if they comply with Section 10-2 herein.

(d) *Authority to order discontinuance of private sewer or drains.* The building official shall have the power and authority to order discontinuance and to prevent the use of any private sewer or drain through which there is being discharged any substance into the City sewer lines or system.

**Sec. 10-35. – International Mechanical Code.**

(a) *Adoption of International Mechanical Code.* This section is to be known and referred to as the “Mechanical Code.” There is hereby adopted by the city the most current edition of the International Gas Code, as promulgated by the International Code Council, Inc. and adopted by the South Carolina Building Codes Council, a copy of which is to be kept permanently on file in the administrative offices of the City as part of the general ordinances of the City, with same being incorporated herein by reference, and without the necessity of setting out and copying in its entirety the said International Mechanical Code. Further, the enactment of the ordinance from which this Section is derived shall include the administrative provisions in Chapter 1 of the International Mechanical Code.

(b) *Mechanical license required.* It shall be unlawful for any person to contract to do any mechanical work of any kind within the City unless he shall be the holder of an unrevoked and unexpired mechanical license for such work issued by the City or State of South Carolina, as applicable.

(c) *Master HARV or mechanical journeyman in control.* Where any mechanical work requiring a permit is being done, a master HARV or mechanical journeyman (who is licensed in the City) shall at all times be in control of the work being performed. Homeowners are exempt if they comply with section 10-2 herein.

**Sec. 10-36. – International Fuel Gas Code.**

(a) *Adoption of International Fuel Gas Code.* This section is to be known and referred to as the “Gas Code.” There is hereby adopted by the city the most current edition of the International Fuel Gas Code, as promulgated by the International Code Council, Inc. and adopted by the South Carolina Building Codes Council, a copy of which is to be kept permanently on file in the administrative offices of the City as part of the general ordinances of the City, with same being incorporated herein by reference, and without the necessity of setting out and copying in its entirety the said International Fuel Gas Code. Further, the enactment of the ordinance from which this Section is derived shall include the administrative provisions in Chapter 1 of the International Fuel Gas Code.

(b) *Gas license required.* It shall be unlawful for any person to contract to do any gas work of any kind within the City unless he shall be the holder of an unrevoked and unexpired gas license for such work issued by the City or State of South Carolina, as applicable.

(c) *Master or journeyman gasfitter in control.* Where any gas work requiring a permit is being done, a master or journeyman gasfitter (who is licensed in the City) shall at all times be in control of the work being performed. Homeowners are exempt if they comply with section 10-2 herein.

(d) *Inspection prerequisite to turning on gas.* No form of flammable gas shall be turned in to any gas piping system or appliance until such piping or appliance has been inspected by the building official. This inspection shall apply to all installations of consumer's gas piping and gas appliances originating at the delivery point from any gas utility piping system or at the outlet of any gas storage container.

(e) *Defective Piping.* Where there is reason to believe that any portion of the gas piping system has become defective, the system shall be tested in such manner as may be prescribed by the City.

(f) *Certificate of Approval.* Permanent gas supply will not be furnished until after a satisfactory tightness test has been made and a certificate of approval has been issued by the building official.

(g) *Permits.* Any duly licensed master gasfitter who desires to connect any gas installation with the system of gas mains of the utility, or to piping or appliances in new or existing systems, structures or premises, or to repair or add to any existing gas installation, shall first make application to the City (which shall include plans (in duplicate) as necessary to provide specifications (in the opinion of the City) as needed to determine the scope, nature and character of the work for which an application has been made) and obtain the permit therefor. Subject to approval by and in the discretion of the City, ordinary minor repairs may be made without a permit; provided, however, that such repairs shall not violate any of the provisions of this Section or the International Fuel Gas Code.

No permit shall be required where existing permissible unvented gas appliances are being replaced by gas appliances of the same size and type.

**Sec. 10-37. – International Fire Code.**

(a) *Adoption of International Fire Code.* This section is to be known and referred to as the “Fire Code.” There is hereby adopted by the city the most current edition of the International Fire Code, as promulgated by the International Code Council, Inc. and adopted by the South Carolina Building Codes Council, a copy of which is to be kept permanently on file in the administrative offices of the City as part of the general ordinances of the City, with same being incorporated herein by reference, and without the necessity of setting out and copying in its entirety the said International Fire Code. Further, the enactment of the ordinance from which this Section is derived shall include the administrative provisions in Chapter 1 of the International Fire Code.

(b) *Conflicting Provisions.* If any section, subsection or other portion of any City ordinance, this code of ordinances or State law conflicts in whole or in part with the International Fire Code approved herein, the more restrictive provisions shall govern and control.

(c) *Permits.* It shall be unlawful to install a sprinkler system within first applying for a permit, paying any required fees and presenting the fire marshal or building official with a set of plans for approval. Any plans shall provide specifications (in the opinion of the City) as needed to determine the scope, nature and character of the work for which an application has been made

**Sec. 10-38. - International Property Maintenance Code.**

(a) *Adoption of the International Property Maintenance Code.* This section is to be known and referred to as the “Property Maintenance Code.” There is hereby adopted by the City the most current version of the International Property Maintenance Code (the “IPMC”), as promulgated by the International Code Council, Inc. and adopted by the South Carolina Building Codes Council, a copy of which is to be kept permanently on file in the administrative offices of the City as part of the general ordinances of the City, with same being incorporated herein by reference, and without the necessity of setting out and copying in its entirety the said International Fire Code. Certain provisions of the IPMC, as provided in Section 10-38(b) below, have been amended and restated.

(b) *Amendments and Revisions.* In implementing the provisions of the IPMC, the City has determined to implement certain amendments and modifications to the provisions of the IPMC. In keeping therewith, the City has determined to amend, modify or restate the following provisions of the IPMC: **CHAPTER 1 – ADMINISTRATION; Section 3.02.4 Weeds; Section 3.04.14 Insect Screens; Section 6.02.2 Residential Occupancies; Section 6.02.3 Heat Supply; and Section 6.02.4 Occupiable Workspaces.** To the extent a section of the IPMC is



not amended and restated by the provisions hereof, the original provisions of the IPMC shall be applicable. The applicable amendments and revisions to the IPMC referenced herein are to be kept permanently on file in the administrative office at city hall as part of the general ordinances of the city, with same being incorporated herein by reference without the necessity of setting out and copying the entirety of such amendments and revisions herein.

**Sec. 10-39. – International Energy Conservation Code.**

*Adoption of International Energy Conservation Code.* This section is to be known and referred to as the “Energy Code.” There is hereby adopted by the city the most current edition of the International Energy Conservation Code, as promulgated by the International Code Council Inc. and adopted by the South Carolina Building Codes Council, a copy of which is to be kept permanently on file in the administrative offices of the City as part of the general ordinances of the City, with same being incorporated herein by reference, and without the necessity of setting out and copying in its entirety the said International Energy Conservation Code. Further, the enactment of the ordinance from which this Section is derived shall include the administrative provisions in Chapter 1 of the International Energy Conservation Code.

**Sec. 10-40. – International Residential Code.**

(a) *Adoption of International Residential Code.* This section is to be known and referred to as the “Residential Code.” There is hereby adopted by the city the most current edition of the International Residential Code, as promulgated by the International Code Council and adopted by the South Carolina Building Codes Council, a copy of which is to be kept permanently on file in the administrative offices of the City as part of the general ordinances of the City, with same being incorporated herein by reference, and without the necessity of setting out and copying in its entirety the said International Residential Code. Further, the enactment of the ordinance from which this Section is derived shall include the administrative provisions in Chapter 1 of the International Residential Code.

(b) *Bond or Liability Insurance.*

(1) When the City shall so require, the applicant for a building permit shall, before receiving such permit or beginning work thereunder, execute and deliver to the City a good and sufficient bond of indemnity in such sum as may be required by the City Manager, and subject to the approval of the City Council, conditioned to repay to the City any sums which it may have to pay for damages to any person or property by reason of excavations or obstructions in or on any of the streets, alleys or sidewalks of the City, or by reason of objects falling from such building or the scaffolding attached thereto, or by reason of any act or neglect whatsoever done or suffered by such applicant or by any person, whether an independent contractor or not, or by any agent of any such party who shall construct or move such building or any part thereof. Such bond shall be that of an

approved surety company or shall be signed by two or more good and sufficient resident sureties, to be approved by the City Council. The City Manager may at any time require the execution of a new bond or the substitution or addition of new or other sureties therefor or thereto.

(2) In lieu of the bond prescribed in subsection (1) of this subsection, any person applying for a building permit may file with the City a public liability insurance policy issued by an insurance company authorized to do business in the State of South Carolina, such policy to afford coverage in the currently required amount. Such policy shall name the City as an additional insured and the applicant shall furnish the name of the agent issuing the policy, the policy number, the expiration date thereof and the name and address of the insurance company issuing the policy.

**Section 3.** If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, is held or determined to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

**Section 4.** That nothing in this Ordinance or the City's Standard Codes hereby enacted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause of causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

**Section 5.** All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this ordinance are hereby repealed to the extent of the conflict or inconsistency. This ordinance shall take effect immediately upon its enactment by the City Council.

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**DONE AND ENACTED BY CITY COUNCIL ASSEMBLED**, this \_\_\_\_ day of \_\_\_\_\_,  
2018.

**CITY OF HARTSVILLE,  
SOUTH CAROLINA**

\_\_\_\_\_  
Carl M. (Mel) Pennington IV, Mayor

(SEAL)

ATTEST:

\_\_\_\_\_  
Sherron L. Skipper, City Clerk

First Reading:                   September 11, 2018  
Public Hearing:  
Final Reading: