CHAPTER 49

Plumbers and Plumbing

ARTICLE 1

In Cities of Over 15,000 Generally

**SECTION 40‑49‑10.** Certificate required to install sanitary plumbing.

 It shall be unlawful for any person, be he master plumber, employing plumber or journeyman plumber, to install sanitary plumbing in any city or town having a population of fifteen thousand inhabitants or more, as fixed by the then most recent Federal census, until such person shall have made application to the local board of plumbing examiners, and shall have received from such board a certificate as to his qualifications to perform such work.

HISTORY: 1962 Code Section 56‑1501; 1952 Code Section 56‑1501; 1942 Code Section 7146; 1932 Code Section 7146; 1927 (35) 230.

CROSS REFERENCES

Regulation of contractors generally, see Section 40‑11‑10 et seq.

Regulation of residential home builders, see Section 40‑59‑10 et seq.

Library References

Licenses 13, 39.46.

Westlaw Topic No. 238.

C.J.S. Licenses Section 55.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Construction Law Section 22, Licensing.

NOTES OF DECISIONS

In general 1

1. In general

Mechanical contractors who engage in contracts involving sums of $10,000 or more must be licensed by the state and, once so licensed, can engage in authorized business anywhere in the state, without the need to comply with local examination and licensing requirements; municipalities and counties are authorized to examine and license mechanical contractors, including plumbers, who engage solely in the performance of contracts involving sums less than $10,000. Cullum Mechanical Const., Inc. v. City of Charleston (S.C. 1979) 272 S.C. 553, 253 S.E.2d 106.

**SECTION 40‑49‑20.** Local boards of plumbing examiners; appointment; vacancies.

 In every such city or town there shall be a board of plumbing examiners, consisting of three members, one of whom shall be the health officer of the city or town, who shall be ex officio the chairman of such board. The second member of such board shall be a master plumber with not less than four years’ experience and the third member shall be a journeyman plumber, with not less than four years’ experience. Such second and third members of such board shall be appointed by the mayor of the city, if such city has a mayor and, if not, then by the governing body of such city or town. Each of such appointees shall hold office for the term of one year and until his successor is appointed as herein provided for. Upon the expiration of any term of office of such second and third member of any such board, his successor shall be appointed by the mayor or governing body, as hereinbefore provided and such successor shall hold office for the term of one year and until his successor is appointed. In the event of a vacancy on the board, caused by the death, resignation or removal from office of the second or third member, such vacancy shall be filled by appointment of such mayor or governing body as hereinbefore provided and such appointee shall hold office for the unexpired term of his predecessor.

HISTORY: 1962 Code Section 56‑1502; 1952 Code Section 56‑1502; 1942 Code Section 7147; 1932 Code Section 7147; 1927 (35) 230.

Library References

Licenses 21.

Westlaw Topic No. 238.

C.J.S. Licenses Sections 58 to 60.

**SECTION 40‑49‑30.** Special provision as to membership of boards in cities of over 86,000.

 Notwithstanding the provisions of Section 40‑49‑20, in every city with a population of over eighty‑six thousand, according to the latest official United States census, there shall be a board of plumbing examiners consisting of five members as follows: Two master plumbers with at least four years’ experience, one journeyman plumber with at least four years’ experience, and two other members. The members of such board shall be appointed by the mayor of the city for terms of four years and until their successors are appointed and qualify; except, that of the members first appointed, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years and two for terms of four years or until their successors are appointed and qualify. In the event of a vacancy on the board, such vacancy shall be filled by appointment of the mayor and such appointee shall hold office for the unexpired term of his predecessor and until his successor is appointed and qualifies. All other provisions of this article shall apply to any such city.

HISTORY: 1962 Code Section 56‑1502.1; 1957 (50) 294.

Library References

Licenses 21.

Westlaw Topic No. 238.

C.J.S. Licenses Sections 58 to 60.

**SECTION 40‑49‑40.** Meetings of board; records of successful applicants.

 Each such board of examiners shall hold not more than two meetings per month. They shall elect from their number a secretary, who shall keep in a well‑bound book the names of all persons to whom a certificate has been issued.

HISTORY: 1962 Code Section 56‑1503; 1952 Code Section 56‑1503; 1942 Code Section 7149; 1932 Code Section 7149; 1927 (35) 230.

Library References

Licenses 21.

Westlaw Topic No. 238.

C.J.S. Licenses Sections 58 to 60.

**SECTION 40‑49‑50.** Compensation of members; disposition of surplus funds.

 The examiners shall receive a compensation for each meeting as may be designated by the mayor or governing body of the city or town, to be paid out of the money received for the issuing of such certificates. The surplus, if any, shall be paid into the treasury of the city or town.

HISTORY: 1962 Code Section 56‑1504; 1952 Code Section 56‑1504; 1942 Code Section 7149; 1932 Code Section 7149; 1927 (35) 230.

Library References

Licenses 21.

Westlaw Topic No. 238.

C.J.S. Licenses Sections 58 to 60.

**SECTION 40‑49‑60.** Examinations for certificates.

 Each such board of examiners shall designate the time and place for the examination of all persons desiring to secure a certificate as herein provided for. Each such applicant shall be compelled to pass such examination as to his qualifications as such board may direct. Such examination shall be made in whole or in part in writing, and shall be of a practical and elementary character, but sufficiently strict to test the qualifications of the applicant.

HISTORY: 1962 Code Section 56‑1505; 1952 Code Section 56‑1505; 1942 Code Section 7148; 1932 Code Section 7148; 1927 (35) 230.

Library References

Licenses 20.

Westlaw Topic No. 238.

C.J.S. Licenses Sections 62 to 66.

**SECTION 40‑49‑70.** Issuance of certificates; fees; annual renewal.

 If satisfied as to the competency of an applicant the board shall issue a certificate to such applicant, authorizing him to engage in the business of installing sanitary plumbing and to install sanitary plumbing. The fee for the certificate to the master or employing plumber shall be five dollars and to journeymen plumbers the fee shall be two dollars. Such certificate shall be valid for the term of one year, but it may be renewed upon proper application to the board and payment of a fee of fifty cents.

HISTORY: 1962 Code Section 56‑1506; 1952 Code Section 56‑1506; 1942 Code Section 7148; 1932 Code Section 7148; 1927 (35) 230.

Library References

Licenses 22, 25, 29.

Westlaw Topic No. 238.

C.J.S. Licenses Sections 64, 70 to 72, 77, 103.

**SECTION 40‑49‑80.** Municipalities’ duty to provide rules and regulations for construction of plumbing and sewerage.

 All such cities or towns in this State shall provide by ordinance rules and regulations for the construction of all plumbing and sewerage placed in or on any building or the premises thereof in any such city or town, and no work of this character shall be done unless a permit is issued therefor, except that leaks may be repaired without securing such a permit.

HISTORY: 1962 Code Section 56‑1507; 1952 Code Section 56‑1507; 1942 Code Section 7150; 1932 Code Section 7150; 1927 (35) 230.

CROSS REFERENCES

Municipalities generally, see Section 5‑1‑10 et seq.

Library References

Municipal Corporations 589, 594(1), 613.

Westlaw Topic No. 268.

C.J.S. Municipal Corporations Sections 123 to 128, 137 to 138, 145 to 146, 156 to 158, 160 to 161.

**SECTION 40‑49‑90.** Plumbing inspectors.

 Each such city or town shall provide for the appointment or election of a plumbing inspector and an assistant, if necessary, but the inspector or inspectors must be practical plumbers, whose duty it shall be to see that all rules and regulations touching such sanitary plumbing are faithfully and diligently observed and executed.

HISTORY: 1962 Code Section 56‑1508; 1952 Code Section 56‑1508; 1942 Code Section 7150; 1932 Code Section 7150; 1927 (35) 230.

Library References

Licenses 21.

Municipal Corporations 192.

Westlaw Topic Nos. 238, 268.

C.J.S. Licenses Sections 58 to 60.

**SECTION 40‑49‑100.** Penalties.

 Any person violating any provision of this article shall be guilty of a misdemeanor and shall, on conviction, be fined not less than five dollars nor more than one hundred dollars for each offense.

HISTORY: 1962 Code Section 56‑1509; 1952 Code Section 56‑1509; 1942 Code Section 7151; 1932 Code Section 7151; 1927 (35) 230.

Library References

Licenses 40 to 42(7).

Westlaw Topic No. 238.

C.J.S. Licenses Sections 121 to 132.

**SECTION 40‑49‑110.** Article not applicable to plumbers licensed prior to 1927.

 The provisions of this article shall not apply to any licensed plumber who has been issued a license prior to April 4, 1927.

HISTORY: 1962 Code Section 56‑1510; 1952 Code Section 56‑1510; 1942 Code Section 7146; 1932 Code Section 7146; 1927 (35) 230.

Library References

Licenses 13, 19(3), 39.46.

Westlaw Topic No. 238.

C.J.S. Licenses Section 55.

ARTICLE 3

In Counties Over 150,000

**SECTION 40‑49‑210.** Determination by county of areas requiring rules and regulations for construction of plumbing and sewerage.

 In each county in this State with a population of more than one hundred fifty thousand, according to the most recent official United States census, the governing body of the county may determine the areas or sections in the county in which, by reason of density of settlement or population, rules and regulations for the construction of all plumbing and sewerage placed in or on any building or the premises thereof in such area or section are necessary for the protection of public health and safety and such body may, either by resolution or ordinance, provide and prescribe reasonable rules and regulations for the construction of all plumbing and sewerage placed in or on any building or the premises thereof in any such area or section which such body shall deem to be necessary and proper for the protection of public health and safety in any such area or section.

HISTORY: 1962 Code Section 56‑1521; 1952 Code Section 56‑1521; 1945 (44) 369; 1971 (57) 879.

CROSS REFERENCES

Counties generally, see Section 4‑1‑10 et seq.

Library References

Counties 22.

Environmental Law 176.

Westlaw Topic Nos. 104, 149E.

C.J.S. Counties Sections 71 to 72.

C.J.S. Health and Environment Section 172.

NOTES OF DECISIONS

In general 1

1. In general

Mechanical contractors who engage in contracts involving sums of $10,000 or more must be licensed by the state and, once so licensed, can engage in authorized business anywhere in the state, without the need to comply with local examination and licensing requirements; municipalities and counties are authorized to examine and license mechanical contractors, including plumbers, who engage solely in the performance of contracts involving sums less than $10,000. Cullum Mechanical Const., Inc. v. City of Charleston (S.C. 1979) 272 S.C. 553, 253 S.E.2d 106.

**SECTION 40‑49‑220.** Local regulations to supercede county rules and regulations.

 Should the governing body of any municipality, incorporated community or water, sewer or public service district in the county provide and prescribe such rules and regulations applicable to the territory comprised within such municipality, incorporated community or district, authority to provide and prescribe such reasonable rules and regulations, by resolution or ordinance, being hereby expressly granted and conferred, such rules and regulations shall be effective in such territory and the rules and regulations provided and prescribed by the governing body of the county shall not be of force in such territory.

HISTORY: 1962 Code Section 56‑1522; 1952 Code Section 56‑1522; 1945 (44) 369.

Library References

Counties 22.

Environmental Law 167.

Westlaw Topic Nos. 104, 149E.

C.J.S. Counties Sections 71 to 72.

C.J.S. Health and Environment Section 172.

**SECTION 40‑49‑230.** Hearing as prerequisite to adoption of rules and regulations.

 Whenever the governing body of any such county shall determine that such rules and regulations are necessary in any area or section of the county or whenever the council, commission or other governing body of any municipality, incorporated community or water, sewer or public service district in the county shall determine that such rules or regulations are necessary in the territory comprised within its limits, 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 such hearing any and all interested parties shall be entitled to appear and be heard. After such hearing shall have been had, and not before, such governing body may provide and prescribe by resolution or ordinance the rules and regulations applicable to such area or section or to such municipality, incorporated community or water, sewer or public service district, as the case may be, as herein authorized.

HISTORY: 1962 Code Section 56‑1523; 1952 Code Section 56‑1523; 1945 (44) 369.

Library References

Counties 22.

Environmental Law 217, 219.

Westlaw Topic Nos. 104, 149E.

C.J.S. Counties Sections 71 to 72.

C.J.S. Health and Environment Sections 130, 133, 136, 172.

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 40‑49‑240.** Printing copies of rules and regulations; notice of availability.

 Whenever rules and regulations shall have been provided and prescribed hereunder, the governing body providing and prescribing them shall forthwith cause to be printed a sufficient number of copies thereof to furnish a copy to anyone applying therefor and shall cause to be published in a newspaper of general circulation in the county 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 56‑1524; 1952 Code Section 56‑1524; 1945 (44) 369.

Library References

Environmental Law 217.

Westlaw Topic No. 149E.

C.J.S. Health and Environment Sections 130, 133, 172.

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 40‑49‑250.** Amendment or repeal of rules and regulations.

 The governing body adopting any such rules and regulations may at any time amend or repeal any thereof after due notice and hearing as in the case of their original adoption.

HISTORY: 1962 Code Section 56‑1525; 1952 Code Section 56‑1525; 1945 (44) 369.

Library References

Counties 22.

Environmental Law 164.

Westlaw Topic Nos. 104, 149E.

C.J.S. Counties Sections 71 to 72.

C.J.S. Health and Environment Section 172.

**SECTION 40‑49‑260.** Enforcement; penalties.

 The plumbing inspector or other appropriate official or employee of the county health board shall see that all rules and regulations touching such sanitary plumbing are faithfully and diligently observed and executed. Any person wilfully failing or refusing to comply with any applicable rule or regulation provided and prescribed hereunder, 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, subject to like conviction and punishment.

HISTORY: 1962 Code Section 56‑1526; 1952 Code Section 56‑1526; 1945 (44) 369.

Library References

Environmental Law 221, 223.

Westlaw Topic No. 149E.

C.J.S. Health and Environment Sections 130, 150, 156, 172.

**SECTION 40‑49‑270.** Engaging in business of installing sanitary plumbing without a certificate unlawful.

 It shall be unlawful for any person, be he master plumber, employing plumber or journeyman plumber, to engage in the business of installing sanitary plumbing or to install sanitary plumbing for compensation or hire until such person shall have made application for and shall have received a certificate which authorizes him to engage in such business or to install such sanitary plumbing, in accordance with the provisions of this article. Any person violating any provision of this article shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not exceeding one hundred dollars or imprisonment not exceeding thirty days for each offense.

HISTORY: 1962 Code Section 56‑1527; 1952 Code Section 56‑1527; 1945 (44) 369.

Library References

Licenses 13, 39.46, 40 to 42.

Westlaw Topic No. 238.

C.J.S. Licenses Sections 55, 121 to 132.

**SECTION 40‑49‑280.** County board of plumbing examiners.

 In each county in which this article is applicable there shall be a county board of plumbing examiners, consisting of three members, one of whom shall be the county health officer, who shall be ex officio a member and the chairman of the board. The second member of the board shall be a master plumber with not less than four years’ experience and the third member shall be a journeyman plumber with not less than four years’ experience. Such second and third members of the board shall be appointed by the governing body of the county, or a majority thereof. Each of such appointees shall hold office for the term of one year and until his successor is appointed as herein provided for. Any vacancy in the appointed membership of this board shall be filled for the unexpired term in the manner of the original appointment.

HISTORY: 1962 Code Section 56‑1528; 1952 Code Section 56‑1528; 1945 (44) 369.

CROSS REFERENCES

Counties generally, see Section 4‑1‑10 et seq.

Library References

Licenses 21.

Westlaw Topic No. 238.

C.J.S. Licenses Sections 58 to 60.

**SECTION 40‑49‑290.** Local boards of plumbing examiners.

 The governing body of any municipality, incorporated community or water, sewer or public service district in any county which has under this article by resolution or ordinance provided and prescribed rules and regulations applicable to the territory comprised within such municipality, incorporated community or district may create by resolution or ordinance a city, town or district board of plumbing examiners, as the case may be, consisting of three members, one of whom shall be the county health officer, who shall be ex officio a member and the chairman of such board. The second member of any such board shall be a master or journeyman plumber with not less than four years’ experience and the third member shall be a journeyman plumber with not less than two years’ experience. Such second and third members of any such board shall be appointed by the governing body creating the board or a majority thereof. Each of such appointees shall hold office for the term of one year and until his successor is appointed as herein provided for and any vacancy in the appointed membership of the board shall be filled for the unexpired term in the manner of the original appointment. Any such board shall meet upon the call of the chairman and organize as soon as practicable after the making of the original appointments.

HISTORY: 1962 Code Section 56‑1529; 1952 Code Section 56‑1529; 1945 (44) 369.

Library References

Environmental Law 162.

Licenses 21.

Municipal Corporations 191, 192, 204, 711.

Towns 15.

Westlaw Topic Nos. 149E, 238, 268, 381.

C.J.S. Health and Environment Section 172.

C.J.S. Licenses Sections 58 to 60.

C.J.S. Municipal Corporations Sections 1535, 1538.

C.J.S. Towns Sections 41 to 44, 49 to 57.

**SECTION 40‑49‑300.** Meetings of board; record of successful applicants.

 Each board of plumbing examiners created under the provisions of this article shall hold not more than two meetings per month. They shall each elect from their number a secretary, who shall keep in a well‑bound book the names of all persons to whom a certificate has been issued by such board.

HISTORY: 1962 Code Section 56‑1530; 1952 Code Section 56‑1530; 1945 (44) 369.

Library References

Environmental Law 162.

Licenses 21.

Municipal Corporations 191, 192, 204, 711.

Towns 15.

Westlaw Topic Nos. 149E, 238, 268, 381.

C.J.S. Health and Environment Section 172.

C.J.S. Licenses Sections 58 to 60.

C.J.S. Municipal Corporations Sections 1535, 1538.

C.J.S. Towns Sections 41 to 44, 49 to 57.

**SECTION 40‑49‑310.** Compensation of members; disposition of surplus funds.

 The members of each such board shall receive for each meeting a per diem as designated by the governing body which appointed them, to be paid out of the money received for the issuing of such certificate. The surplus, if any, shall be paid into the treasury of the county, municipality, incorporated community or district, as the case may be.

HISTORY: 1962 Code Section 56‑1531; 1952 Code Section 56‑1531; 1945 (44) 369.

Library References

Environmental Law 216.

Licenses 21.

Westlaw Topic Nos. 149E, 238.

C.J.S. Health and Environment Sections 130, 172.

C.J.S. Licenses Sections 58 to 60.

**SECTION 40‑49‑320.** Examinations for certificates.

 Each board of plumbing examiners created under this article shall designate the time and place for the examination of all persons desiring to secure a certificate as herein provided for. Each applicant shall be compelled to pass such examination as to his qualifications as such respective boards may direct. Such examinations shall be made in whole or in part in writing and shall be of a practical and elementary character, but sufficiently strict to test the qualifications of the applicant.

HISTORY: 1962 Code Section 56‑1532; 1952 Code Section 56‑1532; 1945 (44) 369.

Library References

Licenses 20 to 22.

Westlaw Topic No. 238.

C.J.S. Licenses Sections 58 to 60, 62 to 66, 70 to 72.

**SECTION 40‑49‑330.** Issuance of certificates; fees; annual renewal.

 If satisfied with the competency of such applicant, the appropriate board of plumbing examiners shall issue a certificate to such applicant, authorizing him to engage in the business of installing sanitary plumbing. The fee for the certificate to a master or employing plumber shall be five dollars and to a journeyman plumber two dollars. The certificate shall be valid for the term of one year, but it may be renewed upon proper application to the board which issued it and the payment of a fee of fifty cents.

HISTORY: 1962 Code Section 56‑1533; 1952 Code Section 56‑1533; 1945 (44) 369.

Library References

Licenses 20 to 35.

Westlaw Topic No. 238.

C.J.S. Licenses Sections 58 to 72, 77, 101 to 114.

**SECTION 40‑49‑340.** Issuance of certificates without examination.

 Every person who was engaged in the trade or business of installing sanitary plumbing on May 4, 1945 shall be entitled to his initial certificate under Section 40‑49‑330 provided application therefor is filed with and the fee provided in said section is paid to the board issuing it within sixty days after the date of the organization of such board. No person holding a certificate granted by a board of plumbing examiners created under Section 40‑49‑20 or under Section 40‑49‑280 shall be required to have a certificate under this article to engage in the business of installing sanitary plumbing or to install sanitary plumbing in any part or section of the county or in any municipality, incorporated community or water, sewer or public service district in the county.

HISTORY: 1962 Code Section 56‑1534; 1952 Code Section 56‑1534; 1945 (44) 369.

Library References

Licenses 13, 20, 39.46.

Westlaw Topic No. 238.

C.J.S. Licenses Sections 55, 62 to 66.

**SECTION 40‑49‑350.** Territorial extent of licenses.

 No certificate issued under the provisions of this article shall authorize the holder thereof to engage in the business of installing sanitary plumbing or to install sanitary plumbing in any city or town in the county having a population of fifteen thousand inhabitants or more as fixed by the then most recent Federal census. No person holding only a certificate granted by a board of plumbing examiners created under Section 40‑49‑290 may engage in the business of installing sanitary plumbing or install sanitary plumbing outside of the territory comprised within the municipality or the incorporated community or water, sewer or public service district whose governing board created the board which granted such certificate.

HISTORY: 1962 Code Section 56‑1535; 1952 Code Section 56‑1535; 1945 (44) 369.

Library References

Licenses 36.

Westlaw Topic No. 238.

C.J.S. Licenses Sections 73 to 80.

**SECTION 40‑49‑360.** Provisions, rules, regulations, ordinances, and certificates exempted.

 Nothing in this article contained shall modify, restrict, impair or affect the provisions of Article 1 of this chapter or the validity and applicability of any rules or regulations relating to the construction of plumbing or sewerage promulgated by the county health board of any county in which this article is applicable or the validity and applicability of the ordinances of any municipality adopted under said Article 1 or of any rules and regulations promulgated thereunder or of any certificates issued thereunder.

HISTORY: 1962 Code Section 56‑1536; 1952 Code Section 56‑1536; 1945 (44) 369.

Library References

Licenses 8(1), 19(0.5).

Westlaw Topic No. 238.

C.J.S. Licenses Sections 23 to 24, 56 to 57.