**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 6‑9‑125 SO AS TO PROVIDE THAT ALL MUNICIPALITIES AND COUNTIES SHALL INSPECT EACH EXTERIOR BALCONY IN CERTAIN RESIDENTIAL PROPERTIES WITHIN ITS JURISDICTION TO DETERMINE WHETHER THE BALCONY SATISFIES THE REQUIREMENTS OF THE INTERNATIONAL BUILDING CODE, TO PROVIDE THAT THE MUNICIPALITY OF THE COUNTY MUST PROHIBIT USE OF AN UNSATISFACTORY BALCONY UNTIL THE BALCONY MEETS THE APPLICABLE STANDARDS, TO PROVIDE THE BUILDING CODES COUNCIL SHALL DEVELOP AND ADMINISTER A DATABASE OF BALCONY INSPECTION DATA, TO PROVIDE FOR THE IMPOSITION OF INSPECTION FEES AND FOR THEIR USES, TO PROVIDE A PENALTY FOR A VIOLATION, AND TO PROVIDE DEFINITIONS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 9, Title 6 of the 1976 Code is amended by adding:

“Section 6‑9‑125. (A)(1) In addition to the other requirements of this chapter, all municipalities, as defined by Section 5‑1‑20, and counties in this State shall inspect each exterior balcony in R‑1, R‑2, R‑3, and R‑4 properties in its jurisdiction to ensure that the balcony complies with International Building Code standards every five years. These inspections must be conducted by an engineer licensed in South Carolina and familiar with the applicable IBC standards.

(2) Each municipality and county shall perform initial inspections of all exterior balconies in R‑1, R‑2, R‑3, and R‑4 properties within its jurisdiction as required by item (1) within five years from the effective date of this section.

(B) When an inspection performed pursuant to subsection (A) determines that a balcony does not meet applicable IBC standards, the municipality or county responsible for performing the inspection shall prohibit the use of the balcony until satisfied that remedial action has brought the balcony into compliance with applicable IBC standards.

(C) The Building Codes Council shall develop and administer a database of balcony inspections indicating the results of balcony inspections performed by each municipality or county. Each municipality and county shall provide these inspection results to the council on a daily basis in a manner determined by the council through regulation, and the council must update the database within one business day after receiving these results.

(D)(1) The Building Codes Council may assess and collect a fee of five dollars for each balcony inspected, subject to a limit of one hundred dollars for each building. The council may use revenue received from the collection of this fee to offset the cost of developing and administering the database.

(2) In addition to the fee provided for the Building Codes Council in item (1), a county or municipality may assess and collect a fee for each balcony inspected. The amount of this fee and the use of revenue received from the collection of this fee is within the discretion of the collecting municipality or county that performs the inspection.

(E) The owner of a R‑1, R‑2, R‑3, or R‑4 property who fails to prohibit use of a balcony considered unsatisfactory under this section is guilty of a misdemeanor and may be fined no more than one hundred dollars for a violation. Each unsatisfactory balcony to which the owner fails to prohibit use pursuant to subsection (B) constitutes a separate violation.

(F) For the purposes of this article:

(1) ‘Balcony’ means an exterior floor projecting from and supported by a structure without additional independent supports.

(2) ‘Residential group R’ means an occupancy group category used to classify buildings that include sleeping rooms but are not institutional and are not generally regulated by the International Residential Code, which typically regulates single family homes and duplexes of no more than two residential units. The four different residential occupancy groups are R‑1, R‑2, R‑3, and R‑4.

(a) ‘R‑1’ means residential occupancies containing sleeping units where the occupants are primarily transient in nature, including hotels, motels, and boarding houses.

(b) ‘R‑2’ means residential occupancies containing sleeping units or more than two dwelling units where the occupants are primarily permanent in nature, including apartment houses, convents, dormitories, fraternity and sorority houses, vacation timeshare properties, and nontransient boarding houses, motels, and hotels.

(c) ‘R‑3’ means residential occupancies where the occupants are primarily permanent in nature and not otherwise classified, including buildings that do not contain more than two dwelling units, such as adult facilities that provide accommodations for five or fewer persons of any age for less than twenty‑four hours, child care facilities that provide accommodations for five or fewer persons of any age for less than twenty‑four hours, and congregate living facilities with sixteen or fewer persons.

(d) ‘R‑4’ is forresidential care or assisted living facilities including more than five and not more than sixteen occupants.”

SECTION 2. This act takes effect upon approval by the Governor.

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