

Building Code Ordinance

County of Lexington



Adopted April 8, 2008

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ARTICLE 1

Administration

Section 1.1 Title. These regulations shall be known as the Building Code Ordinance of Lexington County, hereinafter referred to as “this ordinance.”

Section 1.2 Scope. The provisions of the International Building Codes shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

Exception: Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with a separate means of egress and their accessory structures shall comply with the International Residential Code.

1.2.1 Appendices. Provisions in the appendices shall not apply unless specifically adopted.

Section 1.3 Intent. The purpose of this ordinance is to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations.

Section 1.4 Referenced Codes. The other codes listed in Sections 1.4.1 through 1.4.7 and referenced elsewhere in this code shall be considered part of the requirements of this ordinance to the prescribed extent of each such reference.

1.4.1 Electrical. The provisions of the *National Electrical Code* shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

1.4.2 Gas. The provisions of the *International Fuel Gas Code* shall apply to the installation of gas piping from the point of delivery, gas appliances

and related accessories as covered in this code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

1.4.3 Mechanical. The provisions of the *International Mechanical Code* shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems.

1.4.4 Plumbing. The provisions of the *International Plumbing Code* shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system.

1.4.5 Fire Prevention. The provisions of the *International Fire Code* shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

1.4.6 Energy Conservation. The provisions of the *International Energy Code* shall regulate the design of building envelopes for adequate thermal resistance and low air leakage and the design and selection of mechanical, electrical, service water-heating, and illumination systems and equipment which will enable effective use of energy in new building construction. It is intended that these provisions provide flexibility to permit the use of innovative approaches and techniques to achieve effective utilization of energy.

ARTICLE 2

Applicability

Section 2.1 General. Where, in any specific case, different sections of the codes specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

Section 2.2 Other Laws. The provisions of the ordinance shall not be deemed to nullify any provision of local, state or federal law.

Section 2.3 Application of References. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this ordinance.

Section 2.4 Referenced Codes and Standards. The codes and standards referenced shall be considered part of the requirements of this ordinance to the prescribed extent of each such reference.

Section 2.5 Partial Invalidity. In the event that any part of provision of this ordinance is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

Section 2.6 Existing Structures. The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this ordinance.

ARTICLE 3

Division of Building Inspections and Safety

Section 3.1 Creation of Enforcement Agency. The Division of Building Inspections and Safety is hereby created and the official in charge thereof shall be known as the Building Official.

Section 3.2 Deputies. In accordance with prescribed procedures, the Building Official shall have the authority to appoint a Deputy Building Official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the Building Official.

ARTICLE 4

Duties and Powers of Building Official

Section 4.1 General. The Building Official is hereby authorized and directed to enforce the provisions of this ordinance. The Building Official shall have the authority to render interpretations of the code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this ordinance. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this ordinance.

Section 4.2 Applications and Permits. The Building Official shall receive applications, review construction documents and issue permits for the erection, and alteration, demolition and moving of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this ordinance.

Section 4.3 Notices and Orders. The Building Official shall issue all necessary notices or orders to ensure compliance with this ordinance.

Section 4.4 Inspections. The Building Official shall make all of the required inspections, or the Building Official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The Building Official is authorized to engage such expert opinion as deemed necessary to report upon the unusual technical issues that arise.

Section 4.5 Identification. The Building Official or his designee shall carry proper identification when inspecting structures or premises in the performance of duties under this ordinance.

Section 4.6 Right of Entry. Where it is necessary to make an inspection to enforce the provisions of this ordinance, or where the Building Official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this ordinance which makes the structure or premises unsafe, dangerous or hazardous, the Building Official is authorized to enter the structure or premises at a

reasonable time to inspect or to perform the duties imposed by this ordinance, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the Building Official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and have request entry. If entry is refused, the Building Official shall have recourse to the remedies provided by law to secure entry.

Section 4.7 Division of Records. The Building Official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records.

Section 4.8 Liability. The Building Official, member of the Board of Appeals or employee charged with the enforcement of this ordinance, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this ordinance or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability of any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this ordinance shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The Building Official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this ordinance.

Section 4.9 Approved Materials and Equipment. Materials, equipment and devices approved by the Building Official shall be constructed and installed in accordance with such approval.

4.9.1 Used Materials and Equipment. The use of used materials which meet the requirements of this code for new materials is permitted. Used equipment and devices shall not be reused unless approved by the Building Official.

Section 4.10 Modifications. Wherever there are practical difficulties involved in carrying out the provisions of this code, the Building Official shall have the authority to grant modifications for individual cases upon application of the permit holder or permit holders, provided the Building Official shall first find that special individual reason makes the strict letter of this code

impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the Division of Building Inspections and Safety.

Section 4.11 Alternative Materials, Design and Methods of Construction and Equipment. The provisions of this ordinance are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by the code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the Building Official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability, and safety.

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

ARTICLE 5

Permits

Section 5.1 Required. Any owner, contractor, or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the Building Official and obtain the required permit.

Section 5.2 Work Exempt from Permit. Exemptions from permit requirements of this ordinance shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 500 square feet.
2. Fences.
3. Retaining walls, unless supporting a surcharge or impounding Class I, II, or IIIA liquids.
4. Water tanks supported directly on grade.
5. Sidewalks and driveways.
6. Painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work.
7. Temporary motion picture, television and theater stage sets and scenery.
8. Swimming pools accessory to a Group R-3 occupancy.
9. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
10. Swings and other playground equipment.
11. Window awnings supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
12. Nonfixed and moveable fixtures, cases, racks, counters, and partitions not over 5 feet 9 inches (1753 mm) in height.

5.5.1 Repairs. Application or notice to the Building Official is not required for ordinary repairs to structures. Such repairs shall not include the cutting away of any load bearing wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

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

Section 5.3 Application for Permit. To obtain a permit, the applicant shall first file an application in writing on a form furnished by the Division of Building Inspections and Safety for that purpose. Such application shall include:

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address, or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by construction documents and other information as required in Section 1.6.
5. State the valuation of the proposed work, if applicable.
6. Be signed by the applicant, or the applicant's authorized agent.
7. Give such other data and information as required by the Building Official.

5.3.1 Action on Application. The Building Official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the Building Official shall reject such application in writing, stating the reasons therefore. If the Building Official is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances

applicable thereto, the Building Official shall issue a permit therefore as soon as practicable.

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

Section 5.4 Validity of Permit. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this ordinance or of any other ordinance. Permits presuming to give authority to violate or cancel the provisions of this ordinance or other ordinances shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the Building Official from requiring the correction of errors in the construction documents and other data. The Building Official is also authorized to prevent occupancy or use of a structure where in violation of this ordinance or of any other ordinance.

Section 5.5 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 90 days after the time the work is commenced. The Building Official is authorized to grant, in writing, one or more extensions of time, for periods not more than 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

Section 5.6 Suspension or Revocation. The Building Official is authorized to suspend or revoke a permit issued under the provisions of this ordinance wherever the permit is issued on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

Section 5.7 Placement of Permit. Work requiring a building permit shall not be commenced until the permit holder or his agent shall have the building permit card in a conspicuous place on the front of the premises. The permit shall be protected from the weather and in such position as to allow inspection by various County officials. This permit card shall be maintained in such position by the permit holder until the Certificate of Occupancy is issued by the Building Official.

Section 5.8 Flood Plain Areas. Any person, owner or authorized agent who intends to construct any building or structure, for which a building permit is required, in a flood hazard areas shall first provide documented approval for such construction as issued by the Flood Plain Manager for the Department of Public Works.

Section 5.9 Zoning Permits are Required. Any person, owner, or authorized agent who intends to construct or alter any building or structure for which a building permit is required shall first provide a valid zoning permit from the Zoning Administrator of the jurisdiction where the construction or alteration is to be located.

Section 5.10 Water and Sewer Approval Required. When required by the Building Official, an applicant for a building permit must submit to the Building Official a certificate issued by the appropriate authority granting approval for water and sewer facilities.

ARTICLE 6

Construction Documents

Section 6.1 Submittal Documents. Construction documents, statement of special inspections and other data shall be submitted in one or more sets with each permit application. The construction documents shall be prepared by a registered design professional where required by statute. Where special conditions exist, the Building Official is authorized to require additional construction documents to be prepared by a registered design professional.

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

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

Section 6.2 Examination of Documents. The Building Official shall examine or cause to be examined the accompanying construction documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.

6.2.1 Approval of Construction Documents. When the Building Official issues a permit, the construction documents shall be approved, in writing or by stamp as "*Reviewed for Permitting.*" One set of construction documents so reviewed shall be retained by the Building Official. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the Building Official or a duly authorized representative.

6.2.2 Previous Approvals. This ordinance shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 90 days after the effective date of this code and has not been abandoned.

6.2.3 Phased Approval. The Building Official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been approved, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holders' own risk with the building operation and without assurance that a permit for the entire structure will be granted.

6.2.4 Deferred Submittals. For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the Building Official within a specified period.

Deferral of any submittal items shall have the prior approval of the Building Official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the Building Official.

Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the Building Official with a notation indicating that the deferred submittal documents have been reviewed and been found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the design and submittal documents have been approved by the Building Official.

Section 6.3 Amended Construction Documents. Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.

ARTICLE 7

Temporary Structures and Uses

Section 7.1 General. The Building Official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of services, but shall not be permitted for more than 180 days. The Building Official is authorized to grant extensions for demonstrated cause.

Section 7.1 Conformance. Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this code as necessary to ensure public health, safety and general welfare.

Section 7.3 Temporary Power. The Building Official is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in the *National Electrical Code*.

Section 7.4 Termination of Approval. The Building Official is authorized to terminate such permit for a temporary structure or use and to order the temporary structure or used to be discontinued.

ARTICLE 8

Fees

Section 8.1 Payment of Fees. A permit shall not be valid until the fees prescribed have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

Section 8.2 Schedule of Fees. The schedule of fees and permits shall be established by Lexington County Council.

Section 8.3 No Charge Permit. At the discretion of the Building Official, he may waive the required permit fee on any community or charitable project for which all labor, materials and profit are donated. The Building Official shall notify the County Administrator in writing of all such projects.

Section 8.4 Refunds. The Building Official is authorized to refund permit fees provided the work authorized was not begun.

ARTICLE 9

Inspections

Section 9.1 General. Construction or work for which a permit is required shall be subject to inspection by the Building Official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this ordinance or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this or of other ordinances shall not be valid. It shall be the duty of the permit applicant to cause the work or to remain accessible and exposed for inspection purposes. Neither the Building Official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

Section 9.2 Preliminary Inspection. Before issuing a permit, the Building Official is authorized to examine or cause to be examined buildings, structures and site for which an application has been filed.

Section 9.4 Inspection Agencies. The Building Official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

Section 9.5 Inspection Requests. It shall be the duty of the holder of the building permit or their duly authorized agent to notify the Building Official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code.

Section 9.6 Approval Required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the Building Official. The Building Official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this ordinance. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the Building Official.

ARTICLE 10

Certificate of Occupancy

Section 10.1 Use and Occupancy. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the Building Official has issued a certificate of occupancy therefore as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provision of this ordinance or of other ordinances of Lexington County.

Section 10.2 Certificate Issued. After the Building Official inspects the building or structure and finds substantial compliance with the provisions of this ordinance and other laws that are enforced by the Division of Building Inspections and Safety, the Building Official shall issue a certificate of occupancy that contains the following:

1. The building permit number.
2. The address of the structure.
3. The name and address of the applicant.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of his ordinance for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the Building Official.
7. The edition of the code under which the permit was issued.
8. The use and occupancy, in accordance with the provisions of Chapter 3.
9. Special stipulations and conditions of the building permit, if any.

Section 10.3 Temporary Occupancy. The Building Official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The Building Official shall set a time period during which the temporary certificate of occupancy is valid.

Section 10.4 Revocation. The Building Official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the

provisions of this ordinance wherever the certificate is issued on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this ordinance.

ARTICLE 11

Service Utilities

Section 11.1 Connection of Service Utilities. No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this ordinance for which a permit is required, until released by the Building Official.

Section 11.2 Temporary Connection. The Building Official shall have the authority to authorize the temporary connection of the building or system to the utility source of energy, fuel or power.

Section 11.3 Authority to Disconnect Service Utilities. The Building Official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this ordinance and the codes referenced in case of emergency where necessary to eliminate an immediate hazard to life or property. The Building Official shall notify the serving utility, and wherever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

ARTICLE 12

Building Code Board of Appeals

Section 12.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of this ordinance, there shall be and is hereby created a Board of Appeals. The board of appeals shall be appointed by County Council and shall hold office at its pleasure.

Section 12.2 Application for Variances or Appeals. A written application for a variance or an appeal shall be filed with the Building Official by the property owner or his designated agent or the aggrieved party. Copies of the application shall be transmitted to the members of the Board.

Section 12.3 Limitation on Authority. An application for appeal shall be based on a claim that the true intent of the ordinance or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this ordinance do not fully apply or an equally good or better form of construction is proposed. The Board shall have no authority to waive requirements of this ordinance.

Section 12.4 Qualifications. The Building Code Board of Appeals shall consist of nine (9) members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of Lexington County. The Board shall consist of at least one (1) architect, one (1) engineer, one (1) general contractor, one (1) residential builder, one (1) member at large, and one (1) member each from the building, electrical, mechanical, and plumbing industries. All members shall be residents of the County. All members shall be appointed by the County Council and serve without compensation. The Building Official shall be an ex officio member of said Board but shall have no vote on any matter before the Board.

Section 12.5 Terms. Members of the Board shall be appointed for four (4) year terms. The Board shall annually select members to serve as chairman and vice-chairman. The chairman and vice-chairman shall be selected at the meeting occurring in January.

Section 12.6 Rules and Proceedings with the Board. The Board shall adopt rules of procedure for conducting its business. A member shall not hear an appeal in which that member has a personal, professional, or financial interest.

The Board may call upon any other agency of Lexington County or information in the performance of its duties and it shall be the duty of such other agency to render such information to the Board as may be reasonably required.

Section 12.7 Meetings of the Board. The Board shall meet at least once each month when there are appeals or applications for variances. Special meetings may be held at the call of the chairman provided that at least a 24-hour notice of such meeting is given to every member.

The presence of five (5) members shall create a quorum and motions shall pass or fail by majority of those members actually voting. Motions which receive an equal number for and against shall be deemed to fail. Only members in attendance at a meeting shall be eligible to vote on motions before the Board. Proxy votes shall not be used.

Section 12.8 Public Hearings. A public hearing shall be held by the board for all appeals and variances.

Section 12.9 Decisions. Every decision of the Board of Appeals shall be final, subject, however, to such remedy as any aggrieved party might have at law or in equity. It shall be in writing and shall indicate the vote upon the decision. Every decision shall be promptly filed in the Office of the Building Official, and shall be open to public inspection; a certified copy shall be sent by mail or otherwise to the appellant.

Section 12.10 Appeals of Decisions of the Board. Any appeal of a decision previously rendered by the Board shall be heard again in its entirety when in the opinion of the chairman new or different information warrants such a hearing. The chairman shall have sole authority to decide if the requested appeal is to be reheard. Any person, whether or not a previous party of the original appeal, shall have the right to apply to the appropriate court for a writ of certiorari or other injunctive relief. Such appeals shall be made in a manner and time as prescribed by law.

Section 12.11 Records. The Building Official shall designate a qualified staff member to serve as secretary to the Board who shall make a detailed record of all its proceedings, which shall set forth the reasons for its decisions, the vote

of each member participating therein, the absence of a member, and any failure of a member to vote.

ARTICLE 13

Violations

Section 13.1 Unlawful Acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, move, demolish or occupy any building, structure or equipment regulated by this ordinance, or cause same to be done, in conflict with or in violation of any of the provisions of this ordinance.

Section 13.2 Penalties for Violation. Violation of the provision of this ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Any person, firm, or corporation who violates this ordinance or fails to comply with any of its requirements shall, upon convictions thereof, be fined not more than the maximum allowable penalty jurisdiction of the Magistrate's Court. Each day such violation continues shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties here in provided.

The Building Official or other appropriate county official may also seek injunctive relief or any other appropriate action in courts of competent jurisdiction to enforce the provisions of this ordinance.

ARTICLE 14

Stop Work Order

Section 14.1 Authority. Whenever the Building Official finds any work regulated by this ordinance being performed in a manner either contrary to the provisions of this ordinance or dangerous or unsafe, the Building Official is authorized to issue a stop work order.

Section 14.2 Issuance. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

Section 14.3 Unlawful Continuance. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed in this ordinance.

ARTICLE 15

Unsafe Structures and Equipment

Section 15.1 Conditions. Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the Building Official deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe.

Section 15.2 Record. The Building Official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

Section 15.3 Notice. If an unsafe condition is found, the Building Official shall serve on the owner, agent or person in control of the structure, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time.

Section 15.4 Method of Service. Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by law. If the certified or registered letter is returned showing that letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

Section 15.5 Restoration. The structure or equipment determined to be unsafe by the Building Official is permitted to be restored to a safe condition to the extent that repairs, alterations or additions are made or a change of occupancy

occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with this ordinance.

Section 15.6 Failure to Comply. If the owner fails to comply with the order to repair, alter, or improve or to remove and demolish, they shall be in violation of this ordinance and subject to such penalty as outlined in Section 13.2.

Section 15.7 Removal or Demolition. If the owner of an unsafe structure fails to comply with the order to remove or demolish the dwelling, building, or other structure, the Building Official, or other authorized representatives, may cause such dwelling or building or other structure to be removed or demolished, as outlined in Chapter 14 – Article III of the County Code of Ordinances.

ARTICLE 16

Electrical Inspections and Testing

Section 16.1 General. The Building Official, upon notification, shall make the inspections set forth in this section.

Section 16.2 Concealed Work. Work shall remain accessible and exposed for inspection purposes until approved. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Wherever any installation subject to inspection prior to use is covered or concealed without having first been inspected, the Building Official shall have the authority to require that such work be exposed for inspection. Neither the Building Official nor Lexington County shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

Section 16.3 Underground. Underground inspection shall be made after trenches or ditches are excavated and bedded, piping and conductors installed, and before backfill is put in place. Where excavated soil contains rocks, broken concrete, frozen chunks and other rubble that would damage or break the raceway, cable or conductors, or where corrosive action will occur, protection shall be provided in the form of granular or selected materials, approved running boards, sleeves or other means.

Section 16.4 Rough-In. Rough-in inspection shall be made after the roof, framing, fireblocking and bracing are in place and all wiring and other components to be concealed are complete, and prior to the installation of wall or ceiling membranes.

Section 16.5 Other Inspections. In addition to the inspections specified above, the Building Official is authorized to make or require other inspections of any construction work to ascertain compliance with the provision of this ordinance, which is enforced by this Division.

Section 16.6 Final Inspection. The final inspection shall be made after all work required by the permit is complete.

ARTICLE 17

Plumbing Inspections and Testing

Section 17.1 Required Inspections and Testing. The Building Official, upon notification from the permit holder or the permit holder's agent, shall make the following inspections and such other inspections as necessary, and shall either release that portion of the construction or shall notify the permit holder or agent of any violations that must be corrected. The holder of the permit shall be responsible for the scheduling of such inspections.

1. Underground inspection shall be made after trenches or ditches are excavated and bedded, piping installed, and before any backfill is put in place.
2. Rough-in inspection shall be made after the roof, framing, fireblocking, firestopping, draftstopping, and bracing is in place and all sanitary, storm and water distribution piping is roughed-in, and prior to the installation of wall or ceiling membranes.
3. Final inspection shall be made after the building is complete, all plumbing fixtures are in place and properly connected, and the structure is ready for occupancy.

Section 17.2 Special Inspections. Special inspections of alternative engineered design plumbing systems shall be conducted in accordance with Sections 17.2.1 and 17.2.2.

17.2.1 Periodic Inspection. The registered design professional or designated inspector shall periodically inspect and observe the alternative engineered design to determine that the installation is in accordance with the approved construction documents. All discrepancies shall be brought to the immediate attention of the plumbing contractor for correction. Records shall be kept of all inspections.

17.2.2 Written Report. The registered design professional shall submit a final report in writing to the Building Official upon completion of the installation, certifying that the alternative engineered design conforms to the approved construction documents. A notice of approval for the plumbing system shall not be issued until a written certification has been submitted.

Section 17.3 Testing. Plumbing work and systems shall be tested as required in the International Plumbing Code.

17.3.1 New, Altered, Extended, or Repaired Systems. New plumbing systems and part of existing systems that have been altered, extended or repaired shall be tested as prescribed herein to disclose leaks and defects, except that testing is not required in the following cases:

1. In any case that does not include addition to, replacement, alteration or relocation of any water supply, drainage, or vent piping.
2. In any case where plumbing equipment is set up temporarily for exhibition purposes.

17.3.2 Reinspection and Testing. Where any work or installation does not pass any initial test or inspection, the necessary corrections shall be made to comply with this ordinance. The work or installation shall then be resubmitted to the code official for inspection and testing.

Section 17.4 Approval. After the prescribed tests and inspections indicate that the work substantially complies in all respects with this code, a notice of approval shall be issued by the Building Official.

ARTICLE 18

Mechanical and Fuel Gas Inspections and Testing

Section 18.1 Required Inspections and Testing. The Building Official, upon notification from the permit holder or the permit holder's agent, shall make the following inspections and such other inspections as necessary, and shall either release that portion of the construction or shall notify the permit holder or agent of any violations that must be corrected. The holder of the permit shall be responsible for the scheduling of such inspections.

1. Underground inspection shall be made after trenches or ditches are excavated and bedded, piping installed, and before backfill is put in place. When excavated soil contains rocks, broken concrete, frozen chunks, and other rubble that would damage or break the piping or cause corrosive action, clean backfill shall be on the job site.
2. Rough-in inspection shall be made after the roof, framing, fireblocking, and bracing are in place and all ducting and other components to be concealed are complete, and prior to the installation of wall or ceiling membranes.
3. Final inspection shall be made upon completion of the mechanical system.

Exception: Ground-source heat pump loop systems shall be permitted to be backfilled prior to inspection.

The requirements of this section shall not be considered to prohibit the operation of any heating equipment or appliances installed to replace existing mechanical systems serving an occupied portion of a structure provided that a request for inspection of such mechanical systems has been filed with the Division not more than 48 hours after such replacement work is completed and before any portion of such mechanical system is concealed by any permanent portion of the structure.

Section 18.2 Testing. Mechanical systems shall be tested as required in the International Mechanical and Fuel Gas Codes. Test shall be made by the permit holder and observed by the Building Official.

18.2.1 New, Altered, Extended, or Repaired Systems. New mechanical systems and part of existing systems, which have been altered, or extended, shall be tested as prescribed herein to disclose leaks and defects.

18.2.2 Apparatus, Material, and Labor for Tests. Apparatus, material, and labor required for testing a mechanical system or part thereof shall be furnished by the permit holder.

18.2.3 Reinspection and Testing. Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with this ordinance. The work or installation shall then be resubmitted to the Building Official for inspection and testing.

Section 18.3 Approval. After the prescribed tests and inspections indicate that the work substantially complies in all respects with this ordinance, a notice of approval shall be issued by the Building Official.

Section 18.4 Temporary Connection. The Building Official shall have the authority to authorize the temporary connection of a mechanical system to the sources of energy for the purpose of testing mechanical systems or for use under a temporary certificate of occupancy.

ARTICLE 19

Fire Code Inspections

Section 19.1 General. The Building Official shall appoint a fire code official authorized to enforce the provision of this ordinance and shall have the authority to render interpretations of the fire code and to adopt policies, procedures, rules and regulations in order to clarify the application of its provisions. Such interpretations, policies, procedures, rules and regulations shall be in compliance with the intent and purpose of this ordinance and shall not have the effect of waiving requirements specifically provided for in the fire code.

Section 19.2 Inspection Authority. The fire code official is authorized to enter and examine any building, structure, marine vessel, vehicle or premises in accordance with and for the purpose of enforcing this ordinance.

Section 19.3 Inspections. The fire code official is authorized to conduct such inspections as are deemed necessary to determine the extent of compliance with the provisions of this ordinance and to approve reports of inspection by approved agencies or individuals. All reports of such inspections shall be prepared and submitted in writing for review and approval. Inspection reports shall be certified by a responsible officer of such approved agency or by the responsible individual.

Section 19.4 Chapter One of the Fire Code. The requirements in Chapter One of the International Fire Code shall be included in this ordinance whose purpose is to establish the minimum requirements consistent with nationally recognized good practice for providing a reasonable level of life safety and property protection from the hazard of fire, explosion or dangerous conditions in new and existing buildings, structures and premises and to provide safety to fire fighters and emergency responders during emergency operations. Where differences occur between provisions in Chapter One of the International Fire Code and this ordinance, the provisions of this ordinance shall apply.

ARTICLE 20

Manufactured Homes

Section 20.1 Manufactured Home Inspections. One inspection will be performed by Lexington County. The inspection is to be scheduled after the manufactured home has been placed on site and connected to a septic tank or sewer system, all electrical work and mechanical appurtenances are completed and ready to be energized by the utility supplier, a current Lexington County Mobile Home Tax Sticker has been displayed, the address has been appropriately posted, and all provision of this article have been completed. If all items are approved, a utility release will be forwarded to the utility supplier.

Section 20.2 Steps, Landings, and Railings. Manufactured homes shall be equipped with steps, landings, and railings as prescribed in the International Residential Code.

Section 20.3 Foundations, Anchoring Systems, and Tiedowns. Manufactured homes must be installed per the manufacturer's installation instruction. Used homes, without manufacturer's installation instructions, are to be installed per the Manufacturer Housing Board Regulations as promulgated by the South Carolina Department of Labor, Licensing and Regulation.

Section 20.4 Underpinning. Manufactured homes must be underpinned with masonry, mobile home skirting, or other material approved by the Building Official. Underpinning shall be installed in accordance with the installation specifications and instructions of the particular manufactured home, or the specifications and instructions of the mobile home skirting manufacturer, or the applicable section of the International Building Code for the material involved.

Access to and ventilation of these enclosed under floor areas shall be in accordance with the specifications of the manufactured home. If such specifications are not obtainable, the requirements of the International Residential Code shall be followed.

Section 20.5 Date of Construction. Manufactured homes manufactured before June 15, 1976 shall not be considered in compliance with the minimum construction standards established by this ordinance. Such homes may

not be established as new residences with existing homes allowed to continue to be occupied at their current location only.

Section 20.6 Derelict Mobile Homes. No owner of real property shall maintain, store, collect or allow to remain, any derelict mobile home on their property. For the purposes of this section, a derelict mobile home shall be defined by Section 6-1-150 of the South Carolina Code of Laws.

Section 20.7 Manufactured Home Retail Dealers. This section shall not apply to any sales lot of a manufactured home retail dealer currently licensed through the South Carolina Manufactured Housing Board.

Adopted this 8th day of April, 2008.