

CHAPTER 2

CODE ENFORCEMENT

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Article I

Building Codes

§ 2-101 Adoption of standard building codes.

The official building code of the town shall consist of the following national codes which are hereby adopted by reference pursuant to S.C. Code § 6-9-60 (1993). In the event of conflict between provisions of the standard codes and other applicable provisions of this code, state law, or town ordinances, such other provisions shall prevail and be controlling. One copy of each standard code shall be filed with the town clerk.

- (1) Standard Building Code, 1994 edition with appendices;
- (2) Standard Gas Code, 1994 edition;
- (3) Standard Plumbing Code, 1994 edition;
- (4) Standard Mechanical Code, 1994 edition;
- (5) Standard Fire Prevention Code, 1994 edition;
- (6) National Electrical Code, 1993 edition;
- (7) Standard Housing Code, 1994 edition; and
- (8) Standard Unsafe Building Abatement Code, 1994 edition.

§ 2-102 Code enforcement officials.

The Lexington County Building Official is designated as the building official who shall be responsible for issuing permits, making inspections and enforcement of the portion of the town building code comprised of the standard codes adopted by § 2-101, except the Standard Fire Prevention Code, which shall be enforced by the Lexington County Fire Chief, pursuant to an agreement with Lexington County.

§ 2-103 Housing code enforcement procedures.

The procedures for enforcement of the Standard Housing Code by inspection, complaint, hearing, order, repair or demolition shall be those prescribed by S.C. Code § 31-15-30, § 31-15-60, and § 31-15-90 (1976), or equivalent procedures adopted by Lexington County which are incorporated herein by reference.

§ 2-104 Board of adjustments and appeals.

The boards of adjustments and appeals established by Lexington County shall be the board of adjustments and appeals for all standard codes adopted by § 2-101.

§ 2-105 Inspection fees.

A schedule of fees for inspections required by the standard codes adopted by § 2-101 shall be promulgated by the Building Official by regulation approved by County Council.

Article II

Fire Prevention

§ 2-201 Fire chief.

Town fire prevention and protection shall be under the direction of the Lexington County Fire Chief who shall be responsible for enforcement of the Standard Fire Prevention Code. The fire chief or his designated deputy shall exercise the powers and duties, make inspections, and make reports to the state fire marshal as required by S.C. Code Title 5, Chapter 25, Article 3.

§ 2-202 Fire limits established.

The fire limits for the central fire district are the limits designated by the fire chief as shown on a fire district map maintained by the fire chief, a copy of which is filed with the town clerk.

§ 2-203 Construction and repair in fire district.

Construction, repair, or removal of buildings in the central fire district shall comply with the provisions of the standard codes adopted by this chapter. § 5-25-1160 (1976).

§ 2-204 Open burning.

It shall be unlawful for any person to burn trash or any other material in an open fire on public or private property within the town without a permit from the fire chief.

§ 2-205 False alarms.

It shall be unlawful for any person to knowingly give or cause to be given a false fire alarm by an alarm mechanism or communication to the fire department.

§ 2-206 Fire alarm systems.

It shall be unlawful for any person to install or maintain a building fire alarm system which activates a telephone signal to the fire department, except on a line

approved by the fire chief for that purpose.

§ 2-207 Interference with firefighting prohibited.

It shall be unlawful for any person to operate, stop, stand or park a vehicle in a manner which interferes with the operation of fire equipment or the fighting of a fire, except in compliance with directions of a law enforcement officer or fire department official, and no person shall:

- (a) Follow fire apparatus responding to a fire alarm closer than 500 feet;
- (b) Stop a vehicle within 500 feet of fire apparatus stopped in response to a fire alarm;
- (c) Obstruct fire equipment or access to a fire station;
- (d) Park within 15 feet of a fire hydrant;
- (e) Tamper with fire hydrants or water lines;
- (f) Obstruct the activities of firefighters responding to a fire alarm;
- (g) Drive over an unprotected fire hose;
- (h) Tamper with any vehicle, equipment, or material of the fire department;
- (i) Park in a location marked as a fire zone.

Any vehicle parked in violation of this section may be towed away and impounded at the expense of the owner.

§ 2-208 Law enforcement assistance.

Law enforcement officers shall control vehicles and pedestrians near the scene of a fire in a manner which will prevent interference with the safety or performance of firefighters and fire apparatus. In the absence of law enforcement officers, any fire department official authorized by the fire chief may give such orders as may be necessary for safety or performance of firefighting duties. It shall be unlawful for any person to fail or refuse to obey such an order.

§ 2-209 Storage of explosives, flammable liquids, gas.

The fire chief shall establish the limits of districts in which storage is prohibited for explosives, blasting agents, flammable liquids in outside aboveground tanks, and liquefied petroleum gas in bulk, pursuant to the Standard Fire Prevention Code.

§ 2-210 Amendments to fire code, hazardous chemicals.

Chapter 22, Hazardous Chemicals, of the Standard Fire Code is amended by adding the following:

2205 - Identification of contents.

No person shall store, transport or handle any chemicals in a container which is not clearly labeled to show the name, chemical formula and date of manufacture or packaging of the contents.

2206 - Sampling permitted.

The fire chief may verify the contents of any chemical container by taking a sample for analysis.

2207 - Bond required.

No permit for storage of chemicals shall be issued to any person who is not a manufacturer, wholesaler, retailer, or consumer of unused chemicals which are in marketable condition under the manufacturer's specification, unless that person has given a good and sufficient bond with corporate surety in a sum set by the town administrator sufficient to pay the expense of removal and disposal by the town in the event of failure of the owner to do so in accordance with all applicable laws and regulations.

2208 - Conditions of storage permit.

- (a) No permit shall be issued for the storage of chemicals which are not produced or are not intended for use by a consumer located within the town.
- (b) No permit shall be valid after the last day of the year in which it was issued.
- (c) There shall be a notice posted which shall be visible from the outside of every building containing hazardous chemicals as defined by this article listing the general nature of the chemicals stored therein and the names, addresses, and telephone numbers of all persons responsible for the storage.

2209 - Vehicle inspection.

No chemicals shall be transported in any vehicle which has physical or electrical defects which could cause or contribute to fire or explosion. The fire chief and any law enforcement officer shall have the duty to inspect a vehicle transporting

chemicals for such defects and shall prohibit a defective vehicle from transporting chemicals on roads and highways within the town.

2210 - Disposal of chemicals.

Disposal of chemicals shall be by methods meeting all requirements of state and federal law and the requirements of the fire chief relating to fire and public safety. No chemicals or chemical wastes which are not produced within the town shall be disposed of within the town.

Article III

Mobile Homes

§ 2-301 Definitions.

For purposes of this Article, the following definitions shall apply:

(a) *Mobile home* means a movable or portable dwelling on a chassis, capable of being connected to utilities, designed without a permanent foundation and intended for human habitation, and may consist of two or more separately towable components designed to be joined into one integral unit capable of being again separated into components for repeated towing, including a *manufactured home* as defined by S.C. Code § 23-43-20 (1993 Supp.)

(b) *Park* or *place* are synonymous terms which mean to put a mobile home on real estate either temporarily or permanently, whether for use as a residence or otherwise.

§ 2-302 Permit required.

It shall be unlawful to park a mobile home within the town limits of the Town of Pine Ridge for the purpose of occupancy as a home, unless a permit to do so is first obtained from the zoning administrator. Both the owner of the mobile home and the owner of the property on which it is to be parked shall apply for the said permit. The permit shall be in writing and shall contain a provision that the parties agree that said mobile home shall be parked and maintained as required by the South Carolina laws pertaining to mobile homes and the regulations of the South Carolina Department of Health and Environmental Control pertaining to mobile homes.

§ 2-303 Obligations of dealers.

It shall be the responsibility of any mobile home dealer selling a mobile home to be parked or placed within the town limits of the Town of Pine Ridge to insure that the provisions of this Article have been complied with prior to allowing a mobile home to leave said dealer's lot or place of business or prior to delivery within the town

limits of any mobile home purchased from that dealer. Failure to do so shall be a violation of this Article.

§ 2-304 Mobile home park.

A parcel of land in single ownership used to provide parking spaces for more than two (2) mobile homes, including accessory structures is a mobile home park. It shall be unlawful to construct, alter or expand a mobile home park without first complying with applicable land development regulations referenced in Article IV and the separate Mobile Home Park Ordinance in Appendix D.

Article IV

Zoning and Land Use Regulations

§ 2-401 Zoning ordinance published separately.

The zoning ordinance shall be published in a separate volume, a copy of which shall be maintained by the town clerk and filed as Appendix A to this Code.

§ 2-402 Land use regulations published separately.

The land use regulations (subdivision regulations) shall be published in a separate volume, a copy of which shall be maintained by the town clerk and filed as Appendix B to this Code.

§ 2-403 Mobile home regulations published separately.

The mobile home regulations shall be published in a separate volume, a copy of which shall be maintained by the town clerk and filed as Appendix D to this Code.

Article V

Flood Plain Regulations

§ 2-501 Purpose.

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to;

(a) 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;

(b) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(c) Control the alteration of natural flood plains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;

(d) Control filling, grading, dredging and other development which may increase erosion or flood damage; and,

(e) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

§ 2-502 Objectives.

The objectives of this ordinance are:

(a) To protect human life and health;

(b) To minimize expenditure of public money for costly flood control projects;

(c) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(d) To minimize prolonged business interruptions;

(e) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood plains;

(f) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize future flood blight areas; and,

(g) To insure that potential home buyers are notified that property is in a flood area.

§ 2-503 Definitions.

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

"Addition (to an existing building)" means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

"Appeal" means a request for a review of the codes administrator's interpretation of any provision of this ordinance or a request for a variance.

"Area of shallow flooding" means a designated AO or VO Zone on the applicable Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velotown flow may be evident.

"Area of special flood hazard" is the land in the floodplain within the town subject to a one percent or greater chance of flooding in any given year.

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Basement" means that portion of a building having its floor subgrade (below ground level) on all sides.

"Breakaway wall" means a wall that is not part of the structural support of the building and 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 system.

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

"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, excavating, drilling operations, or permanent storage of materials.

"Elevated building" means a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters;
- (2) the unusual and rapid accumulation of runoff of surface waters from any source.

"Flood Hazard Boundary Map (FHBM)" means an official map of the town issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.

"Flood Insurance Rate Map (FIRM)" means an official map of the town on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

"Flood Insurance Study" is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

"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.

"Floor" means the top surface of an enclosed area in a building (including basement) i.e., top of slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

"Highest adjacent grade" means the high natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

"Mean Seal Level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the flood plain. For purposes of this ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD).

"Manufactured home" means a structure transportable in one or more sections, which is build on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

"National Geodetic Vertical Datum (NGVD)" as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the flood plain.

"New construction" means structures for which the "start of construction" commenced on or after the effective date of this ordinance.

"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, repair, reconstruction, or improvement was within 180 days of the permit 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 land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

"Structure" means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

"Substantial improvement" means any combination of repairs, reconstruction, alteration, or improvements to a structure, taking place during the life of a structure, in which the cumulative cost equals or exceeds fifty percent of the market value of the structure. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any projects for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

"Variance" is a grant of relief from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

§ 2-504 Applicability and basis for flood hazard.

This ordinance shall apply to all areas of special flood hazard within the jurisdiction of the Town of Pine Ridge. The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Insurance Study, dated July 5, 1982, with accompanying maps and other supporting data, and any revision thereto, are adopted by reference and declared to be a part of this ordinance.

§ 2-505 Permits and compliance.

A development permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities. No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall

prevail. In the interpretation and application of this ordinance all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of governing body, and; (3) deemed neither to limit nor repeal any other powers granted under State statutes.

§ 2-506 Provisions for flood reduction.

In all areas of special flood hazard the following provisions are required:

(a) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;

(b) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable State requirements for resisting wind forces.

(c) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(d) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.

(e) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(f) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

(g) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the system into flood waters.

(h) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

(i) Any alteration, repair, reconstruction or improvements to a structure which is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance.

§ 2-507 Specific standards for flood reductions.

In all areas of special flood hazard where base flood elevation data have been provided, the following provisions are required:

(a) Residential Construction. New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated no lower than two (2) feet above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of subsection (c) below.

(b) Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential structure shall have the lowest floor, including basement, elevated no lower than two (2) feet above the level of the base flood elevation. Structures located in all A-zones may be flood-proofed in lieu of being elevated provided that all areas of the structure below the required elevation are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as forth in § 2-509.

(c) Elevated Buildings. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

- (1) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
 - (i) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - (ii) The bottom of all openings shall be no higher than one foot above grade; or
 - (iii) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

- (2) Electrical, plumbing, and other utility connections are prohibited below the base flood elevation;
- (3) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage doors) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and
- (4) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

(d) Floodways. Located within areas of special flood hazard established in § 2-504, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velotown of flood waters which carry debris, potential projectiles and has erosion potential, the following provisions shall apply:

- (1) Prohibit encroachments, including full, new construction, substantial improvements and other developments unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachment shall not result in any increase in flood levels during occurrence of the abase flood discharge;
- (2) If the above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reductions provisions of this section.
- (3) Prohibit the placement of manufactured homes (mobile homes), except in an existing manufactured homes (mobile 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 standards of § 2-506(b) and the elevation standards of § 2-507(a) are met.

(e) Streams Without Established Base Flood Elevations and/or Floodways.

Located within the areas of special flood hazard established in § 2-504 where small streams exist but where no base flood data have been provided ore where no floodways have been provided, the following provisions apply:

- (1) No encroachments, including fill material or structure shall be located within a distance of the stream bank equal to five times the width of the stream at the top of bank or twenty feet each side from top of bank, whichever is greater, unless certification 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;
- (2) New construction or substantial improvements of structures shall be elevated or flood-proofed to elevations established in accordance with § 2-509(i).

§ 2-508 Standards for subdivision proposals.

The codes administrator shall review subdivision proposals and other new developments to determine whether such proposals will be reasonably safe from flooding.

(a) All subdivision proposals shall be consistent with the need to minimize flood damage;

(b) All subdivision 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 proposals shall have adequate drainage provided to reduce exposure to flood hazards; and

(d) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which is greater than the lesser of fifty lots or five acres.

§ 2-509 Administration.

SECTION A. Designation: The Lexington County Building Official is hereby appointed to administer and implement the provisions of this ordinance. Duties shall include, but not be limited to:

(a) Review all development permits to assure that the permit requirements of this ordinance have been satisfied;

(b) Advise permittee that additional federal or State permits may be required, and if specific federal or State permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit.

(c) Notify adjacent communities and the Water Resource Commission prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

(d) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

(e) Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, in accordance with 2-509B(2).

(f) Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood-proofed, in accordance with § 2-509B(2).

(g) When flood-proofing is utilized for a particular structure, the codes administrator shall obtain certification from a registered engineer or architect, in accordance with § 2-507(b).

(h) Where interpretation is needed as to the exact location of boundaries of the area of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the codes 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 this article.

(i) When base flood elevation data or floodway data have not been provided in accordance with § 2-504, then the codes administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, State, or other source, in order to administer the provisions of §2-506.

(j) All records pertaining to the provisions of this ordinance shall be maintained in the office of the codes administrator and shall be open for public inspection.

SECTION B. Permit Procedure: Application for a development permit shall be made to the codes administrator on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- (1) Application Stage.
 - (a) Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all structures;
 - (b) Elevation in relation to mean sea level to which any non-residential structure will be flood-proofed;
 - (c) Certification from a registered professional engineer or architect that the non-residential flood-proofed structure will meet the flood-proofed criteria in § 2-507(b);
 - (d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development, and;
- (2) Construction Stage.

Provide a floor elevation or flood-proofing certification after the lowest floor is completed. Upon placement of the lowest floor, or flood-proofing by whatever construction means, or upon placement of the horizontal structural members of the lowest floor, whichever is applicable, it shall be the duty of the permit holder to submit to the codes administrator a certification of the elevation of the lowest floor, flood-proofed elevation, or the elevation of the lowest portion of the horizontal structural members of the lowest floor, 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 and certified by same. When flood-proofing is utilized for a particular building, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. any work undertaken prior to submission of the certification shall be at the permit holder's risk. The codes administrator shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be

corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. 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.

§ 2-510 Variance Procedures.

(a) The Lexington County Building Board of Appeals shall hear and decide appeals and requests for variances from the requirements of this ordinance.

(b) The appeal board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the codes administrator in the enforcement or administration of this ordinance.

(c) Any person aggrieved by the decision of the appeal board or any taxpayer may appeal such decision to the Courts.

(d) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this section, except for Section (h) (1) and (4) below, and provided the proposed reconstruction, rehabilitation, or restoration will not result in the structure losing its historical designation.

(e) In passing upon such applications, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:

- (1) the danger that material may be swept onto other lands to the injury of others;
- (2) the danger to life and property due to flooding or erosion damage;
- (3) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- (4) the importance of the services provided by the proposed facility to the community.
- (5) the necessity of the facility to a waterfront location, in the case of a functionally dependent facility;
- (6) the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- (7) the compatibility of the proposed use with existing and anticipated development;

- (8) the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (9) the safety of access to the property in times of flood for ordinary and emergency vehicles;
- (10) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site, and;
- (11) 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 streets and bridges.

(f) Upon consideration of the factors listed above, and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

(g) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(h) Conditions for variances:

- (1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief, and in the instance of a historical building, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building;
- (2) Variances shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship, and (iii) a determination that the granting of a variance will not result in increased flood heights, 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.
- (3) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- (4) The codes administrator shall maintain the records of all appeal actions

and report any variances to the Federal Emergency Management Agency upon request.

§ 2-511 Warning and disclaimer of liability.

The degree of flood protection required by this ordinance 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 ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Town of Pine Ridge or by any officer or employee thereof for any flood damage that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

Article VI

Sediment Control and Storm Drainage

§ 2-601 Adoption of county ordinance

The sediment control and drainage ordinance adopted by Lexington County is hereby adopted by reference and shall be applicable within the town limits. The ordinance shall be enforced by the Lexington County Building Official.

