CHAPTER 10

Energy Standard Act

Editor’s Note

1997 Act No. 123, Section 6, provides as follows:

“SECTION 6. Chapter 10 of Title 6 of the 1976 Code is not applicable in counties or municipalities which have fully implemented building codes as required in Section 6‑9‑10, as amended by this act.”

**SECTION 6‑10‑10.** Short title.

 This chapter may be cited as the Energy Standard Act.

HISTORY: 1979 Act No. 156, Section 1; 2009 Act No. 46, Section 1, eff July 1, 2009.

Editor’s Note

2009 Act No. 46 Section 3, effective July 1, 2009, provides as follows:

“The provisions of this act do not apply to projects which have received the proper permits as required by law before the effective date of this act.”

Effect of Amendment

The 2009 amendment substituted “Energy Standard Act” for “South Carolina Building Energy Efficiency Standard Act”.

**SECTION 6‑10‑20.** Definitions.

 As used in this chapter, unless a different meaning is clearly indicated by the context:

 (1) “Addition” means the extension or increase in floor area or height of a building.

 (2) “Building” means any combination of materials, which comprises a structure affording facilities or shelter for any occupancy. The word “building” must be construed wherever used in this chapter as if followed by the words “or part or parts of the building and all equipment in the building” unless the context clearly requires a different meaning. The term “building” includes manufactured buildings but not manufactured housing or buildings heated to less than fifty degrees Fahrenheit.

 (3) “Building inspection department” means the agency of a local jurisdiction with authority to make energy related building inspections and to enforce state and local laws, ordinances, and regulations applicable to the construction of buildings.

 (4) “Construction” means the erection, fabrication, reconstruction, alteration, conversion, or repair of a building, or the installation of equipment in a building.

 (5) “Equipment” means components associated with plumbing, heating, electrical, ventilating, air conditioning, lighting and refrigerating systems, and elevators, dumbwaiters, escalators, boilers, and pressure vessels.

 (6) “Local jurisdiction” means a county, city, municipality, or other political subdivision of this State.

 (7) “One‑ or two‑family dwelling” means a building which contains one or two units, each providing complete, independent living facilities for one or more persons, including permanent provisions for sleeping, cooking, and sanitation.

 (8) “Renovations” means the condition where within any twelve‑month period, alterations or repairs costing in excess of fifty percent of the then physical value of the building are made to an existing building.

HISTORY: 1979 Act No. 156, Section 3; 1981 Act No. 125, Section 1; 2009 Act No. 46, Section 1, eff July 1, 2009.

Effect of Amendment

The 2009 amendment rewrote this section.

**SECTION 6‑10‑30.** Energy standard adoption; compliance.

 The 2009 edition of the International Energy Conservation Code is adopted as the Energy Standard. All new and renovated buildings and additions constructed within the State must comply with this standard.

HISTORY: 1979 Act No. 156, Section 4; 1981 Act No. 125, Sections 2, 4; 1992 Act No. 449, Part III, Section 2; 2009 Act No. 46, Section 1, eff July 1, 2009; 2012 Act No. 143, Section 1, eff January 1, 2013.

Editor’s Note

Under the provisions of Chapter 34, Title 1, an agency is required to adopt the latest edition of a nationally recognized code which it is charged by statute or regulation with enforcing by giving notice in the State Register.

2009 Act No. 46 Section 3, effective July 1, 2009, provides as follows:

“The provisions of this act do not apply to projects which have received the proper permits as required by law before the effective date of this act.”

Effect of Amendment

The 2009 amendment rewrote this section.

The 2012 amendment substituted “2009” for “2006”.

CROSS REFERENCES

County regulation of building construction, generally, see Sections 4‑25‑10 et seq.

Municipal building codes, generally, see Sections 5‑25‑10 et seq.

LIBRARY REFERENCES

Health 354.

Westlaw Key Number Search: 198Hk354.

**SECTION 6‑10‑35.** Wood‑burning fireplace requirements.

 Notwithstanding Section 402.4.3 of the 2009 Edition of the International Energy Conservation Code, new wood‑burning fireplaces shall have tight‑fitting flue dampers and outdoor combustion air.

HISTORY: 2013 Act No. 65, Section 2, eff June 14, 2013.

**SECTION 6‑10‑40.** Appeal by local jurisdiction for variance based on special local conditions; factors considered.

 A local jurisdiction may appeal to the South Carolina Building Codes Council for a variance from the Energy Standard for application within its jurisdiction based on special local conditions. The council may approve variations if it is established to the council’s satisfaction that the proposed variance:

 (1) is consistent with this chapter, so that its application will not reduce statewide uniformity of effective energy conservation;

 (2) does not discriminate against particular technologies, techniques, or materials;

 (3) does not unnecessarily increase the cost of construction and operation of the building in the jurisdiction; or

 (4) is necessary to protect the public health, safety, and welfare within the jurisdiction.

 Copies of an approved variance must be provided upon the request by the State Energy Office.

HISTORY: 1979 Act No. 156, Section 5; 2009 Act No. 46, Section 1, eff July 1, 2009.

Editor’s Note

2009 Act No. 46 Section 3, effective July 1, 2009, provides as follows:

“The provisions of this act do not apply to projects which have received the proper permits as required by law before the effective date of this act.”

Effect of Amendment

The 2009 amendment rewrote this section.

LIBRARY REFERENCES

Health 354.

Westlaw Key Number Search: 198Hk354.

**SECTION 6‑10‑50.** Enforcement by local building officials or jurisdictions; examination and approval of plans; permit requirement; inspection during construction; certificate of occupancy.

 (A) Local building officials shall enforce the provisions of the Energy Standard.

 (B) In areas of the State without a building official, the local jurisdiction may designate its engineer, director of public works, or chief fire inspector to enforce the provisions of the Energy Standard.

 Upon request, the State Energy Office shall provide local jurisdictions a brief synopsis of the Energy Standard, the Residential Energy Efficiency Requirements that apply to South Carolina, and penalties.

 (C) The building officials are responsible for examination and approval or disapproval of plans and specifications, the issuance and revocation of building permits, licenses, certificates, and similar documents, and the inspection of buildings pursuant to the provisions of the Energy Standard.

 (D) Except as otherwise provided in the Energy Standard, the construction of a building must not begin until a building permit is issued. Upon submission of an application to the building official, if the building proposed to be erected will comply with this chapter, a permit must be issued. The building official may suspend or revoke a building permit if the building under construction pursuant to that building permit does not comply with this chapter.

 (E) The building official periodically shall inspect, or cause to be inspected, all construction undertaken pursuant to permits issued by the building official to assure compliance with this chapter. If a building is found not to comply with the Energy Standard, the building official shall notify the permit holder in writing to bring the building into compliance with the standard or to secure it from entry or both; if the permit holder fails to comply with the notification, the building official shall revoke the permit.

 (F) A building constructed after the effective date of the Energy Standard must not be used or occupied until a certificate of occupancy has been issued.

HISTORY: 1979 Act No. 156, Section 6; 1981 Act No. 125, Section 3; 2009 Act No. 46, Section 1, eff July 1, 2009.

Editor’s Note

Under the provisions of Chapter 34, Title 1, an agency is required to adopt the latest edition of a nationally recognized code which it is charged by statute or regulation with enforcing by giving notice in the State Register.

2009 Act No. 46 Section 3, effective July 1, 2009, provides as follows:

“The provisions of this act do not apply to projects which have received the proper permits as required by law before the effective date of this act.”

Effect of Amendment

The 2009 amendment rewrote this section.

CROSS REFERENCES

Joint or regional agreements for housing, building and other such codes, see Section 6‑9‑20.

LIBRARY REFERENCES

Health 366.

Westlaw Key Number Search: 198Hk366.

NOTES OF DECISIONS

In general 1

1. In general

Town’s refusal to issue certificate of occupancy until applicant had water and sewer service was not a regulatory taking, where, under statute, certificate could be issued only if a building was in accordance with building permit and other applicable laws, and town’s building regulations required connection to water and sewer service prior to issuance of certificate. Worsley Companies, Inc. v. Town of Mount Pleasant (S.C. 2000) 339 S.C. 51, 528 S.E.2d 657. Eminent Domain 2.10(6)

**SECTION 6‑10‑60.** Fee schedule.

 Each local jurisdiction may establish a schedule of fees for the functions performed by the building inspection department in connection with the enforcement of this chapter.

HISTORY: 1979 Act No. 156, Section 7; 2009 Act No. 46, Section 1, eff July 1, 2009.

Editor’s Note

2009 Act No. 46 Section 3, effective July 1, 2009, provides as follows:

“The provisions of this act do not apply to projects which have received the proper permits as required by law before the effective date of this act.”

Effect of Amendment

The 2009 amendment substituted “local jurisdiction” for “local government” and “building inspection department” for “local enforcement agency”.

LIBRARY REFERENCES

Health 365.

Westlaw Key Number Search: 198Hk365.

**SECTION 6‑10‑70.** Local appeals boards and process for routine granting of variances for recreational and certain other dwellings; relief from duty to appoint local appeals board; boards serving two or more jurisdictions.

 (A) Local jurisdictions must provide an appeals board and process for the routine granting of variations for residential recreational dwellings not intended for use as permanent residences and for buildings such as log buildings which, if insulation were required on the walls, would change the character of these buildings. Until the boards are established, appeals must be heard by the South Carolina Building Codes Council. A local jurisdiction must be relieved of the duty to appoint local appeals boards if it is established to the satisfaction of the council that qualified people cannot be found in the jurisdiction or through cooperation with neighboring jurisdictions. Two or more local jurisdictions may establish a building board of appeals to serve their jurisdictions.

 (B) Where local jurisdictions have been relieved of the duty to appoint an appeals board because qualified people cannot be found in the jurisdiction, appeals may be made to the South Carolina Building Codes Council.

 (C) The council promptly shall hear and decide appeals brought by a person or party in an individual capacity, or on behalf of a call of persons or parties, affected by a regulation or decision pursuant to this chapter. Final decisions by the council are reviewable on appeal, or on successive appeals, in the courts of competent jurisdiction.

HISTORY: 1979 Act No. 156, Section 8; 1981 Act No. 125, Section 5; 2009 Act No. 46, Section 1, eff July 1, 2009.

Editor’s Note

Under the provisions of Chapter 34, Title 1, an agency is required to adopt the latest edition of a nationally recognized code which it is charged by statute or regulation with enforcing by giving notice in the State Register.

2009 Act No. 46 Section 3, effective July 1, 2009, provides as follows:

“The provisions of this act do not apply to projects which have received the proper permits as required by law before the effective date of this act.”

Effect of Amendment

The 2009 amendment rewrote this section.

LIBRARY REFERENCES

Health 366.

Westlaw Key Number Search: 198Hk366.

**SECTION 6‑10‑80.** Injunctions.

 The building official may obtain injunctive relief from a court of competent jurisdiction to enjoin the offering for sale, delivery, use, occupancy, erection, alteration, or installation of a building covered by this chapter, upon an affidavit from the building official specifying the manner in which the building does not conform to the requirements of this chapter.

HISTORY: 1979 Act No. 156, Section 9; 2009 Act No. 46, Section 1, eff July 1, 2009.

Editor’s Note

2009 Act No. 46 Section 3, effective July 1, 2009, provides as follows:

“The provisions of this act do not apply to projects which have received the proper permits as required by law before the effective date of this act.”

Effect of Amendment

The 2009 amendment substituted “The building official” for “Any local enforcement agency of the Council”, “the building official” for “such agency”, deleted from the end “or the South Carolina Building Energy Efficiency Standard”, and made nonsubstantive changes throughout.

CROSS REFERENCES

Injunctions generally, see SC Rules of Civil Procedure, Rule 65.

LIBRARY REFERENCES

Health 366.

Westlaw Key Number Search: 198Hk366.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Injunctions Section 40, Enforcement of Regulations Regarding Public Welfare.

**SECTION 6‑10‑90.** Penalties.

 (A) When a violation of the provisions of this chapter is discovered, the person in violation must be granted thirty days to correct the violation. A person who fails to correct a violation is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned for not more than thirty days for each offense.

 (B) A separate violation is deemed to have occurred with respect to each building not in compliance with this chapter. Each day the violation continues constitutes a separate violation.

HISTORY: 1979 Act No. 156, Section 10; 2009 Act No. 46, Section 1, eff July 1, 2009.

Editor’s Note

2009 Act No. 46 Section 3, effective July 1, 2009, provides as follows:

“The provisions of this act do not apply to projects which have received the proper permits as required by law before the effective date of this act.”

Effect of Amendment

The 2009 amendment rewrote this section.

LIBRARY REFERENCES

Health 366.

Westlaw Key Number Search: 198Hk366.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Construction Law Section 32, Conformity With Building Codes.