CHAPTER 25

Regulation of Building Construction

ARTICLE 1

Counties with Population of Over 150,000

(Form No. 5)

**SECTION 4‑25‑10.** Authority to regulate construction and electrical work and to license contractors.

 The governing body of each county in this State with a population of more than one hundred fifty thousand persons, according to the most recent official United States census, may determine those areas or sections in the county lying outside of the limits of incorporated municipalities which, by reason of density of settlement or population, or urban growth and development, residential, commercial, business, or industrial, shall come within the purview of those rules and regulations which the governing body of the county may issue pursuant to this section. The governing body may, either by resolution or ordinance, provide and prescribe reasonable rules and regulations for (a) the construction, alteration or repair of all buildings and structures of every kind, (b) the installation of electrical wiring and appliances in such buildings, (c) the licensing on the basis of their qualifications, competence and performance record, of all contractors engaged in the construction, alteration or repair of such buildings, and all electrical contractors engaged in the installation of electrical wiring and appliances in such buildings, and (d) the adoption of such other reasonable rules, regulations and codes pertaining to buildings and structures of every kind not otherwise provided by law, including but not limited to minimum housing, fire prevention, and gas codes, in any such area or section in which the governing body shall deem such rules and regulations to be necessary or proper for the protection of public health and safety in such area or section.

HISTORY: 1962 Code Section 14‑400.601; 1956 (49) 2154; 1957 (50) 367; 1971 (57) 879.

CROSS REFERENCES

Building, housing, electrical, plumbing and gas codes in general, see Sections 6‑9‑5 et seq.

Building Energy Efficiency Act, see Sections 6‑10‑10 et seq.

LIBRARY REFERENCES

62 C.J.S., Municipal Corporations Sections 224, 225.

Attorney General’s Opinions

In regards to a county or municipality with jurisdiction over a special purpose district, the special purpose district would be generally exempt from taxes but not from fees and other such ordinances and regulations regarding building permits unless specifically excluded by statute or other agreement. S.C. Op.Atty.Gen. (June 18, 2014) 2014 WL 3352176.

**SECTION 4‑25‑20.** Notice and hearing before adoption of rules and regulations.

 When the governing body shall determine that such rules and regulations are necessary in any area or section of the county lying outside of the limits of incorporated municipalities, it shall hold a public hearing, after notice thereof, describing the area or section, shall have been published in a newspaper of general circulation in the county at least once a week for three successive weeks, for the purpose of considering the necessity of such rules and regulations, the type, coverage and contents thereof, and the exact extent of the area or section proposed to be covered thereby, at which hearing any and all interested parties shall be entitled to appear and be heard. After such hearing shall have been had, and not before, the governing body may provide and prescribe by resolution or ordinance the rules and regulations applicable in and to such area or section.

HISTORY: 1962 Code Section 14‑400.602; 1956 (49) 2154.

CROSS REFERENCES

Charges for legal advertisements in newspapers, see Sections 15‑29‑80 et seq.

Attorney General’s Opinions

Absent amendment of notice statutes requiring notice in a newspaper of general circulation by the General Assembly, the term newspaper of general circulation cannot be extended to include online newspapers. S.C. Op.Atty.Gen. (October 21, 2015) 2015 WL 6745997.

**SECTION 4‑25‑30.** Licenses shall not be required for certain work.

 No rule or regulation shall require a license for, or prohibit for lack of license, the performance of any kind of construction, alteration, repair, electrical wiring installation or other work upon any property by the owner thereof, or (a) by employees of the owner or members of the family of the owner; or (b) by or for public utility corporations subject to regulation by the duly constituted authorities of the Public Service Commission and where such property is required as a part of the plant of any such corporation and is so utilized in rendering its service to the public. The words “by employees of the owner,” as used in this section, shall not be construed to include any contractor employed by the owner; nor shall the wording in this section be interpreted so as to abrogate or in any way modify the permit, inspection or other sections and provisions of this article; nor shall the relief from licensing provided by this section apply to a builder, developer or contractor engaged in the construction of buildings for resale.

HISTORY: 1962 Code Section 14‑400.603; 1957 (50) 367; 1962 (52) 2155.

**SECTION 4‑25‑40.** Copies of rules and regulations shall be furnished.

 When rules and regulations shall have been provided and prescribed under this article, it shall be the duty of the governing body providing and prescribing them forthwith to cause to be printed a sufficient number of copies to furnish a copy thereof to anyone applying therefor, and the governing body shall cause to be published in a newspaper of general circulation in the county a notice stating in substance that such rules and regulations have been provided and prescribed, and giving the place at which copies thereof may be obtained.

HISTORY: 1962 Code Section 14‑400.604; 1956 (49) 2154.

Attorney General’s Opinions

Absent amendment of notice statutes requiring notice in a newspaper of general circulation by the General Assembly, the term newspaper of general circulation cannot be extended to include online newspapers. S.C. Op.Atty.Gen. (October 21, 2015) 2015 WL 6745997.

**SECTION 4‑25‑50.** Rules and regulations may be amended or repealed.

 The governing body shall at all times have the right to amend or repeal any rules or regulations provided and prescribed under this article, after due notice and hearing as in the case of their original adoption.

HISTORY: 1962 Code Section 14‑400.605; 1956 (49) 2154.

**SECTION 4‑25‑60.** Duty to enforce rules and regulations.

 It shall be the duty of the building inspector or other appropriate official or employee of the county to see that all rules and regulations provided and prescribed under this article are faithfully and diligently observed and executed.

HISTORY: 1962 Code Section 14‑400.606; 1956 (49) 2154.

**SECTION 4‑25‑70.** Violations.

 Any person wilfully failing or refusing to comply with any applicable rule or regulation provided and prescribed under this article, after written notice of such rule or regulation and demand for compliance therewith, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one hundred dollars or imprisonment of not more than thirty days. Each day, after conviction of any such failure or refusal to comply, that such failure or refusal shall continue shall constitute a separate offense and be subject to like conviction and punishment.

HISTORY: 1962 Code Section 14‑400.607; 1956 (49) 2154.

ARTICLE 3

Counties Containing City With Population of Over 97,000

**SECTION 4‑25‑210.** Building permit required.

 It shall be unlawful for any person to erect or construct any improvements on real estate, which cost in excess of one thousand dollars, in any county containing a municipality with a population of more than ninety‑seven thousand, according to the latest official United States census, unless an application has been filed with and a permit granted by the county auditor to erect or construct such improvements; provided, that no application or permit shall be required for such improvements upon real estate situate within any incorporated municipality, which requires a permit for the erection or construction of such improvements.

HISTORY: 1962 Code Section 14‑400.621; 1957 (50) 642; 1961 (52) 716; 1966 (54) 2659.

LIBRARY REFERENCES

62 C.J.S., Municipal Corporations Section 227.

Attorney General’s Opinions

In regards to a county or municipality with jurisdiction over a special purpose district, the special purpose district would be generally exempt from taxes but not from fees and other such ordinances and regulations regarding building permits unless specifically excluded by statute or other agreement. S.C. Op.Atty.Gen. (June 18, 2014) 2014 WL 3352176.

**SECTION 4‑25‑220.** Application for permit.

 The auditor shall prepare and furnish application forms, which shall show information to be of assistance to him in locating the real estate on which such improvements or construction are to be made and in checking tax returns. Such information shall include, but shall not be limited to, the following:

 (1) Name of owner of the real estate;

 (2) School district;

 (3) Street number or road and rural post‑office box number;

 (4) Estimated cost of construction;

 (5) Estimated total floor area in square feet;

 (6) Type of construction;

 (7) Type of roof;

 (8) Number of stories;

 (9) Number of rooms;

 (10) Use to be made of improvements;

 (11) Width of right‑of‑way of street; and

 (12) Approximate distance from the limits of the nearest municipality.

HISTORY: 1962 Code Section 14‑400.622; 1957 (50) 642; 1961 (52) 716; 1966 (54) 2659.

LIBRARY REFERENCES

20 C.J.S., Counties Section 227.

**SECTION 4‑25‑230.** Issuance of permit; fee.

 The auditor shall issue the permit upon the applicant’s paying a fee of two dollars when the construction will cost less than two thousand five hundred dollars or five dollars when the construction will cost more than two thousand five hundred dollars. The permit shall be numbered and a card issued to be posted on the real estate on which the construction or improvements are to be made. The permit shall be made in duplicate and the original shall be filed with the county auditor.

HISTORY: 1962 Code Section 14‑400.623; 1957 (50) 642; 1961 (52) 716; 1966 (54) 2659.

**SECTION 4‑25‑240.** Building permit inspector.

 The auditor may appoint, subject to the approval of at least one half of the county legislative delegation, including the Senator, a building permit inspector who may issue permits upon application and retain one half of the fee collected for issuing such permits, and remit the remaining one half to the county treasurer on or before the tenth day of the succeeding month.

HISTORY: 1962 Code Section 14‑400.624; 1961 (52) 716; 1966 (54) 2659.

Editor’s Note

In Dorchester County, appointments made pursuant to this section are governed by the provisions of Act 512 of 1996.

By Resolution 96‑07, dated July 15, 1996, the Dorchester County Council has notified the Code Commissioner that it accepts the responsibility and authority for making the appointments provided in Act 512 of 1996 which were formerly made by the Dorchester County Legislative Delegation pursuant to the authority of this section.

**SECTION 4‑25‑250.** Electricity shall not be furnished to building constructed without permit or to saw service.

 It shall be unlawful for any electric utility company or electric cooperative to make a new connection of electrical energy to a new building or facility requiring a permit under this article unless such permit was acquired for the construction of the building or facility or to a saw service. Any company or cooperative making such a connection shall report to the county assessor on or before the tenth of each month the location of each such connection, together with such other information as the assessor may direct.

HISTORY: 1962 Code Section 14‑400.624:1; 1965 (54) 45.

Code Commissioner’s Note

Pursuant to the direction to the Code Commissioner in 2004 Act No. 179, Section 9.(A), “rural electric cooperative” was changed to “electric cooperative” in the first sentence.

**SECTION 4‑25‑260.** Additional tax penalty on improvements not taxed for lack of permit.

 The auditor may impose, in addition to any other penalty provided by law, an additional tax of fifty percent of the taxes payable in respect of any improvements which shall not have been taxed by reason of the failure to obtain such permit. The amount of such penalty shall be a lien upon the property for ten years.

HISTORY: 1962 Code Section 14‑400.625; 1961 (52) 716.

**SECTION 4‑25‑270.** Municipalities shall furnish copies of permits to auditor.

 Every municipality, in such county, requiring permits for the erection or construction of any improvements upon real estate situate within such municipality, shall furnish to the auditor copies of all such permits issued by such municipality.

HISTORY: 1962 Code Section 14‑400.626; 1957 (50) 642; 1961 (52) 716.

**SECTION 4‑25‑280.** Violations.

 Any person violating the provisions of this article shall, upon conviction, be fined not more than one hundred dollars or imprisoned for not more than thirty days.

HISTORY: 1962 Code Section 14‑400.627; 1957 (50) 642; 1961 (52) 716.