REPUBLICATION
February 2014

CODE OF ORDINANCES

County of

JASPER, SOUTH CAROLINA

Looseleaf Supplement

This copy of the Jasper County Code is issued as a "replacement" copy and contains all ordinances deemed advisable to be included at this time through Ordinance No. 12-17, enacted September 17, 2012. See the Code Comparative Table for further information.

This copy replaces all existing copies of the Code. Future supplements will commence with "Supplement No. 1."

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JASPER COUNTY, SOUTH CAROLINA

Republished in 2014 by Order of the County Council

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OFFICIALS

of

JASPER COUNTY, SOUTH CAROLINA

AT THE TIME OF THIS REPUBLICATION

Barbara B. Clark, Chairwoman
L. Martin Sauls, IV, Vice Chairman
Henry Etheridge, Councilman
Theodus L. Drayton, Councilman
D. Thomas Johnson, Councilman
County Council

Andrew Fulghum
County Administrator

Marvin Jones
County Attorney

Judith M. Frank
Clerk to Council

PREFACE

This Code constitutes a complete republication of the general and permanent ordinances and resolutions of Jasper County, South Carolina.

Source materials used in the preparation of the Code were the 2009 Code of Ordinances and subsequent ordinances and resolutions adopted by the county council. The source of each section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is new and was adopted for the first time with the adoption of this republication. By use of the comparative tables appearing in the back of this Code, the reader can locate any ordinance or resolution included herein.

The chapters of the Code have been conveniently arranged in alphabetical order, and the various sections within each chapter have been catchlined to facilitate usage. Notes which tie related sections of the Code together and which refer to relevant state law have been included. A table listing the state law citations and setting forth their location within the Code is included at the back of this Code.

Chapter and Section Numbering System

The chapter and section numbering system used in this Code is the same system used in many state and local government codes. Each section number consists of two parts separated by a dash. The figure before the dash refers to the chapter number, and the figure after the dash refers to the position of the section within the chapter. Thus, the second section of chapter 1 is numbered 1-2, and the first section of chapter 6 is 6-1. Under this system, each section is identified with its chapter, and at the same time new sections can be inserted in their proper place by using the decimal system for amendments. For example, if new material consisting of one section that would logically come between sections 6-1 and 6-2 is desired to be added, such new section would be numbered 6-1.5. New articles and new divisions may be included in the same way or, in the case of articles, may be placed at the end of the chapter embracing the subject, and, in the case of divisions, may be placed at the end of the article embracing the subject. The next successive number shall be assigned to the new article or division. New chapters may be included by using one of the reserved chapter numbers. Care should be taken that the alphabetical arrangement of chapters is maintained when including new chapters.

Page Numbering System

The page numbering system used in this Code is a prefix system. The letters to the left of the colon are an abbreviation which represents a certain portion of the volume. The number to the right of the colon represents the number of the page in that portion. In the case of a chapter of the Code, the number to the left of the colon indicates the number of the chapter. In the case of an appendix to the Code, the letter immediately to the left of the colon indicates the letter of the appendix. The following are typical parts of codes of ordinances, which may or may not appear in this Code at this time, and their corresponding prefixes:

SPECIAL ACTS SA:1

SPECIAL ACTS COMPARATIVE TABLE SACT:1

CODE CD1:1

CODE APPENDIX CDA:1

CODE COMPARATIVE TABLE CCT:1

STATE LAW REFERENCE TABLE SLT:1

SPECIAL ACTS INDEX SAi:1

CODE INDEX CDi:1

Index

The index has been prepared with the greatest of care. Each particular item has been placed under several headings, some of which are couched in lay phraseology, others in legal terminology, and still others in language generally used by local government officials and employees. There are numerous cross references within the index itself which stand as guideposts to direct the user to the particular item in which the user is interested.

Looseleaf Supplements

A special feature of this publication is the looseleaf system of binding and supplemental servicing of the publication. With this system, the publication will be kept up-to-date. Subsequent amendatory legislation will be properly edited, and the affected page or pages will be reprinted. These new pages will be distributed to holders of copies of the publication, with instructions for the manner of inserting the new pages and deleting the obsolete pages.

Keeping this publication up-to-date at all times will depend largely upon the holder of the publication. As revised pages are received, it will then become the responsibility of the holder to have the amendments inserted according to the attached instructions. It is strongly recommended by the publisher that all such amendments be inserted immediately upon receipt to avoid misplacing them and, in addition, that all deleted pages be saved and filed for historical reference purposes.

Acknowledgments

This publication was under the direct supervision of Zanne Ebersole, Editor, and Aline True, Quality Control Specialist, of the Municipal Code Corporation, Tallahassee, Florida. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publisher is most grateful to the county councilmembers, Mr. Andrew Fulghum, County Administrator, Ms. Judith M Frank, Clerk to Council, and Mr. Marvin Jones, County Attorney, for their cooperation and assistance during the progress of the work on

this publication. It is hoped that their efforts and those of the publisher have resulted in a Code of Ordinances which will make the active law of the county readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the county's affairs.

MUNICIPAL CODE CORPORATION
Tallahassee, Florida

ADOPTING ORDINANCE
ORDINANCE # 09-08

Adopting and Enacting a New Code for Jasper County, South Carolina; Providing for the Repeal of Certain Ordinances Not Included Therein; Providing a Penalty for the Violation Thereof; Providing for the Manner of Amending Such Code; and Providing When Such Code and This Ordinance Shall Become Effective.

Be It Ordained by the Jasper County Council in council duly assembled and by the authority of the same:

1. The Code entitled "Code of Ordinances, Jasper County, South Carolina" published by Municipal Code Corporation consisting of Chapters 1 through 28, each inclusive, is adopted.

2. All ordinances of a general and permanent nature enacted on or before June 2, 2008, and not included in the Code or recognized and continued in force by reference therein, are repealed.

3. The repeal provided for in section 2 hereof shall not be construed to revive any ordinance or part thereof that have been repealed by a subsequent ordinance that is repealed by this ordinance.

4. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof, shall be punished by a fine of not more than $500.00 or imprisonment for not more than 30 days. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided shall apply to the amendment of any Code section whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the county may pursue other remedies such as abatement of nuisances, injunctive relief, and revocation of licenses or permits.
(Ord. No. 09-10, 4-20-2009)

5. Additions or amendments to the Code when passed in the form as to indicate the intention of the county to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

6. Ordinances adopted after June 2, 2008 that amend or refer to ordinances that have been codified in the Code, shall be construed as if they amend or refer to like provisions of the Code.

7. This ordinance shall take effect upon approval by Council.

/s/ Dr. George M. Hood
Chairman

ATTEST:

/s/ Judith M. Frank

Clerk to Council

Ordinance: #09-08

First Reading: January 5, 2009

Second Reading: January 20, 2009

Public Hearings: February 2, 2009

Adopted: February 2, 2009

Reviewed for form, and draftsmanship by the Jasper County Attorney.

/s/

Marvin C. Jones

/s/ June 26, 2009

DATE

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CODE OF ORDINANCES

Chapter 1

GENERAL PROVISIONS

Sec. 1-1. How Code designated and cited.
Sec. 1-2. Definitions and rules of construction.
Sec. 1-3. Catchlines of sections; references and editor's notes; history notes.
Sec. 1-4. Effect of repeal or expiration of ordinances or resolutions.
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Sec. 1-6. Severability of parts of Code.
Sec. 1-7. Supplementation and amendment of Code.
Sec. 1-8. General penalty; continuing violations.
Sec. 1-9. Ordinances and resolutions not affected by Code.
Sec. 1-10. Code does not affect prior offenses, rights or penalties.

Sec. 1-1. How Code designated and cited.

The ordinances and resolutions embraced in this and the following chapters and sections shall constitute and be designated the "Code of Ordinances, Jasper County, South Carolina" and may be so cited. Such ordinances and resolutions may also be cited as the "Jasper County Code."

Sec. 1-2. Definitions and rules of construction.

In the construction of this Code and of all ordinances and resolutions of the county, the following definitions and rules of construction shall be observed unless inconsistent with the manifest intent of the council or the text clearly requires otherwise:

Generally. All general provisions, terms, phrases and expressions contained in this Code shall be liberally construed in order that the true intent and meaning of the county council may be fully carried out. Terms used in this Code, unless otherwise specifically provided, shall have the meanings prescribed by the statutes of the state for the same terms.

In the interpretation and application of any provisions of this Code, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of this Code imposes greater restrictions upon the subject matter than other more general provisions imposed by the Code, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

In the construction of this Code and of all ordinances and resolutions of the county, all things and places therein referred to shall, unless a contrary intention appears, be construed to mean things and places situated in the county or employed by or appertaining to the county.

Administrator. The term "administrator" or "county administrator" means the county administrator of Jasper County, South Carolina.

And; or. The word "and" may be read as "or" and the word "or" may be read as "and" where the sense requires it.

Bond. When a bond is required, an undertaking in writing shall be sufficient.

Clerk. The term "clerk" means the clerk of the county council.

Code. Reference to "this Code" or "the Code" means the Jasper County Code as designated in section 1-1.

Computation of time. The time within which an act is to be done shall be computed by excluding the first day and including the last day, and if the last day is a Sunday or a legal holiday that day shall be excluded.

Council; county council. The term "council" or "county council" means the county council for Jasper County, South Carolina.

County. The term "county" means the County of Jasper in the State of South Carolina.

County limits. The term "county limits" means the legal boundaries of Jasper County.

Delegation of authority. Whenever a provision appears requiring the head of a department or some other county officer or employee to do some act or perform some duty, it is to be construed to authorize the head of the department or other officer to designate, delegate and authorize subordinates to perform the required act or perform the duty, unless the terms of the provision or section specify otherwise.

Gender. Words importing the masculine gender shall include the feminine and neuter.

Joint authority. All words giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

Keeper; proprietor. The terms "keeper" and "proprietor" mean and include persons, firms, associations, corporations, clubs and copartnerships, whether acting by themselves or through a servant, agent or employee.

Month. The term "month" means a calendar month.

Nontechnical and technical words. Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

Number. Words used in the singular shall include the plural and words used in the plural shall include the singular number.

Oath; swear; sworn. The term "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

Officer; official. Whenever reference is made to any officer or official the reference will be taken to be to such officer or official of Jasper County.

Owner. The term "owner," applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or a part of such building or land.

Person. The term "person" includes a corporation, firm, partnership, association or organization, and any other group acting as a unit, as well as an individual.

Personal property. The term "personal property" includes every species of property except real property.

Preceding; following. The terms "preceding" and "following" mean next before and next after, respectively.

Property. The term "property" includes real and personal property.

Real property; real estate. The terms "real property" and "real estate" include lands, tenements and hereditaments.

Roadway. The term "roadway" means that portion of a street improved, designed or ordinarily used for vehicular travel.

Shall; may. The word "shall" is mandatory; the word "may" is permissive.

Sidewalk. The term "sidewalk" means any portion of a street or road between the curbline, or the lateral lines of the roadway where there is no curb, and the adjacent property line, intended for the use of pedestrians.

Signature; subscription. The terms "signature" and "subscription" include a mark when the person cannot write, when such mark is witnessed by a longhand signature.

State. The term "state" means the State of South Carolina.

Street; road. The terms "street" and "road" include avenues, boulevards, highways, alleys, lanes, viaducts, bridges and the approaches thereto and all other public thoroughfares in the county, and shall mean the entire width thereof between opposed abutting property lines; such terms shall be construed to include a sidewalk or footpath, unless the contrary is expressed or unless such construction would be inconsistent with the manifest intent of the county council.

Tenant; occupant. The term "tenant" or "occupant," applied to a building or land, shall include any person who occupies the whole or a part of such building or land, whether alone or with others.

Tense. Words used in the past or present tense include the future as well as the past and present.

Week. The term "week" means seven days.

Written; in writing. The term "written" or "in writing" includes printing and any other mode of representing words and letters.

Year. The term "year" means a calendar year.

Sec. 1-3. Catchlines of sections; references and editor's notes; history notes.

(a) The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of such sections, or any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

(b) The references and editor's notes appearing after sections throughout the Code are not intended to have any legal effect, but are merely intended to assist the user of the Code.

(c) The history notes appearing in parentheses after sections in this Code are not intended to have any legal effect but are merely intended to indicate the source of matter contained in the section.

Sec. 1-4. Effect of repeal or expiration of ordinances or resolutions.

(a) The repeal of an ordinance or resolution, or its expiration by virtue of any provision contained therein, shall not affect any right accrued, any offense committed, any penalty or punishment incurred or any proceeding commenced before the repeal took effect or the ordinance or resolution expired.

(b) When an ordinance or resolution which repealed another shall itself be repealed, the previous ordinance or resolution shall not be revived without express words to that effect.

Sec. 1-5. Provisions considered continuations of existing ordinances and resolutions.

The provisions appearing in this Code, so far as they are the same as those previously adopted by the council, shall be considered as continuations thereof and not as new enactments.

Sec. 1-6. Severability of parts of Code.

It is hereby declared to be the intention of the council that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional or invalid by judgment or decree of a court of competent jurisdiction such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

Sec. 1-7. Supplementation and amendment of Code.

(a) *Supplementation.*

(1) By contract or by county personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the county council. A supplement to the Code shall include all substantive parts of permanent and general ordinances or resolutions passed by the county council during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages that have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance or resolution included in the supplement.

(2) In preparing a supplement to this Code, all portions of the Code that have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.

(3) When preparing a supplement to this Code, the codifier (meaning the person authorized to prepare the supplement) may make informal, nonsubstantive changes in ordinances or resolutions and parts of ordinances or resolutions included in the supplement, insofar as it is necessary to do so to embody them into a unified Code. For example, the codifier may:

a. Organize the ordinance or resolution material into appropriate subdivisions.

b. Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catchlines, headings and titles.

c. Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers.

d. Change the words "this ordinance," or "this resolution" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections _____ to _____" (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance or resolution incorporated into the Code).

e. Make other nonsubstantive changes necessary to preserve the original meaning of ordinance or resolution sections or the alphabetical arrangement of new chapters inserted into the Code, but in no case shall the codifier make any change in the meaning or effect of ordinance or resolution material included in the supplement or already embodied in the Code.

(b) *Amendments; effect of new ordinances; amendatory language.*

(1) All ordinances or resolutions passed subsequent to this Code, which amend, repeal or in any way affect this Code, when numbered in accordance with the numbering system of this Code and printed or typed for inclusion herein, shall, as numbered and printed or typed or omitted, in the case of repeal, be prima facie evidence of such subsequent ordinances or resolutions until such time that this Code and subsequent ordinances or resolutions numbered or omitted are readopted as a new code by the council.

(2) Amendments to any of the provisions of this Code shall be made by amending such provisions by specific reference to the section number of this Code. Such amendments may be in the following language: "That section _____ of the Code of Ordinances, Jasper County, South Carolina, is hereby amended to read as follows: . . . ." The new provisions shall then be set out in full as desired.

(3) If a new section not heretofore existing in the Code is added, the following language may be used: "That the Code of Ordinances, Jasper County, South Carolina, is hereby amended by adding a section, to be numbered _____, which section shall read as follows: . . . ." The new section may then be set out in full as desired.

(4) All sections, articles, chapters or provisions desired to be repealed must be specifically repealed by section, article or chapter number, as the case may be.

Sec. 1-8. General penalty; continuing violations.

(a) Whenever in this Code, or in any ordinance or resolution of the county, any act is prohibited or is declared to be unlawful or an offense or misdemeanor, or the doing of any act is required, or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, and no specific penalty is provided for the violation thereof, the violation of any such provision of this Code, or any such ordinance or resolution, shall be subject to a fine not exceeding $500.00 or imprisonment not exceeding 30 days.

(b) Each day any violation of this Code or any such ordinance, resolution, rule, regulation or order shall continue shall constitute, except where otherwise provided, a separate offense.

State law references—Authority to provide penalties for ordinance violations not in excess of jurisdiction of magistrates' courts, S.C. Code 1976, § 4-9-30(14); jurisdiction of magistrates' courts, S.C. Code 1976, § 22-3-550.

Sec. 1-9. Ordinances and resolutions not affected by Code.

Nothing in this Code or the ordinance adopting this Code shall be construed to repeal or otherwise affect the validity of any of the following ordinances or resolutions, which are not included herein:

(1) Any ordinance or resolution promising or guaranteeing the payment of money for the county, or authorizing the issuance of any bonds of the county or any evidence of the county's indebtedness.

(2) Any appropriation ordinance or resolution providing for the levy of taxes or for an annual budget, or prescribing salaries for county officers and employees.

(3) Any ordinance or resolution granting any franchise, permit or other right.

(4) Any ordinance or resolution approving, authorizing or otherwise relating to any contract, agreement, lease, deed or other instrument.

(5) Any ordinance or resolution authorizing or otherwise relating to any public improvement project or work.

(6) Any temporary or special ordinance or resolution, or ordinance or resolution of limited interest or transitory nature, or emergency ordinances.

(7) Any ordinance or resolution creating or changing the boundaries of any special purpose or public service district.

(8) Any ordinance or resolution adopting a schedule for the retention and disposition of county records.

(9) Any zoning ordinance or amendments thereto.

(10) Any ordinance or resolution regulating the subdivision of land.

(11) Any ordinance or resolution prescribing rules of the county council.

(12) Any ordinance or resolution adopting the county's form of government or providing for the election and terms of the members of the county council.

(13) Any ordinance or resolution abandoning any street, highway, easement or right-of-way.

All such ordinances and resolutions are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code.

Sec. 1-10. Code does not affect prior offenses, rights or penalties.

Nothing in this Code or the ordinance adopting this Code shall affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing, before the effective date of this Code.

Chapter 2

ADMINISTRATION*

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***Cross references—**Businesses, ch. 8; library, ch. 16; planning and development, ch. 20; taxation, ch. 26.

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ARTICLE I. IN GENERAL

Sec. 2-1. Form of government.

Pursuant to S.C. Code 1976, § 4-9-10 the form of government for the county shall be the council-administrator form as provided in S.C. Code 1976, § 4-9-610 et seq.
(Res. of 6-25-76, § 1)

Sec. 2-2. Debt review procedure for debt setoff collection program.

(a) *Notification of debtor.* All notices of debts to be included in the debt setoff collection program shall advise the debtor of the debt review procedure established by this section. All notices must contain the name, telephone number and address of the county official to contact to request a review of the debt.

(b) *Request for review.* Any person notified of a debt to be included in the debt setoff collection program must notify the debt setoff collection program coordinator of his wish for a review of the debt within seven calendar days of the date of notification either by telephone or in writing. Any person requesting a review of a debt shall furnish his correct mailing address and a telephone number at which he can be reached during normal business hours. For purposes of calculating the time periods set forth in this section, the time period begins to run the day following the deposit of the notice in the mail or the date of delivery if it is sent by other means. The request for review must be received by the debt setoff collection program coordinator within the seven-day period.

(c) *Notice of meeting.* Upon notification that a person wishes a review of a debt, the debt setoff collection coordinator shall have seven calendar days to telephone or send written notice of the debt review meeting.

(d) *Conduct of meeting.* At the debt review meeting, the debtor and the debt setoff collection program coordinator shall discuss the debt and any matters which are necessary to determine whether the debt is correctly charged to the person.

(e) *Action by program coordinator.* Following the debt review meeting, the debt setoff collection program coordinator is authorized to adjust any debt reviewed and certify the correct amount of the debt, if any, for inclusion in the debt setoff collection program. The debtor must be notified of the coordinator's decision in writing.
(Res. of 12-6-93, §§ 1—5)

Sec. 2-3. Grievance procedure.

(a) The following grievance procedure is established to meet the requirements of Section 504 of the Rehabilitation Act as amended and the Americans With Disabilities Act of 1990 (ADA).

(b) According to these laws the county, as recipient of a South Carolina Community Development Block Grant (CDBG) funds, certifies that every citizen shall have the right to submit a grievance when he or she believes the county has discriminated against him or her on the basis of disability in policies or practices of the county, or has denied him or her access to, or created or permitted barriers to: Employment, services, activities, facilities or benefits provided by the county.

(c) When filing a grievance action, citizens must provide detailed information to allow an investigation, including the date and location of the problem, as well as a description of the problem. The grievance should be in writing and should include the name and address of the complainant, and a telephone number for the complainant or of a contact person for the complainant. Upon request, alternative means of filing complaints, such as personal interviews or a tape recording, will be made available for individuals who are able to provide a written complaint. The complaint should be submitted by the complainant or his or her designee as soon as possible following the activity which gave rise to the complaint, but no later than 60 days after the alleged violation. Complaints must be signed and sent to: David Mathews, County Attorney, PO Drawer F, Ridgeland, SC 29936, 803-726-7726

(d) Within 15 calendar days after receiving the complaint, the ADA coordinator will respond in writing to complainant's complaint. In the event that the complaint was not made in writing, or was made in a language other than English, then the complaint will be answered within a reasonable time. When the complaint has been made in a form other than written English, then the response will be made in a like format, or in a format otherwise accessible to the complainant. The coordinator shall include in the response a decision as to whether complaint appears to be founded, unfounded or undetermined based upon the statements of the complainant, and offer options for resolving the complaint. The coordinator may contact additional individuals to determine the basis of the complainant's complaint, but shall not be required to contact anyone other than the complainant.

(e) If the response by the ADA coordinator does not satisfactorily resolve the issue, the complainant or his or her designee may appeal the decision in writing (or as otherwise provided regarding the initial filing of the complaint) to the chairman of the county council, or the chairman's designee in which the complainant shall set forth whether he or she disagrees with the coordinator's conclusion as to whether there was a problem requiring correction, or the recommended resolution, or both.

(f) Within 15 calendar days after receiving the appeal, or within a reasonable time if the appeal is in a form other than written English, the county council chairman, or the chairman's designee, will meet with the complainant to discuss the complaint and possible resolutions of the complaint. Within 15 calendar days after the meeting, the chairman, or the chairman's designee will provide a written response to the appeal, unless the complainant's format is something other than written English, in which event the response will be made in the same or like format and shall be made within a reasonable time after the meeting. The response shall include a final resolution of the grievance. The 504/ADA coordinator shall maintain for a period of three years, a file containing the complaint, the initial response of the ADA coordinator, the appeal (if any), and the final resolution of the complaint. In the event that the complaint, the initial response, the appeal or the final resolution are not in written form, then a copy of any audiotapes or, if there are no audiotapes, then by some other memorializing summary of those communications.
(Ord. of 3-18-96)

Sec. 2-4. Codification.

As provided by Section 4-9-120 of the Code of Laws of South Carolina, all ordinances adopted by the council shall be compiled, indexed, codified, published by title and made available for public inspection at the office of the clerk to council. The clerk shall maintain a permanent record of all ordinances adopted and shall furnish a copy of each ordinance to the RMC office for recording.
(Ord. No. 08-17, § 1, 6-2-08)

Sec. 2-5. Audit.

(a) Council shall provide for an independent annual audit of all financial records and transactions of the county. The audit shall be available for public inspection.

(b) The county administrator shall present the audit within 45 days after the completion of the audit.

(c) A certified public accountant or firm of certified public accountants, who have no direct or indirect personal interest in the fiscal affairs of the county government or any of its officers, shall perform the annual audit.

(d) The selection of an independent auditor or firm shall be made in accordance with the county's procurement ordinance.
(Ord. No. 08-17, § 1, 6-2-08)

Sec. 2-6. Records retention.

The South Carolina Department of Archives and History General Records Retention Schedule for County Records (2002), a copy of which is attached hereto as Schedule "A" is hereby adopted as the general records retention schedule for county records of Jasper County except for the records of the clerk of court, which is governed by other schedules. Notwithstanding any other provision hereof, whenever federal or state law or order of a court having jurisdiction over the county require that certain records be maintained for a longer period than required by the General Record Retention Schedule for County Records (2002), such records shall be retained for the longer period.
(Ord. No. 12-05, § 1, 4-2-12)

Editor's note—Schedule "A" referred to in this section is not set out at length herein, but may be found in the offices of the county.

Secs. 2-7—2-30. Reserved.

ARTICLE II. COUNTY COUNCIL*

DIVISION 1. GENERALLY

Sec. 2-31. Composition; residency of members.

The county council shall consist of five members elected at-large; provided, that each member of the council shall be a resident from one of the four townships of the county and one member shall have no residency requirement.
(Ord. of 6-25-76(1))

State law reference—Membership of council, S.C. Code 1976, § 4-9-610.

***State law reference—**Council-administrator form of government, S.C. Code 1976, § 4-9-610 et seq.

Sec. 2-32. Duties and compensation of chairman.

(a) *Duties.* The chairman will devote the time necessary to:

(1) Attend, participate and report on meetings of the county development board.

(2) Attend, participate and report on meetings of the county planning commission.

(3) Attend, participate and report on meetings and activities of the Beaufort/Jasper Water, Sewer Authority.

(4) Establish, attend and report on joint county issues with Beaufort County.

(5) Coordinate, with the county administrator, efforts to develop adequate detention facilities.

(6) Coordinate, with the county administrator, efforts to plan and develop adequate court and office facilities.

(7) Keep abreast of local government issues on a statewide basis and report to council the need for participation by the county council in efforts to protect the autonomy of local government.

(8) To coordinate, with the county administrator, development contracts and agreements with major development interest.

(9) To continue to carry out the normal duties of chairman.

(b) *Compensation.* The chairman will be compensated for accepting the additional duties and responsibilities and for devoting the time necessary to effectively participate and report to county council, in the amount of $17,000.00 per annum in addition to the current compensation of $6,400.00 per annum. Such additional compensation will be effective beginning the calendar year of 1995 and ending December 31, 1995. County council shall evaluate the additional compensation for the chairman on an annual basis and shall by resolution on the first meeting of each calendar year, approve the continuation of such compensation for an additional calendar year or to discontinue such compensation.
(Ord. of 5-15-95, §§ I, II)

Sec. 2-33. "At will" employment policy.

(a) All employees of the county are employed "at will" and may resign or be discharged from employment at any time.

(b) Only county council shall have the right to enter into contracts for other than "at will" employment on the county's behalf and that any contract for other than "at will" employment must:

(1) Be in writing

(2) Be executed by the council

(3) Specify the duration of the employment; and

(4) Specifically state that the contract is being created pursuant to the council's authority under this section.

(Ord. No. 04-16, 8-16-04)

Editor's note—Ord. No. 04-16, adopted Aug. 16, 2004, was not specifically amendatory of the Code and has been included as § 2-33 at the discretion of the editor.

Sec. 2-33A. Duties and election of chairman.

At its initial meeting in January, the council shall elect one of its members to serve as chairman for a term of one year. So long as the chairman remains a member of the county council in good standing, he or she shall serve as chairman until a successor is selected in accordance with these rules. The chairman shall preside at all meetings of the council. The chairman, on behalf of the council, will execute all ordinances, resolutions, directives, deeds, bonds, contracts and other official documents unless execution is otherwise directed by ordinance or other council action. The chairman shall also have such other duties and perform such other functions as these rules specifically set forth or as the council specifically directs. If the office of the chairman becomes vacated, the vice-chairman shall immediately become chairman.
(Ord. No. 08-17, § 2, 6-2-08)

Sec. 2-33B. Duties and election of vice chairman.

At its initial meeting in January, the council shall elect one of its members to serve as vice chairman for a term of one year. The vice chairman shall preside at meetings of the council when the chairman is absent or unable to preside. In the absence or disability of the chairman or in the event the office of the chairman should be vacant, the vice chairman, on behalf of the council, will execute all ordinance, resolution, directive deeds, bonds, contracts and other official documents unless execution is otherwise directed by ordinance or other council action. If the office of vice chairman becomes vacant, council, at the next meeting following the occurrence of the vacancy, shall choose one of its members to serve as vice chairman for the remainder of the term.
(Ord. No. 08-17, § 2, 6-2-08)

Sec. 2-33C. Duties and identification of chairman pro tempore.

If at any time both the chairman and the vice chairman are absent or vacancies exist in both offices, the council member with the most years of uninterrupted service on the council shall serve temporarily as chairman until a new chairman can be elected or until the existing chairman (or vice chairman) is able to resume his duties.
(Ord. No. 08-17, § 2, 6-2-08)

DIVISION 2. COUNTY COUNCIL RULES OF PARLIAMENTARY PROCEDURE*

Sec. 2-34. Short title.

This division may be cited as the Jasper County Rules of Parliamentary Procedure.
(Ord. No. 02-03, Rule 1, 3-17-03)

Sec. 2-35. Applicability; deviation from rules.

Preferred language (rules to apply to county boards and commissions). These rules shall apply to all meetings of county council, including committee meetings, and to all boards and commissions for which the county council appoints a majority of the members. As used in these rules, the term "meeting" means the

***Editor's note—**Ord. No. 02-03, Rules 1—17, adopted Mar. 17, 2003, was not specifically amendatory of the Code and has been included as div. 2, §§ 2-34—2-50 at the editor's discretion.

convening of a quorum of the membership of county council, or such other board or commission, to discuss or act upon a matter over which county council or such other board or commission has supervision, control, jurisdiction or advisory power; the term "quorum" means a simple majority of the membership of the county council, or committee of county council, or such other board or commission. Where applicable, the term "county council" means not only the county council, but also, any other board or commission in the county governed by these rules.

These rules were adopted as guidelines to assist county council and county boards and commissions in conducting orderly and productive meetings. Any deviation from or waiver of these rules shall not affect or void any action taken by county council, or a county board or commission. Furthermore, such deviation or waiver does not convey any right or cause of action to third parties not otherwise imposed by law.

Rules stated in a South Carolina Statute and rules governing quorum and vote requirements cannot be suspended. Rules relating to priority of business or to procedure may be suspended by a majority vote of the members of council. A motion to suspend the rules may not be amended nor may it have any subsidiary motions applied to it. A motion to suspend shall specify which rule or rules are to be suspended.
(Ord. No. 02-03, Rule 2, 3-17-03; Ord. No. 08-17, § 3, 6-2-08)

Sec. 2-36. Model rules of parliamentary procedure for South Carolina counties and Robert's Rules of Order Newly Revised to govern other cases.

County council will refer to the model rules, and the comments sections contained therein, as the primary resource in determining the intent and meaning of these rules. In all cases not covered by these rules, county council shall be governed by such rules as are set out in the current edition of Robert's Rules of Order Newly Revised. Provided, however, that state and federal law shall take precedence over these rules in all cases. Whenever possible, these rules should be interpreted to conform to state and federal law; if an irreconcilable difference occurs, only the portion of the rule or rules directly in conflict with state or federal law is to be overruled, the remaining portions surviving.
(Ord. No. 02-03, Rule 3, 3-17-03)

Sec. 2-37. Meetings, notice of meetings, quorums, weapons prohibited and public participation.

(a) County council shall meet at least once monthly, but may meet more frequently provided that public notice, as described herein, is provided. The council shall ordinarily hold its regular meetings for the transaction of official business on the first and third Mondays of each month at such a time and place as the chairman may specify. Special meetings may be called by the chair or by the majority of county council, provided that the notice requirements are met. Either the chairman or the majority of the council members of the council may cancel or reschedule meetings, call special meetings, which may be held after 24 hours public notice, which specifies the hour, date, and place of the special, called meeting and its agenda. Written public notice shall be given for all regularly scheduled meetings at the beginning of each calendar year. Notice must include the dates, times and places of the meetings. Public notice of each called, special or rescheduled meeting must be posted on a bulletin board a the meeting place for county council, or other suitable place, as early as practicable, but not less than 24 hours prior to each meeting. The notice must include the agenda and the date, time and place of the meeting, The 24-hour requirement does not apply for emergency meetings. All persons, organizations, and news media requesting notification of county council

meetings shall be notified of the times and places, and given copies of the agenda for all meetings, whether scheduled, rescheduled or called. Efforts made to comply with this notice requirement shall be noted in the minutes.

(b) All members of council shall be furnished copies of the agenda and all necessary background information related to an agenda item request requiring council action in their agenda packets for the upcoming meetings, including motions to reconsider. This pre-meeting package shall include complete copies of each proposal to be considered; provided, however, copies of ordinances to be read by title only on first reading may be omitted from pre-meeting packet for the meeting at which they are to be offered on first meeting. Offering ordinances to be read on first reading by title only is discouraged by Jasper County Council. The text of copies of proposed ordinances for the second and third reading shall appear as amended at any previous meeting.

(c) A quorum for the transaction of official business by county council at a regular or special meeting shall consist of a majority of members.

(d) Weapons shall not be allowed in council chambers, except in the possession of law enforcement officers in and about the course of their official duties.

(e) Any citizen of the county may sign an agenda list maintained by the clerk to council prior to each regular meeting in order to speak with council. Citizens wishing to speak must indicate the subject and purpose for which they seek to address council and include their name, address and phone number. Presentations will be limited to three minutes. The chairman may permit additional time for speakers. No speaker may use language that is obscene, disruptive, scurrilous, or recklessly defamatory. Following the presentation, no person other than a member of council will be recognized to question the speaker or make any statement unless a member of council requests comment from a member of staff for clarification.
(Ord. No. 02-03, Rule 4, 3-17-03; Ord. No. 08-17, § 4, 6-2-08)

Sec. 2-38. Agenda.

Every meeting shall have an agenda. The agenda will be compiled at the direction of the council chair by the clerk to council or such other person as may be designated. The agenda shall be posted, pursuant to section 2-37 and as required by the Freedom of Information Act, at least twenty-four hours prior to meetings. Additionally, a copy of the agenda shall be provided as part of the notice given to any person, organization, or news media requesting notification of county council meetings.

The agenda will designate the time and location of the meeting and the type of meeting to be held: council session, committee meeting, public hearing, public comment, workshop or emergency session.

Prior to distribution to council members copies of proposed ordinances for which second reading is proposed to be on the agenda, or a proposed resolution, the county attorney shall review the form and draftsmanship of the proposal and insure that it is in proper form and all necessary exhibits, attachments, and contracts are attached and made part of the proposed ordinance or resolution prior to it being placed on the agenda.
(Ord. No. 02-03, Rule 5, 3-17-03; Ord. No. 08-17, § 6, 6-2-08)

Sec. 2-39. Public hearings.

Public hearings are the method required by the Home Rule Act for county council to gain input from the public at large. Members of council should refrain from making comments during the public hearing and should neither enter into debate with the public nor with other council members during the public hearing. Public hearings are required before final action is taken to:

(1) Adopt annual operational and capital budgets;

(2) Make appropriations, including supplemental appropriations;

(3) Adopt building, housing, electrical, plumbing, gas and all other regulatory codes;

(4) Adopt zoning and subdivision regulations;

(5) Levy taxes; or

(6) Sell, lease or contract to sell or lease real property owned by the county.

Final action for any of the above matters must be in the form of an ordinance. A minimum of 15 days' notice of the time and place of the hearing must be published in at least one newspaper of general circulation in the county, prior to conducting a public hearing for any of the above categories of ordinances. Public hearings are also required for the following:

(7) Adopt building codes;

(8) Impose ad valorem property taxes upon a fire service area; or

(9) Provide for the distribution of assets following the abolishment of a special purpose district.

Notice for items (7) and (8) must be provided once a week for three successive weeks in a paper of general circulation in the county, and in the case of item (8), the hearing must not occur less than 16 days following the first notice. Item (9) requires at least two public hearings with ten days prior notice published in a newspaper of general circulation prior to each meeting.

Following the abolishment of a special purpose district located within the county, two public hearings are required prior to distributing assets and or refunding taxes.

(Ord. No. 02-03, Rule 6, 3-17-03)

Sec. 2-40. Minutes; ordinances to be codified.

All proceedings of county council shall be recorded and all ordinances shall be indexed, codified, and published by title. The clerk to council shall make a permanent record of all ordinances adopted, shall make them available to the public and shall furnish a copy of the record to the clerk of court for filing at that office.

Written minutes shall be kept of all meetings; provided however, that minutes of executive sessions are not required but may be kept at the discretion of council. Copies of the minutes of council shall be kept in perpetuity; whereas copies of any audio or video tapes may be destroyed by the clerk to council after 24 calendar months. Minutes shall include, as a minimum:

(1) Date, time and place of the meeting;

(2) Members of county council recorded as either present or absent;

(3) Substance of all matters proposed, discussed or decided and, if requested by a member, a record by member of any votes taken;

(4) If any member of council has a conflict of interest on a matter before council, that member shall recuse himself or herself and provide a written statement describing the matter and the potential conflict as required by S.C. Code Ann. § 8-13-700 and by section 2-44.

(5) Any other information that any member of council requests to be included or reflected in the minutes.

Minutes are public records and shall be made available within a reasonable time after the meeting, except any information not subject to disclosure under the Freedom of Information Act. Minutes are not subject to disclosure until approved as written by the county council.

(Ord. No. 02-03, Rule 7, 3-17-03)

Sec. 2-41. Voting.

The preferred method of voting by county council is by voice vote, although the chair may call for a show of hands or a roll call vote at any time. Any council member may demand a show of hands or a roll call vote. The demand is in order before or immediately after the voice vote has been taken, even though the chair may have announced the results of the voice vote. A council member may not explain his or her vote while voting, but may change his or her vote at anytime prior to the chair's announcing the result.

(1) *Passage by majority vote.* The term "majority" or "simple majority" means more than half of those present and voting. When a two-thirds majority is required, the term "two-thirds majority" means at least two-thirds of those present and voting. The term "positive majority" means a majority of the members of council, regardless of whether they are present or not.

Except as otherwise provided for in this division, or by pertinent state or federal statute, any ordinance, resolution or motion passes if it receives a majority of the votes cast. State and federal statutes and, in some cases, this division may require passage by more than a simple majority. The following actions are included in those requiring a super-majority:

Two-thirds majority:

a. Adoption of an emergency ordinance pursuant to § 4-9-130;

b. Removal of an employee appointed by a county supervisor pursuant to § 4-9-430;

c. Sale or transfer assets of the county library assets for a non-library purpose pursuant to § 4-9-39;

d. Defeat of a motion to follow the agenda (sections 2-38 and 2-47);

e. Passage of motion to suspend the rules (sections 2-36 and 2-49); and

f. Passage of a motion to call for the question [vote immediately] (sections 2-35 and 2-48).

Positive majority:

a. Impose or increase a business license tax (§ 6-1-315);

b. Override the millage rate increase limitation on property taxes (§ 6-1-320(C));

c. Impose a service or user fee (§ 6-1-330);

d. Impose a local accommodations tax (§ 6-1-520);

e. Impose a local hospitality tax (§ 6-1-720); and

f. Impose a developmental impact fee (§ 6-1-930).

(2) *Voting procedure.* In the case of debatable motions, the vote can be proposed in one of two ways:

a. If debate has been completed and no other council member wishes to speak, the chair can call for the vote. If there are no objections, the chair can proceed with the vote;

b. If the chair calls for the vote and there is an objection, a council member may make a motion to call for the question [vote immediately]. If this motion is approved by a two-thirds vote, debate will stop. The chair will then read the proposed motion to county council and ask for the votes of the council members.

c. In no cases, shall council members be allowed to vote by proxy or shall that voting privilege be assumed by another person.

In the case of non-debatable motions, the vote shall occur immediately after the motion is recognized by the chair. The chair shall read the proposed motion to county council and then call for the vote.

(Ord. No. 02-03, Rule 8, 3-17-03; Ord. No. 08-17, § 5, 6-2-08)

Sec. 2-42. Ordinances and resolutions.

County council shall take action by passing ordinances and resolutions. An ordinance is local legislation passed by the governing body of the county, duly enacted pursuant to proper authority, describing general, uniform and permanent rules of conduct relating to the corporate affairs of the county. A resolution is an expression of opinion or policy concerning some particular item of business coming within the county council's official cognizance and often deals with matters of special or temporary character.

Proposed ordinances and resolutions are introduced for discussion by any member of council offering the ordinance resolution as a main motion. Resolutions are passed after a single period of debate (or reading) and vote; ordinances require a reading at three public meetings on separate days, with at least seven days between the second and third reading.

Emergency ordinances, valid for only 60 days, may be passed after a single reading, if a public emergency exists affecting the life, health, safety or property of people. An emergency ordinance is effective immediately upon enactment, without regard to reading, public hearing, publication requirements or public notice requirements. Every emergency ordinance shall be designated as such and shall contain a declaration of the emergency and describe it. Emergency ordinances require a two-thirds majority for passage.

Legislation affecting the following issues can only be enacted by ordinance and require a public hearing, as set out in section 2-40, prior to passage:

(1) Adopting annual operational and capital budgets;

(2) Making appropriations, including supplemental appropriations;

(3) Adopting building, housing, electrical, plumbing, gas and all other regulatory codes;

(4) Adopting zoning and subdivision regulations;

(5) Levying taxes;

(6) Selling, leasing or contracting to sell or lease real property owned by the county.
(Ord. No. 02-03, Rule 9, 3-17-03)

Sec. 2-43. Debate.

Debate is the discussion on the merits of a pending question to determine if the issue should be adopted or not. Debate shall be managed by the chair in an impartial manner. Council members can participate in the debate only when they are recognized by the chair. Debate can be interrupted (i.e., a member may interrupt another member who has the floor), only to make a motion to adjourn, a motion to raise a point of privilege, a motion to raise a point of order, or a motion to convene an executive session. The council member making a motion is entitled to speak first; members who have not spoken on the issue shall be recognized ahead of those who have previously spoken.
(Ord. No. 02-03, Rule 10, 3-17-03)

Sec. 2-44. Conflicts of interest.

No member of county council, or of a county board or commission, may knowingly use his or her official office to obtain an economic interest for himself or herself, an immediate family member, or an individual or business with whom he or she is associated. Any member who, in order to discharge his or her official responsibilities, is required to take an action which affects the economic interest of any such person or business, shall prepare a written statement describing the matter requiring action or decision and the nature of the potential conflict of interest. A copy of the statement shall be furnished to the chair of county council, or other board or commission, as appropriate. The chair shall cause the statement to be printed in the minutes and require that the member be excused from any votes, deliberations, and other actions on the matter in which the potential conflict of interest exists. The chair will ensure that the disqualification and the reasons for it are noted in the minutes.

It is the responsibility of the individual member to notify the chair of the potential conflict and, once notification is made, to refrain from participating in the discussion, deliberation, and voting on the issue. It is generally expected that the member with the conflict will leave the council chambers while the issue is being discussed, deliberated, or voted upon, but the member may remain in the chamber if a quorum would be lost in his or her absence. If the council member remains in the chamber, the minutes should reflect this fact and should indicate a reason.

Enforcement of this rule is left to the individual member. The chair will not require the member to leave the chamber, nor will the chair prohibit the member from participating in the debate or in voting.
(Ord. No. 02-03, Rule 11, 3-17-03)

Sec. 2-45. Main motions.

In order for county council to take official action on any subject, a council member must first propose a main motion. A proposed main motion will not be recognized by the chair until another council member

seconds the motion. A second does not require the council member seconding the motion to support the motion. A council member may withdraw a main motion that he or she has made at any time before the council has voted on that motion.
(Ord. No. 02-03, Rule 12, 3-17-03)

Sec. 2-46. Procedural motions.

During the course of debate, council members may introduce procedural motions, which are limited to those specific motions described in sections 2-47 through 2-50. Procedural motions are used to facilitate the orderly discussion of business before county council. They limit but allow for interruptions and allow county council to focus on one issue at a time. Procedural motions are divided into privileged, subsidiary, incidental and recall motions and are further described in sections 2-47 through 2-50, respectively. Privileged motions and points of order do not require a second; all other incidental motions and all subsidiary and recall motions require a second.
(Ord. No. 02-03, Rule 13, 3-17-03)

Sec. 2-47. Privileged motions.

The five privileged motions are the highest ranking group of procedural motions, with the motion to adjourn having the highest precedence of the group. Only the motion to reconsider has higher precedence. Privileged motions can be made at anytime; the motion to adjourn, the motion to raise a point of privilege and the motion to convene an executive session can interrupt another member who has the floor. When making one these three motions, the council member should get the attention of the chair. The chair, interrupting anyone then speaking, recognizes the council member, who then states the motion.

Privileged motions are not debatable, require no second, cannot be reconsidered and, except for the motion to recede [take a recess], are not debatable. All privileged motions pass by simple majority. Specific characteristics of each privileged motion, listed in order of precedence, are set out below.

(1) *Motion to adjourn.* An unqualified motion to adjourn is the highest ranking privileged motion and requires, if approved by a majority vote, that the meeting end immediately and reconvene at the next regularly scheduled or called meeting. As the highest ranking privileged motion, the motion to adjourn can be raised at anytime, except when a vote is being taken or being counted. It can be interrupted only by the motion to reconsider; it can interrupt any person having the floor. The motion to adjourn cannot be amended, debated or reconsidered; it requires a majority for passage. Like all privileged motions, it does not require a second.

(2) *Motion to recede [take a recess].* A recess is a short intermission, taken immediately upon passage. Following the recess, the meeting takes up at the same point where it was interrupted. The motion cannot be debated or reconsidered, but can be amended as to the duration of the recess; it requires a majority for passage. Also, the motion to recede is out of order if anyone has the floor or a vote is being taken or counted. Like the motion to adjourn, the motion to recede is privileged only if the recess is to be taken immediately; a motion to recede at some point in the future is a main motion. Like all privileged motions, it does not require a second.

(3) *Motion to raise a question of privilege.* A motion to raise a question of privilege is a device to allow county council to take up a matter for immediate consideration because of its urgency; it can

interrupt any person having the floor. The motion cannot be amended, debated or reconsidered, but it can be appealed. It is generally ruled on by the chair, but a vote may be taken if the decision of the chair is appealed. If approved, what follows will be a main motion taken out of order. Generally there are two types of questions of privilege-questions relating to the privilege of county council, board or commission as a body, and questions of personal privilege. If the two come up together, a question of council privilege should take precedence over a question of personal privilege. Like all privileged motions, it does not require a second.

(4) *Motion to convene an executive session.* Executive sessions must be convened and conducted in accordance with the Freedom of Information Act and may be convened only for one or more of the specific reasons enumerated in the Act. A properly stated motion provides an appropriate reason for convening the executive session. If a valid reason is not stated, the chair may inquire or, if the reason is obvious, provide the reason when restating the motion. The reason for convening the executive session must be recorded in the minutes, in accordance with section 2-40. The motion may be amended and debated with regard to stating the appropriate reason or reasons for convening the session; however, it cannot be reconsidered. A public vote is required on the motion prior to convening the executive session; a majority vote is required for passage. The motion to convene an executive session can interrupt any person having the floor. Like all privileged motions, it does not require a second.

(5) *Motion to follow the agenda.* This motion is used to get a meeting back on schedule and is appropriate when the meeting has been allowed to digress or when a specific time scheduled for an item of business has arrived and the chair has failed to take notice. Once the motion is made, the chair must conform with the agenda or put the motion to a vote. The motion cannot be amended, debated or reconsidered; a two-thirds majority vote is required to overrule this motion. Like all privileged motions, it does not require a second.

(Ord. No. 02-03, Rule 14, 3-17-03)

Sec. 2-48. Subsidiary motions.

The six subsidiary motions help deliberative bodies reach a decision on other pending motions, usually a main motion. Subsidiary motions are always applied to another pending motion. Three subsidiary motions; motion to amend, motion to limit extend debate and motion to call for the question [motion to vote immediately], can be applied to other subsidiary motions and the motion to amend can be applied to the motion to recede [take a recess], a privileged motion. All subsidiary motions are out of order when another person has the floor.

(1) *Motion to lay on the table [motion to table].* A motion to lay on the table proposes that the consideration of a motion be postponed until a later time. It is an appropriate motion to take up a more pressing matter, out of order, and to return later to the tabled motion. The main motion can be brought back for consideration if a motion to recall is later passed by county council. A motion that has been laid on the table will die if it has not been taken from the table by the close of the meeting following the meeting in which the motion was tabled. Amendments and debate are not allowed on a motion to lay on the table and it cannot be reconsidered; it requires a majority vote for passage. The motion to lay on the table is out of order if another speaker has the floor.

(2) *Motion to call for the question [motion to vote immediately].* If passed, this motion cuts off debate and forces an immediate vote on the pending issue. The motion to call for the question is not debatable or amendable, but it can be reconsidered up until a vote taken on the called question; a two-thirds majority is required for passage. The motion to call for the question can be applied to any motion requiring a vote.

(3) *Motion to limit/extend debate.* The motion to limit debate and the motion to extend debate change any time constraints placed on the length of debate. The details of such motions are to be provided by the council member making the motion. Either motion can be applied to any motion that is debatable (not just to main motions). Debate is not allowed on either motion, nor can either be reconsidered; a two-thirds vote is required for passage. The motions can be amended as to the length of the time limitation.

(4) *Motion to postpone/motion to postpone to a time certain.* A motion to postpone and a motion to postpone to a time certain are appropriate when a council member believes that the pending main motion should not be considered until some point in the future. These motions are in order even though debate has already occurred on the motion. The motion to postpone to a time certain sets a particular time for the main motion to be considered again, which may be later in the same meeting, at a future meeting or upon the occurrence of a specified event or the issuance of a necessary report. The motion is debatable, amendable as to the duration of postponement and can be reconsidered. If the motion sets the matter for a date and time certain, a two-thirds majority is required for passage; if the motion does not set a specific time for consideration, it is referred to as a motion to postpone and only a majority vote is required for passage. If the motion is set for a time certain, the chair will bring the motion back to county council for further consideration at the specified time.

(5) *Motion to commit [motion to refer to committee].* The chair may refer any matter to a committee. If the chair does not refer a matter to a committee and a council member believes that further information or study is needed before the county council can act on a matter, he or she can propose that it be referred to a committee or to a particular office in county government for further study. If an appropriate committee does not already exist, a special committee can be formed as a part of the motion. A motion to commit may specify the date that the committee or department will report back to the board. If a special committee is formed, the chair will appoint its members and its chair. This motion is debatable and can be amended as to where the motion is to be committed and the date and time that the committee will report back; it can be reconsidered. The motion requires a majority for passage.

(6) *Motion to amend.* A motion to amend is used to make a change to a pending motion. Amendments must be closely related to the original motion and must not change the nature of the motion that they amend. A motion to amend can itself be amended, but the motion to amend an amendment cannot. These rules are to be enforced by the chair.

In addition to main motions, some subsidiary motions and the motion to recede [take a recess], can also be amended. Debate is allowed on a motion to amend only if the original motion is debatable,

and is limited to the proposed amendment. The motion to amend can be reconsidered. A majority vote is required to adopt an amendment. If the amendment is adopted, county council will then consider the amended version of the motion.

(Ord. No. 02-03, Rule 15, 3-17-03)

Sec. 2-49. Incidental motions.

Six incidental motions allow council members to appeal rulings by the chair, raise points of order, question precedence of motions and raise objections to consideration of matters which are incidental to the discussions at hand but do not directly relate to the main question under discussion. Incidental motions are in order only if they pertain to the motion then pending or to some other way to the business at hand. If the incidental motion is in order, it takes precedent over any other motions that are pending. Points of order may interrupt another member who has the floor. Incidental motions have no rank among themselves; except as described below, they rank below the privileged motions and the motion to lay on the table.

(1) *Point of order [motion to raise a question of order].* The point of order takes precedence over any question from which it arose. It yields to any privileged motion and a motion to lay the underlying question on the table. The point of order is not debatable (except that the chair may ask the member raising the point to explain it), is not amendable, and cannot be reconsidered; it does not require a second. The point of order is in order when another person has the floor and can interrupt a person speaking, if the point genuinely requires attention at the time it is raised. Normally, the point is ruled on by the chair and no vote is taken, unless there is an appeal or the chair is in doubt.

(2) *Appeal.* The duties of the chair include making rulings on questions of parliamentary procedure. An appeal is the vehicle available to members of council who believe that the chair's ruling was erroneous. The appeal is in order when another has the floor, but must be taken immediately after the ruling and is out of order if other business has intervened. It is debatable unless the underlying question is not debatable or if the appeal relates to decorum or priority of business; it is not amendable.

The decision of the chair stands unless reversed by a majority of the members; the chair may vote to create a tie and thus sustain the ruling. An appeal takes precedence over any pending question at the time the chair makes the ruling. It yields to all privileged motions, incidental motions arising from itself and, if debatable, to the following subsidiary motions: Motion to limit/extend debate, motion to call for the question [vote immediately], motion to commit, motion to postpone/motion to postpone to a time certain and the motion to lay on the table. If debatable, each member may speak only once. An appeal can be reconsidered.

(3) *Motion to suspend the rules.* The motion to suspend the rules allows county council to do something it could not ordinarily do without violating one or more of its regular rules. The motion cannot be used to suspend a rule in violation of state or federal law, nor can the suspension violate a fundamental rule of procedural law.

A motion to suspend the rules can be made anytime there is no question pending. When a matter is pending, this motion takes precedence over any other motion, if it applies to the pending matter

of business. No subsidiary motion can be applied to this motion. It is out of order when another council member has the floor; it is not debatable, not amendable and cannot be reconsidered. It requires a two-thirds majority vote for passage.

(4) *Motion to divide the question.* The motion to divide the question allows members of county council to require a question dealing with a single subject to be divided into parts and to have each part considered and voted on separately, but only if each part is capable of standing alone. This motion is not debatable, cannot be reconsidered and requires a majority vote for passage. It is amendable only with regard to how the question should be divided.

This motion is out of order when another has the floor. It takes precedence over the main motion. If applied to an amendment, it takes precedence over the amendment; but it cannot be made to the underlying matter with an amendment pending. It yields to all privileged motions, to all applicable incidental motions and to all subsidiary motions with the following exceptions: Motion to amend and motion to limit/extend debate.

(5) *Motion to consider by paragraph/motion to consider by section.* Motions to consider by paragraph or to consider by section allow county council to break down complex proposals into their component parts and to consider, debate and amend each paragraph or section separately. This procedure can be applied by the chair on its own initiative or by the county council following the adoption of a motion by any member.

These motions are not debatable, cannot be reconsidered and require a majority vote for passage. They are amendable only with regard to how the question should be divided. These motions are out of order when another has the floor. They take precedence over the main motion. If applied to an amendment, they take precedence over the amendment, but cannot be made to the main motion with an amendment pending. They yield to all privileged motions, to all applicable incidental motions and to all subsidiary motions with the following exceptions: Motion to amend and motion to limit/extend debate.

(6) *Requests and inquiries.* From time to time, council members may need additional background information or may wish to provide such information, so that the council can understand better the issue under discussion. Requests and inquiries provide the vehicle for exchanging this information. Parliamentary inquiries and points of information may interrupt another who has the floor, but only if the matter requires immediate attention. Requests and inquiries are not amendable, debatable or subject to reconsideration. No votes are taken on parliamentary inquiries or points of information; other requests/inquiries require a majority vote for passage, except that reading of papers requires unanimous consent. All share similar characteristics and procedural requirements and can be subdivided into the following categories:

a. Parliamentary inquiry. Such inquiries are always directed to and answered by the chair and are used to clarify specific parliamentary or organization rules that have bearing on the issue at hand.

b. Point of information. This inquiry is addressed to the chair or to another member through the chair, for information relevant to the business at hand, but not related to parliamentary procedure.

c. Reading of papers. No member of council has the right to read or have another person read from any papers or books as part of that member's debate on any matter without unanimous consent of the other members of council. Even so, it is customary to grant leave to members to read short, pertinent printed matter, so long as the privilege is not abused.

d. Any other privilege.

(Ord. No. 02-03, Rule 16, 3-17-03)

Sec. 2-50. Recall motions.

Two recall motions allow issues to be brought back to the county council as a body, that have been previously disposed of or assigned to a committee.

(1) *Motion to reconsider.* The motion to reconsider allows county council to debate whether or not to overturn a decision made at the meeting that is in progress or at the immediately preceding meeting; provided, however, that third reading to an ordinance may be reconsidered only at the same meeting in which the third reading was adopted. Furthermore, if the matter to be reconsidered was the adoption of a resolution that has already been published or acted upon, the motion is out or order. The motion to reconsider allows county council to consider new information that may affect the decision that has already been made. Any council member who voted on the prevailing side can make a motion to reconsider. The motion is debatable if the matter to be reconsidered is debatable, but it cannot be amended. A majority vote is required for the motion to pass. The motion to reconsider, itself, cannot be reconsidered. If the motion to reconsider is agreed to, the original decision will be voided and the county council will return to debate and vote again on the original motion.

Subject to the time restriction indicated above, the motion to reconsider can be made at anytime, taking precedence over any other motion and yielding to nothing. The motion to reconsider is out of order when another person has the floor. Once the motion to reconsider is made, the consideration of the motion takes the priority of the motion to be reconsidered, but has precedence over any new motion of equal rank. A motion to reconsider temporarily suspends any action growing out of the motion to be reconsidered. If the motion to reconsider is made but not considered immediately, any member can call up the motion by bringing it to the attention of council at anytime consideration of the motion would be in order.

(2) *Motion to recall from the table/motion to recall from committee.* The motions to recall from the table and to recall from committee allow the county council to consider a question that has been laid on the table or that has been assigned but not yet reported out of committee. These motions take precedence over nothing and must be made when no other business is pending. The motions are not debatable or amendable. A tabled motion that is not recalled by the close of the meeting, following the meeting in which it was tabled, is dead. A majority vote is required for passage of either motion.

(Ord. No. 02-03, Rule 17, 3-17-03)

Secs. 2-51—2-55. Reserved.

DIVISION 3. STANDING COMMITTEES

Sec. 2-56. Standing committees established and responsibilities.

The following standing committees are established for Jasper County Council with membership and areas of responsibility as indicated:

(1) *Finance committee.* The finance committee shall be a committee consisting of all of the members of county council, chaired by the chairman of county council and shall be responsible for the following:

a. Budget;

b. Finance;

c. Capital improvements;

d. Bonds and indebtedness;

e. Property assessment and taxation;

f. Acquisition, leasing and disposition of personal property, materials, supplies and equipment;

g. Recommendation for appointment of auditors;

h. Council relationships with the county assessor, treasurer, delinquent tax collector, the jasper county board of assessors, and tax appeals board;

i. And matters relating thereto.

(2) *Administrative services.* The administrative service as committee shall be a committee consisting of two members of county council and shall be responsible for:

a. Human resources policies and procedures affecting the selection, appointment, compensation and qualifications, tenure, seniority, retirement and other matters relating to county officials and employees;

b. Council relationships with the clerk of court, register of deeds, and keep america beautiful committee, and grievance committee;

c. And matters relating thereto.

(3) *Engineering services.* The engineering services committee shall be a committee consisting of two members of county council and shall be responsible for:

a. Solid waste disposal;

b. Equipment maintenance;

c. Central garage;

d. Mosquito control/litter control;

e. Building maintenance;

f. County roads/bridges/ditches;

g. And matters relating thereto.

(4) *Emergency services committee.* The emergency services committee shall be a committee consisting of two members of council and shall be responsible for:

a. Communication/dispatch;

b. Emergency medical services;

c. Fire services;

d. Public safety;

e. Detention;

f. County health services;

g. Council relationships with the sheriff's department, magistrate's offices, coroner, solicitor, public defender, clerk of court, the Allendale-Hampton-Jasper Commission on Alcohol and Drug Abuse, the Jasper County Board of Disabilities and Special Needs, and Jasper County Council on Aging;

h. And matters relating thereto.

(5) *Development services committee.* The development services committee shall consist of two members of council and shall be responsible for:

a. Economic development;

b. Planning and zoning;

c. Building license/permitting/technical codes;

d. Business license/signs;

e. Parks and recreation;

f. Transportation and rights-of-way;

g. Stormwater management and flood control;

h. Affordable housing;

i. County property and facilities;

j. Council relationships with the Jasper County Aeronautics Commission, the Jasper County Rural Water System Board, the Jasper County Library Board of Trustees, the Jasper County Planning Commission, Zoning Board of Appeals;

k. And matters relating thereto.

(6) *Intergovernmental relations committee.* The intergovernmental relations committee shall consist of two members, one of which shall be the chairman of county council who shall chair the committee. The cmmittee shall be responsible for:

a. Liaison with other elected officials, the Jasper County School Board, the Jasper County Elections Commission Clemson Cooperative Extension Service, USC-Beaufort, South Carolina National Guard, FEMA, Lowcountry Council of Governments, municipal governments, political subdivisions, state and federal governments, special tax districts and special purpose districts; soil and water districts;

b. Legislative matters in the General Assembly of interest to the county;

c. Airport services;

d. Public utilities;

e. And matters relating thereto.

(Ord. No. 08-17, § 7, 6-2-08)

Sec. 2-57. Function of standing committees.

The function of standing committees shall be within their substantive area of responsibility:

(1) To review and evaluate proposed and existing policies and recommend adoption of new and changes to existing resolutions and ordinances;

(2) To provide oversight of the implementation of existing policy; and

(3) To act as the liaison between the council and the boards and commissions involved in their substantive area.

(Ord. No. 08-17, § 7, 6-2-08)

Sec. 2-58. Appointment of committee members.

The chairman of county council shall appoint the chairman members of standing committees by the second meeting of each January. Once appointed for the year, no member of a committee may be removed by the chairman of council without the approval of council. During the remainder of the year, any vacancy occurring on a committee shall be filled by the chairman as soon as it may reasonably be accomplished.

(Ord. No. 08-17, § 7, 6-2-08)

Sec. 2-59. Referral of council matters for recommendations.

All matters within the purview of a standing committee, excluding emergency matters, permitting matters that have been reviewed by a county board or commission and matters required to be reviewed by county council in a quasi-judicial capacity, shall first be referred to that standing committee for recommendation, before council shall take any vote or action thereon. Any member or the administrator shall have the right to place a matter on the agenda of a standing committee for a vote on a recommendation with notification to the chairman of the committee. Any matter which has been referred to a committee may be recalled by an affirmative vote of a majority of council.

(Ord. No. 08-17, § 7, 6-2-08)

Sec. 2-60. Committee meetings.

(a) *Meeting schedule.* Committees may meet once a month or as necessary to conduct the work of the committee. The chairman of each committee shall schedule regular or special committee meetings. Committee schedules will be provided to the clerk to council who will distribute them to each member of council, the administrator, and appropriate staff. Monthly meetings may be cancelled by the committee chairman if appropriate.

(b) *Freedom of information.* Standing committee meetings shall be conducted in accordance with the South Carolina Freedom of Information Act.

(c) *Agendas.* Proposed committee agendas will be prepared by the clerk to council and staff and submitted to the chairman of each committee.

(d) *Meeting attendance.* All council members may attend any committee meeting, but a member may cast a vote on a matter only if he or she is a voting member of that committee.

(e) *Quorum and committee action.* A majority of the members of a committee will constitute a quorum. If a quorum is not met at any scheduled committee meeting, the matters scheduled to be discussed will be forwarded to the full council and clearly marked "forwarded without recommendation." If a particular item does not receive a majority vote, it will be forwarded to the full council and clearly marked "forwarded without recommendation."

(f) *Meeting procedure.* Committees shall follow all the parliamentary and procedural rules of the county council, except that a motion made in committee shall not require a second in order to be considered and voted on by the committee.

(g) *Minutes.* Minutes of a committee meeting will be taken by the clerk to council. The clerk to council shall distribute copies of committee minutes to each member of council and to the administrator. She shall act as custodian of the permanent records of the standing committees.
(Ord. No. 08-17, § 7, 6-2-08)

Secs. 2-61—2-64. Reserved.

ARTICLE III. OFFICERS AND EMPLOYEES*

Sec. 2-65. Auditor and treasurer to be elected.

The county auditor and treasurer shall be elected for four-year terms. The election shall be held at the general election immediately preceding the expiration of their terms of office.
(Ord. of 6-25-76(2); Ord. No. 08-17, § 8, 6-2-08)

State law reference—Similar provisions, S.C. Code 1976, § 4-9-60.

Sec. 2-66. Disposition of fees collected.

All such funds generated from fees collected and monies received by the county departments' employees and/or elected officials shall be memorialized with appropriate accounting methods for the purposes of audit and all such funds shall be timely deposited with the county treasurer's office.
(Ord. of 12-5-94, § I; Ord. No. 08-17, § 8, 6-2-08)

***Cross reference—**Tax assessor, § 26-1.

State law reference—Public officers and employees generally, S.C. Code 1976, title 8.

Sec. 2-67. County administrator.

As provided by Section 4-9-620 of the Code of Laws of South Carolina, 1976, as amended, the council shall employ a person who is not a member of council as the county administrator. The county administrator shall be the administrative head of the county government having such powers and duties as are set forth in Section 4-9-630 et. seq. of the Code of Laws of South Carolina, 1976, as amended. The county administrator shall bear the ultimate responsibility for the hiring and supervision of all county employees who do not work for elected or appointed officials. Employment, compensation, suspension of such employees under his direction shall be carried out in accordance with the county personnel policies and procedures most recently adopted by county council. This authority is subject to the limitations imposed by 1976 Code Section 4-9-30(7). The administrator shall prepare and submit annual capital and general operations budget to council and be responsible for their administration after adoption.

The administrator shall: examine regularly the accounts, records, and operations of every county department, office, and agency and report to the council on county operations; keep the council advised of the financial condition and future needs of the county; and make recommendations on county operations as he deems desirable.

The administrator shall supervise: all phases of financial administration; the care and custody of all county property; the recording of all county related legal instruments;

The county administrator shall serve at the pleasure of the council.
(Ord. No. 08-17, § 8, 6-2-08)

Sec. 2-68. Clerk to council.

As provided by Section 4-9-110 of the Code of Laws of South Carolina, 1976, as amended, the council shall employ a person who is not a member of the council to serve as clerk. The clerk shall attend and record all meetings and public hearings of council and the council committee meetings. The clerk shall serve as secretary to the council under the supervision of the council and maintain an office open to the public. The clerk is duly charged with notifying members of council and members of Council committees of all meetings to be held. The clerk shall record and file ordinances, resolutions, petitions, and other legal documents. The clerk shall maintain custody of the county seal. The clerk shall maintain information on board appointments. The clerk will maintain the council's calendar. The clerk will annually submit all ordinances for codification. Budget, audit, resolutions, ordinances, and minutes shall be submitted on an annual basis to designated company for scanning and recording to disk. The clerk will maintain the disk and provide a copy of the disk to the council, administrator, the county attorney, and the RMC office. The clerk shall serve at the pleasure of the council.
(Ord. No. 08-17, § 8, 6-2-08)

Sec. 2-69. County attorney.

The council shall employ a person licensed to practice law in the State of South Carolina and who is not a member of the county council. The county attorney shall perform such legal and related tasks the council may direct. The county attorney shall attend all meetings of council unless excused by council. The county attorney shall review all ordinances, resolutions, and documents of a legal nature prior to being placed on the agenda and give opinions on questions of procedure, form, and law to members of the council; and act

as parliamentarian in the proceedings of council. However, in his role as parliamentarian, the county attorney shall advise only the chair and shall provide parliamentary advice only upon the request of the chair. The chair's ruling shall then be binding unless overturned by a majority of members voting in any procedural question. No county agency, commission, board, department, or committee shall employ an attorney other than the county attorney unless specifically authorized by the county council. The county attorney shall work at the pleasure of the council.
(Ord. No. 08-17, § 8, 6-2-08)

Sec. 2-69A. Registrar of the register of deeds.

The registrar of the register of deeds of the county shall be appointed by the county council and shall serve at the pleasure of county council. The registrar shall be a person with required education, training and/or experience in office administration and who shall be familiar with the laws and regulations pertaining to the management of records in general and land records in particular. The duties of the Registrar shall be as established by law and in a job description developed by the administrator and approved by the county council. The council and administrator have agreed that the county director of administrative services shall serve as the administrative supervisor of the register of deeds office on a day-to-day basis.
(Ord. No. 12-17, § 1, 9-17-12)

Sec. 2-70. Other county employees.

Except for the three employees referred to in this section, the council employs no other persons. Except for the purpose of investigation and inquiries, the council or any member of the council shall not deal with the county employees, who are subject to the direction and supervision of the county administrator, solely through the administrator. Neither the council nor any council member shall give orders or instructions to any such officer or employee. Nothing herein shall prevent the council from contracting from time to time with other such persons as it deems appropriate.
(Ord. No. 08-17, § 8, 6-2-08)

Secs. 2-71—2-75. Reserved.

ARTICLE IV. BOARDS, COMMISSIONS AND COMMITTEES*

DIVISION 1. GENERALLY

Sec. 2-76. Obligation of indebtedness restricted.

No individual, committee or commission will have the power, without prior approval of the council, to obligate the county for any indebtedness.
(Res. of 12-21-70)

***Cross references—**Library board of trustees, § 16-36 et seq.; board of assessors, § 26-36 et seq.; Hardeeville Area Water Quality Management Agency, § 28-36 et seq.

State law reference—Authority to establish agencies, boards and commissions, S.C. Code 1976, § 4-9-30(6).

Sec. 2-77. Standing boards and commissions and special committees established.

(a) Jasper County hereby recognizes the establishment of the following standing boards and commissions appointed by action of the council which are established by ordinance:

(1) Jasper County Planning Commission (See Jasper County Code section 20-26, et. seq.);

(2) Jasper County Zoning Board of Appeals (See Jasper County Ordinances section 112.00, et seq.);

(3) Jasper County Elections Commission;

(4) Jasper County Board of Disability and Special Needs (See Jasper County Code section 2-96, et seq.);

(5) Allendale-Hampton-Jasper Commission on Alcohol and Drug Abuse (See Jasper County Code section 2-126, et seq.);

(6) Jasper County Library Board of Trustees (See Jasper County Code section 16-36, et seq.);

(7) Jasper County Board of Assessors (See Jasper County Code section 26-36, et seq.);

(8) Jasper County Rural Water System Board (See Jasper County Ordinances section 28-101, et seq.); and

(9) Jasper County Aeronautics Commission (See South Carolina Acts and Joint Resolutions Act No. 12 (1949)).

(b) In addition to standing boards and commissions, county council may by resolution appoint various special committees to assist the county. Resolutions creating special committees shall include the termination date of the special committee.
(ord. No. 07-40, § 1, 10-1-07)

Sec. 2-78. Qualifications to serve on boards, commissions and committees; appointments; removal.

(a) Except as otherwise provided, any person appointed to a county board or commission shall be a resident of the county and registered to vote in the county. Committee members are not required to be residents or registered voters of the county. The term of any such appointee shall automatically terminate (i) if that appointee ceases to be a resident of the county or (ii) if that appointee is convicted of a crime punishable by more than 30 days in jail. No appointment will be considered that creates the condition of duel office holding.

(b) It is the policy of the county council to appoint the best qualified candidate to boards and commissions and to insure that the membership of boards, commissions and committees are promptly filled. Equally it is the policy of the county that membership on boards, commissions and special committees will reflect to the greatest extent practical the ethnic, gender and age composition of the county as a whole. To that and the following procedure will apply for such appointments:

(1) The clerk to council will maintain a list of all appointments to boards, commissions, and committees and the date of the termination of each such appointment.

(2) At least 90 days prior to the termination of each such position, the clerk shall publish in a newspaper of general circulation in the county an announcement of the coming vacancy and invite

interested citizens to contact the clerk to obtain an application for appointment. The notice shall request that applications be filed with the clerk to council at least 45 days before termination of the appointment. Copies of applicants shall be forwarded to each council member at least 30 days before termination of the appointment.

(3) Applications for service on a board, commission or special committee shall be maintained by the clerk to council for at least two years.

(4) The clerk shall place on the agenda for county council the need for the appointment on the last regularly scheduled council meeting date prior to termination of the current term and each succeeding agenda until the position is filled.

(5) Duly appointed and serving members shall serve four-year terms unless otherwise specified; members shall continue to serve after the conclusion of their term until their successor is duly elected. Members having three or more unexcused absences per year may be considered for removal for cause.

(6) No person shall be deemed to be a county employee or entitled to the benefits of the grievance procedure provided for employees by virtue of appointment to a county commission, board or committee.

(7) The chairman and clerk to council will develop an appropriate recognition for members' service upon conclusion of their service.

(8) Members of boards, commissions and special committees may be removed at any time by county council for cause. The existence of cause shall be discussed by the council in executive session as permitted by the Freedom of Information Act, S.C. Code § 30-4-70(a)(1), and the determination of removal shall be by vote in public session declaring a vacancy in the position without a statement of cause. Any fact which, in the discretion of council, is deemed to adversely affect the public interest, including neglect of duties or lack of attendance at meetings, may constitute cause.

(Ord. No. 07-40, § 2, 10-1-07)

Sec. 2-79. Board, commission and committee organization.

Unless otherwise provided by law, all county boards, commissions and committees shall comply with the following procedures:

(1) Each board, commission or committee shall have the number of members as determined by council.

(2) Each standing board and commission shall organize itself and adopt rules of procedures consistent with this article.

(3) Each standing board, commission and special committee shall conduct its business in conformity with the South Carolina Freedom of Information Act.

(4) Each standing board, commission and special committee shall elect officers at the first regularly scheduled meeting of each year. At that meeting a schedule of regular meetings for the calendar year will be adopted. The names of officers and a copy of the meeting schedule shall be forwarded to the clerk to council.

(5) Special meetings may be called by the chairman or by any two members upon actual notice to each member and posting and notice in accordance with law. The clerk to council will be provided with a copy of every such notice.

(6) Members must be present to vote. Matters shall be determined by majority vote unless otherwise provided by law.

(7) The county administrator will assign a member of the staff to each board, commission or special committee. That person will have the following duties:

a. To act as liaison with the staff;

b. To attend each meeting in the board, commission or special committee;

c. If requested by the board, commission or special committee to serve ex-officio as nonvoting secretary;

d. To make a sound recording of the proceeding of each meeting;

e. To arrange for the preparation of minutes and present them for approval at the next ensuing meeting;

f. To act as custodian for and maintain the minutes and other appropriate permanent records of the board, commission or special committee;

g. To serve as administrative support staff to the board, commission or special committee;

h. To assist, as appropriate, in preparing the board, commission or special committee draft budget request for each fiscal year in such form and on such schedule as the county administrator may require.

(Ord. No. 07-40, § 3, 10-1-07)

Sec. 2-80. Duties and responsibilities

In addition to its duties and responsibilities contained in the ordinance or resolution creating the board, commission or committee, each such entity shall be responsible.

(1) To act in an advisory capacity to county council;

(2) To forward to county council for each fiscal year ending, by April 30 of that year, a report of the work of the board, commission or special committee for that fiscal year, attendance by members at meetings, and a work plan for the next succeeding year, together with any recommendation regarding their area of responsibility;

(3) To promptly notify county council of the name of any member who has missed three consecutive meetings;

(4) Boards and commissions may appoint special committees as may be desirable to assist them so long as that specific committee is composed of members having the same minimum qualifications of the appointing board or commission;

(5) No board, commission or special committee shall be authorized to contract on its behalf or on behalf of the county.

(Ord. No. 07-40, § 4, 10-1-07)

Secs. 2-81—2-95. Reserved.

DIVISION 2. BOARD OF DISABILITIES AND SPECIAL NEEDS

Sec. 2-96. Purpose of division; general policy.

(a) It is the purpose of this division to develop, provide, coordinate and improve services for the mentally retarded persons of the county to the end that they will be afforded the opportunity to develop to their respective mental, physical and social capacities to the fullest practical extent and to live as normal, useful and productive lives as possible.

(b) The general assembly declares that the public policy of this state is to provide, when feasible, the resources, assistance, coordination and support necessary to enable mentally retarded individuals to remain at home and within their respective communities, and to view the residential placement of such individuals as a desirable program alternative only when no other appropriate services are available. Where residential placement becomes necessary, it should be recognized that many mentally retarded persons can and should be returned to their homes and communities after appropriate periods of special treatment and training. Where residential placement is required, for any reason or for any period, the physical environments of these facilities, and their programs and philosophy, should reflect the latest advancement in knowledge about treatment, training and care. In the provision of all services, organizations are encouraged to assume as much initiative as possible in supporting and assisting the state department of disabilities and special needs.
(Ord. of 10-6-86, § 1)

Sec. 2-97. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Department means the state department of disabilities and special needs.

Jasper County board of disabilities and special needs means the administrative, planning, coordinating and service delivery body provided for in this division.

Mental retardation services includes all services concerned with research, prevention and detection of mental retardation and all services relating to the education, training, rehabilitation, care, treatment, supervision of mentally retarded persons except for those services which have been or may be explicitly delegated by law to state or local agencies other than the department.

Persons with disabilities and special needs means persons with mental retardation, related disability, head injuries or spinal cord injuries.

Related disability means a severe, chronic condition found to be closely related to mental retardation, or to require treatment similar to that required for persons with mental retardation, and must meet the following conditions:

(1) It is attributable to cerebral palsy, epilepsy, autism or any other condition, other than mental illness, found to be closely related to mental retardation because this condition results in impairment of general intellectual functioning or adaptive behavior similar to that of persons with mental retardation, and requires treatment of services similar to those required for these persons.

(2) It is manifested before 22 years of age.

(3) It is likely to continue indefinitely.

(4) It results in substantial functional limitations in three or more of the following areas of major life activity: Self-care, understanding and use of language, self-direction and a capacity for independent living.

(Ord. of 10-6-86, § 2; Ord. of 10-2-95(1))

Cross reference—Definitions generally, § 1-2.

Sec. 2-98. Establishment.

The county council, in compliance with S.C. Code 1976, § 44-20-20 and the state department of disabilities and special needs, in order to provide for the ordinance and other state and federal legislation, hereby establishes a county board of disabilities and special needs, henceforth known as the Jasper County board of disabilities and special needs.

(Ord. of 10-6-86, § 3; Ord. of 10-2-95(1))

Sec. 2-99. Membership.

(a) The board of disabilities and special needs shall be composed of not less than seven or more than 11 members, the composition of which shall be appointed by the governor upon recommendations of the delegation of the county.

(b) The terms of the members shall be for four years and until their successors are appointed and qualify, except that, of those first appointed, some shall be appointed for one year, some for two years, some for three years and some for four years, depending on the number to be appointed. It is the intent of this division that the terms of the original appointees be staggered so that as near an equal number as possible shall be appointed each year. Vacancies shall be filled for any unexpired terms in the same manner as original appointments. Any member may be removed by the appointing authority for neglect of duty, misconduct or malfeasance in office after being given a written statement of reasons and an opportunity to be heard. Members must be residents of the county. If any member of the board of disabilities and special needs changes his residence from the county, he shall automatically cease to be a member of the board.

(Ord. of 10-6-86, § 4)

Sec. 2-100. Organization, meetings, staff and finances.

The board of disabilities and special needs shall elect a chairman and a vice-chairman from among its members. The terms of the chairman and other officers shall be one year with eligibility for reelection. The board shall adopt rules for transaction of business and shall keep a record of its recommendations, transactions, findings and determinations, and shall meet at a regular time and place once a month. Special meetings may be held at the call of the chairman when necessary. All meetings of the board of disabilities and special needs at which official action is taken shall be open to the public and all records of the board shall be a public record. The board may appoint such employees and staff as it may deem necessary for its work and may make expenditures for salaries of the employees and staff, for contracts with consultants, and for the purchase of required equipment and supplies. The expenditures of the board, exclusive of gifts, shall

be within the amounts appropriated for such purpose by the county council. All members of the board shall serve without compensation but may be reimbursed for actual expenses incurred in connection with official duty within the amounts appropriated for such purpose by the county council.
(Ord. of 10-6-86, § 6)

Sec. 2-101. Powers and duties.

Subject to the provisions of this division and the rules and regulations of the department, the board of disabilities and special needs shall:

(1) Be the administrative, planning, coordinating and service delivery body for county mental retardation services funded in whole or in part by state appropriations to the state department of disabilities and special needs or funded by other sources under the department's control, and it shall be a body corporate in deed and in law with all the powers incident to a corporation, including the power to incur debt insofar as that debt is payable from contract, grant or other revenues. Additionally, a county board may purchase and hold real and mortgaged property and erect and maintain buildings.

(2) Submit an annual plan and projected budget for the county mental retardation services provided for pursuant to this division and report its findings and recommendations to the department.

(3) Promote and accept local financial support for the county program from private sources such as the United Fund, business, industrial and private foundations, voluntary agencies and other lawful sources and promote public support from municipal and county sources.

(4) Employ personnel and expend its budget for the direct delivery of services or contract with those service vendors necessary to carry out the county mental retardation services program, who shall meet those specifications prescribed by the department.

(5) Plan, arrange and implement working agreements with other human service agencies, both public and private, and with other educational and judicial agencies.

(6) Provide the department such records, reports and access to its sponsored services and facilities as the department may require and submit its sponsored services and facilities to licensing requirements of the department or to the licensing requirements of other state or local agencies having such legal authority.

(Ord. of 10-6-86, § 5; Ord. of 10-2-95(1))

Secs. 2-102—2-125. Reserved.

DIVISION 3. ALLENDALE-HAMPTON-JASPER COMMISSION ON ALCOHOL AND DRUG ABUSE

Sec. 2-126. Establishment; statutory authority.

The Allendale-Hampton-Jasper commission on alcohol and drug abuse as constituted pursuant to Act No. 544, 1973 (Allendale), Act No. 1423, 1974 (Hampton), and Act No. 301, 1973 (Jasper) of the Acts and Joint Resolutions of South Carolina, 1973, is hereby declared to be the designated authority for the alcohol and

drug abuse programs for Allendale, Hampton and Jasper Counties pursuant to Act No. 301 of the Acts and Joint Resolutions of South Carolina, 1973, and Act No. 283 of the Acts and Joint Resolutions of South Carolina, 1975, known as the Local Government Act.
(Ord. of 8-18-86, § I)

Sec. 2-127. Membership.

The commission established by this division shall be composed of 12 members: four appointed by the Allendale County council, four by the Hampton County council, and four by the Jasper County council. The members of the commission shall be appointed for terms of three years and until their successors are appointed and qualify. Members of the commission appointed pursuant to authority granted by the general assembly of the state shall fulfill the terms of their appointments, with membership not to exceed the specified four representatives from each county. In the case of a vacancy, the appointment to fill such vacancy shall be made in the same manner as provided for the original appointment for the remainder of the unexpired term. All members shall serve without compensation and shall be residents of the appointing county. Appointments by the county council shall represent a cross section of the county and shall be based upon recommendations made by the commission documenting individual interest and expertise.
(Ord. of 8-18-86, § II)

Sec. 2-128. Duties.

The commission established by this division shall:

(1) Develop a comprehensive regional alcohol and drug abuse plan which is:

a. In accordance with South Carolina Act No. 301 of 1973; and

b. Consistent with the state plan on alcohol and drug abuse as required by state law;

and provide a copy of the comprehensive plan to the county council.

(2) Develop an operating budget each fiscal year beginning July 1 and ending June 30, for the purpose of carrying out a comprehensive alcohol and drug abuse plan, and shall provide a copy of the budget to the county council.

(3) Cooperate with the state commission on alcohol and drug abuse in implementation of the state plan on alcohol and drug abuse.

(4) Employ an executive director who shall perform such duties as may be required to carry out the approved comprehensive alcohol and drug abuse plan. Such other personnel as may be required may be employed by the director with the approval of the commission. The director and other personnel shall be subject only to the authority and direction of the commission, which shall designate the compensation to be paid to the director and other personnel.

(5) Review and make recommendations concerning the application of any agency for alcohol and drug abuse program funds to be utilized in Allendale, Hampton or Jasper County and ensure that such program is consistent with the comprehensive regional alcohol and drug abuse plan.

(6) Establish an efficient set of management and fiscal controls and, as soon after the close of the fiscal year as practical, and in accordance with state law, provide for an audit of the commission, such audit to be incorporated into the annual report of the commission to be filed with the county council.

(Ord. of 8-18-86)

Sec. 2-129. Authority.

The commission established by this division is authorized to:

(1) Purchase, sell, mortgage, pledge as security, and acquire by gift, bequest or devise, both real and personal property and any interest therein.

(2) Expend all money which it shall receive and which may be set apart to the commission for its functions.

(3) Prescribe rules and regulations and fix rates and charges governing the use of its services.

(4) Enter into agreements for federal and state grants.

(5) Receive and expend contributions and appropriations from public and private sources.

(6) Seek financial support from private and corporate sources, foundations, and county, state and federal programs to carry out the programs outlined in the comprehensive regional alcohol and drug abuse plan.

(7) Enter into contracts.

(8) Support and direct alcohol and drug abuse programs within the county.

(9) Accept and expend county, state and federal funds, including revenue sharing funds, allocated to the commission for the purpose of implementing or maintaining alcohol and drug abuse programs.

(Ord. of 8-18-86, § VI)

Sec. 2-130. Inter-agency cooperation.

All county and private agencies with programs directed toward solving the alcohol and drug abuse problem shall cooperate and coordinate their efforts with the commission established by this division.

(Ord. of 8-18-86, § VII)

Secs. 2-131—2-150. Reserved.

DIVISION 4. HOSPITAL COMMISSION

Sec. 2-151. Establishment.

There is hereby created the county hospital commission, which shall be the governing body of the hospital.

(Ord. of 12-3-79(1), § 1)

Sec. 2-152. Membership.

The hospital commission shall be maintained on an interracial basis and shall consist of seven residents of the county who shall be appointed by the county council, except that the initial commission shall consist of the seven persons who are presently serving as the county hospital commission as created by South Carolina Act No. 784. The members shall serve for terms of four years and until their successors are appointed and qualify, except the members of the initial commission, and they shall serve out their terms as appointed in the state act mentioned in this section. Vacancies shall be filled for the unexpired portion of the term in the same manner as the original appointments. Of those three members whose terms expire in 1979, only one vacancy shall be refilled, so that the commission will then consist of seven members instead of nine members. One of the seven seats on the commission shall be reserved for the chief of the hospital's medical staff, whose term on the commission will be governed by the terms of his appointment as chief of the medical staff.
(Ord. of 11-6-78(4), § 1; Ord. of 12-3-79(1), § 1)

Sec. 2-153. Officers; committees.

The hospital commission shall meet as soon as practicable after appointment and shall organize by electing from its membership a chairman, a vice-chairman, a secretary and a treasurer. The officers shall serve for terms of one year. There shall be no committees, and the commission as a whole shall consider all matters that would ordinarily be delegated to committees.
(Ord. of 11-6-78(4), § 2)

Sec. 2-154. Absence from meetings.

Absence from three consecutive meetings is cause for termination of a commissioner from the hospital commission and a replacement may be selected by the county council to fill the unexpired term.
(Ord. of 11-6-78(4), § 2)

Sec. 2-155. Powers and duties.

The hospital commission shall:

(1) Have charge and general management of the hospital; have care of real estate and other property of the hospital and supervise construction, alterations or repairs of the building; make rules for the government of the hospital and for the admission and discharge of patients, for the admission of visitors, and for the conduct of patients and employees; regulate charges to patients and expenses of the hospital; systemize general management of the hospital; and therein act upon formal recommendations and complaints presented by the staff.

(2) Devise ways and means for securing funds for the support of the hospital, prepare a budget, authorize investments and disbursements by the treasurer, and attend to all financial interests of the hospital.

(3) Be empowered to receive appropriations, to accept gifts of real estate and to receive any other donations, to convey real estate, and to make investments of the funds and reinvest funds received

in order to carry out its duties. Such gifts and donations may in the discretion of the commission be designated for the purpose of hospital construction, maintenance or operation and may be held in trust for these purposes.

(4) Authorize a certified public accountant to examine the accounts of the hospital and do such other things as it deems necessary in order to carry out its duties.

(Ord. of 11-6-78(4), § 3)

Sec. 2-156. Board of trustees.

A board of trustees shall be appointed by the county council to assist the hospital commission in making recommendations and suggestions concerning the policy-making, governing and administration of the hospital. The board shall consist of not more than ten citizens of the county from all walks of life and from all economic levels and shall be maintained on an interracial basis. The board shall meet on the first Monday in February and at such other times as it may determine. Each trustee shall serve for a term of four years and may be appointed for an additional term.

(Ord. of 11-6-78(4), § 5)

Secs. 2-157—2-180. Reserved.

DIVISION 5. BOARD OF ZONING APPEALS

Sec. 2-181. Establishment of board of zoning appeals.

The Jasper County Board of Zoning Appeals (BZA) is hereby established under the provisions of the S.C. Code, § 6-29-780.

(Ord. No. 07-48, Exh. 2, 11-13-07; Ord. No. 09-03, § 6, 1-5-09)

Sec. 2-182. Composition of the board of zoning appeals (BZA).

(a) The board of zoning appeals shall consist of five members appointed by the county council for overlapping terms of four years. One member first appointed shall serve for two years, two members first appointed shall serve for three years, and two members first appointed shall serve for four years.

(b) No more than one person shall represent a given profession. To the extent possible, membership shall be representative of the racial and gender composition of the county. No member shall be the holder or an elected public officer in the county.

(c) Members shall serve until their successors are appointed and qualified.

(Ord. No. 07-48, Exh. 2, 11-13-07; Ord. No. 09-03, § 7, 1-5-09)

Sec. 2-183. Review authority.

The board of zoning appeals does not act in a review or recommending capacity.

(Ord. No. 07-48, Exh. 2, 11-13-07)

Sec. 2-184. Decision-making authority.

The board of zoning appeals shall have final (local) decision-making authority on the following matters located within the unincorporated areas of the county:

(1) Variances (See Appendix A, Section 3:3).

(2) Special exceptions (See Appendix A, Section 3:4).

(3) Appeals of administrative decisions (See Appendix A, Section 3:5).

(4) Interpretation of district boundaries where boundaries on the ground are a variance with those shown on the official zoning map.

Neither the planning commission nor the county council has decision-making authority on any BZA applications.
(Ord. No. 07-48, Exh. 2, 11-13-07; Ord. No. 09-03, § 8, 1-5-09)

Sec. 2-185. Organization and rules of procedure.

The board of zoning appeals shall organize, elect officers, and adopt rules of procedure as required by S.C. Code, § 6-29-790.
(Ord. No. 07-48, Exh. 2, 11-13-07)

Sec. 2-186. Officials.

The board shall elect from its members a chairman, vice chairman, and any other officers deemed necessary. All such officers shall serve one-year terms and may succeed themselves.

The chairman, or in his absence the acting chairman or vice chairman, may administer oaths and compel the attendance of witnesses and the production of papers, records, and other documents by subpoena.

The board shall appoint a secretary for the purposes of recordation of meetings and other administrative duties as may be required.
(Ord. No. 07-48, Exh. 2, 11-13-07)

Sec. 2-187. Meetings.

Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. Due notice shall be given to all parties in interest. All meetings of the board shall be open to the public and all evidence and testimony shall be presented publicly.
(Ord. No. 07-48, Exh. 2, 11-13-07)

Sec. 2-188. Minutes of proceedings.

The board shall keep minutes of its proceedings showing the vote of each member upon every question or his absence or failure to vote indicating such fact, and also keep records of its examinations, findings, determinations, and any other official action. No action shall be taken unless a quorum is present.
(Ord. No. 07-48, Exh. 2, 11-13-07)

Sec. 2-189. Removal of members.

Members of the board of zoning appeals may be removed at any time by county council for cause. The existence of cause shall be discussed by the council in executive session as permitted by the Freedom of Information Act, S.C. Code, § 30-4-70(a)(1), and the determination of removal shall be by vote in public session declaring a vacancy in the position without a statement of cause. Any fact which, in the discretion of council, is deemed to adversely affect the public interest, including lack of attendance at meetings, may constitute cause.
(Ord. No. 07-48, Exh. 2, 11-13-07)

Secs. 2-190—2-200. Reserved.

DIVISION 6. ECONOMIC DEVELOPMENT ALLIANCE

Sec. 2-201. Established.

There is hereby established as a standing board an economic development alliance with representatives from Beaufort and Jasper Counties. The purpose of the alliance will be to offer cooperation and mutual benefit between Jasper and Beaufort Counties as a tool for marketing and economic development within their respective jurisdictions and to provide a vehicle for obtaining state, federal and other funding for the area.
(Ord. No. 07-46, § 1, 12-3-07)

Sec. 2-202. Membership.

Each county will contribute a minimum of $1,000.00 per year towards the funding of the alliance. The initial membership for the board of directors will contain six members serving one-year terms. Membership shall consist of the following:

(1) One elected official from Jasper County Council;

(2) One elected official from Beaufort County Council;

(3) A staff official charged with economic development for Jasper County;

(4) The executive director of the Lowcountry Economic Network;

(5) The business ambassador for Jasper County; and

(6) The business ambassador for Beaufort County.

Any vacancy in an unexpired term will be filled by council.
(Ord. No. 07-46, § 2, 12-3-07)

Sec. 2-203. By-laws.

The board of the alliance shall adopt its own by-laws which shall provide for election from within membership of a board chair.
(Ord. No. 07-46, § 3, 12-3-07)

Sec. 2-204. Meetings.

The board shall meet at least quarterly.
(Ord. No. 07-46, § 4, 12-3-07)

Secs. 2-205—2-400. Reserved.

ARTICLE V. PURCHASING AND CONTRACTING

DIVISION 1. GENERALLY

Sec. 2-401. Establishment of centralized purchasing system; purchasing department; purchasing agent.

Pursuant to South Carolina Code of Laws section 4-9-160, as amended, there is hereby established a centralized purchasing system for the procurement of goods and services for all county departments and agencies for which line-item budgets are maintained in the county's central accounting system.

(1) There shall be established in Jasper County a purchasing department and it shall be under the direction of the county administrator who shall be responsible for the purchasing system and who shall designate the chief purchasing official. In the event of nondesignation, the chief purchasing official shall be the county administrator.

(2) The division head shall act as the purchasing agent for the county, subject to the direction as provided by the department head, the county administrator, and the county council.

(3) The purchasing agent, with the concurrence of the supervisory department head and the county administrator, shall have the authority to designate named individuals to solicit, negotiate, procure, and market specific goods and services within the guidelines of this article and any applicable state and federal laws.

(Ord. No. 05-04, 3-20-05)

Sec. 2-402. Chief procurement officer and office.

There shall be established the position of chief procurement officer and office which shall have the following duties and responsibilities:

(1) To procure or supervise the procurement of all supplies, services, and construction needed by the county.

(2) To exercise general supervisory control over all inventories and supplies belonging to the county.

(3) To sell, trade or otherwise dispose of surplus supplies belonging to the county.

(4) To establish and maintain programs for the inspection, testing and acceptance of supplies, services and construction with the concurrence of the procurement advisory board.

(5) To ensure that when a procurement involves the expenditure of federal assistance or contract funds, that all applicable federal laws and regulations are complied with.

(6) To delegate releasing authority to department or county employees for pre-negotiated buying arrangements for a designated period of time.

(Ord. No. 05-04, 3-20-05)

Sec. 2-403. Approval of requisitions; execution.

The department head, where the need arises, is the proper person to approve a requisition. Approval of a requisition indicates that the money is in the budget and the department head concurs that there is a county need. To actually commit county funds or to make the purchase requires execution by an employee who has the authority given by this article or has been delegated/designated to have such authority. This separation of the approval and execution processes is sound financial practice controlling procurement expenditures which may exceed 2,000,000.00 annually.

(Ord. No. 05-04, 3-20-05)

Sec. 2-404. Contracting/purchasing authority.

(a) The following officials shall have the authority to enter into contracts on behalf of the county up to their applicable limits. No contract shall be artificially divided into separate contracts so as to allow the officials to enter into the contract. No other person, county employee, agency or department shall enter into a contract on behalf of the county except as listed below:

(1) *Contracts not exceeding $25,000.00:* The county administrator shall have the authority to enter into such contracts. This authority does not extend to contracts for special services.

(2) *Contracts in excess of $25,000.00 and all contracts for special services:* Only the county council has the authority to enter into these contracts.

(b) Responsibility for the awarding of bids on proposals shall be as follows:

(1) *Up to $25,000.00:* The county administrator.

(2) *Amounts exceeding $25,000.00 and all contracts for special services:* County council, except for repairs to existing equipment where a delay would cause a threat to public health, welfare and safety under emergency conditions or where normal daily operations are affected, provided that such emergency procurements shall be made with competition as is practicable under the emergency provisions of this article. In the case of an emergency in this bid price range, the county council shall review the bid award action.

Special services means the furnishing of labor, time or effort by a contractor not required to deliver a specific end product, other than reports which are merely incidental to required performance. It includes, by way of illustration and not limitation, services such as those provided by physicians, architects, ministers, engineers, accountants, and consultants. It does not include contracts for services of regular employees of the county other than those which this Code specifically provides are to be employed or retained by county council as otherwise provided for by law.

(Ord. No. 05-04, 3-20-05)

Sec. 2-405. Optional vender list.

(a) The county may, at its option, advertise at least once per fiscal year for vendors to register with the purchasing division the products and services they wish to offer the county. The county shall keep an index of these vendors by name and the list shall be cross referenced for products and services. The vendor's name shall be kept for two years or permanently if the vendor continues to offer bids. Records shall be kept as to the number of times a vendor is contacted for informal quotes and other bids. Upon the request of a vendor, the said vendor shall be added or deleted from the list.

(b) Vendors shall be removed from the vendor list for the following reasons:

(1) Declining to offer bids for a two-year period.

(2) Suspension for the following shall not be for less than three months or more than three years:

a. Failing to satisfactorily meet terms, agreements, or contracts made with the central purchasing department.

b. Being convicted of criminal offenses in obtaining contracts or convicted of embezzlement, violation of state or federal anti-trust statutes, or any other crime which indicates a lack of business integrity or honesty.

c. Violating contract a provision or failing to perform without good cause or record or failure to perform or any other cause which the chief purchasing officer deems to be so serious as to affect the responsibility of a contractor, including disbarment or suspension from a vendor list by another governmental entity.

d. Violating the standards as set forth in the State Ethics Act.

(Ord. No. 05-04, 3-20-05)

Sec. 2-406. Background information on vendors.

The county administrator is directed to provide the bid amount as submitted, information concerning the vendor's previous performance, the service and quality of the products offered, the availability of the goods and services when needed, adherence to delivery schedules, and other criteria pertinent to that particular item, on vendors who have submitted bids, proposals, or contracts for county council's consideration. The information is to be included in the backup documents for the awarding resolution or ordinance.

(Ord. No. 05-04, 3-20-05)

Sec. 2-407. Types of bids.

(a) *Bid solicitations.* There shall be the following types of bid solicitations:

(1) Small purchases;

(2) Informal oral bid quotations;

(3) Informal written bid quotations;

(4) Formal bid process.

(b) *Small purchases.* Procurement of an item or article which does not exceed $1,500.00, not including sales tax, shall be exempt from the bid process. All purchases must be approved in advance with a purchasing card or purchasing order. Where applicable, contract vendors shall be used unless substitution is approved in writing and in advance by the purchasing official. Further, the purchasing requirements shall not be artificially divided so as to constitute a small purchase. A reasonable effort shall be made to negotiate price agreements that will cover much of the small purchase volume.

(c) *Informal oral bid quotations.* Quotes from a minimum of two sources shall be obtained. Maximum purchase under this system is to be $5,000.00, including sales tax. Vendor quotes are to be noted on the requisition for retention. The purchasing requirement shall not be artificially divided so as to constitute a purchase to be made by this method.

(d) *Informal written bid quotations.* Solicitation for written bid quotes shall be obtained from three sources, if available, from the vendor list. The maximum purchase under this system is to be $10,000.00, including sales tax. The next time that quotes are solicited, selection is made from the list in the following manner:

(1) Low bid on last quote;

(2) Next two vendors on list;

(3) Repeat procedure until all vendors have been asked to quote;

(4) Begin new rotation of vendors by using the last low bidder on quote.

(e) *Formal bid process.* All contracts for supplies, services and construction, except certain professional services which are exempt, shall use formal bid process with the exception that procurement through the state, federal, and governmental association contracts shall not be bid under this article. All bids covering a period of more than one year must, if appropriate, include the cost or method to adjust the contract for the second and future years. All single purchase items or services in the amount of or in excess of $10,000.00 shall use formal bid process. Any special certifications required by a granting agency shall be included in the bid documents. Bids are to be maintained as retention of records is required by this article. The request for formal bids must be advertised at least once in a newspaper of general circulation in the county for not less than ten working days prior to the date for receipt of bids.

(f) *Purchasing card program policies and procedures.*

(1) *Cardholder eligibility.* In order to receive a purchasing card the following criteria must be met:

a. Applicant must be an employee of Jasper County;

b. Applicant's request for a purchasing card must be approved by the department head;

c. Applicant must be assigned to a departmental liaison appointed by his/her department head;

d. Employee must attend a training session before receiving his or her purchasing card;

e. Each individual cardholder must sign a cardholder agreement (See subsection (g) below) in the presence of the purchasing card administrator.

(2) *Cardholder liability.* The purchasing card is a corporate charge card which will not affect the cardholder's personal credit; however, it is the cardholder's responsibility to ensure that the card is used within stated guidelines of the purchasing card cardholder manual as well as Jasper County

purchasing policies and procedures relating to the expenditure of county funds. Failure to comply with program guidelines may result in permanent revocation of the card, notification of the situation to management, and further disciplinary measures that may include termination.

(3) *Cardholder termination.* The purchasing card administrator is required to close an account if a cardholder:

a. Transfers to a different department;

b. Moves to a new job in which a purchasing card is not required;

c. Terminates employment; or

d. For any of the following reasons which will also subject cardholder to disciplinary action in accordance with county policy relating to disciplinary action and termination for cause:

1. The purchasing card is used for personal or unauthorized purposes.

2. The purchasing card is used to purchase alcoholic beverages or any substance, material, or service which violates policy, law or regulations of Jasper County.

3. The cardholder allows the card to be used by another individual.

4. The cardholder splits a purchase to circumvent the limitations of the purchasing card.

5. The cardholder uses another cardholder's card to circumvent the purchase limit assigned to either cardholder or the limitations of the purchasing card.

6. The cardholder fails to provide departmental liaison with required receipts.

7. The cardholder fails to provide, when requested information about any specific purpose.

8. The cardholder does not adhere to all of the purchasing policies and procedures.

(g) *Purchase card agreement.* Each cardholder must sign the agreement below:

Cardholder Agreement

Jasper County Government is authorizing you the use of a Jasper County purchasing card. It represents trust in you and empowerment as a responsible agent to safeguard and protect county assets.

I, employee name, hereby acknowledge receipt of a Jasper County commercial card. The card account number is _____. As a cardholder, I agree to comply with the terms and conditions of this agreement and the commercial card procedures.

I acknowledge receipt of said agreement and confirm that I have read and understand the terms and conditions. I understand that Jasper County is liable to the bank and the card issuer (Visa/Mastercard) for all charges.

I agree to use this card for approved purchases only and agree not to charge personal items. I understand that Jasper County will audit the use of this card and report any discrepancies.

I further understand that improper use of this card may result in disciplinary action, up to and including termination of employment. Should I fail to use this card properly, I authorize Jasper County to deduct from my salary an amount equal to the total of the discrepancy. I also agree to allow Jasper County to collect any amounts owed by me even if Jasper County no longer employs me.

I understand that Jasper County may terminate any right to use this card at any time for any reason. I agree to return the card to Jasper County immediately upon request or upon termination of employment.

Cardholder:

Signature: _____ Date: _____

Print Name: _____ Phone: _____

Jasper County Approval:

Signature: _____ Date: _____

Print Name: _____ Phone: _____

(Ord. No. 05-04, 3-20-05)

Sec. 2-408. Late bids.

Sealed bids which are not submitted by the deadline will be accepted but will remain unopened. Under extraordinary conditions late bids may be considered, provided that the circumstances are justifiable in the view of the purchasing office and that the concurrence of the procurement advisory committee is obtained. The vendor involved will be responsible for providing written justification of the circumstances for review and evaluation.

(Ord. No. 05-04, 3-20-05)

Sec. 2-409. Local preferences.

(a) For the purpose of determining the low bidder, local vendors (those who qualify pursuant to subsection (c) hereof) shall be granted preference on the amount of their bid by adding to the non-local bids a factor of the amount indicated below of such non-local bid for the purpose of evaluation. For tie bids with the local bidders' preference calculated, the local vendor will be given preference. In the instance of tie bids for local vendors, a lottery method of selection will be utilized in a public meeting. The amount of the local preference added shall be five percent for bids under $5,000.00; $250.00 plus four percent of the bid amount over $5,000.00 for bids between $5,000.00 and $10,000.00; and $450.00 plus three percent of the bid amount over $10,000.00 for bids over $10,000.00, using the local vendor's bid as the figure for determining the percent to be added to the other vendor's bids. A maximum amount of $2,000.00 will be added for non-local bidders. For example:

Bid Amount	*Local Preference*
Up to $5,000.00	Five percent of bid
$5,001.00 to $10,000.00	$250.00 plus four percent of amount between $5,001.00 and $10,000.00
$10,001.00 and up	$450.00 plus three percent of the amount above $10,000.00, with the maximum being $2,000.00, including the $450.00

(b) Following the determination of the low bidder using the method described in subsection (a), the bid will be awarded to the low bidder as determined in subsection (a) but for an amount that does not exceed the low bid computed without the local preference factor. If the low bidder as determined in subsection (a) refuses the contract it shall be offered to each succeeding low bidder and if refused, awarded to the low bidder as determined by this subsection.

(c) When requesting local preference, the vendor shall submit to the purchasing division sufficient evidence that such business has been operating in the county for a period exceeding 90 days before the request for bid proposal is made public. Such evidence should be submitted no later than the date and time when bids are due. Such evidence may be in the form of a South Carolina business tax license or other such evidence as required by the purchasing division.

(d) Notwithstanding any other provision of this section, when the requirements for qualification for funding of a county contract through the auspices of a state or federal agency, policy or program or an NGO program that prohibits the award of a local preference as otherwise provided in this section, this section shall have no application to such contract award.
(Ord. No. 05-04, 3-20-05; Ord. No. 09-14, § 1, 5-18-09; Ord. No. 10-21, § 1, 12-6-10)

Sec. 2-410. Request for proposals.

Request for proposals shall be handled in the same manner as the bid process as described above for solicitation and awarding of contracts for goods or services with the following exceptions:

(1) Only the names of the vendors making offers shall be disclosed at the proposal opening.

(2) Content of the proposals submitted by competing persons shall not be disclosed during the process of the negotiations.

(3) Proposal shall be open for public inspection after the award is made.

(4) Proprietary or confidential information, marked as such in each proposal, shall not be disclosed without the written consent of the offeror.

(5) Discussions may be conducted with responsible persons submitting a proposal determined to have a reasonable chance of being selected for the award. These discussions will only be for the purpose of clarification to assure a full understanding of the solicitation requirement and responsiveness thereto.

(6) Nonmonetary revisions may be permitted after submissions and prior to award for the purpose of obtaining the best and final offers.

(7) In conducting discussions with the persons submitting the proposals, there shall be no disclosure of any information derived from the other persons submitting proposals.

(Ord. No. 05-04, 3-20-05)

Sec. 2-411. Sole source procurement.

A contract may be awarded for a supply, service, or construction item without competition when the chief purchasing officer determines, in writing, with the consent of the county administrator, that there is only one source for the required supply service or construction item.
(Ord. No. 05-04, 3-20-05)

Sec. 2-412. Emergency procurements.

The chief purchasing officer, with the concurrence of the county administrator, may make or authorize others to make emergency procurement when there exists a threat to public health, welfare, or safety under emergency conditions or where normal daily operations are affected; provided, that such emergency procurement shall be made with such competition as is practical under the circumstances. The reviewing of these procurement actions will be made at the same level of authority as required for a regular bid award of that amount.
(Ord. No. 05-04, 3-20-05)

Sec. 2-413. Authority to contract for special services.

As used in this article, "special services" are those professional services, such as those provided by physicians, architects, ministers, engineers, accountants, attorneys, and management and consulting services, which are normally obtained on a fee basis.

These services may be procured by the county without utilization of a bidding process. In the procuring of professional services those departments which normally utilize such services may contract on their behalf for such service in accordance with this article provided that the following requirements are met:

(1) The departments must solicit the best possible contract with the person providing the professional services.

(2) Negotiation with the person providing professional services shall include the department head and the purchasing officer.

(3) The department shall obtain the approval of the county council.

(4) On those special services in the county, where a department head's expertise and recommendations can be of special use, the department procuring such service shall seek the advise of such department head.

(5) County council shall have the authority to continue to contract for professional services from year to year when it is in the best interest of the county.

(Ord. No. 05-04, 3-20-05)

Sec. 2-414. Uniform policy for selection of independent auditing.

The following procedures are hereby adopted to govern the solicitation of independent auditing services for the county:

(1) A yearly renewable contract will be utilized for independent auditing services.

(2) Each audit contract will contain a "funding out clause," as approved by the county attorney.

(3) Should the county decide not to renew, the county administrator is authorized to advertise and solicit for independent auditing services, based upon criteria and an audit work program recommended by the county staff and approved by county council.

(4) As a part of its proposal, each auditing firm will be required to answer questions submitted to them in their bid package which are related to their ability to perform independent auditing service for the county.

(5) Upon receipt of audit proposals, the county administrator will evaluate them and forward same, with a recommendation, to the appropriate county council standing committee and to county council.

(6) Upon selection of the auditing firm, the county council chairman or the county administrator shall have the authority to request special audits of county funds when, in their opinion, there is a need for such an audit to protect the integrity of the county's finances or to safeguard public funds. Upon making a request for a special audit, the council chairman or the county administrator shall notify county council of that action at the earliest reasonable opportunity. The cost of special audits shall be charged to the county council's professional services account in the annual county budget.

(Ord. No. 05-04, 3-20-05)

Sec. 2-415. Exempted items not requiring competitive bidding.

The following items shall not require competitive bidding even though they exceed the normal dollar amount, but all expenditures shall require purchase order issuance in advance.

(1) Books and publications.

(2) Dues and memberships.

(3) Board and lodging.

(4) Utilities/water bills.

(5) Travel.

(6) Seminars, conference fees.

(7) Training.

(8) Postage.

(9) Advertising.

(10) Consulting and management fees.

(11) Surety bonds.

(12) Lease contracts.

(13) Rent on land, buildings and equipment.

(14) Works of art and artifacts for museum and public display.

(15) Casual field labor.

(16) Financial services.

(17) Lecturer fees.

(18) Legal services.

(19) Marketing research or survey.

(20) Medical and dental fees.

(21) Tuition payments.

(22) Maintenance fees and insurance premiums.

(23) Special services.

Whenever possible, the department purchasing such items shall advertise in order to obtain the best possible price.
(Ord. No. 05-04, 3-20-05)

Sec. 2-416. Legal service and counsel.

The county attorney, through the county administrator, shall serve as legal counsel and provide necessary legal services to the chief purchasing officer.
(Ord. No. 05-04, 3-20-05)

Sec. 2-417. Cancellation of invitation of bids or request for proposals.

An invitation for bids or request for proposal or other solicitation may be canceled or any or all bids or proposals may be rejected in whole or in part as may be specified in the solicitation, when it is in the best interest of the county. The reason therefor shall be made a part of the contract file.
(Ord. No. 05-04, 3-20-05)

Sec. 2-418. Multi-term contract.

A contract for services or supplies may be entered into for a period up to five years, provided that the term of contract and the conditions for renewal or extension, if any, are included in the solicitation and funds are available for the balance of the current fiscal year. Payment and performance obligations for succeeding fiscal periods shall be subject to the availability and appropriation of funds. All multi-year contracts shall contain a clause which terminates the contract at the beginning of a fiscal year when funds are not appropriated by county council for continuation of the contract for that fiscal year.
(Ord. No. 05-04, 3-20-05)

Sec. 2-419. Right to inspect facilities.

Official representatives of county government will have the right to inspect facilities of a vendor at any reasonable time which is related to the performance of any contract award, bid on or to be awarded by the county.
(Ord. No. 05-04, 3-20-05)

Sec. 2-420. Right to audit records.

Official representatives of the county may, at reasonable times and upon reasonable written notice to vendor, inspect the official records of the person or firm pertaining to a contract, change order, or purchase order with Jasper County when such inspection is required by law or is authorized by the county administrator in writing as being in the public interest.
(Ord. No. 05-04, 3-20-05)

Sec. 2-421. Reporting anti-competitive practices.

When for any reason, collusion or any other anti-competitive practice is suspected among any bidder or offerors, a notice of relevant facts shall be transmitted to the county attorney through the county administrator.
(Ord. No. 05-04, 3-20-05)

Sec. 2-422. Retention of procurement records.

Unless otherwise authorized by law, the procurement records shall be retained for a period of not less than three years. If a contract is being funded in whole or in part by assistance from a federal agency, then all procurement records pertaining to that contract shall be maintained for three years from the close-out date of the assistance agreement or final disposition of any controversy arising out of the assistance agreement.
(Ord. No. 05-04, 3-20-05)

Sec. 2-423. Construction contract bid security.

Bid security shall be required for all competitive sealed bidding for construction contracts when the price is estimated to exceed $100,000.00. Security shall be a bond provided by a surety company authorized to do business in this state, or the equivalent in case, or otherwise supplied in a form satisfactory to the county. Nothing herein prevents the requirement of such bond on construction contracts under $100,000.00 when the circumstances warrant. Bid security shall be an amount equal to at least five percent of the amount of the bid.
(Ord. No. 05-04, 3-20-05)

Sec. 2-424. Contract performance and payment bonds.

(a) When a construction contract is awarded in excess of $50,000.00 the following bonds or security shall be delivered to the county and shall become binding on the parties upon the execution of the contract:

(1) Performance bond in the amount of 100 percent of the price specified in the contract.

(2) Payment bond in the amount of 100 percent of the price specified in the contract.

(b) Either bond may be reduced to 50 percent when determined in writing that a reduction is necessary or warranted. Bonds may be required on lesser amounts if circumstances warrant the same.

(c) The county administrator may waive the bond requirement upon written notification to the county council when based upon his determination that such bond is unnecessary.
(Ord. No. 05-04, 3-20-05)

Sec. 2-425. Supply management.

(a) Generally, this section shall relate to nonexpendable supplies which have an acquisition cost of $500.00 or more and a useful life of more than one year.

(b) All such items purchased with public funds shall be tagged and inventoried on county records as a fixed asset. Internal procedures shall be developed for this process by the chief purchasing officer.

(c) Excess supplies shall be released by the assigned department or agency to the chief purchasing official for reassignment to another using department or agency. A standing list of departmental needs shall be maintained by the chief purchasing officer. Assignment of excess property shall be made by the chief purchasing officer with the concurrence of the county administrator.

(d) Surplus and obsolete property shall be reported to the chief procurement officer from the various departments and agencies and shall be made available for other departments and agencies. The chief procurement officer shall present properties not transferred to another department or agency to the county administrator along with a recommendation for their disposition, either by a public sale or sealed bid or other appropriate method designated. The property so recommended may be declared surplus by resolution supported by the majority of county council at a public meeting. The chief procurement officer shall dispose of such properties as designated by county council resolution.

(e) Surplus computer equipment and accessories which are unlikely to sell at auction or by sealed bid may be disposed of by the county administrator at public landfills without approval by resolution of county council.
(Ord. No. 05-04, 3-20-05)

Sec. 2-426. Allocation of proceeds from sale or disposal of surplus supplies.

The chief purchasing officer shall deposit proceeds from the sale, lease or disposal of surplus supplies in the county general fund except when designated otherwise by the county administrator.
(Ord. No. 05-04, 3-20-05)

Sec. 2-427. Right to protest; procedure; decision.

(a) Any actual or prospective bidder, offeror, or contractor who is aggrieved in connection with the solicitation or award of a contract may protest to the chief purchasing officer. The protest shall be submitted in writing within ten business days after such aggrieved person knows or should have known of the facts giving rise thereto.

(b) Before commencement of an administrative review the chief procurement officer, may attempt to settle by mutual agreement a protest of an aggrieved bidder, offeror, or contractor, concerning the solicitation or award of the contract. The chief procurement officer, or his designee has the authority to approve any settlement reached by mutual agreement.

(c) If in the opinion of the chief procurement officer, after reasonable attempt, a protest cannot be settled by mutual agreement, the chief procurement officer shall conduct promptly an administrative review. The chief procurement officer or his designee shall commence the administrative review no later than 15 business days after the deadline for receipt of a protest has expired and shall issue a decision in writing within ten business days of completion of the review. The decision must state the reasons for the action taken.

(d) A copy of the decision under subsection (c) must be mailed or otherwise furnished immediately to the protestant and other party intervening.

(e) In the event of a timely protest pursuant to subsection (a) the county shall not proceed further with the solicitation or award of the contract until ten business days after a decision is posted by the chief procurement officer, except that solicitation or award of a protested contract is not stayed if the chief

procurement officer, after consultation with the county administrator makes a written determination that the solicitation or award of the contract without further delay is necessary to protect the best interests of the county.
(Ord. No. 05-04, 3-20-05; Ord. No. 10-21, § 2, 12-6-10)

Sec. 2-428. Reserved.

Editor's note—Ord. No. 10-21, § 3, adopted December 6, 2010, repealed the former section 2-428 in its entirety, which pertained to the right to protest—decision, and derived from Ord. No. 05-04, adopted March 20, 2005.

Sec. 2-429. County policy pertaining to the execution of change orders on county construction projects.

(a) The county administrator, with the approval of the county engineer or project architect, as applicable to a particular construction project, is hereby authorized to execute change orders on county construction projects in an aggregate amount not exceeding ten percent of the contract amount. This authority applies only to projects where construction of the project has been previously approved by the county council, and where funds are available in project contingency, reserve or other accounts as required to implement the change order involved.

(b) Any change order requiring additional project funding, which would have to be provided from the general fund of the county to a capital construction account, shall require the advance approval of the county council.

(c) No change order shall be artificially divided into two or more change orders.

(d) Change orders approved by the county administrator under the authority granted in subsection (a) above shall be circulated to the county council for information.
(Ord. No. 05-04, 3-20-05)

Sec. 2-430. Assistance to small, disadvantaged, and minority/women-owned business enterprises.

(a) The county wishes to insure that small business enterprises and small, disadvantaged and minority/women owned business enterprises be offered a fair opportunity to fully participate in the overall procurement process of the county when required by statute or regulation, and otherwise to the extent practical. To that end, the county, through its chief procurement officer shall insure the county when practical, or otherwise required by statute or regulation:

(1) Provides assistance with the procurement process small, disadvantaged, and minority/women-owned business enterprises;

(2) Cooperates and works with other private, municipal and state agencies such as the Small Business Administration, Governor's Office of Small and Minority Business Assistance, and similar agencies maintaining special source lists of small, disadvantaged and minority/women-owned business enterprises detailing the products and services they provide;

(3) Insures sourcing on grant funded projects are in full compliance with appropriate state and federal regulations specifically related to small business enterprise and small, disadvantaged and women-owned business enterprise engagement.

(b) For purposes of this section, the following terms have the meaning as indicated:

Minority business enterprise means a business in which minority group members own 51 percent or more of the company; or, in the case of a publicly-owned business, one in which minority group members own at least 51 percent of its voting stock and control management and daily business operations. For this purpose, minority group members are those groups of U.S. citizens found to be disadvantaged by the Small Business Administration pursuant to Section 8(d) of the Small Business Act. Such groups include, but are not limited to, Black Americans, Hispanic Americans, Native Americans, Indian Tribes, Asian Pacific Americans, Native Hawaiian Organizations and other minorities.

Small business means independently owned and operated and which is not dominant in its field of operation and in conformity with specific industry criteria defined by the Small Business Administration (SBA).

Small disadvantaged business means a small business that is at least 51 percent owned and controlled by a socially and economically disadvantaged individual or individuals.

Women business enterprise means a small business that is at least 51 percent owned by one or more women. In the case of publicly owned businesses, at least 51 percent of the stock is owned by one or more women and the management and daily operations or the business are controlled by one or more women.
(Ord. No. 10-21, § 4, 12-6-10)

Secs. 2-431—2-440. Reserved.

DIVISION 2. INTERGOVERNMENTAL RELATIONS FOR PROCUREMENT COOPERATIVE PURCHASING

Sec. 2-441. Authorized.

The chief purchasing officer may either participate in, sponsor, conduct, or administer a cooperative purchasing agreement for procurement of supplies, services or construction with one or more public procurement units in accordance with an agreement entered into between the participants. Such cooperative purchasing may include but is not limited to joint multiparty contracts between public procurement units.
(Ord. No. 05-04, 3-20-05)

Sec. 2-442. Sale, acquisition or use of supplies.

The chief purchasing officer may sell to, acquire from or use any supplies belonging to another public procurement unit independent of bid process or sales process of this article.
(Ord. No. 05-04, 3-20-05)

Sec. 2-443. Cooperative use of supplies and services.

The chief purchasing officer may enter into an agreement, independent of the requirement of the bid process and sale process of this article, with any public procurement unit for the cooperative use of supplies or services under the term agreed upon between the parties.
(Ord. No. 05-04, 3-20-05)

Sec. 2-444. Joint use of facilities.

The chief purchasing officer may enter into agreements for the common use or lease of warehousing facilities, capital equipment and other facilities with another public procurement unit under the terms agreed upon between the parties.
(Ord. No. 05-04, 3-20-05)

Sec. 2-445. Use of state contracts.

The chief purchasing officer may, independent of the requirements of bid process of this article, procure supplies, services or construction items through the contract established by the purchasing division of the State of South Carolina as provided for in South Carolina Code section 11-35-10 et seq. (State Consolidated Procurement Code).
(Ord. No. 05-04, 3-20-05)

Sec. 2-446. Rebidding or cancellation of existing contract.

In the event a vendor is unwilling or unable to perform a contract or the vendor gives written notice of cancellation of an existing contract, the chief purchasing officer may immediately pursue a replacement of said contract either by formal or informal bid procedure as is appropriate, with the approval of the county administrator or his designee. The chief purchasing officer may accept a next lowest bidder. The option selected shall be the most advantageous to the county.
(Ord. No. 05-04, 3-20-05)

Chapter 3

ANIMALS

Sec. 3-1. Animal ordinance; penalties.
Sec. 3-2. Animal shelter—Regulations.
Sec. 3-3. Same—Advisory board.

Sec. 3-1. Animal ordinance; penalties.

(a) The county hereby adopts as ordinances of the county the provisions of chapters one through seven of Title 47 of the S.C. Code of Laws of 1976, as amended.

(b) The county sheriff's department shall have the authority to enforce these ordinances. Tickets or warrants issued by the sheriff's department under the authority of this section shall cite this section, together with title, chapter and section number of the State Code violation which the sheriff's department agent contends has been violated. Nothing contained in this section shall be construed to require the county to assume any responsibility allocated to the state or any of its subdivisions by Title 47, nor is this section intended to supplant state enforcement of any provision in Title 47. This section shall be construed as concurrent with existing state law and state law enforcement.

(c) Penalties for violations of the Jasper County Animal Ordinance shall not exceed the lesser of the penalty provisions of the incorporated state law offense, or the enforcement authority of the county magistrate. Funds received by the county for violations of the Jasper County Animal Ordinance shall be deposited to the general funds of the county, except for any portion required by state law to be allocated to the state, or any subdivision thereof.

(d) The county animal shelter shall be authorized to receive animals for the purposes and under the conditions provided under S.C. Code 1976, § 47-3-30, and under S.C. Code 1976, Tit. 47 and under this section, provided that the county does not adopt as a county ordinance any state law requiring dogs, cats or other domestic animals to be kept on leash.

(e) The county shall periodically provide, at a cost of one dollars or less, a metal tag containing the name of any pet, the name of the pet's owner, and the address and phone number of the owner to any county resident who requests such a tag for the purpose of identification of the pet. No county resident shall be required to obtain a county tag, but shall be entitled to obtain a tag upon application to the county. A county tag may be obtained at the county animal shelter, or at times and places as may be publicly announced from time to time in the discretion of the council and administrator of the county.
(Ord. of 4-15-96, §§ 1—5)

Sec. 3-2. Animal shelter—Regulations.

(a) The county administrator shall be authorized to create regulations for the operation of the county animal shelter. The regulations shall provide for the day to day operation of the shelter, and may include setting the length of time for which an animal admitted to the shelter must be held before either holding the animal out for adoption or euthanizing the animal, setting fees for the boarding and adopting of animals, and any other such subject matters as may be necessary for the proper and efficient operation of the shelter.

(b) All regulations created by the county administrator shall be in writing, and kept on file at the animal shelter and at the county executive building, and available upon the request of any person within the time provided for by the South Carolina Freedom of Information Act, and must be published to the county council and approved by council prior to taking effect. Any amendments to the regulations must first be published to the county council and approved by the council prior to taking effect.
(Ord. of 8-5-96(1), §§ 1, 2)

Sec. 3-3. Same—Advisory board.

(a) An advisory board which shall be known as "The Jasper County Animal Shelter Board of Trustees" is hereby created.

(b) The county animal shelter board of trustees (hereinafter referred to as "the board") shall consist of seven members. The members shall be appointed as follows: Each council member shall appoint a board member, and the towns of Hardeeville and Ridgeland shall each appoint a board member. The term of each board appointment shall be three-year terms in staggered terms, with the initial terms of three of the appointments to be for a term of two years, and the remaining four appointments to be for a term of three years, to commence on July 1, 1996, or upon execution of this section. The appointment of the length of the initial terms shall be determined by lottery.

(c) The board shall have the authority to solicit and receive donations on behalf of the shelter; to make recommendations to the county administrator as to regulations and procedures for operating the animal shelter; to disseminate information about the animal shelter to the citizens of the county; and to foster goodwill among the citizens of the county for the animal shelter. All monies received by the board shall be delivered to the county administrator within ten days of receipt of that money. Whenever the board receives a cash or money order donation to the shelter it shall issue a receipt to the person or entity making the donation, and shall retain a copy of the receipt subject to the review of the administrator or council.

(d) The board shall meet within one month of its creation, and adopt bylaws within three months of its creation.

(Ord. of 8-5-96(2), §§ 1—4)

Chapter 4

ALCOHOLIC BEVERAGES*

Sec. 4-1. Beer, ale, porter and wine defined.
Sec. 4-2. Prohibited operation.

***Editor's note—**Prior to the reenactment of chapter 4 by Ord. No. 11-14, § 1, adopted June 6, 2011, Ord. No. 02-02, § 5, adopted March 18, 2002, repealed the former chapter 4 in its entirety. Formerly, said chapter pertained to aviation and consisted of §§ 4-36—4-55 as adopted by an ordinance of March 15, 1993.

Sec. 4-1. Beer, ale, porter and wine defined.

Beer, ale, porter and wine shall be defined for the purposes of this section as stated in S.C. Code 1976, § 61-4-10, as amended from time to time.
(Ord. No. 11-14, § 1, 6-6-11)

Sec. 4-2. Prohibited operation.

Commercial establishments which allow for the on-premises consumption of beer, ale, porter, and/or wine shall be prohibited from operating between the hours of 2:00 a.m. and 6:00 a.m. on Mondays through Saturdays.
(Ord. No. 11-14, § 1, 6-6-11)

Chapter 5

RESERVED

Chapter 6

BUILDINGS AND BUILDING REGULATIONS*

Article I. In General

Secs. 6-1—6-30. Reserved.

Article II. Technical Codes

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Sec. 6-33. Purpose.
Sec. 6-34. Violations; penalties.
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Sec. 6-51. International Building Code.
Sec. 6-52. International Plumbing Code.
Sec. 6-53. International Fuel Gas Code.
Sec. 6-54. International Mechanical Code.
Sec. 6-55. International Fire Code.
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Division 3. Gate Access Program

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Division 4. Administration

Sec. 6-68. Variances, special exceptions and appeals.
Sec. 6-69. Reserved.

Article III. Permits

Sec. 6-70. Penalties.

***Cross references—**Certification and compliance prerequisite to action on zoning or building applications, § 4-43; planning and development, ch. 20; utilities, ch. 28; developmental standards, app. A.

State law reference—Authority to regulate building construction, S.C. Code 1976, § 4-25-10 et seq.

Sec. 6-71. Building permit fee schedule.
Sec. 6-72. Reserved.
Sec. 6-73. Mobile home placement permit.
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Sec. 6-75. Minimum habitability standards for mobile homes.
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Sec. 6-108. Warning and disclaimer of liability.
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Division 2. Definitions

Sec. 6-120. General.
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Division 6. Legal Status Provisions

Sec. 6-160. Effect on rights and liabilities under the existing flood damage prevention ordinance.
Sec. 6-161. Effect upon outstanding building permits.

ARTICLE I. IN GENERAL

Secs. 6-1—6-30. Reserved.

ARTICLE II. TECHNICAL CODES*

DIVISION 1. GENERALLY

Sec. 6-31. Title.

This article shall be known as the Building Codes Ordinance of Jasper County, South Carolina.

Sec. 6-32. Authority.

This article is adopted pursuant to the authority conferred by the South Carolina Code of Laws upon the county.

Sec. 6-33. Purpose.

The purpose of this article shall be to establish rules and regulations for the construction, alteration or demolition of buildings, issuance of permits pertaining thereto and the duties of the building official.

Sec. 6-34. Violations; penalties.

(a) The violation of any of the codes or regulations adopted pursuant to the provisions of this article is hereby declared to be a misdemeanor, and any person violating such codes or regulations shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished in accordance with section 1-8. Each day such violation shall continue shall be deemed a separate offense. In case of any violation of or proposed violation of the codes or regulations adopted pursuant to this article, the codes department director or other appropriate authority of the county, or any adjacent or neighboring property owner who would be damaged by such violation may, in addition to other remedies, apply for injunctive relief, mandamus or other appropriate proceedings to prevent, correct or abate such violation or threatened violation.

(b) Nothing in this article or in the codes adopted in this article shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired or liability incurred, or any cause of action accrued or existing under any act or ordinance repealed hereby, nor shall any right or remedy of any character be lost, impaired or affected by this article.
(Ord. of 11-17-86, § 1)

Secs. 6-35—6-50. Reserved.

***State law references—**Authority to adopt standard codes and regulations, S.C. Code 1976, § 6-9-10; authority to adopt and modify certain standard codes by reference, S.C. Code 1976, §§ 6-9-40, 6-9-60.

DIVISION 2. CODES ADOPTED

Sec. 6-51. International Building Code.

The International Building Code, latest edition and amendments, save and except for such portions as may be hereinafter amended, of which not less than three copies have been and are now filed in the office of the county council, is hereby adopted and incorporated as fully as if set forth in length in this article. The provisions therein shall be controlling in the use, maintenance and occupancy of all structures within the county.
(Ord. No. 29-00, § 1, 1-2-01)

Sec. 6-52. International Plumbing Code.

The International Plumbing Code, latest edition and amendments, save and except for such portions as may be hereinafter amended, of which not less than three copies have been and are now filed in the office of the county council, is hereby adopted and incorporated as fully as if set forth in length in this article. The provisions therein shall be controlling in the use, maintenance and occupancy of all structures within the county.
(Ord. No. 29-00, § 1, 1-2-01)

Sec. 6-53. International Fuel Gas Code.

The International Fuel Gas Code, latest edition and amendments, save and except for such portions as may be hereinafter amended, of which not less than three copies have been and are now filed in the office of the county council, is hereby adopted and incorporated as fully as if set forth in length in this article. The provisions therein shall be controlling in the use, maintenance and occupancy of all structures within the county.
(Ord. No. 29-00, § 1, 1-2-01)

Sec. 6-54. International Mechanical Code.

The International Mechanical Code, latest edition and amendments, save and except for such portions as may be hereinafter amended, of which not less than three copies have been and are now filed in the office of the county council, is hereby adopted and incorporated as fully as if set forth in length in this article. The provisions therein shall be controlling in the use, maintenance and occupancy of all structures within the county.
(Ord. No. 29-00, § 1, 1-2-01)

Sec. 6-55. International Fire Code.

The International Fire Code, latest edition and amendments, save and except for such portions as may be hereinafter amended, of which not less than three copies have been and are now filed in the office of the county council, is hereby adopted and incorporated as fully as if set forth in length in this article. The provisions therein shall be controlling in the use, maintenance and occupancy of all structures within the county.
(Ord. No. 29-00, § 1, 1-2-01)

Sec. 6-56. International Residential Code.

The International Residential Code, latest edition and amendments, save and except for such portions as may be hereinafter amended, of which not less than three copies have been and are now filed in the office of the county council, is hereby adopted and incorporated as fully as if set forth in length in this article. The provisions therein shall be controlling in the use, maintenance and occupancy of all structures within the county.
(Ord. No. 29-00, § 1, 1-2-01)

Sec. 6-57. National Electric Code, 2002 Edition.

The National Electric Code, 2002 Edition and amendments, save and except for such portions as may be hereinafter amended, of which not less than three copies have been and are now filed in the office of the county council, is hereby adopted and incorporated as fully as if set forth in length in this article. The provisions therein shall be controlling in the use, maintenance and occupancy of all structures within the county.
(Ord. No. 29-00, § 1, 1-2-01; Ord. No. 03-11, 6-2-03)

Secs. 6-58, 6-59. Reserved.

DIVISION 3. GATE ACCESS PROGRAM*

Sec. 6-60. Purpose.

Electronically operated gates are used in the county to provide security to both residential and commercial structures. Because of the many control methods used to operate them, these gates can become barriers to emergency responders trying to gain access to the properties. The county is committed to reduce the response times to all areas of the county, including the areas protected by electronic security gates. This has led to the development of a program to insure a standard access control method for all electronically operated security gates. This program utilizes the "Click2Enter" (C2E) radio controlled gate opener as the preferred method of operation of these gates during emergency responses. This program also addresses means of securing manual gates. Owners of existing gates are encouraged to retrofit them for the Click2Enter opener; gates installed subsequent to the effective date of this division will be required to install the Click2Enter opener on their gate.
(Ord. No. 10-18, § 1, 9-20-10)

Sec. 6-61. Authority.

This division is based on Chapter 5, Section 503 of the International Fire Code, which reads as follows:

> (g) Gate access. The installation of gates across fire apparatus access roads must be approved by the Jasper County Fire Marshal and Jasper County Development Department. All developments that utilize electronic vehicular access gates shall install an emergency gate opener approved by the Fire Marshal.

***Editor's note—**Ord. No. 10-18, § 1, adopted September 20, 2010, enacted provisions intended for use as division 3, §§ 6-80—6-85. To preserve the sequential numbering of this Code, and at the discretion of the editor, said provisions have been redesignated as division 3, sections 6-60—6-65.

The owner of the property shall be responsible for all costs associated with the purchase, installation, and maintenance of this system. All electronic vehicular access gates legally existing prior to the adoption of this amendment and serving more than one residential lot or a commercial development shall have twelve months from the effective date of this amendment to comply with this subsection.

(Ord. No. 10-18, § 1, 9-20-10)

Sec. 6-62. Responsibility.

The county fire marshal is charged with the overall responsibility for coordinating and implementing the requirements set forth in this division.

(Ord. No. 10-18, § 1, 9-20-10)

Sec. 6-63. Definitions.

The following terms shall have the meanings as indicated:

Approved refers to approval by the fire marshal as the result of investigation and tests conducted by the fire marshal or by reason of accepted principles or tests by national authorities or technical or scientific organizations.

Authority having jurisdiction is any agency having statutory authority to enforce federal, state, county, city or district laws, ordinances or standards.

Edge of right-of-way means the extent of the land secured and reserved by a public or private entity having jurisdiction over the roadway or other facility contained therein for the construction and ongoing maintenance of the roadway or other facility and its appurtenances.

Fire apparatus access road is a road that provides fire apparatus access from a fire station to a facility, building, or portion thereof. This is a general term inclusive of all other terms such as fire lane, public street, private street, parking lot lane and access roadway.

Fire marshal is the person with the overall responsibility for coordinating and maintaining the requirements set forth in this document.

"Free exit" device is a control device that recognizes the presence of a vehicle attempting to exit through a gate and automatically opens the gate to allow for the vehicle to exit. This device may also be called an exit loop, exit pad or exit eye.

Gated community development is a community that may consist of single-family dwellings, multi-family dwellings or a mix of uses and are enclosed within a geographical area by restrictive gates.

Gates and *barriers* refer to gates, crossbars, doors or other obstructive devices which are utilized for the purpose of restricting, controlling or obstructing entry or exit by motor vehicles to or from a private roadway. Gates manned on a 24-hour, seven day-per-week basis that have an electric blocking device shall have the C2E system installed.

Pedestrian gate is a gate used exclusively for pedestrian entry and egress. These gates are usually proximal to vehicular access gates and may be manually or electronically operated.

Private driveway is a private way for vehicular travel that provides access from an off-street parking area to a public or private street or roadway.

Private street or roadway means any roadway not indicated as a public right-of-way that is owned and maintained by abutting property owners, or association of property owners that is utilized for the purpose of providing vehicular access to a subdivision, apartment complex, condominiums or other residential development or wild land, excluding off-street parking areas, driveways and driveways to off-street parking area.

Residential properties includes single- and multi-family dwellings such as apartments and condominiums.

Shall indicates a mandatory requirement.

Should indicates a recommendation that is advised but not required.

Standard means the rules and regulations contained in the county zoning and land development regulations ordinance and the International Fire Code.

Vehicular access gate is a gate intended for vehicle passage. These gates may be manually or electronically operated.
(Ord. No. 10-18, § 1, 9-20-10)

Sec. 6-64. Standards.

(a) The following are requirements for C2E installation and operation:

(1) The fire marshal is responsible for verifying programming and operation of all C2E gate openers. Programming frequencies will be issued by county emergency management.

(2) C2E gate openers are recommended for commercial properties and residential properties of two or more lots that have an existing electronically operated vehicular access gate built across fire apparatus access roadways in the county.

(3) All electronic vehicular access gates constructed or renovated subsequent to the date of this ordinance will require the purchase and installation of a C2E radio controlled emergency gate opener. The owner of the property will be responsible for all cost associated with the purchase and installation of the C2E gate opener.

(4) Prior to any C2E installation, the property owner shall submit plans and receive approval from the fire marshal. The fire marshal will visit the site to determine the most advantageous location for mounting the C2E equipment. The fire marshal will inform the vendor of any discrepancies found at the site selected. The vendor shall contact the fire marshal, after installing the C2E, to have the unit programmed and tested for proper operation prior to the electronic gate going into service.

(5) All electronic gate or C2E operation problems discovered by fire department personnel shall be reported to the fire marshal as soon as possible.

(6) When a determination has been made that the electronic gate operation problem is not a result of the C2E programming, the property owner will be responsible for all repairs of the C2E device and/or gate operating equipment. The C2E device and/or gate operating equipment must be

repaired within 48 hours of the problem notification by the fire marshal. The fire marshal may require the electronic gate to remain in the "open" position until the problems has been repaired.

(7) Gate activation equipment shall not be altered or placed out of service by the property owner or gate contractor without prior notification to the fire marshal and the emergency dispatch center.

(8) The fire marshal is responsible for contacting the property owner to get a status report on the gate repair and will pass this information on to fire department and the emergency dispatch center.

(9) The fire marshal will ensure testing of all installed C2E gate openers for proper operation.

(b) The following are standard requirements for access gates:

(1) All roadway access gates constructed after the effective date of this division are required to go through a permitting and plans review process to assure compliance with the requirements of this division.

a. New permit requirements: A development plan review shall be conducted over design and installation of any secured access gate system. A notice of action (approval) shall be obtained from both the county fire marshal and county planning and building departments prior to the installation of any gate.

b. New plan submittals: Site plans shall be submitted to both the county fire marshal and the county planning and building departments for review before any permit is issued.

c. Existing gate permit requirements: Submit site plan and product specifications to county fire marshal and county planning and building departments and obtain a building permit.

d. Product specifications for the gate shall be provided which include:

1. Method of normal operation;

2. Method of emergency operation during failure; and

3. Manufacturer's specification sheets for electrical gate controller.

e. A final inspection and operation test shall be performed by fire marshal to close out permit.

(2) All electronically operated vehicular access gates shall have a C2E gate opener installed for emergency operation of both entry and exit gates; however, C2E exit control may be waived by the installation of a "free exit" device. This requirement applies to all commercial and residential properties with the exception of residential developments consisting of less than two lots.

(3) The owner of the property is responsible for all costs associated with the purchase and installation of the C2E gate opener and all required back-up operating equipment.

(4) If there are two or more gates in any single property, all gates must be operated in the same fashion.

(5) All electronic vehicular access gates must be provided with a "fail-open" device to provide for gate operation during power failures.

(6) There must be a method for manual operation of the gate and the method must be identified at the control panel. A Knox Key Switch shall be installed as a fail safe for entry.

(7) Gates serving a single residential or agricultural property shall provide a method of access to the fire department.

(8) A Knox Box or Lock shall be installed on all non electronic pedestrian gates to allow emergency personnel access to gate operating equipment.

(9) The maintenance and upkeep of all gates, including the power and phone utility to operate the gates, is the responsibility of the property owner, homeowners' association, or occupants of a gated community.

(10) Reserved.

(11) All Click 2 Enter devices will be inspected for proper operation on an annual basis at a minimum by the fire marshal. Records of these inspections shall be kept available on file in the fire marshals office.

(c) All control gates owned and/or operated by the county are required to adhere to these standards.
(Ord. No. 10-18, § 1, 9-20-10)

Sec. 6-65. Violation a misdemeanor.

Violation of any provision of this division shall be a misdemeanor punishable as provided in section 1-8.
(Ord. No. 10-18, § 1, 9-20-10)

Secs. 6-66, 6-67. Reserved.

DIVISION 4. ADMINISTRATION*

Sec. 6-68. Variances, special exceptions and appeals.

Whenever a code adopted by the county in article II, division 2 of this chapter provides for a board, commission, or committee to hear and decide appeals, special exceptions or variances, such appeal, special exception or variance shall be heard by the county board of zoning appeals created pursuant to section 2:3 of the county zoning ordinance. To the greatest extent practical the board of zoning appeals shall hear such appeal, special exception or variance under its rules adopted by state law or in the zoning ordinance of the county to the greatest extent practical consistent with specific requirements of the code under which the appeal, special exception or variance is to be heard.
(Ord. No. 11-11, § 1, 5-16-11)

Sec. 6-69. Reserved.

ARTICLE III. PERMITS

Sec. 6-70. Penalties.

(a) *Interference with building official.* The county building official shall have access to all construction projects. There shall be assessed the penalty provided in section 1-8 for interfering with the building inspector during normal business hours or while construction work is actually in progress.

***Editor's note—**Ord. No. 11-11, § 1, adopted May 16, 2011, enacted provisions intended for use as division 3, § 6-60. Inasmuch as there are already provisions so designated, and at the discretion of the editor, said provisions have been redesignated as division 4, § 6-68.

(b) *Understating value.* There shall be a penalty for understating value where the discrepancy is 25 percent or more in the applicant's statement of valuation on permit applications and the county tax assessor's valuation. An understatement which is 25 percent or more shall be prima facie evidence of willful understatement.

(c) *Construction without a permit.* Construction without a permit shall be punishable in accordance with section 1-8.
(Ord. of 4-15-85(1), § 3)

Sec. 6-71. Building permit fee schedule.

(a) The schedule of fees for permits for building, construction and repair of buildings and structures in the jurisdictional parts of the county, shall be those rates as set out in Appendix B of the Standard Building Code, adopted herewith in its entirety, latest edition and amendments, save and except such portions as may be hereinafter amended, of which not less than three copies have been and are now filed in the office of the county council is hereby adopted and incorporated as fully as if set forth at length in this article.

(b) The basis for valuation of building permit fees shall be as follows:

Sheet V-1, dated February 25, 1995 as prepared by the county building department, titled "Valuation For Building Department Fees" is hereby adopted and incorporated into the buildings and building regulations, chapter 6, article III, section 6-71, and shall serve as the basis for valuation for building permit fees, unless updated by ordinance of the county.
(Ord. of 8-7-95)

Sec. 6-72. Reserved.

Editor's note—An ordinance adopted Aug. 7, 1995, repealed § 6-72 in its entirety. Formerly, such section pertained to fees for churches and county affiliated buildings waived and derived from Ord. of 8-1-77.

Sec. 6-73. Mobile home placement permit.

Prior to any manufactured home or mobile home being placed on any lot or parcel of land in Jasper County, the mobile home dealer, the owner of the mobile home, or the mobile home transporter shall make application for a placement permit with the county building codes department. Said application shall indicate the proposed location of the mobile home in Jasper County and, as applicable, be supported by surveys, deeds, and/or other materials such that a determination can be made that the placement is acceptable to the county with regard to the following:

(1) Access to a publicly maintained road to include an encroachment permit from the state or county as appropriate. Should the mobile home not have direct access to a publicly maintained road, the placement permit shall so indicate that no public maintenance is provided, expected or anticipated on the access road to the mobile home.

(2) Compliance with Jasper County regulations regarding the subdivision of land.

(3) Identification of the parcel as to tax map number and location within the floodplain as determined by reference to the flood insurance rate map (FIRM) and/or flood hazard boundary maps (FHBM) for Jasper County. Where floodplain location is determined, the placement permit shall indicate the minimum floor elevation required.

A placement permit must be obtained prior to making application for a mobile home permit from the county. The fee for the placement permit shall be $10.00. The placement permit shall be valid for a period of not more than 180 days. The placement permit shall be displayed so as to be readily visible from the rear while the mobile home is being transported. Issuance of a placement permit shall not supersede the need for the mobile home owner to obtain any other required permits from the county or state, as applicable.

For the purposes of this section, a mobile home or manufactured home shall be defined as a structure, transportable in one or more sections, which, in the traveling mode, is eight feet or more in width or 40 feet or more in length, or when installed on site, is 320 square feet or more in size; and which is built on a permanent chassis and intended to be used for a dwelling with or without a permanent foundation when connected to the required utilities.

Anyone violating the provisions of this section shall be deemed guilty of a misdemeanor and subject to a fine of not more than $500.00 and/or imprisonment not more then 30 days. Each day that a violation exists and remains uncured shall be considered a separate offense.
(Ord. of 4-20-98, § 1)

Sec. 6-74. Reserved.

Editor's note—Ord. No. 08-01, § 2, adopted Jan. 22, 2008, repealed § 6-74 in its entirety. Former § 6-74 pertained to removal, disposal, or repair of sub-standard mobile homes and derived from Ord. No. 03-14, § 1, adopted June 2, 2003.

Sec. 6-75. Minimum habitability standards for mobile homes.

The following shall be the minimum standards for used mobile homes in Jasper County:

(1) Every mobile home shall have an appropriate numbered tax sticker issued from the Jasper County Assessor's office permanently affixed to a roadside window, easily readable from the exterior; and

(2) Every mobile home in Jasper County shall comply with applicable flood management requirements; and

(3) Section 19-425.43.B (1) through (15 B) of the regulations of the South Carolina Manufactured Housing Board, as authorized by Section 40-29-10 (D) (3) of the Code of Laws of South Carolina, 1976, as amended, shall govern minimum requirements for any and all used mobile homes located in Jasper County until this article is superseded or repealed.

(4) Any mobile home converted for the use of storage shall meet the following requirements: The roof, exterior walls, windows, doors, floors and structure shall meet the minimum requirements as above in the minimum habitability standards, and the home shall be blocked and anchored to resist shifting and overturn in high wind conditions. All plumbing pipes shall be capped with fittings to

seal drains and supply pipes. Such unit shall have it's own electrical service, and same shall be in a safe condition. Such use shall meet the requirements of the county's flood management ordinance. Such mobile home shall not be suitable for human habitation.

(5) No mobile home shall house a commercial use accessible by the public.

(6) Enforcement; intent. The intent of this section shall not be to displace any person living in or residing in any manufactured home, but to facilitate the removal of derelict mobile homes for the benefit of the citizens of Jasper County.

a. Any owner of a mobile home in violation of any of the above requirements shall be so notified in writing of such violation, and if said violations are not corrected within a specified period of time, not to exceed 60 days, then the remedies of section 6-74 shall be applied to the particular home, or property, as applicable.

b. Failure of the owner to correct the deficiencies noted in the inspection report, or in an order of the court, or failure to allow access to the mobile home, or property, for inspection or removal of same, shall constitute a misdemeanor, punishable at the discretion of the court, but not more than a fine of $500.00, or imprisoned for 30 days, or both. Each day such violation continues after notice, shall constitute a separate offense.

(Ord. No. 03-14, § 1, 6-2-03)

Secs. 6-76—6-99. Reserved.

ARTICLE IV. FLOOD DAMAGE PREVENTION

DIVISION 1. GENERAL STANDARDS

Sec. 6-100. Statutory authorization.

The Legislature of the State of South Carolina has in S.C. Code of Laws, Title 4, Chapters 9 (Article 1), 25, and 27, and amendments thereto, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.
(Ord. No. 07-45, § 1, 10-15-07)

Sec. 6-101. Findings of fact.

The special flood hazard areas of the county are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. Furthermore, these flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages.
(Ord. No. 07-45, § 1, 10-15-07)

Sec. 6-102. Statement of purpose and objectives.

It is the purpose of this article to protect human life and health, minimize property damage, and encourage appropriate construction practices to minimize public and private losses due to flood conditions by requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction. Uses of the floodplain which are dangerous to health, safety, and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion are restricted or prohibited. These provisions attempt to control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters, and control filling, grading, dredging and other development which may increase flood damage or erosion. Additionally, the article prevents or regulates the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

The objectives of this article are to protect human life and health, 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 flood blight areas, and to insure that potential home buyers are notified that property is in a flood area. The provisions of the article; are intended to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets and bridges located in the floodplain, and prolonged business interruptions. Also, an important floodplain management objective of this article is to minimize expenditure of public money for costly flood control projects and rescue and relief efforts associated with flooding.

Floodplains are an important asset to the community. They perform vital natural functions such as temporary storage of floodwaters, moderation of peak flood flows, maintenance of water quality, groundwater recharge, prevention of erosion, habitat for diverse natural wildlife populations, recreational opportunities, and aesthetic quality. These functions are best served if floodplains are kept in their natural state. Wherever possible, the natural characteristics of floodplains and their associated wetlands and water bodies should be preserved and enhanced. Decisions to alter floodplains, especially floodways and stream channels, should be the result of careful planning processes that evaluate resource conditions and human needs.
(Ord. No. 07-45, § 1, 10-15-07)

Sec. 6-103. Lands to which this article applies.

This article shall apply to all areas of special flood hazard within the jurisdiction of Jasper County as identified by the Federal Emergency Management Agency in its Flood Insurance Study, dated September 29, 1986 with accompanying maps and other supporting data that are hereby adopted by reference and declared to be a part of this article. Upon annexation any special flood hazard areas identified by the Federal Emergency Management Agency in its flood insurance study for the unincorporated areas of Jasper County, with accompanying map and other data are adopted by reference and declared part of this article.
(Ord. No. 07-45, § 1, 10-15-07)

Sec. 6-104. Establishment of development permit.

A development permit shall be required in conformance with the provisions of this article prior to the commencement of any development activities.
(Ord. No. 07-45, § 1, 10-15-07)

Sec. 6-105. Compliance.

No structure or land shall hereafter be located, extended, converted, or structurally altered without full compliance with the terms of this article and other applicable regulations.
(Ord. No. 07-45, § 1, 10-15-07)

Sec. 6-106. Interpretation.

In the interpretation and application of this article all provisions shall be considered as minimum requirements, liberally construed in favor of the governing body, and deemed neither to limit nor repeal any other powers granted under state law. This article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this article and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
(Ord. No. 07-45, § 1, 10-15-07)

Sec. 6-107. Partial invalidity and severability.

If any part of this article is declared invalid, the remainder of the article shall not be affected and shall remain in force.
(Ord. No. 07-45, § 1, 10-15-07)

Sec. 6-108. Warning and disclaimer of liability.

The degree of flood protection required by this article 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 manmade or natural causes. This article 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 article shall not create liability on the part of the county or by any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made hereunder.
(Ord. No. 07-45, § 1, 10-15-07)

Sec. 6-109. Penalties for violation.

Violation of the provisions of this article or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this article or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more that $500.00 or imprisoned for not more than 30 days, or both. Each day the violation continues shall be considered a separate offense. Nothing herein contained shall prevent the county from taking such other lawful action as is necessary to prevent or remedy any violation.
(Ord. No. 07-45, § 1, 10-15-07)

Secs. 6-110—6-119. Reserved.

DIVISION 2. DEFINITIONS

Sec. 6-120. General.

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

Accessory structure. Structures that are located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

Addition (to an existing building). An extension or increase in the floor area or height of a building or structure. Additions to existing buildings shall comply with the requirements for new construction regardless as to whether the addition is a substantial improvement or not. Where a firewall or load-bearing wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and must comply with the standards for new construction.

Agricultural structure. A structure used solely for agricultural purposes in which the use is exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock. Agricultural structures are not exempt from the provisions of this article.

Appeal. A request for a review of the local administrator's interpretation of any provision of this article.

Area of shallow flooding. A designated AO or VO zone on a community's flood insurance rate map (FIRM) with base flood depths of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of special flood hazard. The land in the floodplain within a community subject to a one percent or greater chance of being equaled or exceeded in any given year.

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

Basement. Any enclosed area of a building that is below grade on all sides.

Building. Any structure built for support, shelter, or enclosure for any occupancy or storage.

Coastal high hazard area. An area of special flood hazard extending from offshore to the inland limit of the primary frontal dune along an open coast and any other area subject to velocity wave action from storms or seismic sources.

Critical development. Development that is critical to the community's public health and safety is essential to the orderly functioning of a community, store or produce highly volatile, toxic or water-reactive materials, or house occupants that may be insufficiently mobile to avoid loss of life or injury. Examples of critical development include jails, hospitals, schools, fire stations, nursing homes, wastewater treatment facilities, water plants, and gas/oil/propane storage facilities.

Development. Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

Elevated building. 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, piers, or shear walls parallel to the flow of water.

Executive Order 11988 (Floodplain Management). Issued by President Carter in 1977, this order requires that no federally assisted activities be conducted in or have the potential to affect identified special flood hazard areas, unless there is no practicable alternative.

Existing construction. For the purposes of determining rates, structures for which the start of construction commenced before the effective date of the FIRM, or before January 1, 1975, for FIRMs effective before that date.

Existing manufactured home park or manufactured home subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before November 22, 2002.

Expansion to an existing manufactured home park or subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs).

Flood. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or trial waters, or the unusual and rapid accumulation of runoff of surface waters from any source.

Flood hazard boundary map (FHBM). An official map of a community, 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). An official map of a community, 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. 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.

Flood-resistant material. Any building material capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is water-soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumbers are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not flood-resistant. Please refer to Technical Bulletin 2-93, Flood-Resistant Materials for Buildings Located in special flood hazard areas in Accordance with the

National Flood Insurance Program, document number FIA-TB-2, dated 4/93, and available from the Federal Emergency Management Agency. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

Floodway. 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.

Floodproofing. Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved property, water and sanitary facilities, structures, or their contents.

Freeboard. A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

Functionally dependent facility. A facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

Highest adjacent grade. The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure.

Historic structure. Any structure that is: (a) listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of the Interior (DOI)) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a State inventory of historic places; (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified (1) by an approved State program as determined by the Secretary of Interior, or (2) directly by the Secretary of Interior in states without approved programs. Some structures or districts listed on the State or local inventories may not be "Historic" as cited above, but have been included on the inventories because it was believed that the structures or districts have the potential for meeting the "Historic" structure criteria of the DOI. In order for these structures to meet NFIP historic structure criteria, it must be demonstrated and evidenced that the South Carolina Department of Archives and History has individually determined that the structure or district meets DOI historic structure criteria.

Increased cost of compliance (ICC). Applies to all new and renewed flood insurance policies effective on and after June 1, 1997. The NFIP shall enable the purchase of insurance to cover the cost of compliance with land use and control measures established under Section 1361. It provides coverage for the payment of a claim to help pay for the cost to comply with State or community floodplain management laws or ordinances after a flood event in which a building has been declared substantially or repetitively damaged.

Limited storage. An area used for storage and intended to be limited to incidental items that can withstand exposure to the elements and have low flood damage potential. Such an area must be of flood resistant or breakaway material, void of utilities except for essential lighting and cannot be temperature controlled. If the area is located below the base flood elevation in an A, AE and A1-A30 zone it must meet the requirements of subsection 6-140(4) of this article. If the area is located below the base flood elevation in a V, VE and V1-V30 zone it must meet the requirements of section 6-145 of this article.

Lowest adjacent grade (LAG). Is an elevation of the lowest ground surface that touches any of the exterior walls of a building or proposed building walls.

Lowest floor. The lowest floor of the lowest enclosed area. Any unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor provided that such an enclosure is not built so as to render the structure in violation of other provisions of this article.

Manufactured home. A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

Manufactured home park or subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean sea level. The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this article, the term is synonymous with National Geodetic Vertical Datum (NGVD).

National Geodetic Vertical Datum (NGVD). As corrected in 1929, elevation reference points set by National Geodetic Survey based on mean sea level.

North American Vertical Datum (NAVD). Datum point established at Pointe-au-Pere on the St. Lawrence River, Quebec Province, Canada, based on the mass or density of the earth. The datum listed as the reference datum on flood insurance rate maps should be used for elevation certificate and floodproofing certificate completion.

New construction. Structure for which the start of construction commenced after (the effective date of the first floodplain management code, ordinance, or standard based upon specific technical base flood elevation data which establishes the area of special flood hazard) or (specific date). The term also includes any subsequent improvements to such structure.

New manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs) is completed on or September 15, 1986.

Primary frontal dune. A continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and subject to erosion and overtopping from high tides and waves during coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

Recreational vehicle. A vehicle which is: (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and, (d) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

Repetitive loss. A building covered by a contract for flood insurance that has incurred flood-related damages on two occasions during a ten-year period ending on the date of the event for which a second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25 percent of the market value of the building at the time of each such flood event.

Section 1316 of the National Flood insurance Act of 1968. The act provides that no new flood insurance shall be provided for any property found by the Federal Emergency Management Agency to have been declared by a state or local authority to be in violation of state or local ordinances.

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, rehabilitation, addition, 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 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. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

Structure. A walled and roofed building, a manufactured home, including a gas or liquid storage tank, or other man-made facility or infrastructure that is principally above ground.

Substantial damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Such repairs may be undertaken successively and their costs counted cumulatively. Please refer to the definition of "substantial improvement".

Substantial improvement. Any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures that have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

(1) Any project of improvement to a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions (does not include American with Disabilities Act compliance standards); or,

(2) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

(3) Permits shall be cumulative for a period of five years. If the improvement project is conducted in phases, the total of all costs associated with each phase, beginning with the issuance of the first permit, shall be utilized to determine whether "substantial improvement" will occur.

Substantially improved existing manufactured home park or subdivision. Where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction, or improvement commenced.

Variance. A grant of relief from a term or terms of this article.

Violation. The failure of a structure or other development to be fully compliant with these regulations. (Ord. No. 07-45, § 1, 10-15-07)

Secs. 6-121—6-129. Reserved.

DIVISION 3. ADMINISTRATION

Sec. 6-130. Designation of local administrator.

The development services representative is hereby appointed to administer and implement the provisions of this article.
(Ord. No. 07-45, § 1, 10-15-07)

Sec. 6-131. Adoption of letter of map revisions (LOMR).

Adopt all LOMRs that are issued in the areas identified in section 6-103 of this article.
(Ord. No. 07-45, § 1, 10-15-07)

Sec. 6-132. Designation of party responsible for biennial report.

The development services representative is hereby designated as the part responsible to submit the biennial report to FEMA.
(Ord. No. 07-45, § 1, 10-15-07)

Sec. 6-133. Development permit and certification requirements.

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

(1) A plot plan that shows the 100-year floodplain contour or a statement that the entire lot is within the floodplain must be provided by the development permit applicant when the lot is within or appears to be within the floodplain as mapped by the Federal Emergency Management Agency or the floodplain identified pursuant to either the duties and responsibilities of the local administrators of subsection 6-134(11) or the standards for subdivision proposals of subsection 6-141(12) and the standards for streams without estimated base flood elevations and/or floodways of section 6-147.

The plot plan must be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by it. The plot plan must show the floodway, if any, as identified by the Federal Emergency Management Agency or the floodway identified pursuant to either the duties or responsibilities of the local administrators of subsection 6-134(11) or the standards for subdivision proposals of subsection 6-141(12) and the standards for streams without estimated base flood elevations and/or floodways of section 6-142.

(2) Where base flood elevation data is provided as set forth in section 6-103 or the duties and responsibilities of the local administrators of subsection 6-134(11) the application for a development permit within the flood hazard area shall show:

a. The elevation (in relation to mean sea level) of the lowest floor of all new and substantially improved structures, and

b. If the structure will be floodproofed in accordance with the non-residential construction requirements of subsection 6-141(2) the elevation (in relation to mean sea level) to which the structure will be floodproofed.

(3) *Where base flood elevation data is not provided:* If no base flood elevation data is provided as set forth in section 6-103 or the duties and responsibilities of the local administrators of subsection 6-134(11), then the provisions in the standards for streams without estimated base flood elevations and/or floodways of section 6-142 must be met.

(4) *Alteration of watercourse:* Where any watercourse will be altered or relocated as a result of proposed development, the application for a development permit shall include: a description of the extent of watercourse alteration or relocation; an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and, a map showing the location of the proposed watercourse alteration or relocation.

(b) *Certifications.*

(1) *Floodproofing certification.* When a structure is floodproofed, the applicant shall provide certification from a registered, professional engineer or architect that the non-residential, floodproofed structure meets the floodproofing criteria in the non-residential construction requirements of subsection 6-141(2).

(2) *Certification during construction.* A lowest floor elevation or floodproofing certification is required after the lowest floor is completed. As soon as possible after completion of the lowest floor and before any further vertical construction commences, or floodproofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the local administrator a certification of the elevation of the lowest floor, or floodproofed elevation, 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 it. Any work done prior to submission of the certification shall be at the permit holder's risk. The local administrator shall review the floor elevation survey data submitted. The permit

holder immediately and prior to further progressive work being permitted to proceed shall correct deficiencies detected by such review. 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.

(3) *V-zone certification.* When a structure is located in zones V, VE, or V1-30, certification shall be provided from a registered professional engineer or architect, separate from submitted plans, that new construction or substantial improvement meets the criteria for the coastal high hazard areas outlined in section 6-144.

(4) *As-built certification.* Upon completion of the development a registered professional engineer, land surveyor or architect, in accordance with South Carolina law, shall certify according to the requirements of subsections a, b and c that the development is built in accordance with the submitted plans and previous pre-development certifications.

(Ord. No. 07-45, § 1, 10-15-07)

Sec. 6-134. Duties and responsibilities of the local administrator.

Duties of the local administrator shall include, but not be limited to:

(1) *Permit review.* Review all development permits to assure that the requirements of this article have been satisfied.

(2) *Requirement of federal and/or state permits.* Advise permittee that additional federal or state permits may be required, and if specific federal or state permits are known, require that copies of such permits be provided and maintained on file with the development permit.

(3) *Watercourse alterations.*

a. Notify adjacent communities and the South Carolina Department of Natural Resources, Land Resources and Conservation Districts Division, State Coordinator for the National Flood Insurance Program, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

b. In addition to the notification required watercourse alterations per subsection (3)a. written reports of maintenance records must be maintained to show that maintenance has been provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished. This maintenance must consist of a comprehensive program of periodic inspections, and routine channel clearing and dredging, or other related functions. The assurance shall consist of a description of maintenance activities, frequency of performance, and the local official responsible for maintenance performance. Records shall be kept on file for FEMA inspection.

c. If the proposed project will impact the configuration of the watercourse, floodway, or base flood elevation for which a detailed flood insurance study has been developed, the applicant shall apply for and must receive approval for a conditional letter of map revision with the Federal Emergency Management Agency prior to the start of actual construction.

d. Within 60 days of completion of an alteration of a watercourse, referenced in the certification requirements of subsection 6-133(2)d.1., the applicant shall submit as-built certification, by a registered professional engineer, to the Federal Emergency Management Agency.

(4) *Floodway encroachments.* Prevent encroachments within floodways unless the certification and flood hazard reduction provisions of subsection 6-141(5) are met.

(5) *Development proposals.* Require development proposals for proposed developments prior to signing off on and CLOMRs or LOMRs.

(6) *Adjoining floodplains.* Cooperate with neighboring communities with respect to the management of adjoining floodplains and/or flood-related erosion areas in order to prevent aggravation of existing hazards.

(7) *Notifying adjacent communities.* Notify adjacent communities prior to permitting substantial commercial developments and large subdivisions to be undertaken in areas of special flood hazard and/or flood-related erosion hazards.

(8) *Certification requirements.*

a. Obtain and review actual elevation (in relation to mean sea level) of the lowest floor of all new or substantially improved structures, in accordance with administrative procedures outlined in subsection 6-133(2)b. or the coastal high hazard area requirements outlined in subsection 6-145(5).

b. Obtain the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been floodproofed, in accordance with the floodproofing certification outlined in subsection 6-141(2).

c. When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the non-residential construction requirements outlined in subsection 6-141(2).

d. A registered professional engineer or architect shall certify that the design, specifications and plans for construction are in compliance with the provisions contained in the coastal high hazard area requirements outlined in subsection 6-145(4), (6) and (8) of this article.

(9) *Map interpretation.* Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), 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 section.

(10) *Prevailing authority.* Where a map boundary showing an area of special flood hazard and field elevations disagree, the base flood elevations for flood protection elevations (as found on an elevation profile, floodway data table, etc.) shall prevail. The correct information should be submitted to FEMA as per the map maintenance activity requirements outlined in subsection 6-141(7)b.

(11) *Use of best available data.* When base flood elevation data or floodway data has not been provided in accordance with section 6-103, obtain, review, and reasonably utilize best available base flood elevation data and floodway data available from a federal, state, or other source, including data developed pursuant to the standards for subdivision proposals outlined in subsection 6-141(13), in order to administer the provisions of this article. Data from preliminary, draft, and final Flood

Insurance Studies constitutes best available data from a federal, state, or other source. Data must be developed using hydraulic models meeting the minimum requirement of NFIP approved model. If an appeal is pending on the study in accordance with 44 CFR Ch. 1, Part 67.5 and 67.6, the data does not have to be used.

(12) *Special flood hazard area/topographic boundaries conflict.* When the exact location of boundaries of the areas special flood hazards conflict with the current, natural topography information at the site the property owner may apply and be approved for a letter of map amendment (LOMA) by FEMA. The local administrator in the permit file will maintain a copy of the letter of map amendment issued from FEMA.

(13) *On-site inspections.* Make on-site inspections of projects in accordance with the administrative procedures outlined in subsection 6-135(4).

(14) *Administrative notices.* Serve notices of violations, issue stop-work orders, revoke permits and take corrective actions in accordance with the administrative procedures in section 6-135.

(15) *Records maintenance.* Maintain all records pertaining to the administration of this article and make these records available for public inspection.

(16) *Annexations and detachments.* Notify the South Carolina Department of Natural Resources Land, Water and Conservation Division, within six months, of any annexations or detachments that include special flood hazard areas. The community must incorporate applicable maps from surrounding jurisdictions into this article within 90 days of date of the annexation.

(17) *Federally funded development.* The president issued Executive Order 11988, Floodplain Management May 1977. E.O. 11988 directs federal agencies to assert a leadership role in reducing flood losses and losses to environmental values served by floodplains. Proposed developments must go through an eight-step review process. Evidence of compliance with the executive order must be submitted as part of the permit review process.

(18) *Substantial damage determination.* Perform an assessment of damage from any origin to the structure using FEMA's Residential Substantial Damage Estimator (RSDE) software to determine if the damage equals or exceeds 50 percent of the market value of the structure before the damage occurred.

(19) *Substantial improvement determinations.* Perform an assessment of permit applications for improvements or repairs to be made to a building or structure equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. Cost of work counted for determining if and when substantial improvement to a structure occurs shall be cumulative for a period of five years. If the improvement project is conducted in phases the total of all cost associated with each phase, beginning with the issuance of the first permit, shall be utilized to determine whether "substantial improvement" will occur.

a. *Methods of market value determination.* The market values shall be determined by one of the following methods:

1. The current assessed building value as determined by the county's assessor's office or the value of an appraisal performed by a licensed appraiser at the expense of the owner; or,

2. One or more certified appraisals from a registered professional licensed appraiser in accordance with the laws of South Carolina. The appraisal shall indicate actual replacement value of the building or structure in its pre-improvement condition, less depreciation for functionality and obsolescence and site improvements. The Marshall & Swift Residential Cost Handbook shall be used to determine costs for buildings or structures.
3. Real estate purchase contract within 12 months prior to the date of the application for a permit.

(Ord. No. 07-45, § 1, 10-15-07)

Sec. 6-135. Administrative procedures.

(a) *Inspections of work in progress:* As the work pursuant to a permit progresses, the local administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the administrator has a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction at any reasonable hour for the purposes of inspection or other enforcement action.

(b) *Stop-work orders:* Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this article, the administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.

(c) *Revocation of permits:* The local administrator may revoke and require the return of the development permit by notifying the permit holder in writing, stating the reason for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of state or local laws; or for false statements or misrepresentations made in securing the permit. Any permit mistakenly issued in violation of an applicable state or local law may also be revoked.

(d) *Periodic inspections:* The local administrator and each member of his inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

(e) *Violations to be corrected:* When the local administrator finds violations of applicable state and local laws, it shall be his duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law on the property he owns.

(f) *Actions in event of failure to take corrective action:* If the owner of a building or property shall fail to take prompt corrective action, the administrator shall give him written notice, by certified or registered mail to his last known address or by personal service, that:

(1) The building or property is in violation of the flood damage prevention ordinance,

(2) A hearing will be held before the local administrator at a designated place and time, not later than ten days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and

(3) Following the hearing, the local administrator may issue such order to alter, vacate, or demolish the building; or to remove fill as appears appropriate.

(g) *Order to take corrective action:* If, upon a hearing held pursuant to the notice prescribed above, the administrator shall find that the building or development is in violation of the flood damage prevention ordinance, he shall make an order in writing to the owner, requiring the owner to remedy the violation within such period, not less than 60 days, the administrator may prescribe; provided that where the administrator finds that there is imminent danger to life or other property, he may order that corrective action be taken in such lesser period as may be feasible.

(h) *Appeal:* Any owner who has received an order to take corrective action may appeal from the order to the local elected governing body by giving notice of appeal in writing to the administrator and the clerk within ten days following issuance of the final order. In the absence of an appeal, the order of the administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

(i) *Failure to comply with order:* If the owner of a building or property fails to comply with an order to take corrective action from which no appeal has been taken, or fails to comply with an order of the governing body following an appeal, he shall be guilty of a misdemeanor and shall be punished in the discretion of the court.

(j) *Denial of flood insurance under the NFIP:* If a structure is declared in violation of this article and the violation is not remedied then the local administrator shall notify the Federal Emergency Management Agency to initiate a Section 1316 of the National Flood insurance Act of 1968 action against the structure upon the finding that the violator refuses to bring the violation into compliance with the ordinance. Once a violation has been remedied the local administrator shall notify FEMA of the remedy and ask that the Section 1316 be rescinded.

(k) The following documents are incorporated by reference and may be used by the local administrator to provide further guidance and interpretation of this article as found on FEMA's website at www.fema.gov:

(1) FEMA 55 Coastal Construction Manual.

(2) All FEMA Technical Bulletins.

(3) All FEMA Floodplain Management Bulletins.

(4) FEMA 348 Protecting Building Utilities from Flood Damage.

(5) FEMA 499 Home Builder's Guide To Coastal Construction Technical Fact Sheets.

(Ord. No. 07-45, § 1, 10-15-07)

Secs. 6-136—6-139. Reserved.

DIVISION 4. PROVISIONS FOR FLOOD HAZARD REDUCTION

Sec. 6-140. General standards.

Development may not occur in the floodplain where alternative locations exist due to the inherent hazards and risks involved. Before a permit is issued, the applicant shall demonstrate that new structures cannot be located out of the floodplain and that encroachments onto the floodplain are minimized. In all areas of special flood hazard the following provisions are required:

(1) *Anchoring.* All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

(2) *Flood resistant materials and equipment.* All new construction and substantial improvements shall be constructed with flood resistant materials and utility equipment resistant to flood damage.

(3) *Minimize flood damage.* All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damages.

(4) Critical development shall be elevated to the 500-year flood elevation or be elevated to the highest known historical flood elevation (where records are available), whichever is greater. If no data exists establishing the 500-year flood elevation or the highest known historical flood elevation, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates 500-year flood elevation data.

(5) *Utilities.* Electrical, ventilation, plumbing, heating and air conditioning equipment (including ductwork), 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 the base flood plus two feet. This requirement does not preclude the installation of outdoor faucets for shower heads, sinks, hoses, etc., as long as cut off devices and back flow devices are installed to prevent contamination to the service components and thereby minimize any flood damages to the building.

(6) *Water supply systems.* All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

(7) *Sanitary sewage systems.* New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters, On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

(8) *Gas or liquid storage tanks.* All gas or liquid storage tanks, either located above ground or buried, shall be anchored to prevent flotation or lateral movement resulting from hydrodynamic and hydrostatic loads.

(9) *Alteration, repair, reconstruction, or improvements.* Any alteration, repair, reconstruction, or improvement to a structure that is in compliance with the provisions of this article, shall meet the requirements of "new construction" as contained in this article. This includes post-FIRM development and structures.

(10) *Nonconforming buildings or uses.* Nonconforming buildings or uses may not be enlarged, replaced, or rebuilt unless such enlargement or reconstruction is accomplished in conformance with the

provisions of this article. Provided, however, nothing in this article shall prevent the repair, reconstruction, or replacement of an existing building or structure located totally or partially within the floodway, provided that the bulk of the building or structure below base flood elevation in the floodway is not increased and provided that such repair, reconstruction, or replacement meets all of the other requirements of this article,

(11) *American with Disabilities Act (ADA).* A building must meet the specific standards for floodplain construction outlined in section 6-141, as well as any applicable ADA requirements. The ADA is not justification for issuing a variance or otherwise waiving these requirements. Also, the cost of improvements required to meet the ADA provisions shall be included in the costs of the improvements for calculating substantial improvement.

(Ord. No. 07-45, § 1, 10-15-07)

Sec. 6-141. Specific standards.

In all areas of special flood hazard (zones A, AE, AH, AO, A1-30, V, and VE) where base flood elevation data has been provided, as set forth in Article I.D. or outlined in the Duties and Responsibilities of the Local Administrator Article III.E. the following provisions are required:

(1) *Residential construction.* New construction or substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor elevated no lower than two feet above the base flood elevation. No basements are permitted. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the elevated buildings requirements in subsection (4).

(2) *Non-residential construction.* New construction or substantial improvement of any commercial, industrial, or non-residential structure (including manufactured homes) shall have the lowest floor elevated no lower than two feet above the level of the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the elevated buildings requirements in subsection (4). No basements are permitted. Structures located in A-zones may be floodproofed in lieu of elevation provided that all areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, using 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 certifications shall be provided to the official as set forth in the floodproofing certification requirements in subsection 6-133(2)a. A variance may be considered for wet-floodproofing agricultural structures in accordance with the criteria outlined in section 6-153 of this article. Agricultural structures not meeting the criteria of section 6-153 must meet the non-residential construction standards and all other applicable provisions of this article. Structures that are floodproofed are required to have an approved maintenance plan with an annual exercise. The local administrator must approve the maintenance plan and notification of the annual exercise shall be provided to it.

(3) *Manufactured homes.*

a. Manufactured homes that are placed or substantially improved on sites outside a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, must be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated no lower than two feet above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

b. Manufactured homes that are to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to the provisions for residential construction in subsection (1) of this article must be elevated so that the lowest floor of the manufactured home is elevated no lower two feet than above the base flood elevation, and be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement.

c. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. For the purpose of this requirement, manufactured homes must be anchored to resist flotation, collapse, or lateral movement in accordance with Section 19-425.39 of the South Carolina Manufactured Housing Board Regulations, effective date May 25, 1990, as amended. Additionally, when the elevation requirement would be met by an elevation of the chassis at least 36 inches or less above the grade at the sight, reinforced piers or other foundation elements of at least equivalent strength shall support the chassis. When the elevation of the chassis is above 36 inches in height an engineering certification is required.

d. An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood-prone areas. This plan shall be filed with and approved by the local administrator and the local emergency preparedness coordinator.

(4) *Elevated buildings.* New construction or substantial improvements of elevated buildings that include fully enclosed areas that are usable solely for the parking of vehicles, building access, or limited storage in an area other than a basement, and which are subject to flooding shall be designed to preclude finished space and be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

1. Provide a minimum of two openings on different walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

2. The bottom of all openings shall be no higher than one foot above grade;

3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions; and

4. Fill placed around foundation walls must be graded so that the grade inside the enclosed area is equal to or higher than the adjacent grade outside the building on at least one side of the building.

b. *Hazardous velocities.* Hydrodynamic pressure must be considered in the design of any foundation system where velocity waters or the potential for debris flow exists. If flood velocities are excessive (greater than five feet per second), foundation systems other than solid foundations walls should be considered so that obstructions to damaging flood flows are minimized.

c. *Enclosures below BFE.*

1. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).

2. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, except to enclose a single storage area and must be void of utilities except for essential lighting as required, and cannot be temperature controlled.

3. One wet location switch and/or outlet connected to a ground fault interrupt breaker may be installed below the required lowest floor elevation specified in the specific standards outlined in subsections (1), (2) and (3).

4. All construction materials below the required lowest floor elevation specified in the specific standards outlined in subsections (1), (2) and (3) should be of flood resistant materials.

(5) *Floodways.* Located within areas of special flood hazard established in section 6-103, are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris and potential projectiles and has erosion potential. The following provisions shall apply within such areas:

a. No encroachments, including fill, new construction, substantial improvements, additions, and other developments shall be permitted unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood. Such certification and technical data shall be presented to the local administrator.

b. If subsection (5)a. is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of division 4 hereof.

c. Stream crossings for any purpose (i.e timber harvesting operations), if temporary, shall be permitted in accordance with floodway requirements of subsection (5) and the temporary development provisions of subsection (11). Otherwise, the development shall comply with all applicable flood hazard reduction provisions of division 4 hereof.

d. No manufactured homes shall be permitted, except in an existing manufactured 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 and the elevation standards of subsection (3) are met.

e. Permissible uses within floodways may include: general farming, pasture, outdoor plant nurseries, horticulture, forestry, wildlife sanctuary, game farm, and other similar agricultural, wildlife, and related uses. Also, lawns, gardens, play areas, picnic grounds, and hiking and horseback riding trails are acceptable uses, provided that they do not employ structures or fill. Substantial development of a permissible use may require a no-impact certification. The uses listed in this subsection are permissible only if and to the extent that they do not cause any increase in base flood elevations or changes to the floodway configuration.

(6) *Recreational vehicles.*

a. A recreational vehicle is ready for highway use if it is:

1. On wheels or jacking system;

2. Attached to the site only by quick-disconnect type utilities and security devices; and

3. Has no permanently attached additions.

b. Recreational vehicles placed on sites shall either be:

1. On site for fewer than 180 consecutive days; and

2. Be fully licensed and ready for highway use, or meet the development permit and certification requirements of section 6-133, general standards outlined in section 6-140, and manufacture homes standards in subsection (3).

(7) *Map maintenance activities.* The National Flood Insurance Program requires flood data to be reviewed and approved by FEMA. This ensures that flood maps, studies and other data identified in section 6-103 accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:

a. *Requirement to submit new technical data.*

1. For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include:

(i) Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;

(ii) Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;

(iii) Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and

(iv) Subdivision or large scale development proposals requiring the establishment of base flood elevations in accordance with subsection (12)(d).

2. It is the responsibility of the applicant to have technical data, required in accordance with subsection (7), prepared in a format required for a conditional letter of map revision or letter of map revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall also be the responsibility of the applicant.

3. The floodplain administrator shall require a conditional letter of map revision prior to the issuance of a floodplain development permit for.

4. Proposed floodway encroachments that increase the base flood elevation.

5. Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.

6. Floodplain development permits issued by the floodplain administrator shall be conditioned upon the applicant obtaining a letter of map revision from FEMA for any development proposal subject to subsection (7).

7. Conditional letter of map revisions (CLOMR) and/or letters of map revision (LOMR) must go through the variance process outlined in division 5 hereof.

b. *Right to submit new technical data.* The floodplain administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the local jurisdiction and may be submitted at any time.

(8) *Accessory structures.*

a. A detached accessory structure or garage, the cost of which is greater than $3,000.00, must comply with the requirements as outlined in FEMA's Technical Bulletin 7-93 Wet Floodproofing Requirements or be elevated in accordance with subsections (1) and (4) or dry floodproofed in accordance with subsection (2).

b. When accessory structures of $3,000.00 or less are to be placed in the floodplain, the following additional criteria shall be met:

1. Accessory structures shall not be used for human habitation (including work, sleeping, living, cooking or restroom areas);

2. Accessory structures shall be designed to have low flood damage potential;

3. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;

4. Accessory structures shall be firmly anchored to prevent flotation, collapse or lateral movement of the structure;

5. Service facilities such as electrical and heating equipment shall be installed in accordance with subsection 6-140(5); and

6. Openings to relieve hydrostatic pressure during a flood shall be provided below base flood elevation in conformance with subsection (4)a.

(9) *Swimming pool utility equipment rooms.* If the building can not be built at or above the BFE, because of functionality of the equipment then a structure to house the utilities for the pool may be built below the BFE with the following provisions:

a. Meet the requirements for accessory structures in subsection (8).

b. The utilities must be anchored to prevent flotation and shall be designed to prevent water from entering or accumulating within the components during conditions of the base flood.

c. A variance may be granted to allow wet floodproofing of the structure.

(10) *Elevators.*

a. Install a float switch system or another system that provides the same level of safety is necessary for all elevators where there is a potential for the elevator cab to descend below the BFE during a flood per FEMA's Technical Bulletin 4-93 Elevator Installation for Buildings Located in Special Flood Hazard Areas.

b. All equipment that may have to be installed below the BFE such as counter weight roller guides, compensation cable and pulleys, and oil buffers for traction elevators and the jack assembly for a hydraulic elevator must be constructed using flood-resistant materials where possible per FEMA's Technical Bulletin 4-93 Elevator Installation for Buildings Located in Special Flood Hazard Areas.

(11) Temporary development certain types of structures (e.g. fruit stands, construction site offices, portable toilets, etc.) may be situated temporarily on flood-prone property without having to comply with the elevation or floodproofing criteria of subsection (1) and subsection (2), respectively, provided that the following criteria are met:

a. All applicants must submit to the local administrator, prior to the issuance of the development permit, a written plan for the removal of any temporary structures or development in the event of a hurricane or flash flood warning notification. The plan shall be reviewed and approved in writing, and must include the following information:

1. A specified time period for which the temporary use will be permitted;

2. The name, address and phone number of the individual responsible for the removal of temporary structures or development;

3. The time frame prior to the event at which any structures will be removed (i.e. minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);

4. A copy of the contract or other suitable instrument with a trucking company to insure the availability of removal equipment when needed;

5. Designation, accompanied by documentation, of a location outside the floodplain to which any temporary structure will be moved;

6. A determination of permanent structures which would be adversely affected by increased flooding upstream or downstream, and a method for covering this liability, such as a performance bond; and

7. A plan to restore the area to its natural condition once the temporary permit expires or the temporary use is terminated, whichever is first.

b. The structure is mobile, or can be made so, and is capable of being removed from the site with a maximum of four hours warning.

c. The structure will not remain on the property for more than 180 days.

(12) *Fill.* An applicant shall demonstrate that fill is the only alternative to raising the building to meet the residential and non-residential construction requirements of subsection (1) or (2), and that the amount of fill used will not affect the flood storage capacity or adversely affect adjacent properties. The following provisions shall apply to all fill placed in the special flood hazard area:

a. Fill may not be placed in the floodway unless it is in accordance with the requirements in subsection (5)a.

b. Fill may not be placed in tidal or non-tidal wetlands without the required state and federal permits.

c. Fill must consist of soil and rock materials only. A registered professional geotechnical engineer may use dredged material as fill only upon certification of suitability. Landfills, rubble fills, dumps, and sanitary fills are not permitted in the floodplain.

d. Fill used to support structures must comply with ASTM Standard D-698, and its suitability to support structures certified by a registered, professional engineer.

e. Fill slopes shall be no greater than two horizontal to one vertical. Fatter slopes may be required where velocities may result in erosion.

f. The use of fill shall not increase flooding or cause drainage problems on neighboring properties.

g. Fill may not be used for structural support in the coastal high hazard areas.

h. Will meet the requirements of FEMA Technical Bulletin 10-01, Ensuring That Structures Built On Fill In Or Near Special Flood Hazard Areas Are Reasonable Safe From Flooding.

(13) *Standards for subdivision proposals.*

a. All subdivision proposals shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations;

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 damage; and

d. In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and other proposed developments containing at least 50 lots or five acres, whichever is less.

e. If the areas of special flood hazard is identified as an area of open space and is deeded as such then a hydrologic and hydraulic engineering analysis that generates base flood elevations for the subdivision proposal would not be required.

f. The applicant shall meet the requirement to submit technical data to FEMA in subsection (7) when a hydrologic and hydraulic analysis is completed that generates base flood elevations.

(Ord. No. 07-45, § 1, 10-15-07)

Sec. 6-142. Standards for streams without established base flood elevations and/or floodways.

Located within the areas of special flood hazard (zones A and V) established in section 6-103, are small streams where no base flood data has been provided or where no floodways have been identified. The following provisions apply within such areas:

(1) No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within 100 feet of the stream bank unless certification with supporting technical data 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) If subsection (1) is satisfied and base flood elevation data is available from other sources, all new construction and substantial improvements within such areas shall comply with all applicable flood hazard ordinance provisions of division 4 and shall be elevated or floodproofed in accordance with elevations established in accordance with subsection 6-134(11).

(3) Data from preliminary, draft, and final flood insurance studies constitutes best available data. Refer to FEMA Floodplain Management Technical Bulletin 1-98 Use of Flood Insurance Study (FIS) Data as Available Data. If an appeal is pending on the study in accordance with 44 CFR Ch. 1, Part 67.5 and 67.6, the data does not have to be used.

(4) When base flood elevation data is not available from a federal, state, or other source one of the following methods may be used to determine a BFE. For further information regarding the methods for determining BFEs listed below refer to FEMA's manual Managing Floodplain Development in Approximate Zone A Areas.

a. *Contour interpolation.*

1. Superimpose approximate zone A boundaries onto a topographic map and estimate a BFE.

2. Add one-half of the contour interval of the topographic map that is used to the BFE.

b. *Data extrapolation.* A BFE can be determined if a site within 500 feet upstream of a reach of a stream reach for which a 100-year profile has been computed by detailed methods, and the floodplain and channel bottom slope characteristics are relatively similar to the downstream reaches.

c. *Hydrologic and hydraulic calculations.* Perform hydrologic and hydraulic calculations to determine BFEs using FEMA approved methods and software. These methods include, but are not limited to the following:

1. HEC-RAS 3.1.1 and up.

2. HEC-1 4.0.1 and up.

3. HEC-2 4.6.2.

4. HEC-HMS 1.1 and up.

5. FLO-2D.

6. QUICK-2.

7. SFD.

8. WSPRO.

(Ord. No. 07-45, § 1, 10-15-07)

Sec. 6-143. Standards for streams with established base flood elevations but without floodways.

Along rivers and streams where base flood elevation (BFE) data is provided but neither floodway are identified for a in the FIRM or in the FIS. The following provisions apply within such areas:

(1) No encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(Ord. No. 07-45, § 1, 10-15-07)

Sec. 6-144. Standards for areas of shallow flooding (AO zones).

Located within the areas of special flood hazard established in section 6-103, are areas designated as shallow flooding. The following provisions shall apply within such areas:

(1) All new construction and substantial improvements of residential structures shall have the lowest floor elevated to the depth number specified on the flood insurance rate map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor shall be elevated at least three feet above the highest adjacent grade.

(2) All new construction and substantial improvements of non-residential structures shall:

a. Have the lowest floor elevated to the depth number specified on the flood insurance rate map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor shall be elevated at least three feet above the highest adjacent grade; or,

b. Be completely floodproofed together with attendant utility and sanitary facilities to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

(Ord. No. 07-45, § 1, 10-15-07)

Sec. 6-145. Coastal high hazard areas (V-zones).

Located within the areas of special flood hazard established in section 6-103 or subsection 6-134(11) are areas designated as coastal high hazard areas. These areas have special flood hazards associated with wave wash. The following provisions shall apply within such areas:

(1) All buildings or structures shall be located landward of the first line of stable natural vegetation and comply with all applicable Department of Health and Environmental Control (DHEC) Ocean and Coastal Resource Management (OCRM) setback requirements.

(2) All buildings or structures shall be elevated so that the bottom of the lowest supporting horizontal member (excluding pilings or columns) is located no lower than two feet above the base flood elevation level, with all space below the lowest supporting member open so as not to impede the flow of water. Prior to construction, plans for any structures that will have lattice work or decorative screening must be submitted to the local administrator for approval. Open lattice work or decorative screening may be permitted for aesthetic purposes only and must be designed to wash away in the event of abnormal wave action and in accordance with subsection (8).

(3) All buildings or structures shall be securely anchored on pilings or columns, extending vertically below a grade of sufficient depth and the zone of potential scour, and securely anchored to the subsoil strata.

(4) All pilings and columns and the attached structures shall be anchored to resist flotation, collapse, lateral movement and scour due to the effect of wind and water loads acting simultaneously on all building components.

(5) A registered professional engineer or architect shall certify that the design, specifications and plans for construction are in compliance with the provisions contained in subsections (3), (4), (6), and (9).

(6) There shall be no fill used as structural support. Non-compacted fill may be used around the perimeter of a building for landscaping/aesthetic purposes provided the fill will wash out from storm surge, thereby rendering the building free of obstruction prior to generating excessive loading forces, ramping effects, or wave deflection. Only beach compatible sand may be used. The local administrator shall approve design plans for landscaping/aesthetic fill only after the applicant has provided an analysis by an engineer, architect, and/or soil scientist that demonstrates that the following factors have been fully considered:

a. Particle composition of fill material does not have a tendency for excessive natural compaction,

b. Volume and distribution of fill will not cause wave deflection to adjacent properties; and

c. Slope of fill will not cause wave run-up or ramping.

(7) There shall be no alteration of sand dunes that would increase potential flood damage.

(8) Lattice work or decorative screening shall be allowed below the base flood elevation provided they are not part of the structural support of the building and are designed so as to breakaway, under abnormally high tides or wave action, without damage to the structural integrity of the building on which they are to be used and provided the following design specifications are met:

a. No solid walls shall be allowed.

b. Breakaway wall material shall consist of wood or mesh screening only.

c. Design safe loading resistance of each breakaway wall shall be not less than ten nor more than 20 pounds per square foot; or

d. If more than 20 pounds per square foot, a registered professional engineer or architect shall certify that the design wall collapse would result from a water load less than that which would occur during the base flood event, and the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). The water loading values used shall be those associated with the base flood. The wind loading values used shall be those required by the IBC International Building Code.

e. Breakaway mall material shall be constructed with flood resistant materials.

(9) If aesthetic lattice work or screening is utilized, such enclosed space shall not be designed to be used for human habitation, but shall be designed to be used only for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises.

a. Only flood resistant materials shall be used below the required flood elevation specified in subsection 6-140(2).

b. One wet location switch and/or outlet connected to a ground fault interrupt breaker may be installed below the required lowest floor elevation specified in subsection 6-140(4).

c. The total area of an enclosed space shall not exceed 299 square feet per building.

(10) Any alteration, repair, reconstruction or improvement to a structure shall not enclose the space below the lowest floor except with lattice work or decorative screening, as provided for in subsection (8) and (9).

(11) No manufactured homes shall be permitted except in an existing manufactured 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 and elevation standards of subsection 6-141(3).

(12) Recreational vehicles shall be permitted in coastal high hazard areas provided that they meet the recreational vehicle criteria of subsection 6-141(6) and the temporary structure provisions of subsection 6-141(11).

(13) Temporary structures are permitted in accordance with subsection 6-141(11).

(14) Accessory structures, below the required lowest floor elevation specified in subsection (2) are prohibited except for the following:

a. *Swimming pools.*

1. They are installed at-grade or elevated so long as the pool will not act as an obstruction.

2. They must be structurally independent of the building and its foundation.

3. They may be placed beneath a coastal building only if the top of the pool and any accompanying decking or walkway are flush with the existing grade and only if the lower area remains unenclosed.

4. As part of the certification process for V-zone buildings the design professional must consider the effects that any of these elements will have on the building in question and any nearby buildings.

b. *Pool utility equipment rooms.*

1. If the building can not be built at or above the BFE, because of functionality of the equipment then a structure to house the utilities for the pool may be built below the BFE with the following provisions:

(i) It must be structurally independent from the main structure.

(ii) It must be built with breakaway walls.

(iii) The utilities must be anchored to prevent flotation and shall be designed to prevent water from entering or accumulating within the components during conditions of the base flood.

c. *Access stairs attached to or beneath an elevated building.*

1. Must be constructed of flood-resistant materials.

2. Must be constructed as open staircases so they do not block flow under the structure in accordance with 44CFR60.3(e)(5).

d. *Decks.*

1. If the deck is structurally attached to a building then the bottom of the lowest horizontal member must be at or above the elevation of the buildings lowest horizontal member.

2. If the deck is to be built below the BFE then it must be structurally independent of the main building and must not cause an obstruction.

3. If an at-grade, structurally independent deck is proposed then a design professional must evaluate the design to determine if it will adversely affect the building and nearby buildings.

e. *Elevators.*

1. Install a float switch system or another system that provides the same level of safety is necessary for all elevators where there is a potential for the elevator cab to descend below the BFE during a flood per FEMA's Technical Bulletin 4-93 Elevator Installation for Buildings Located in special flood hazard areas.

2. All equipment that may have to be installed below the BFE such as counter weight roller guides, compensation cable and pulleys, and oil buffers for traction elevators and the jack assembly for a hydraulic elevator must be constructed using flood-resistant materials where possible per FEMA's Technical Bulletin 4-93 Elevator Installation for Buildings Located in Special Flood Hazard Areas.

(15) Parking areas should be located on a stable grade under or landward of a structure. Any parking surface shall consist of gravel or ROC aggregate.

(16) Electrical, ventilation, plumbing, heating and air conditioning equipment (including ductwork), 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 base flood event plus two feet. This

requirement does not preclude the installation of outdoor faucets for shower heads, sinks, hoses, etc., as long as cut off devices and back flow devices are installed to prevent contamination to the service components and thereby minimize any flood damages to the building. No utilities or components shall be attached to breakaway walls.

(Ord. No. 07-45, § 1, 10-15-07)

Secs. 6-146—6-149. Reserved.

DIVISION 5. VARIANCE PROCEDURES

Sec. 6-150. Establishment of appeal board.

The board of zoning appeals as established by the county shall hear and decide requests for variances from the requirements of this article.

(Ord. No. 07-45, § 1, 10-15-07)

Sec. 6-151. Right to appeal.

Any person aggrieved by the decision of the appeal board or any taxpayer may appeal such decision to the court.

(Ord. No. 07-45, § 1, 10-15-07)

Sec. 6-152. Historic structures.

Variances may be issued for the repair of rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(Ord. No. 07-45, § 1, 10-15-07)

Sec. 6-153. Agricultural structures.

Variances may be issued to wet floodproof an agricultural structure in accordance with Technical Bulletin 7-93, Wet Floodproofing Requirements for Structures Located in Special Flood Hazard Areas in accordance with the National Flood Insurance Program, document number FIA-TB-7, dated 12/93, and available from the Federal Emergency Management Agency. In order to minimize flood damages during the base flood and the threat to public health and safety, the structure must meet all of the conditions and considerations of section 6-157, this section, and the following standards:

(1) Use of the structure must be limited to agricultural purposes as listed below:

a. Pole frame buildings with open or closed sides used exclusively for the storage of farm machinery and equipment;

b. Steel grain bins and steel frame corncribs;

c. General-purpose barns for the temporary feeding of livestock that are open on at least one side;

d. For livestock confinement buildings, poultry houses, dairy operations, and similar livestock operations, variances may not be issued for structures that were substantially damaged. New construction or substantial improvement of such structures must meet the elevation requirements of subsection 6-141(2) of this article; and

e. Detached garages and storage sheds solely used for parking and limited storage in connection with agricultural uses only, which are no greater than 400 square feet in area.

(2) The agricultural structure must be built or rebuilt, in the case of an existing building that is substantially damaged, with flood-resistant materials for the exterior and interior building components and elements below the base flood elevation.

(3) The agricultural structure must be adequately anchored to prevent flotation, collapse, or lateral movement. All of the structure's components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, hydrodynamic, and debris impact forces. Where flood velocities exceed five feet per second, fast-flowing floodwaters can exert considerable pressure on the building's enclosure walls or foundation walls.

(4) The agricultural structure must meet the venting requirement of subsection 6-141(4) of this article.

(5) Any mechanical, electrical, or other utility equipment must be located above the base flood elevation so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with subsection 6-140(5) of this article.

(6) The agricultural structure must comply with the floodway encroachment provisions of subsection 6-141(5) of this article.

(7) Major equipment, machinery, or other contents must be protected. Such protection may include protective watertight floodproofed areas within the building, the use of equipment hoists for readily elevating contents, permanently elevating contents on pedestals or shelves above the base flood elevation, or determining that property owners can safely remove contents without risk to lives and that the contents will be located to a specified site out of the floodplain in accordance with the temporary development provisions of subsection 6-141(11).

(Ord. No. 07-45, § 1, 10-15-07)

Sec. 6-154. Considerations.

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

(1) The danger that materials may be swept onto other lands to the injury of others;

(2) The danger to life and property due to flooding or erosion damage, and the safety of access to the property in times of flood for ordinary and emergency vehicles;

(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 to the facility of a waterfront location, where applicable;

(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, and the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(8) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;

(9) 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; and

(10) Agricultural structures must be located in wide, expansive floodplain areas, where no other alternative location for the agricultural structure exists. The applicant must demonstrate that the entire farm acreage, consisting of a contiguous parcel of land on which the structure is to be located, must be in the special flood hazard area and no other alternative locations for the structure are available.

(Ord. No. 07-45, § 1, 10-15-07)

Sec. 6-155. Findings.

Findings listed above shall be submitted to the appeal board, in writing, and included in the application for a variance. Additionally, comments from the department of natural resources, land, water and conservation division, state coordinator's office, must be taken into account and included in the permit file.
(Ord. No. 07-45, § 1, 10-15-07)

Sec. 6-156. Floodways.

Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result unless a CLOMR is obtained prior to issuance of the variance. In order to insure the project is built in compliance with the CLOMR for which the variance is granted the applicant must provide a bond for 100 percent of the cost to perform the development.
(Ord. No. 07-45, § 1, 10-15-07)

Sec. 6-157. Conditions.

Upon consideration of the factors listed above and the purposes of this article, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this article. The following conditions shall apply to all variances:

(1) Variances may not be issued when the variance will make the structure in violation of other federal, state, or local laws, regulations, or ordinances.

(2) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(3) Variances shall only be issued upon a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship, and 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.

(4) 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 a written statement that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. Such notification shall be maintained with a record of all variance actions.

(5) The local administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

(6) Variances shall not be issued for unpermitted development or other development that is not in compliance with the provisions of this article. Violations must be corrected in accordance with subsection 6-135(5) of this article.

Secs. 6-158, 6-159. Reserved.

DIVISION 6. LEGAL STATUS PROVISIONS

Sec. 6-160. Effect on rights and liabilities under the existing flood damage prevention ordinance.

This article in part comes forward by re-enactment of some of the provisions of the flood damage prevention ordinance enacted November 18, 2002, as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued there under are reserved and may be enforced. The enactment of this article shall not affect any action, suit or proceeding instituted or pending. All provisions of the flood damage prevention ordinance of Jasper County enacted on November 18, 2002, as amended, which are not reenacted herein, are repealed.
(Ord. No. 07-45, § 1, 10-15-07)

Sec. 6-161. Effect upon outstanding building permits.

Nothing herein contained shall require any change in the plans, construction, size or designated use of any building, structure or part thereof for which a building permit has been granted by the chief building inspector or his authorized agents before the time of passage of this article; provided, however, that when construction is not begun under such outstanding permit within a period of 60 days subsequent to passage of this article, construction or use shall be in conformity with the provisions of this article.
(Ord. No. 07-45, § 1, 10-15-07)

Chapter 7

RESERVED

Chapter 8

BUSINESSES*

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Secs. 8-108—8-140. Reserved.

***Editor's note—**An ordinance adopted May 3, 1999, repealed former ch. 8 in its entirety and adopted new provisions to read as herein set out. Former ch. 8, pertained to similar subject matter and derived from ordinances adopted Nov. 6, 1978(1), §§ 1—3; May 3, 1994, §§ 1—20; Apr. 5, 1993, §§ 1—7; June 17, 1996, § 1; June 20, 1996, § 2; and June 1, 1998.

Cross reference—Administration, ch. 2.

State law references—Professions and occupations, S.C. Code 1976, Title 40; authority to levy a uniform license tax upon persons engaged in businesses, S.C. Code 1976, § 4-9-30(12).

Article IV. Wreckers

Sec. 8-141. Proceeding to scene of accident.
Secs. 8-142—8-155. Reserved.

Article V. Reserved

Secs. 8-156—8-169. Reserved.

Article VI. Franchises

Sec. 8-170. Franchise fee rate for cable service providers.
Sec. 8-171. Fee schedule and licensing agreement for the distribution of information technology (IT)/georgraphic information system (GIS) data.

ARTICLE I. IN GENERAL

Sec. 8-1. Enforcement of chapter; remedies; conflict with other laws.

(a) Pursuant to S.C. Code 1976, § 22-3-550, as amended, any person who violates any provision of this chapter shall be deemed guilty of a misdemeanor and subject to a fine of not more than $500.00 and/or imprisonment not exceeding 30 days. Each day of the violation shall constitute a separate offense. Additionally, the county may seek remedy through civil or criminal court and, upon conviction, the offender may be required to forfeit and pay such penalties or restitution as the court may decide as prescribed by state law for each offense.

(b) Whenever it shall come to the attention of the license coordinator that any provision of these regulations has been or is being violated, the license coordinator may, on behalf of, and in the name of, the county, immediately institute suit and prosecute the same to final judgment. Further, should any business establishment stand in violation of the provisions of this ordinance, either for non-payment of the required license fee or in violation of any of the provisions herein for more than 30 days after proper notice as described herein, the license coordinator shall cause the doors to the business to be padlocked until such time as the violation is remedied.

(c) In interpreting and applying the provisions of these regulations, the requirements shall be considered as the basic requirements for the provision of business licenses within the jurisdiction of the county. It is not the intent of these regulations to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where these regulations impose a greater restriction upon a business or require other restrictions which may appertain to a business greater than those imposed by the other resolutions, rules or regulations, or by any easements, covenants or agreements, or by any ordinances, the provisions of these regulations shall prevail.
(Ord. of 5-3-99, § 1(5.00—5.20))

Secs. 8-2—8-30. Reserved.

ARTICLE II. LICENSES

Sec. 8-31. License required.

Every person engaged or intending to engage in any calling, business, occupation or profession listed in the rate classification index portion of this article, in whole or in part, within the limits of the unincorporated area of the county, is required to pay an annual license fee and obtain a business license as herein provided.
(Ord. of 5-3-99, § 1(1.00))

Sec. 8-32. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed herein:

Business means a calling, occupation, profession, or activity engaged in with the object of gain, benefit or advantage, either directly or indirectly. A charitable organization shall be deemed a business unless the entire proceeds from its operation are devoted to charitable purposes.

Classification means that division of businesses by major groups subject to the same license rate as determined by a calculated index of ability to pay based on national averages, benefits, equalization of tax burden, relationships of services, or other basis deemed appropriate by county council.

County means the unincorporated area of Jasper County.

Gross income means the total revenue of a business, received or accrued, for one calendar year collected or to be collected by a business within the county, excepting therefrom income from interstate commerce and from business done wholly outside of the county on which a license tax is paid to some other county or a county and fully reported to the county. The gross income for business license purposes shall conform to the gross income reported to the South Carolina Tax Commission or the South Carolina Insurance Commission. In the case of brokers or agents, "gross income" shall mean gross commissions retained.

License coordinator means the county employee designated by the county administrator to administer the provisions of this article.

Person means, any individual, firm, partnership, cooperative nonprofit membership, corporation, joint venture, association, estate, trust, business trust, receiver, syndicate, holding company, or other group or combination acting as a unit, in the singular or plural, and the agent or employee having charge or control of a business in the absence of the principals.
(Ord. of 5-3-99, § 1(1.10))

Cross reference—Definitions generally, § 1-2.

Sec. 8-33. Purpose and duration.

The business license levied by this article is for the purpose of providing such regulation as may be required by the businesses subject thereto and for the purpose of raising revenue for the general fund through a privilege tax. Each license shall be issued for one calendar year and shall expire on June 30. The provisions of this chapter and the rates herein shall remain in effect from year to year, or as may be amended from time to time by county council.
(Ord. of 5-3-99, § 1(1.20))

Sec. 8-34. Fee.

The required license fee shall be paid for each business subject hereto according to the applicable rate classification on or before the first day of August in each year. A separate license shall be required for each place of business and for each classification or business conducted at one place. If gross income cannot be separated for classifications at one location, the license fee shall be computed on the combined gross income or the classification requiring the highest rate. A license fee based on gross income shall be computed on the gross income for the preceding calendar or fiscal year, and on a 12-month projected income based on the monthly average for a business in operation for less than one year. The fee for a new business shall be computed on the estimated probable gross income stated in the license application for the balance of the calendar year.
(Ord. of 5-3-99, § 1(1.30))

Sec. 8-35. Registration required.

The owner, agent or legal representative of every business subject to this chapter, whether listed in the classification index or not, shall register the business and make application for a business license on or before the due date of each year, except that a new business shall be required to have a business license prior to operation within the county. Application shall be on a form provided by the license coordinator which shall contain the social security number and/or the federal employer's tax identification number, the business name as reported on the South Carolina income tax return, and all information about the applicant and/or the business which may be deemed necessary by the license coordinator in order to carry out the purposes of this article. The applicant shall certify under oath that the information given in the application is true, that the gross income is accurately reported, or estimated for a new business, without any unauthorized deductions, and that all assessments and personal property taxes due and payable to the county have been paid. Insurance agents and brokers shall report the name of each insurance company for which a policy was issued and the total premiums collected for each company for each type of insurance coverage on a form approved by the license coordinator. Insurance agents employed by more than one company shall be licensed as brokers.
(Ord. of 5-3-99, § 1(1.40))

Sec. 8-36. Deductions and exemptions.

No deductions from gross income shall be made except income derived solely from interstate commerce, income from business done wholly outside of the county on which a license tax is paid to some other county or city, or income which cannot be taxed pursuant to state law. The applicant shall have the burden to establish the right to deduction by satisfactory records and proof. No person shall be exempt from the requirements of this chapter by reason of the lack of an established place of business within the county, unless exempted by state or federal law. The license coordinator shall determine the appropriate classification for each business in accordance with the latest issue of the U.S. Office of Management and Budget Standard Industrial Classification (SIC) Manual. No person shall be exempted from this article by reason of the payment of any other tax, unless exempted by state law, and no person shall be relieved of the liability for the payment of any other tax by reason of the application of this article.
(Ord. of 5-3-99, § 1(1.50))

Sec. 8-37. False application unlawful.

It is unlawful for any person subject to the provisions of this article to make a false application for a business license, or to give or file, or direct the giving or filing of any false information with respect to the license or fee required by this article.
(Ord. of 5-3-99, § 1(1.60))

Sec. 8-38. Display and transfer.

(a) All persons shall display the license issued to them on the original form provided by the license coordinator in a conspicuous place in the business establishment at the address shown on the license. A transient or nonresident shall carry the license upon his person or in a vehicle used in the business readily available for inspection by any authorized agent of the county. A change of address must be reported to the license coordinator within ten days after removal of the business to a new location and the license will be

valid at the new address upon written notification of the license coordinator and compliance with zoning and building codes. Failure to obtain the approval of the license coordinator for a change of address shall invalidate the license and subject the licensee to prosecution for doing business without a license. A business license shall not be transferable and a transfer of ownership shall be considered a termination of the old business and the establishment of a new business recruiting a new business license, based on old business income.

(b) Professional/personal service businesses are exempt from the provisions of subsection (a) governing the transfer of business ownership. Rather, transferred professional/personal service business licenses shall be calculated as a new business pursuant to section 8-34. "Professional/personal service business" shall be defined as a business which is based on the development and maintenance of a clientele which may not necessarily be transferred along with the business ownership.
(Ord. of 5-3-99, § 1(1.70))

Sec. 8-39. Administration.

The license coordinator shall administer the provisions of this chapter, collect license fees, issue licenses, make or initiate investigations and audits to insure compliance, initiate denial or revocation procedures, report violations to the county attorney and assist in prosecution of violators, produce forms, make reasonable regulations relating to the administration of this ordinance, and perform such other duties as may be duly assigned by the county administrator.
(Ord. of 5-3-99, § 1(1.80))

Sec. 8-40. Inspection and audits.

For the purpose of enforcing the provisions of this article the license coordinator or other authorized agent of the county is empowered to enter upon the premises of any person subject to this article to make inspections, and examine and audit books and records. It shall be unlawful for any such person to fail or refuse to make available the necessary books and records. In the event an audit or inspection reveals that false information has been filed by the licensee, the costs of the audit shall be added to the correct license fee in addition to other penalties provided herein. Each day of failure to pay the proper amount of license fee shall constitute a separate offense. The license coordinator shall make systematic inspections throughout all the county to insure compliance with this provision. Records of inspections and audits shall not be deemed public records, and the license coordinator shall not release the reported gross income of any person by name without permission of the licensee; provided, that statistics compiled under SIC categories may be made public.
(Ord. of 5-3-99, § 1(1.90))

Sec. 8-41. Assessments.

When any person shall have failed to obtain a business license or to furnish the information required by this ordinance or the license coordinator, the license coordinator shall proceed to examine such records of the business or any other available records as may be appropriate and to conduct such investigations and statistical surveys as may be deemed appropriate to assess a license tax and penalties as provided herein. A notice of assessment shall be served by certified mail. An application for adjustment of the assessment may be made to the license coordinator within five days after the notice is mailed or the assessment will become

final. The license coordinator shall establish by regulation the procedure for hearing an application for adjustment of assessment and issuing a notice of final assessment. A final assessment may be appealed to county council only by payment in full of the assessment under protest within five days and the filing of written notice of appeal within ten days after payment pursuant to the provisions of this chapter relating to appeals to county council.
(Ord. of 5-3-99, § 1(1.100))

Sec. 8-42. Delinquent license fees.

For nonpayment of all or any part of the correct license fee, the license coordinator shall levy and collect a late penalty of five percent after August 1 of the unpaid fee for each month or portion thereof after the due date until paid. If any license fee shall remain unpaid for 60 days after its due date, the license coordinator shall issue an execution which shall constitute a lien upon the property of the licensee for the tax, penalties and costs of collection; and shall proceed to collection, and shall proceed to collect in the same manner as prescribed by law for the collection of other taxes.
(Ord. of 5-3-99, § 1(1.110))

Sec. 8-43. Notices.

The license coordinator may, but shall not be required to, mail written notices that license fees are due, but if notices are not mailed there shall be published a notice of the due date in a newspaper of general circulation within the county three times prior to the due date in each year.
(Ord. of 5-3-99, § 1(1.120))

Sec. 8-44. Denial of license.

The license coordinator shall deny a license to an applicant when the application is incomplete, contains a misrepresentation, false or misleading statement, evasion or suppression of a material fact, or when the activity for which a license is sought is unlawful or constitutes a public nuisance. A decision of the license coordinator shall be subject to appeal to county council as provided in this article. Denial shall be written with reasons stated.
(Ord. of 5-3-99, § 1(1.130))

Sec. 8-45. Suspension or revocation of license.

When the license coordinator determines that:

(1) A license has been mistakenly or improperly issued or issued contrary to law; or

(2) A licensee has breached any condition upon which the license was issued or has failed to comply with the provisions of this chapter; or

(3) A licensee has obtained a license through a fraud, misrepresentation, a false or misleading statement, evasion or suppression of a material fact in the license application; or

(4) A licensee has been convicted of an offense under a law or ordinance regulating business, a crime involving moral turpitude, or an unlawful sale of merchandise or prohibited goods; or

(5) A licensee has engaged in an unlawful activity or nuisance related to the business;

the license coordinator shall give written notice to the licensee or the person in control of the business within the county by personal service or certified mail that the license is suspended pending a hearing before county council for the purpose of determining whether the license should be revoked. The notice shall state the time and place at which the hearing is to be held, which shall be at a regular or special council meeting within 30 days from the date of service of the notice. The notice shall contain a brief statement of the reasons for suspension and proposed revocation and a copy of the applicable provisions of this article.
(Ord. of 5-3-99, § 1(1.140))

Sec. 8-46. Appeals to county council.

(a) Any person aggrieved by a final assessment or a denial of a business license by the license coordinator may appeal the decision to county council by written request stating the reasons therefor, filed with the license coordinator or county clerk to council within ten days after the payment of the assessment under protest or the notice of denial is received.

(b) An appeal or a hearing on revocation shall be held by county council within 30 days after receipt of a request for appeal or service of notice of suspension at a regular or special meeting of which the applicant or licensee has been given written notice. At such hearing all parties shall have the right to be represented by counsel, to present testimony and evidence and to cross-examine witnesses. The proceedings shall be recorded and transcribed at the expense of the party so requesting. The rules of evidence and procedure prescribed by county council shall govern the hearing. The county council shall by majority vote of members present render a written decision based on findings of fact and the application of the standards herein which shall be served upon all parties or their representatives and shall be final unless appealed to a court of competent jurisdiction within ten days after service.

(c) No person shall be subject to a prosecution for doing business without a license until the expiration of ten days after notice of denial or revocation which is not appealed or until after final judgment of a circuit court upholding denial or revocation.
(Ord. of 5-3-99, § 1(1.150))

Sec. 8-47. Violation and penalty.

Any person violating any provisions of this article shall be deemed guilty of an offense and shall be subject to a fine of up to $500.00 or imprisonment for not more than 30 days, or both, upon conviction. Each day of violation shall be considered a separate offense. Punishment for violation shall not relieve the offender of liability for delinquent taxes, penalties and costs provided for in this article.
(Ord. of 5-3-99, § 1(1.160))

Sec. 8-48. Classification rate schedules.

The license fee for each class of business shall be computed in accordance with the schedule of license fees which is on file and available in the office of the county clerk. The major groups of businesses included in each class are listed with the major group number according to the Standard Industrial Classification Manual (SIC). The license coordinator shall determine the proper class for a business according to the SIC.
(Ord. of 5-3-99, § 1(1.170))

Sec. 8-49. Savings clause.

Should any portion of any fee be invalid by virtue of any provision herein, such portion of the fee as is valid shall still be due. Should any portion of this article be declared unconstitutional or unlawful as applied, that portion which is lawful as applied, or would be lawful if applied otherwise, shall still be in force, and the tax still due. Should the designated use of the revenue herein concerned be declared unlawful or jeopardize any other portion of this article then the revenue shall be deposited in a general fund for the general use of the county.
(Ord. of 5-3-99, § 1(1.180))

Secs. 8-50—8-100. Reserved.

ARTICLE III. GAMING DEVICES

Sec. 8-101. Applicability of article.

Establishments housing more than five electronic gaming devices or machines, including video poker machines, shall be regulated as set forth in this article. It is the intent of this article that certain coin-operated devices, machines and electronic gaming devices, including video poker machines, shall be defined as contained in S.C. Code 1976, § 12-21-2720(3), as amended, and that establishments housing more than five of these machines shall be permitted as a conditional use only and only if all of the conditions set out in this article are met.

Notwithstanding that the provisions above, the owner or operator of any establishment in which one or more video poker and other machines of the nonpayment type, in-line pin games or video games with a free play feature subject to license by the state under the provisions of Section 12-21-2720(A)(3) of the Code of Laws of the State of South Carolina, 1976, as amended, shall pay a video poker machine fee of $180.00 per machine. Provided, the gross income from the primary business of the establishment in which one or more video poker machines are located shall be subject to a business license fee as classified for that primary business under the SIC of the Business License Ordinance; further provided that, the owner or operator of any establishment which receives income from video poker machines must list, and then claim an exemption from calculation of a business license fee, gross proceeds from any such machine in computing the gross receipts of the business where any such machine is located.
(Ord. of 5-3-99, § 1(2.00, 2.10))

Sec. 8-102. Penalty for violation of article.

Any person violating any provisions of this article shall be deemed guilty of an offense and shall be subject, upon conviction, to punishment in accordance with section 1-8. Each day of violation shall be considered a separate offense. Punishment for violation shall not relieve the offender of liability for delinquent taxes, penalties and costs provided for in this article.
(Ord. of 5-3-99, § 1(2.20))

Sec. 8-103. Operation of business in temporary structure.

No business subject to this article may operate in any nonpermanent structure such as a tent, mobile unit, trailer, recreational vehicle or other temporary building.
(Ord. of 5-3-99, § 1(2.30))

Sec. 8-104. Parking requirements.

On-site parking requirements for businesses subject to this article shall be one space for each 300 square feet of floorspace, plus one space for each two coin-operated devices or machines.
(Ord. of 5-3-99, § 1(2.40))

Sec. 8-105. Location of establishments using cash pay-out type machines.

If there is a monetary return (cash paid) as a result of a winning combination on a coin-operated device, machine or electronic gaming device, the building where these machines are housed shall not be located within 2,000 feet of a church, school, educational institution, residence, recorded subdivision, or publicly or privately owned youth-oriented grounds or facilities. Such distance shall be computed from nearest point to nearest point on a straight line from such point of the grounds in use as part of such church, school, educational institution, residence, recorded subdivision, or publicly or privately owned youth-oriented grounds or facilities.
(Ord. of 5-3-99, § 1(2.50))

Sec. 8-106. Operation of machines by minors.

Minors under 18 years of age shall not be permitted to operate machines that have cash pay-outs.
(Ord. of 5-3-99, § 1(2.60))

Sec. 8-107. Nonconforming establishments.

Certain nonconforming establishments housing more than five electronic gaming devices or machines, including video poker machines, as of the enactment of the ordinance from which this article is derived, shall be discontinued, altered or otherwise made to conform with this article within 18 months from the date of enactment of the ordinance from which this article is derived. Notice shall be sent by an official of the county to all nonconforming users of establishments stating wherein they do not conform to this article and stating the date by which they must either comply or cease to exit. Notwithstanding this provision, gaming devices, including video poker machines, as of the date of enactment of the ordinance from which this article is derived, shall immediately comply with section 8-106 regarding use by minors.
(Ord. of 5-3-99, § 1(2.60))

Secs. 8-108—8-140. Reserved.

ARTICLE IV. WRECKERS*

Sec. 8-141. Proceeding to scene of accident.

(a) *Generally.* No wrecker, wrecker driver, wrecker owner or any other person shall proceed to the scene of an accident unless requested by the owner or driver of the vehicle involved in the accident or the law enforcement officer in charge at the scene of the accident.

***State law reference—**Authority to regulate wreckers, S.C. Code 1976, § 4-18-10 et seq.

(b) *Dispatch procedure.* The county, in conjunction with local highway officials and the sheriff's office, shall establish an orderly procedure for dispatching a wrecker to the scene of an accident as provided for in subsection (a) of this section.

(c) *Penalty.* If a wrecker, wrecker driver, wrecker owner or any other person proceeds to the scene of an accident in violation of any of the provisions of this section, the owner of the wrecker, the wrecker driver or the person soliciting shall be deemed guilty of a misdemeanor and upon conviction shall be punished in accordance with section 8-1 of this Code.
(Ord. of 5-3-99, § 1(3.10))

Secs. 8-142—8-155. Reserved.

ARTICLE V. RESERVED*

Secs. 8-156—8-169. Reserved.

ARTICLE VI. FRANCHISES

Sec. 8-170. Franchise fee rate for cable service providers.

A franchise fee rate of five percent of gross revenues derived from the operation of the cable system to provide cable service (as defined in Article 3, Chapter 12 of Title 58 of the South Carolina Code) is imposed for all cable service providers upon expiration of an existing franchise with the municipality or upon termination by the cable service provider or an existing franchise with the municipality. Notwithstanding any provisions of the expired or terminated franchise, the municipality, in the event of expiration or termination by the cable service provider of the franchise, reserves all rights to impose on the cable service provider all ad valorem taxes, service fees, sales tax or other taxes and fees lawfully imposed or to be imposed on other businesses within the municipality.
(Ord. No. 07-08, 5-21-07)

Sec. 8-171. Fee schedule and licensing agreement for the distribution of information technology (IT)/georgraphic information system (GIS) data.

(1) For the purposes of this section, and unless the context specifically indicates otherwise, the following general terms shall have the meanings designated below:

(a) *Applicant.* Any person who submits a request for IT/GIS products or services.

(b) *Customer.* Any applicant who executes a contract for IT/GIS products or services, or purchases copies of standard system products, custom hard copy system products, digital data, technical assistance, or other products or services.

(c) *Digital data.* Any recorded quantitative and qualitative observational measurements and facts.

***Editor's note—**Ord. No. 02-02, § 6, adopted Mar. 18, 2002 repealed art. V, §§ 8-156—8-169, in their entirety. Formerly, said article pertained to sexually oriented businesses as adopted by an ordinance of May 3, 1999. The user is directed to App. A of this Code for similar provisions.

(d) *Data steward.* The person, or his/her designee, responsible for the maintenance and security of IT/GIS data elements within a particular county department.

(e) *Geographic information system (GIS).* An organized collection of computer hardware, software, geographic data, and personnel designed to efficiently capture, store, update, use, analyze, and display all forms of geographically referenced material.

(f) *Information.* The result(s) obtained from processing, classifying, or interpolating data.

(g) *Information technology system (IT).* An organized collection of computer hardware, software, digital data, and personnel designed to efficiently capture, store, update, use, analyze, and display all forms of digital data referenced material.

(h) *Open records.* Standard system products as defined herein and non-digital source documents.

(i) *Standard system products.* Paper products generated from IT/GIS databases for internal use and for the purpose of meeting requests submitted under current state law concerning open records.

(j) *Subscriber.* A customer who purchases IT/GIS service(s) or products on a regular, frequent, and on-going basis.

(2) The following shall control IT/GIS county digital data information distribution.

(a) Information derived from the county IT/GIS county digital data and presented in a digital context may be made available to the public via the Internet. Furthermore, standard system products will be made available on digital media or, if requested, in hard copy pursuant to Section 30-4-30 of the South Carolina Code of Laws, as amended.

(b) All IT/GIS-related data requests must be approved by both the data steward of the department in possession of such data and the information technology department. Once approved, the IT department is responsible for filling the request. All IT/GIS data customers must enter into a non-transferable data license agreement with the county. Each license agreement shall identify limitations in the use of county IT/GIS data and shall indemnify and hold harmless Jasper County, its elected officials, officers, agents, and employees from loss, damage, or other liability arising from the use of the data.

(c) A fee shall be collected from customers for copies of IT/GIS data. An initial fee schedule of individual data elements will be reviewed by county council. The fee schedule will include a description of each data type, thematic data element to be sold, distribution format, file format, and unit pricing information. The county council, as necessary, by resolution, may update the fee schedule. Regardless of changes in data product fees, a county IT/GIS data fee schedule will be submitted annually to the county council as an informational update. For good cause, the county administrator may waive or reduce fees for IT/GIS data when such actions result in serving the best interest of the county. Fee schedules will be based on end use of data and licensed accordingly. Fee levels will be established for licensure of data as deemed necessary. Such levels will include, but are not limited to:

i. *Level 1:* Data will be used for internal purposes only by the licensee for analytic and informational purposes when only specific geographic areas are required. (Level 1 does not cover request for countywide datasets.)

ii. *Level 2:* Countywide data requested by "Public" entities who shall enter into data sharing intergovernmental agreements.

iii. *Level 3:* Countywide data requested for business use, analysis and reporting. Data and any derivatives there from shall not be published or reproduced for commercial purposes.

iv. *Level 4:* Countywide data requested for commercial purposes. Data and any derivatives there from may be licensed for the commercial reproduction and publication (printed and or digitally).

v. *Level 5:* Subscription services to county developed applications via the county website. Subscriptions at this level are to applications only and not to data.

(d) Customers requesting data on a regular basis may request to receive data at a subscription rate, but must enter into a non-transferable data license agreement with the county.

(e) All IT/GIS-related information constituting a public record, as defined by Section 30-4-20 of the South Carolina Code of Laws, as amended, may be provided at no charge via Internet access or at a minimal charge if such information is in digital (native format) or hardcopy format. The minimal fees for digital or hardcopy public record information shall be included in the approved fee schedule.

(f) Fees collected for the distribution of IT/GIS data shall be deposited in the county general fund.

(Ord. No. 05-07, 5-2-05)

Chapter 9

CIVIL EMERGENCIES

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ARTICLE I. IN GENERAL*

Sec. 9-1. Purpose.

The purpose of this article is to establish the Jasper County Emergency Service Department to provide for the operation and maintenance in the unincorporated areas of the county of a comprehensive system of fire protection districts to provide emergency, rescue and fire prevention services. It is adopted pursuant to the county council's general police power to provide for the public hearth, safety and general welfare of the residents of the county and specifically pursuant to Article VII, Section 17 of the South Carolina Constitution and S.C. Code 1976, §§ 4-9-30(5); 4-9-30(14); 4-19-10, et seq.; and 4-21-10 et seq.
(Ord. No. 09-19, § 1, 7-20-09)

Sec. 9-2. Jasper County emergency services department.

There is hereby established an administrative subdivision of county government to be called the Jasper County Emergency Services Department to provide efficient and effective emergency, rescue and fire prevention services throughout the county. The chief administrative officer of the department shall be the deputy administrator for emergency services who shall report to the county administrator. The deputy administrator for emergency service shall serve ex officio as the county fire chief.
(Ord. No. 09-19, § 1, 7-20-09)

Sec. 9-3. Powers of the county deputy administrator for emergency services.

The county deputy administrator for emergency services shall be empowered as follows:

(1) To operate and maintain in the unincorporated areas of the county a comprehensive system of fire protection districts, with paid and volunteer firefighters and a system for rescue and emergency services within the county;

(2) To appoint officers, agents and employees, to prescribe the duties of such, to fix their compensation and to determine if and to what extent they shall be bonded for the faithful performance of their duties;

(3) To establish and promote programs for the creation and maintenance of vigorous volunteer firefighter recruitment programs and to certify volunteer firefighters;

(4) To establish uniform standards for and supervise the training of paid and volunteer firemen and rescue and emergency service staff and to ensure that equipment shall be utilized in the best interest of the county;

(5) To establish fire departments, and to designate from time to time, responsibilities for fire protection and to establish minimum standards for staffing, training, equipment and maintenance, and to provide station houses, paid staff and equipment to such departments on an equitable basis;

***Editor's note—**Ord. No. 09-19, § 1, adopted July 20, 2009, amended article I in its entirety to read as herein set out. Formerly, article I, §§ 9-1, 9-2, pertained to similar subject matter, and derived from Ord. No. 07-18, § 1, adopted October 15, 2007.

(6) Within its appropriations and other revenues available to the districts, to construct the necessary buildings to house the equipment authorized herein and all fire stations necessary to provide adequate fire protection, rescue and emergency service systems;

(7) Within its budget and other revenues available to it, to be responsible for the upkeep, maintenance and repairs of all stations and the sites thereof;

(8) To purchase, equitably assign to the several departments and provide for the maintenance and repair of such fire-fighting, rescue and emergency services equipment as he deems necessary for the county;

(9) To establish and implement a system of fire safety inspections for the county;

(10) To establish and implement a plan for improving the ISO ratings for the county;

(11) To enter into mutual aid agreements as may be to the benefit of the county;

(12) To act as county liaison to volunteer fire support groups throughout the county;

(13) To approve and oversee fund-raising activities. Fund-raising activities performed on county property or using county-owned equipment shall be done through an approved secretary of state registered non-profit organization. Proof shall be provided to the director prior to any fund-raising activities occurring;

(14) To promulgate uniform rules and regulations for district administration, staffing, equipment and training;

(15) To exercise any and all other powers delegated to it for operating and maintaining a system of fire protection, rescue and emergency services; and

(16) To serve as the county fire marshal as that term is used in S.C. Code 1976, § 23-9-30.

(Ord. No. 09-19, § 1, 7-20-09)

Sec. 9-4. Training and performance requirements.

The county deputy administrator for emergency services shall establish standard training and performance requirements for paid and volunteer firefighters, and rescue and emergency services employees of the district. Only firefighters and rescue and emergency services employees meeting the minimum training and performance requirements of the district may respond as a firefighter, rescue or emergency service responder, respectively, to an emergency call.

(Ord. No. 09-19, § 1, 7-20-09)

Sec. 9-5. Enforcement.

The county fire chief may designate individuals with authority to direct and control traffic at the scene of any fire or emergency in the county and enforce the laws of this state and county relating to the following of fire-apparatus, or rescue or emergency vehicles, the crossing of fire hose, and interfering with firemen, rescue or emergency responders in the discharge of their duties in connection with a fire, rescue or emergency responders in the same manner as provided for the enforcement of such laws by law enforcement officers.

(Ord. No. 09-19, § 1, 7-20-09)

Sec. 9-6. Emergency vehicles.

Vehicles of the county emergency service department are designated and are deemed emergency vehicles while traveling to fires or emergencies.
(Ord. No. 09-19, § 1, 7-20-09)

Secs. 9-7—9-25. Reserved.

ARTICLE II. COUNTY DISASTER PREPAREDNESS AGENCY

Sec. 9-26. Intent and purpose.

It is the intent and purpose of this article to establish an organization, to be known as the Jasper County Disaster Preparedness Agency, that will insure the complete and efficient utilization of all resources in any disaster. The agency will be the coordinating agency for all activity in connection with civil defense. It will be the instrument through which the county council shall exercise its authority under the laws of this state during an attack against this county or any part of the state. This article will not relieve any county department of the normal responsibilities or authority given to it by general law or local resolution or ordinance, nor will it affect the work of the American Red Cross or other volunteer agencies organized for relief in natural disaster.
(Ord. of 6-5-95(1), § 1)

Sec. 9-27. Definitions.

As used in this article the terms:

Attack shall mean a direct assault against the county, or any part of the state, by forces of a hostile nation, including assault by bombing, chemical or biological warfare or sabotage.

Coordinator shall mean the coordinator of the county disaster preparedness agency.

Disaster preparedness shall mean a broad meaning and shall include preparations against, and relief from, the effects of attack on the county or any part of the state by the forces of any enemy nation, and it shall also include such activity in connection with natural disasters as defined herein. It shall not include any activity that is the responsibility of the military forces of the United States.

Natural disaster shall mean any condition seriously threatening public health, welfare or security as a result of a severe fire, explosion, flood, tornado, hurricane, earthquake or similar natural or accidental cause and which is beyond the control of public or private agencies ordinarily responsible for the control or relief of such conditions.

Volunteer shall mean contributing service, equipment or facilities to the disaster preparedness organizations without renumeration or without formal agreement or contract of hire. While engaged in such services, they shall have the same immunities as persons and employees of the county performing similar duties.
(Ord. of 6-5-95(1), § 2)

Sec. 9-28. Office of coordinator.

(a) There is hereby created the office of coordinator of the county disaster preparedness agency, who shall be responsible for directing the day-to-day operations of the agency and during a period of disaster. The coordinator shall be appointed by the county council. The coordinator shall be empowered and required to coordinate and render assistance to county and city officials in the development of plans for the use of all facilities, equipment, manpower and other resources of the city and county for the purpose of minimizing or preventing damage to persons or property in disaster situations.

(b) City and county personnel shall include in such plans the restoration of governmental services and public utilities necessary for the public health, safety and welfare. The coordinator shall further direct the efforts of the county disaster preparedness agency in the implementation of the provisions of this article.
(Ord. of 6-5-95(1), § 3)

Sec. 9-29. Officials, employees, etc. constitute agency.

All county and city officials and employees of the county, together with those volunteer forces enrolled to aid them during a disaster, and persons who may by agreement or operation of law, be charged with duties incident to the protection of life and property in the county during times of disaster shall constitute the county disaster preparedness agency.
(Ord. of 6-5-95(1), § 4)

Sec. 9-30. Responsibilities of county council.

(a) The county council shall be responsible for meeting the problems and dangers to the county and its residents resulting from disasters of any origin and may issue proclamations and regulations concerning disaster relief and related matters which during an emergency situation shall have the full force and effect of law.

(b) A state of disaster emergency may be declared by the county council if it finds a disaster has occurred, or that the threat thereof is imminent, and extraordinary emergency measures are deemed necessary to cope with the existing or anticipated situation. Once declared, the state of emergency shall continue until terminated by proclamation of the county council. All proclamations issued pursuant to this section shall indicate the nature of the disaster, the area or areas affected by the proclamation of the disaster emergency and the condition under which it will be terminated.

(c) In addition to any other powers conferred by law, the county council may, under the provisions of this article:

(1) Suspend existing laws and regulations prescribing the procedures for conduct of county business if strict compliance with the provisions of any statute, order, rule or regulation would in any way prevent, hinder or delay necessary action in coping with the emergency.

(2) Utilize all available resources of county government as reasonably necessary to cope with a disaster emergency.

(3) Transfer the direction, personnel or functions of county departments and agencies or units thereof for purposes of facilitating or performing emergency services as necessary or desirable.

(4) Compel performance by elected and appointed county government officials and employees of the duties and functions assigned in the county disaster plan.

(5) Contract, requisition and compensate for goods and services from private sources.

(6) Direct and compel evacuation of all or part of the population from any stricken or threatened area within the county if such action is deemed necessary for preservation of life or other disaster mitigation, response or recovery.

(7) Prescribe routes, modes of transportation and destinations in connection with evacuation.

(8) Control ingress and egress to and from a disaster area, the movement of persons within the area and the occupancy of premises therein.

(9) Suspend or limit the sale, dispensing or transportation of alcoholic beverages, firearms, explosives and combustibles.

(10) Make provisions for the availability and use of temporary housing.

(11) Suspend or limit nonemergency activities and prohibit public assemblies.

(Ord. of 6-5-95(1), § 5)

Sec. 9-31. Duties of coordinator.

(a) The coordinator shall maintain liaison with the state and federal authorities of other nearby political subdivisions, so as to insure the most effective operation of the emergency plan. He shall be accountable for all disaster funds and property.

(b) His duties shall include, but shall not be limited to, the following:

(1) Development and publication of emergency plans in conformity with state emergency plans for the immediate use of all of the facilities, equipment, manpower and other resources of the county for the purpose of minimizing or preventing damage to persons or property and protecting and restoring to usefulness governmental services and public utilities necessary for the public health, safety and welfare.

(2) Control and keep necessary records of civil defense funds and property which may be made available from the federal, state, county and municipal governments.

(3) Submission of annual budget requirements to the state and federal government and to the county council.

(4) Signing such documents as are necessary in the administration of the county disaster preparedness program to include project applications and billing for purchases under project applications.

(5) Coordinating the recruitment and training of volunteer personnel and agencies to augment the personnel facilities of the county for the disaster preparedness agency.

(6) Through public information programs, educating the civil population as to the actions necessary and required for the protection of their persons and property in case of enemy attack, or natural disaster.

(7) Conducting simulated exercises and public practice alerts to insure efficient operations of the disaster preparedness agency and to familiarize residents of the county with civil defense regulations, procedures and operations.

(8) Coordinating the activity of all other public and private agencies engaged in any disaster preparedness programs.

(9) Negotiating with owners or persons in control of buildings or other property for the use of such buildings or property for civil defense purposes, and designating suitable buildings as public fallout shelters.

(10) Develop a community shelter plan which will have as its ultimate goal an assigned fallout shelter space for every citizen of the county.

(11) Assume such authority and conduct such activity as may be necessary to promote and execute the emergency operations plan.

(Ord. of 6-5-95(1), § 6)

Sec. 9-32. Civil emergency forces in cooperation with coordinator.

(a) All employees of departments, commissions, boards, institutions and other agencies of the county, designated as civil emergency forces, shall cooperate with the coordinator in the formulation of the county emergency operations plan, and shall comply with the orders of the coordinator when such orders are issued pursuant to the provisions of this article.

(b) All such civil emergency forces shall notify the coordinator of conditions in the county resulting from enemy attack or natural disaster, and they shall inform the coordinator of any conditions threatening to reach the proportions of a natural disaster as defined herein. Failure to notify the coordinator, however, shall not prevent the coordinator from exercising any authority assigned to him by this article.

(Ord. of 6-5-95(1), § 7)

Sec. 9-33. Appointment of volunteer citizens.

(a) The coordinator may at any time appoint or authorize the appointment of volunteer citizens to augment the personnel of a department in time of civil emergency. Such volunteer citizens shall be enrolled as civil emergency volunteers in cooperation with the heads of the county departments affected, and they shall be subject to the rules and regulations set forth by the coordinator for such volunteers.

(b) The coordinator may appoint volunteer citizens to form the personnel of a civil emergency service for which the county has no counterpart. He may also appoint volunteer citizens as public shelter managers who, when directed by the coordinator shall open public shelters and take charge of all stocks of food, water and other supplies and supplies stored in the shelter, admit the public according to the community shelter plan and take whatever control measures necessary for the protection and safety of the occupants.

(Ord. of 6-5-95(1), § 8)

Sec. 9-34. County and municipal employees.

County and municipal employees assigned to duty as a part of the civil emergency forces pursuant to the provisions of this article shall retain all the rights, privileges, and immunities of employees, and shall receive the compensation incident to their employment.
(Ord. of 6-5-95(1), § 9)

Sec. 9-35. Civil liability.

(a) This article is an exercise by the county of its governmental functions for the protection of the public peace, health and safety, and the county or agents and representatives of the county, or any individual, receiver firm, partnership, corporation, association of trustee, or any of the agents thereof in good faith carrying out, complying with, or attempting to comply with any order, rule or regulation promulgated pursuant to the provisions of this article shall not be liable for any damage sustained to persons or property as a result of such activity.

(b) Any person owning or controlling real estate or other premises who voluntarily and without compensation grants the county the right to inspect, designate and use the whole or any part or parts of such real estate of premises for the purposes of sheltering persons during an actual, impending or threatened enemy attack or during an authorized civil emergency practice exercise, shall not be civilly liable for the death or, of injury to, any person on or about such real estate or premises under such license, privilege, or other permission or for loss of or damage to, the property of such person.
(Ord. of 6-5-95(1), § 10)

Sec. 9-36. Enforcement.

It shall be unlawful for any person to violate any of the provisions of this article or the regulations issued pursuant to the authority contained herein, or to willfully obstruct, hinder or delay any member of the civil emergency organization in the enforcement of the provisions of this article, or any regulation issued thereunder.
(Ord. of 6-5-95(1), § 11)

Secs. 9-37—9-50. Reserved.

ARTICLE III. COUNTY EMERGENCY MANAGEMENT AGENCY*

Sec. 9-51. Intent.

It is the intent and purpose of this act to establish an organization, to be known as the Jasper County Emergency Management Agency, that will insure the complete and efficient utilization of all resources in any disaster. This agency will be the directing agency for all activities in connection with the emergency; it will be the instrument through which the Jasper County Council shall exercise its authority under the laws of this state during an emergency against this county or any part of this state. This act will not relieve and

***Editor's note—**Ord. No. 2001-01, §§ I—XII, adopted Mar. 19, 2001, did not specifically amend the Code; hence, inclusion as art III, §§ 9-51—9-62 was at the editor's discretion.

Jasper County department of the normal responsibilities or authorities given to it by general law or local resolution or ordinance, nor will it affect the work of the American Red Cross or other volunteer agencies organized for relief in natural disasters.
(Ord. No. 2001-01, § I, 3-19-01)

Sec. 9-52. Definitions.

As used in this act term:

Director shall mean the Director of the Jasper County Emergency Management Agency.

Disaster Emergency Management shall have a broad meaning and shall include preparations against any natural or manmade disasters in and affecting Jasper County. It shall not include any activity that is the responsibility of the military forces of the United States.

Natural disaster shall mean any condition seriously threatening public health, welfare, or security as a result of a severe fire, explosion, flood, tornado, hurricane, earthquake, or other similar natural or accidental cause which is beyond the control of public or private agencies ordinarily responsible for the control or relief of such conditions.

Volunteer shall mean contributing service, equipment or facilities to the Emergency Management Agency without reimbursement or without formal agreements or contracts of hire. While engaged in such services, they shall have the same immunities as persons and employees of the county performing similar duties.
(Ord. No. 2001-01, § II, 3-19-01)

Sec. 9-53. Created.

There is hereby created the office of Director of the Jasper County Emergency Management Agency, who shall be responsible for directing the day-to-day operations of the agency and during a period of disaster. The director shall be empowered and required to direct and coordinate and render assistance to county, city and state officials in the development of plans for the use of all facilities, equipment, manpower and other resources of the county and city for the purpose of minimizing or preventing damage to persons or property in disastrous situations. County and city personnel shall include in such plans the restoration of governmental services and public utilities necessary for the public health, safety and welfare. The director shall further direct the efforts of the county emergency management in the implementation of the provisions of this act.
(Ord. No. 2001-01, § III, 3-19-01)

Sec. 9-54. Members.

All county and city officials and employees of the county, together with those volunteer forces enrolled to aid them during a disaster, and persons who may, by agreement or operation of law be charged with duties incident to the protection of life and property in the county during times of disaster shall constitute the Jasper County Emergency management Agency.
(Ord. No. 2001-01, § IV, 3-19-01)

Sec. 9-55. County council duties.

The county council shall be responsible for meeting the problems and dangers of the county and its residents resulting from disasters in any origin and may issue proclamations and regulations concerning emergency relief and related to matters of which during an emergency situation shall have the full force and effect of the law.

A state of emergency may be declared by the county council if it finds a disaster has occurred, or that the threat thereof is imminent, and extraordinary emergency measures are deemed necessary to cope with the existing or anticipated situation. Once declared, the state of emergency shall continue until terminated by proclamation of the county council. All proclamations issued pursuant to the section shall indicate the nature of the disaster, the area or areas affected by the proclamation of the disaster emergency and the condition under which it will be terminated. In addition to any other powers conferred by law, the county council may, under the provisions of this act:

(1) Suspend existing laws and regulations prescribing the procedures of conduct for county business if strict compliance with the provisions of any statute, order, rule or regulation would in any way prevent, hinder or delay the necessary action in coping with the emergency;

(2) Utilize all available resources of county government as reasonably necessary to cope with the disaster emergency;

(3) Transfer the direction, personnel or functions of county departments and agencies or units thereof for the purpose of facilitating or performing emergency services as necessary or desirable;

(4) Compel performance by elected and appointed county government officials and employees of the duties and functions assigned in county disaster plans;

(5) Contract, requisition and compensate for goods and services from private sources;

(6) Direct and compel evacuation of all or parts of the population from any stricken or threatened area within the county if such action is deemed necessary for the preservation of life or other disaster mitigation, response or recovery;

(7) Prescribe routes, models of transportation and destinations in connection with any evacuation;

(8) Control egress and ingress to and from a disaster area, with the movement of persons within the area and the occupancy of the premises therein;

(9) Suspend, or limit, the sale, dispensing or transportation of alcoholic beverages, firearms, explosives and combustibles;

(10) Suspend, or limit, nonemergency activities and prohibit public assemblies.

(Ord. No. 2001-01, § V, 3-19-01)

Sec. 9-56. Director duties.

The director shall maintain liaison with the state and federal authorities of other nearby political subdivisions, so as to insure the most effective operation of the emergency plan. He shall be accountable for all disaster funds and property. His duties shall include, but shall not be limited to the following:

(1) Development and publication of emergency pans in conformity with state emergency plans for the immediate use of all the facilities, equipment, manpower and other resources of the county for the

purpose of minimizing or preventing damage to persons or property, and protecting and restoring to usefulness governmental services and public utilities necessary for the public health, safety, and welfare.

(2) Control and keep necessary records of funds and properties which may be made available from the federal, state, county and municipal governments.

(3) Submission of an annual budget requirements to the state and federal government and to the county council.

(4) Signing such documents as are necessary in the administration of the county emergency management program to include project applications and billing for purchases under project applications.

(5) Directing and coordinating the recruitment and training of volunteer personnel and agencies to augment the personnel and facilities of the county for emergency management purposes.

(6) Through public information programs, educating the civil population as to actions necessary and required for the protection of their persons and property in case of enemy or natural disaster.

(7) Conducting simulated exercises to insure the functionality of the emergency operation center staff.

(8) Coordinating the activities of all other public and private agencies engaged in the emergency management programs.

(9) Assume such authority and conduct such activity as may be necessary to promote and execute the emergency operations plan.

(Ord. No. 2001-01, § VI, 3-19-01)

Sec. 9-57. Notification to director.

All employees of departments, commissions, boards, institutions and other agencies of the county, designated as emergency management forces, shall cooperate with the director in the formulation of the county emergency operations plan, and shall comply with the orders of the director when such orders are issued pursuant to the provisions of this act.

All such emergency operation center forces shall notify the director of the conditions of the county resulting natural disaster or emergencies, and they shall inform the director of any conditions threatening to reach proportions of a natural disaster as defined herein. Failure to notify the director, however, shall not prevent the director from exercising authority assigned to him by this act.

(Ord. No. 2001-01, § VII, 3-19-01)

Sec. 9-58. Appointment of volunteers.

The director may at any time appoint or authorize the appointment of volunteer citizens to augment the personnel of a department in time of civil emergency. Such volunteer citizens shall be enrolled as emergency operation center employees in cooperation with the heads of the county departments affected, and they shall be subject to the rules and regulations set forth by the director for such volunteers.

The director may appoint volunteer citizens to form the personnel of an emergency operations center for which the county has no counterpart.
(Ord. No. 2001-01, § VIII, 3-19-01)

Sec. 9-59. County and municipal employees.

The county and municipal employees assigned to duties as a part of the emergency operations center pursuant to the provisions of this act shall retain all the rights, privileges, and immunities of employees, and shall receive compensation incident to their employment.
(Ord. No. 2001-01, § IX, 3-19-01)

Sec. 9-60. Civil liability.

This act is an exercise by the county as its governmental functions for the protection of the public health, property and welfare of the county, or any individual, receiver firm, partnership, cooperation, association, or trustee, or any of the agents thereof, in good faith, carrying out, complying with, or attempting to comply with any order, rule or regulation promulgated with any damage sustained to persons or property as a result of such activity.

Any person owning or controlling any real estate or other premises who voluntarily and without compensation grants the county the right to inspect, designate or use whole or any part or parts of such real estate or premises for the purposes of sheltering persons during an actual, impending or threatened emergency shall not be civilly liable for the death or, or injury to, any person on or about such real estate or premises under such license, privilege, or other permission, or for loss or damage to the property of such person.
(Ord. No. 2001-01, § X, 3-19-01)

Sec. 9-61. Enforcement.

It shall be unlawful for any reason to violate any of the provisions of this act or the regulation issued pursuant to the authority contained herein, or to willfully obstruct, hinder or delay any member of the emergency operations center in the enforcement of the provisions of this act, or any regulation issued thereunder.
(Ord. No. 2001-01, § XI, 3-19-01)

Sec. 9-62. Lines of succession for county officials.

The lines of succession for county officials shall be as follows:

Chairman, county council.

Vice chairman, county council.

Next councilman in seniority.
(Ord. No. 2001-01, § XII, 3-19-01)

Secs. 9-63—9-79. Reserved.

ARTICLE IV. FIRE PROTECTION DISTRICTS*

DIVISION 1. GENERALLY

Sec. 9-80. Findings.

The county council finds that the Ridgeland Vicinity Fire Protection District and the Hardeeville Vicinity Fire Protection District, established by the ordinance from which this article derives, and the amended Cherry Point Fire Protection District, Levy Fire Protection District and Rural Jasper County Fire Protection District satisfy the requirements and considerations set forth in S.C. Code 1976, §§ 4-19-10 and 4-19-20. (Ord. No. 09-19, § 2, 7-20-09)

Secs. 9-81—9-83. Reserved.

DIVISION 2. CHERRY POINT FIRE PROTECTION DISTRICT

Sec. 9-84. Cherry Point Fire Protection District—Generally.

Subsequent to the conduct of a public hearing ordered by resolution attached and made a part of the ordinance from which this article derives as if copied herein, there is hereby created the Cherry Point Fire Protection District, to be operated as an administrative division of the county, for the purpose of establishing, operating and maintaining fire protection within the district to include:

(1) The acquisition, from time to time, of such fire-fighting equipment as is deemed necessary by the county council for the purpose of controlling fires within the district;

(2) The employment of all necessary fire personnel including the employment and training of firemen and the appointment of officers, agents and other personnel by establishing their compensation and determining to what extent they must be bonded for the faithful performance of their duties;

(3) The purchase, acquisition, upkeep, repairs and maintenance of all fire fighting equipment and fire stations and the sites of fire stations;

(4) The construction of any buildings to house said equipment;

(5) Establishment of rates and charges, if any, for the operation and maintenance of the fire protection system within the district;

(6) Issuance one of general obligation bonds;

***Editor's note—**Ord. No. 09-19, § 2, adopted July 20, 2009, amended article IV in its entirety to read as herein set out. Formerly, article IV, §§ 9-80—9-85, pertained to the Jasper County Fire-Rescue Protection District, and derived from Ord. No. 07-18, § 2, adopted October 15, 2007.

The attachments referred to in this article are not set out at length herein, but may be found on file in the offices of the county.

(7) Levy and collection of ad valorem taxes without limit as to rate or amount upon all taxable property in the district to effect the payment of principal and interest on all bonds which may be issued pursuant to S.C. Code 1976, §§ 4-19-30—4-19-160, as amended, and operation and maintenance of the fire protection system; and

(8) To exercise all other powers granted to the governing body of the county related to fire protection districts by law, including but not limited to S.C. Code 1976, § 4-19-20.

(Ord. No. 09-19, § 2, 7-20-09)

Sec. 9-84A. Geographic limits of the Cherry Point Fire Protection District.

The geographic limits of the Cherry Point Fire Protection District are as follows:

The Cherry Point Fire Protection District encompasses lands bounded by Hazzards Creek to the north, from its intersection with SC Highway 462 to the Jasper County line, thence south and west along the Jasper County line to encompass Bailey's Loop, thence west along SC Highway 170, turning south along said highway to the intersection of the Jasper County line; thence westward to the New River, south along the New River for approximately two miles, thence due west of the New River for one mile, thence north along a line paralleling the New River and one mile west of same, crossing US Highway 278 and along this same course to the intersection of the Beaufort-Jasper Water & Sewer Authority water canal, thence finally in a northeasterly direction from this point of intersection at the water canal to the beginning point whereat Hazzard's Creek intersects with SC Highway 462; all of which is more particularly shown on a map of the proposed district on display at the Offices of Jasper County Emergency Services, 1509 Grays Highway, Ridgeland, South Carolina 29936, and which may be viewed during normal business hours.

(Ord. No. 09-19, § 2, 7-20-09)

Secs. 9-85—9-94. Reserved.

DIVISION 3. RURAL JASPER COUNTY FIRE PROTECTION DISTRICT

Sec. 9-95. Rural Jasper County Fire Protection District—Generally.

Subsequent to the conduct of a public hearing ordered by resolution attached and made a part of the ordinance from which this article derives as if copied herein, there is hereby created the Rural Jasper County Fire Protection District, to be operated as an administrative division of the county, for the purpose of establishing, operating and maintaining fire protection within the district to include:

(1) The acquisition, from time to time, of such fire-fighting equipment as is deemed necessary by the county council for the purpose of controlling fires within the district;

(2) The employment of all necessary fire personnel including the employment and training of firemen and the appointment of officers, agents and other personnel by establishing their compensation and determining to what extent they must be bonded for the faithful performance of their duties;

(3) The purchase, acquisition, upkeep, repairs and maintenance of all fire fighting equipment and fire stations and the sites of fire stations;

(4) The construction of any buildings to house said equipment;

(5) Establishment of rates and charges, if any, for the operation and maintenance of the fire protection system within the district;

(6) Issuance of general obligation bonds;

(7) Levy and collection of ad valorem taxes without limit as to rate or amount upon all taxable property in the district to effect the payment of principal and interest on all bonds which may be issued pursuant to S.C. Code 1976, §§ 4-19-30—4-19-160, as amended, and operation and maintenance of the fire protection system; and

(8) To exercise all other powers granted to the governing body of the county related to fire protection districts by law, including but not limited to S.C. Code 1976, § 4-19-20.

(Ord. No. 09-19, § 2, 7-20-09)

Sec. 9-95A. Geographic limits of the Rural Jasper County Fire Protection District.

The geographic limits of the Rural Jasper County Fire Protection District are as follows:

The Rural Jasper County Fire Protection District encompasses all of unincorporated Jasper County that has not been included in another Fire Protection District; All of which is more particularly shown on a map of the proposed district on display at the Offices of the Jasper County Emergency Services, 1509 Grays Highway, Ridgeland, South Carolina 29936, and which may be viewed during normal business hours.

(Ord. No. 09-19, § 2, 7-20-09)

DIVISION 4. LEVY FIRE PROTECTION DISTRICT

Sec. 9-96. Levy Fire Protection District—Generally.

Subsequent to the conduct of a public hearing ordered by resolution attached and made a part of the ordinance from which this article derives as if copied herein, there is hereby created the Levy Fire Protection District, to be operated as an administrative division of the county, for the purpose of establishing, operating and maintaining fire protection within the district to include:

(1) The acquisition, from time to time, of such fire-fighting equipment as is deemed necessary by the county council for the purpose of controlling fires within the district;

(2) The employment of all necessary fire personnel including the employment and training of firemen and the appointment of officers, agents and other personnel by establishing their compensation and determining to what extent they must be bonded for the faithful performance of their duties;

(3) The purchase, acquisition, upkeep, repairs and maintenance of all fire fighting equipment and fire stations and the sites of fire stations;

(4) The construction of any buildings to house said equipment;

(5) Establishment of rates and charges, if any, for the operation and maintenance of the fire protection system within the district;

(6) Issuance of general obligation bonds;

(7) Levy and collection of ad valorem taxes without limit as to rate or amount upon all taxable property in the district to effect the payment of principal and interest on all bonds which may be issued pursuant to S.C. Code 1976, §§ 4-19-30—4-19-160, as amended, and operation and maintenance of the fire protection system; and

(8) To exercise all other powers granted to the governing body of the county related to fire protection districts by law, including but not limited to S.C. Code 1976, § 4-19-20.

(Ord. No. 09-19, § 2, 7-20-09)

Sec. 9-96A. Geographic limits of the Levy Fire Protection District.

The geographic limits of the Levy Fire Protection District are as follows:

The Levy Fire Protection District encompasses that portion of southern Jasper County bounded on the north by Union Creek, the limits of the City of Hardeeville, thence along the northern boundaries of TMS numbers 009-00-06-016, 009-00-06-048, 009-00-06-011, 009-00-06-013, 009-00-06-047, 009-00-06-075, 009-00-06-096, 009-00-06-112, 009-00-06-189, 009-00-06-115, 009-00-06-133, 009-00-06-132, 009-00-06-131, 009-00-06-130, 009-00-06-161, to the intersection of Freedom Parkway (S.C. Hwy 170); then along the boundary of Freedom Parkway to its intersection with Plantation Drive (S. C. Hwy 46); then north along Plantation Drive to the northern boundary of TMS number 040-00-04-004 and then along that boundary to the New River; on the east by the New River and the Atlantic Ocean; and on the south and west by the Savannah River. All of which is more particularly shown on a map of the proposed district on display at the Offices of the Jasper County Emergency Services, 1509 Grays Highway, Ridgeland, South Carolina 29936, and which may be viewed during normal business hours.

(Ord. No. 09-19, § 2, 7-20-09)

DIVISION 5. RIDGELAND VICINITY FIRE PROTECTION DISTRICT

Sec. 9-97. Ridgeland Vicinity Fire Protection District—Generally.

Subsequent to the conduct of a public hearing ordered by resolution attached to and made a part of the ordinance from which this article derives as if copied herein, there is hereby created the Ridgeland Vicinity Fire Protection District, to be operated as an administrative division of the county, for the purpose of establishing, operating and maintaining fire protection within the district to include:

(1) The acquisition, from time to time, of such fire-fighting equipment as deemed necessary by the county council for the purpose of controlling fires within the services area;

(2) The employment of all necessary fire personnel including the employment and training of firemen and the appointment of officers, agents and other personnel by establishing their compensation and determining to what extent they must be bonded for the faithful performance of their duties;

(3) The purchase, acquisition, upkeep, repairs and maintenance of all fire fighting equipment and fire stations and the sites of fire stations;

(4) The construction of any buildings to house said equipment;

(5) Establishment of rates and charges, if any, for the operation and maintenance of the fire protection system within the district;

(6) Issuance of general obligation bonds;

(7) Levy and collection of ad valorem taxes without limit as to rate or amount upon all taxable property in the district to effect the payment of principal and interest on all bonds which may be issued pursuant to S.C. Code 1976, §§ 4-19-30—4-19-160, as amended, and operation and maintenance of the fire protection system;

(8) To exercise all other powers granted to the governing body of the county related to fire protection districts by law, including but not limited to S.C. Code 1976, § 4-19-20.

(Ord. No. 09-19, § 2, 7-20-09)

Sec. 9-97A. Geographic limits of the Ridgeland Vicinity Fire Protection District.

The geographic limits of the Ridgeland Vicinity Fire Protective District are as follows:

The Ridgeland Vicinity Fire Protection District encompasses that portion of unincorporated Jasper County included in each of the TMS parcels identified in the attached Schedule "A". All of which is more particularly shown on a map of the proposed district on display at the Offices of the Jasper County Emergency Services, 1509 Grays Highway, Ridgeland, South Carolina 29936, and which may be viewed during normal business hours.

(Ord. No. 09-19, § 2, 7-20-09)

DIVISION 6. HARDEEVILLE VICINITY FIRE PROTECTION DISTRICT

Sec. 9-98. Hardeeville Vicinity Fire Protection District—Generally.

Subsequent to the conduct of a public hearing ordered by resolution attached and made a part of the ordinance from which this article derives as if copied herein, there is hereby created the Hardeeville Vicinity Fire Protection District, to be operated as an administrative division of the county, for the purpose of establishing, operating and maintaining fire protection within the district to include:

(1) The acquisition, from time to time, of such fire-fighting equipment as is deemed necessary by the county council for the purpose of controlling fires within the district;

(2) The employment of all necessary fire personnel including the employment and training of firemen and the appointment of officers, agents and other personnel by establishing their compensation and determining to what extent they must be bonded for the faithful performance of their duties;

(3) The purchase, acquisition, upkeep, repairs and maintenance of all fire fighting equipment and fire stations and the sites of fire stations;

(4) The construction of any buildings to house said equipment;

(5) Establishment of rates and charges, if any, for the operation and maintenance of the fire protection system within the district;

(6) Issuance of general obligation bonds;

(7) Levy and collection of ad valorem taxes without limit as to rate or amount upon all taxable property in the district to effect the payment of principal and interest on all bonds which may be issued pursuant to S.C. Code 1976, §§ 4-19-30—4-19-160, as amended, and operation and maintenance of the fire protection system; and

(8) To exercise all other powers granted to the governing body of the county related to fire protection districts by law, including but not limited to S.C. Code 1976, § 4-19-20.

(Ord. No. 09-19, § 2, 7-20-09)

Sec. 9-98A. Geographic limits of the Hardeeville Vicinity Fire Protection District.

The geographic limits of the Hardeeville Vicinity Fire Protection District are as follows:

The Hardeeville Vicinity Fire Protection District encompasses that portion of unincorporated Jasper County bounded on the North by the Beaufort - Jasper Water Authority Canal extending from the Savannah River through Jasper County to the Cherry Point Fire District; on the West by the Savannah River; and the South by Union Creek, the limits of the City of Hardeeville, thence along the northern boundaries of TMS numbers 009-00-06-016, 009-00-06-048, 009-00-06-011, 009-00-06-013, 009-00-06-047, 009-00-06-075, 009-00-06-096, 009-00-06-112, 009-00-06-189, 009-00-06-115, 009-00-06-133, 009-00-06-132, 009-00-06-131, 009-00-06-130, 009-00-06-161, to the intersection of Freedom Parkway (S.C. Hwy 170); then along the boundary of Freedom Parkway to its intersection with Plantation Drive (S.C. Hwy 46); then north along Plantation Drive to the northern boundary of TMS number 040-00-04-004 and then along that boundary to the New River; and on the East by Beaufort County and the Cherry Point Fire District. All of which is more particularly shown on a map of the proposed district on display at the Offices of the Jasper County Emergency Services, 1509 Grays Highway, Ridgeland, South Carolina 29936, and which may be viewed during normal business hours.

(Ord. No. 09-19, § 2, 7-20-09)

ARTICLE V. RESERVED

Sec. 9-99. Reserved.

ARTICLE VI. OFFENSES AND MISCELLANEOUS PROVISIONS

Sec. 9-100. Interference with fire apparatus, driving over hose prohibited.

It is unlawful to park within 500 feet of a place where fire apparatus is stopped in answer to a fire alarm; it is further unlawful to cause any highway, road, either public or private, in such area to be blocked by a vehicle in such a manner that fire apparatus will be hindered from reaching the scene of the fire; or to drive a vehicle over any unprotected hose of a fire department on any street, road, or private driveway when such hose is being used for fire fighting without consent of the fire department official in command.

(Ord. No. 07-18, § 3, 10-15-07)

Sec. 9-101. Prohibited acts.

(a) It is unlawful for any person to willfully destroy or damage any fire facility of Jasper County, or equipment used in the operation of such facility; to interfere with a member of the county fire department in the discharge of his or her duties; or to interfere with any fire apparatus used by the county fire department.

(b) It shall be unlawful for any person to park any vehicle or otherwise cause any obstruction placed within 25 feet of the entrance to any fire station or other place where fire/rescue apparatus is stored, or within ten feet of any fire hydrant, cistern or filling pond or lake.
(Ord. No. 07-18, § 3, 10-15-07)

Sec. 9-102. Code adopted.

(a) The most recently promulgated edition of the Standard Fire Protection Code is hereby adopted for the Jasper County Fire-Rescue District.

(b) In the event that any matters in said code are contrary to existing ordinances of the county, the ordinances adopting the aforementioned Code and amendments thereto shall prevail. Provisions of said ordinances not inconsistent with the Code remain in full force and effect for Jasper County, South Carolina.

(c) When reference is made in the Standard Fire Protection Code to the duties of officials named therein, that designated official in Jasper County, South Carolina, is the deputy administrator for emergency services who shall be deemed to be the responsible official insofar as enforcing the provisions of said Code are concerned.

(d) Violations of said Code shall be a violation of this article.
(Ord. No. 07-18, § 3, 10-15-07)

Sec. 9-103. Penalty for violation.

Any violation of this article shall constitute a misdemeanor and shall be punishable by a fine of not less than $500.00 or 30 day of confinement.
(Ord. No. 07-18, § 3, 10-15-07)

Secs. 9-104—9-120. Reserved.

ARTICLE VII. RESERVED*

***Editor's note—**Ord. No. 09-19, § 4, adopted July 20, 2009, repealed the former article VII, §§ 9-121—9-124 in its entirety, which pertained to the Levy Fire Protection District, and derived from Ord. No. 07-36, §§ 1—4, adopted October 15, 2007.

Chapter 10

NUISANCES*

Article I. In General

Secs. 10-1—10-25. Reserved.

Article II. Abatement of Nuisance

Sec. 10-26. Definitions.
Sec. 10-27. Regulations.
Sec. 10-28. Special permit required.
Sec. 10-29. Nonconforming businesses.
Sec. 10-30. Administration and enforcement.
Secs. 10-31—10-49. Reserved.

Article III. Noise

Sec. 10-50. Purpose.
Sec. 10-51. Certain noise prohibited.
Sec. 10-52. Citation of violators.
Sec. 10-53. Noise measurement procedures and definitions.
Sec. 10-54. Penalties.

***Editor's note—**Ord. No. 02-02, § 7, adopted Mar. 18, 2002, repealed ch. 10, §§ 10-31—10-35 and 10-56, in their entirety. Formerly, said chapter pertained to environment as adopted an ordinance of Aug. 3, 1972. The user is directed to App. A of this Code for similar provisions.

Subsequently, Ord. No. 03-13, § 1, adopted June 16, 2003, amended ch. 10 to read as herein set out. See the Code Comparative Table for a detailed analysis of inclusion.

ARTICLE I. IN GENERAL

Secs. 10-1—10-25. Reserved.

ARTICLE II. ABATEMENT OF NUISANCE

Sec. 10-26. Definitions.

As used in this article, the following words, terms and phases shall have the meanings indicated, except where the context clearly indicates a different meaning, in which case the standard dictionary definition shall prevail.

Appliance means any device commonly found in a residence or place of business originally powered by an electric or gas (natural or propane) motor designed for food storage, air conditioning, washing and drying of clothes, dishwashing, and the like. A "junked" appliance shall be considered one which is no longer functioning as originally intended and which had been removed from its power source and abandoned.

Junk means unused, old and/or scrap metallic items, ferrous and nonferrous, such as copper, brass, iron, steel or the like, rope, rags, paper, trash, rubber debris, tires, batteries, waste, dismantled, wrecked or junked vehicles, or parts thereof.

Junkyard means an establishment or place of business which is maintained, operated or used for storing, keeping, buying or selling junk, or for the maintenance or operation of a vehicle graveyard, excluding garbage dumps, sanitary landfills, or businesses of a similar nature entirely located within a completely enclosed building where no junk is visible from outside the building.

Mobile home means transportable dwellings or business shelters contained in either one or multiple units designed to be joined together into one integral unit, arriving at the site complete and ready for occupancy except for minor and incidental assembly, and constructed so that they may be used without a permanent foundation, but excluding modular residential construction. If the Jasper County Building Department finds the unit to be an abandoned unsafe structure, that structure shall be addressed under the "Derelict & Abandoned Mobile Home Ordinance" of Jasper County. Temporary trailers used for hunting during season, and which are otherwise legally placed on the property, having paid taxes and fees as applicable, are not subject to the provisions of this section.

Vehicle means an automobile, boat, aircraft, truck, tractor-trailer truck, bus, motorcycle, van or other vehicle, however propelled, as well as trailers, tractors, bulldozers and similar machinery and equipment. An individual vehicle shall be considered junked when it is not currently registered with the S.C. Department of Transportation, motor vehicle division, as required by S.C. law, or, if not required to be registered, is in such a bad state of repair so as to render its functional use abandoned.

Vehicle graveyard means an establishment or place of business which is maintained, used or operated for storing, keeping, buying or selling wrecked, scrapped, ruined or dismantled vehicles or vehicle parts.
(Ord. No. 03-13, § 1, 6-16-03)

Sec. 10-27. Regulations.

(a) *Conduct of business.*

(1) The owner or operator of any business dealing in junk, as in a junkyard or vehicle graveyard, shall be held responsible for the management of business in accordance with the provisions herein, to include obtaining all other necessary permits and licenses as may be required by the county or any applicable state agency.

(2) Upon receiving an appliance or vehicle, all junkyards or vehicle graveyards shall remove, as applicable, the battery, lubricants, fluids, coolants, refrigerants, and the like and shall recycle or dispose of same in accordance with all applicable state and federal laws regarding disposal of waste and hazardous materials. All vehicle graveyards shall annually provide the county a complete description of all vehicles received at such yard and shall certify that the requirements of this section have been met.

(3) The owner or operator shall erect and maintain a fence at least eight feet high, but no higher than ten feet, as measured from grade at any point along said fence. In no case shall any material stored within the fence be visible from any adjacent public road right-of-way. Said fence shall be constructed of treated wood, steel or other permanent material and shall not permit visibility to the interior of the fence at any point along its perimeter. Said fence shall be erected not less than 50 feet from the boundary lines of the property on which the activity is conducted, provided, that where the property abuts property either zoned or used for residential activity, or used for a church, school, nursing home or other place of public gathering, or designated on the county's comprehensive plan for recreational activity, now or in the future, or any stream, lake, pond, marsh, swamp or other body of water, the setback shall be no less than 1,000 feet from such abutting property. Further, a junkyard or vehicle graveyard shall not be located closer than 500 feet to any state or federal highway. Should any state or federal law be found to conflict with any of the provisions contained herein, the more restrictive shall apply.

(4) All activity conducted on the premises must be contained within the opaque fence, which shall be securely locked unless permanently supervised.

(5) No junkyard or vehicle graveyard shall be used as a dump by the public. No burning of any material shall be permitted except as may be approved by state or local fire officials given a minimum of 24 hours' notice of such burn.

(Ord. No. 03-13, § 2, 6-16-03)

Sec. 10-28. Special permit required.

(a) No person shall engage in or conduct on real property within Jasper County, either for himself or for and on behalf of any other person directly or indirectly as agent, employee or otherwise, any activity or business, whether for profit or otherwise, at wholesale or retail, which involves the collection, storage, dumping, disassembling, dismantling, salvaging, sorting or otherwise handling or arranging for sale, resale, storage or disposal or otherwise of bodies, engines or parts of vehicles or of any secondhand or used property of whatever material it is composed or any waste material, whether composed of wood, paper, cloth, cardboard, plastics, metals, stone, cement or otherwise, without first obtaining a permit therefore as provided

herein. The owner of the land shall be primarily responsible for such license in the absence of a showing that the premises are validly leased to another. The county council may establish a fee for such license annually as part of its annual budget document.

(b) Each application for permit shall contain a description of the type of business to be conducted, the location, the nature of the materials handled, a plan of the property showing fencing and vegetative screening and the adjacent land uses, and the name and address or the owner(s) of the land and a copy of the lease or other document obtaining the right of occupancy of the applicant to use the land.

(c) Said application shall be forwarded to the planning commission for its review. The planning commission shall make a recommendation to the director of building and planning services as to the issuance of the license subsequent to conducting a public hearing on the matter. Within five days of submittal of a complete application for review, the applicant shall be required to send, via certified mail, a notice of the application to all property owners abutting the property for which the permit is requested. This notice shall include a description of the location, fence height, and general design of the proposed junkyard or vehicle graveyard, and shall state the date, time, and place of the required public hearing (no less than 20 days from the date the notice is mailed). In addition, a notice of application sign shall be posted by the applicant on the subject property in a location clearly visible from each public road. If the planning commission fails to act within 60 days of the receipt of the application for permit, said application shall be deemed to have been recommended and the director of building and planning services may act to issue the permit. The planning commission may, as part of its finding, determine that, based upon the nature if the activity proposed and its location, a surety of sufficient size and nature shall be posted with the county to secure the clean-up of the site from contamination resulting from junkyard storage. Said surety shall be based upon the acreage of the site as follows:

Less than 50 acres:	$5,000.00 per acre
51 to 250 acres:	$4,500.00 per acre
Over 251 acres:	$4,000.00 per acre

(d) Said permit shall not exempt the applicant from meeting any and all other requirements of federal, state or local law regarding the establishment of a business or the conduct of activity upon the land.
(Ord. No. 03-13, § 3, 6-16-03)

Sec. 10-29. Nonconforming businesses.

A junkyard or vehicle graveyard legally in operation as of the date of the enactment of this article with regard to setbacks and the like, shall be considered legally nonconforming and shall be permitted to continue operation, provided, however, that within six months from the date of enactment of this article, all fencing shall be made to be opaque, the fence shall be increased in height to fully screen all activity and all activity shall be removed to inside the fenced enclosure.
(Ord. No. 03-13, § 4, 6-16-03)

Sec. 10-30. Administration and enforcement.

(a) The county planning and building services and litter control departments shall be charged with the enforcement of this article.

(b) The owner or operator of a place of business who commits or permits acts in violation of the provisions of this chapter shall be sent a written notice by certified mail to bring the activity into compliance with the provisions of this article within 90 days of the receipt of such notice. Failure to comply within the specified time limit shall be deemed to be an offense against such chapter and shall continue or be permitted to exist subsequent to the expiration of the time limit specified within the notification shall constitute a separate offense.

(c) Every violation of any provision of this chapter shall subject the offender to a fine of not more than $500.00 and/or imprisonment for not more than 30 days. In addition to the above, the county may elect to have the site cleared and bill to property owner for the work. Should the owner/operator fail to pay for the clean-up, the county may elect to file a mechanics' lien on the property for the amount owed. In addition, the county may, at any time subsequent to written notice of a violation, elect to file an action against the offender to compel compliance with the provisions herein or to restrain by injunction the violation.

(d) An individual violating the provisions of this chapter regarding junked appliances, trash, or vehicles on his property, or dumping same on rights-of-way or others property shall likewise be deemed guilty of a misdemeanor having a fine not to exceed $500.00 and/or imprisonment for 30 days, each day the violation continues may be deemed a separate offense, and may likewise be subject to a proceeding by the county to compel compliance with the provisions of this article.
(Ord. No. 03-13, § 5, 6-16-03)

Secs. 10-31—10-49. Reserved.

ARTICLE III. NOISE

Sec. 10-50. Purpose.

The county council finds as follows:

(1) The making and creation of excessive, unnecessary or unusually loud noises within the unincorporated areas of the county is a condition which has existed for some time and the extent and volume of such noises is increasing;

(2) The making, creation or maintenance of such excessive, unnecessary, unnatural or unusually loud noises which are prolonged, unusual and unnatural in their time, place and use effect and are a detriment to public health, comfort, convenience, safety, welfare and propriety of the residents of the unincorporated areas of the county; and,

(3) The necessity in the public interest for the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity and the peace and quiet of the unincorporated areas of the county and its inhabitants.

(Ord. No. 07-29, § 1, 10-1-07)

Sec. 10-51. Certain noise prohibited.

(a) It shall be unlawful for any person, firm, association, partnership, joint venture, corporation, property owner in possession, lessee in possession, or other entity (hereinafter collectively called "person") within any area of the county to use or operate any machine or devise for producing or reproducing of sound or to create, to assist in creating, permit, continue or permit the continuance of any noise from any machine or device or from any person or group of persons to emanate beyond the property line of the property upon which the noise is being created in excess of 70 decibels (dB) between the hours of 7:00 a.m. and 10:00 p.m. of one day or in excess of 60 decibels (dB) between the hours of 10:00 p.m. of one day and 7:00 a.m. of the following day. This subsection shall not apply to noise on construction sites, emergency signal devices, material handling by sanitation crews, licensed game hunting on property where it is allowed, refuse compacting vehicles, airport and airplane noise, sounds emanating from governmental activities, agricultural or farming activities, tree harvesting or clearing, lawn and yard maintenance activities, parades, carnivals, and public social events which occur between the hours of 7:00 a.m. and 10:00 p.m. of one day.

(b) It shall be unlawful for any person to play, use, operate or permit to be played, used or operated, any radio, cassette or CD player or any other sound producing device if the sound producing device is in any motor vehicle and the sound generated is audible at a distance of 50 feet from the device producing the sound.

(c) It shall be unlawful for any person to violate any provision of Jasper County Code Appendix A, section 16.2 Noises.
(Ord. No. 07-29, § 1, 10-1-07)

Sec. 10-52. Citation of violators.

The county sheriff's office, in cooperation with county government shall enforce the provisions of this article. After receiving a complaint and upon a finding by an officer of a violation, any offender shall have an opportunity to immediately abate the offending noise without penalty. However, if the violation continues or reoccurs at any time, the offender shall be guilty of a misdemeanor and shall be punished to the extent provided for in this article.
(Ord. No. 07-29, § 1, 10-1-07)

Sec. 10-53. Noise measurement procedures and definitions.

(a) It is the intent of the county council to incorporate into this article those standards of measurement hereinafter set forth, which will take into account the latest scientific advances in noise measurement and control while at the same time, preserving the common sense and common law determination of what constitutes a disturbance or public nuisance. Therefore, sound level measurements, while universally desirable, shall not be required to demonstrate violation of any other ordinance or statute which establishes the creation of a disturbance or public nuisance.

(b) Sound measurements shall utilize the peak intensity of sound, measure din decibels, the "A" frequency weighting and the "slow" response characteristic of a sound level meter conforming in all respects to the American National Standards institute (ANSI) standard S 1.4-1071, as revised, for Type 1 or Type 2 instruments.

(c) The microphone used to measure the intensity of a noise may be placed at any point on the exterior of the property line of the complaining party and shall be at least five feet away from any wall and not less than three feet above the ground. If it is not possible to measure five feet from a wall, a five dB variance will be allowed. In the case of multifamily dwellings, condominiums or other closely confined living areas, the exterior property line shall be considered the walls separating individual family units and the microphone shall be placed at least five feet from any wall and not less than three feet above the floor. In the case of vehicles or person in common areas, public areas, roads, streets or highways, the exterior property line shall be considered the wall of any nearby dwelling unit or school and the microphone shall be placed at least five feet, but no more than ten feet from the exterior side of the wall and not less than three feet above the ground.
(Ord. No. 07-29, § 1, 10-1-07)

Sec. 10-54. Penalties.

Any person who shall violate the provisions of this article shall be guilty of a misdemeanor and shall be punished within the jurisdictional limits of magistrate's court. Each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this article is committed or continued.
(Ord. No. 07-29, § 1, 10-1-07)

Chapter 11

COUNTY DETENTION CENTER

Article I. General

Secs. 11-1—11-25. Reserved.

Article II. Home Detention Program

Sec. 11-26. Home detention program established.
Sec. 11-27. Home detention program implementation.
Sec. 11-28. Home detention program rules and regulations.

ARTICLE I. GENERAL

Secs. 11-1—11-25. Reserved.

ARTICLE II. HOME DETENTION PROGRAM

Sec. 11-26. Home detention program established.

(a) A home detention program is hereby established in the county in accordance with S.C. Code 1976, § 24-13-1530(B), as amended, as an alternative to incarceration for persons who are awaiting trial and for offenders whose sentences do not place them in the custody of the department of corrections.

(b) In accordance with S.C. Code 1976, § 24-13-1530, electronic and non-electronic home detention programs may be used by any court in the county having criminal or juvenile jurisdiction to sentence an individual to incarceration and whose sentences do not place them in the custody of the state department of corrections. The home detention program established by this article will be an alternative only for low risk, non-violent adults and juvenile offenders who are selected by the court and who comply with the regulations and program guidelines adopted by the county in accordance with this article. This program may also apply to pretrial or pre-adjudicatory detention, community corrections and work release.

(c) A court, in any pretrial or sentencing order that places a person in home detention, or in a general home detention program order issued by the circuit court, may identify persons eligible for participation in the home detention program; however, participation is subject to meeting all other requirements of the program.

(d) The home detention program hereby established, including all rules and regulations relating thereto, shall comply with all applicable state and local laws and regulations, including, but not limited to, S.C. Code 1976, §§ 24-9-20 et seq., § 24-13-1530(B), and the South Carolina Home Detention Standards.

(e) The county home detention program is intended to be implemented at nominal cost to the county. The administration of the program whether in-house or by contract should be structured so that the revenue generated by the program equals or exceeds its cost. This will be accomplished by administrative fees imposed upon participants. Notwithstanding the other provisions of this subsection, the county home detention program will make appropriate provision for otherwise qualifying indigent persons.
(Ord. No. 11-21, § 1, 9-9-11)

Sec. 11-27. Home detention program implementation.

(a) The county home detention program shall be in effect during periods in which the county administrator concludes:

(1) That the county detention center is adequately staffed to implement the program in house and that such staff have been properly trained, that the county has procured sufficient equipment and supplies to support the program, and the county has adopted pursuant to this section rules and regulations adequate to implement the program, or

(2) That the county has entered into a contract with a non-governmental entity qualified, staffed and equipped to administer a home detention program for the county and the county has adopted necessary rules and regulations relating thereto.

(b) When the county has secured and has operational a home detention program as described in subsection (a), the county administrator will provide written certification of that fact to the county detention center and to each court authorized to issue pre-trial or sentencing orders that place a person in home detention or a general home detention program order and the program shall commence operations.

(c) If at any point the county home detention program falls short of the requirements for certification under subsections (a)(1) or (a)(2) hereof, the county administrator shall immediately give written notice of that fact to the county detention center and to each court authorized to issue pre-trial or sentencing orders that place a person in home detention or a general home detention program order and the program shall cease operations.
(Ord. No. 11-21, § 1, 9-9-11)

Sec. 11-28. Home detention program rules and regulations.

The county administrator, in coordination with any contracting entity which may be charged with administering all or a portion of the county home detention program, shall be hereby authorized to issue all necessary rules and regulations for the implementation of this article, subject always to the requirements of this article.
(Ord. No. 11-21, § 1, 9-9-11)

Chapter 12

RESERVED*

***Editor's note—**Ord. No. 11-08, § 1, adopted June 6, 2011, repealed the former chapter 12, articles I—VI in its entirety, which pertained to flood damage prevention, and derived from Ord. No. 02-12, §§ 100—190, 200, 210, 300—330, 400—450, 500—570, 600—620, adopted November 18, 2002.

For current provisions pertaining to similar subject matter, the user's attention is directed to chapter 6, article IV.

Chapter 13

RESERVED

Chapter 14

RESERVED*

***Editor's note—**Ord. No. 02-02, § 9, adopted March 18, 2002, repealed chapter 14, §§ 14-26—14-28, in its entirety. Formerly, said chapter pertained to historical preservation as adopted by an ordinance of March 15, 1993. See the Code Comparative Table.

Chapter 15

RESERVED

Chapter 16

LIBRARY*

Article I. In General

Sec. 16-1. Establishment.
Sec. 16-2. Applicability of state law.
Sec. 16-3. Funding.
Sec. 16-4. Transfer of property owned by previous county libraries.
Secs. 16-5—16-35. Reserved.

Article II. Board of Trustees

Sec. 16-36. Membership.
Sec. 16-37. Officers; meetings.
Sec. 16-38. Powers and duties.

***Cross reference—**Administration, ch. 2.

State law reference—County public library systems, S.C. Code 1976, § 4-9-35 et seq.

ARTICLE I. IN GENERAL

Sec. 16-1. Establishment.

There is hereby established the county library system.
(Ord. of 6-18-79, § 1)

Sec. 16-2. Applicability of state law.

(a) All state laws and regulations relating to county public library systems shall apply to the library system created pursuant to this chapter.

(b) All employees of a county public library shall be subject to the provisions of S.C. Code 1976, § 4-9-30(7).
(Ord. of 6-8-79, § 4)

Sec. 16-3. Funding.

The county public library system shall be funded by annual appropriations by the county council, including millage, if any, levied specifically for the county public library system, plus aid provided by the state and federal governments and other sources. If the county council levies a tax specifically for the support of the county public library system, such tax shall apply to all persons subject to school taxes.
(Ord. of 6-8-79, § 5)

Sec. 16-4. Transfer of property owned by previous county libraries.

All assets and property, both real and personal, owned by any county library prior to the creation of a library system under this chapter shall be transferred to the county by the persons owning title thereto; provided, however, that all such assets and property shall be used exclusively for library purposes.
(Ord. of 6-8-79, § 6)

Secs. 16-5—16-35. Reserved.

ARTICLE II. BOARD OF TRUSTEES*

Sec. 16-36. Membership.

The county public library system shall be controlled and managed by a board of trustees consisting of seven members appointed by the county council for terms of four years and until successors are appointed and qualify, except that, of those members initially appointed, one-half of such appointees less one shall be appointed for terms of two years only. Previous service on a county library board prior to the enactment of

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***Cross reference—**Boards, commissions and committees, § 2-76 et seq.

the ordinance from which this chapter is derived establishing the board shall not limit service on the board. Vacancies shall be filled in the manner of the original appointment for the unexpired term. To the extent feasible, members shall be appointed from all geographical areas of the county.
(Ord. of 6-18-79, § 1)

State law reference—Similar provisions, S.C. Code 1976, § 4-9-35(b).

Sec. 16-37. Officers; meetings.

The library board of trustees shall annually elect a chairman, vice-chairman, secretary and treasurer, and such other officers as it deems necessary. The board shall meet not less than four times each year and at other times as called by the chairman or upon written request by a majority of the members.
(Ord. of 6-18-79, § 1)

State law reference—Similar provisions, S.C. Code 1976, § 4-9-35(c).

Sec. 16-38. Powers and duties.

(a) The library board of trustees shall be authorized to exercise powers as to the policies of the county library which shall not be inconsistent with the general policies established by the council, and pursuant to that authority shall be empowered to:

(1) Employ a chief librarian, whose qualifications and credentials shall meet the certification requirements of the state library board, and who shall be responsible to the county library board for the administration of the program and the selection of library staff members required to carry out the functions of the library system.

(2) Purchase, lease, hold and dispose of real and personal property in the name of the county for the exclusive use of the county public library system; provided, however, any such conveyance, lease or purchase of real property shall be by the county council.

(3) Acquire books and other library materials and provide for use thereof throughout the county.

(4) Accept donations of real property, services, books and other items suitable for use in the library system.

(5) Designate or mark equipment, rooms and buildings and other library facilities to commemorate and identify gifts and donations made to the library system.

(6) Cooperate or enter into contracts or agreements with any public or private agency which result in improved services or the receipt of financial aid in carrying out the functions of the library system; provided, however, such contracts and agreements shall be subject to approval by the county council.

(7) Enter into contracts or agreements with other counties to operate regional or joint libraries and related facilities; provided, however, such contracts and agreements shall be subject to approval by the county council.

(8) Receive and expend grants, appropriations, gifts and donations from any private or public source for the operation, expansion or improvement of the library system.

(9) Take any actions deemed necessary and proper by the board to establish, equip, operate and maintain an effective library system within limits of approved appropriations of the county council.

(b) In addition to the powers and duties prescribed in subsection (a) of this section the board shall:

(1) Provide and make available to the residents of the county books and library materials, and in the fulfillment of this function shall establish a headquarters library and may establish branches and subdivisions thereof in appropriate geographical areas of the county within the limits of available funds. The board may operate one or more bookmobiles over routes determined by the board.

(2) Annually, at a time designated by the county council, submit to the council a budget for the ensuing fiscal year adequate to fund the operation and programs of the library system. Such budget shall list all funds which the board anticipates will be available for the operation of the library system. All funds appropriated, earned, granted or donated to the library system or any of its parts shall be used exclusively for library purposes. All financial procedures relating to the library system, including audits, shall conform to the procedures established by the county council.

(3) Annually file a detailed report of its operations and expenditures for the previous fiscal year with the county council.

(Ord. of 6-8-79, §§ 2, 3)

State law reference—Similar provisions, S.C. Code 1976, §§ 4-9-35, 4-9-36.

Chapter 17

RESERVED

Chapter 18

OFFENSES AND MISCELLANEOUS PROVISIONS*

Article I. In General

Sec. 18-1. Ordinance summons for enforcement of county ordinances.
Sec. 18-2. Use of public boat landings.
Sec. 18-3. Fees for fire service calls.
Sec. 18-4. Tampering with certain signs and traffic control devices.
Secs. 18-5—18-25. Reserved.

Article II. Reserved

Secs. 18-26—18-50. Reserved.

Article III. Enhanced 911 Emergency Telephone System

Sec. 18-51. General requirements.
Sec. 18-52. E911 service fee, billing and collection.
Sec. 18-53. Accounting and management.
Sec. 18-54. Addressing and road names.
Sec. 18-55. Penalties.
Secs. 18-56—18-70. Reserved.

Article IV. Hazardous Materials Ordinance

Sec. 18-71. Purpose.
Sec. 18-72. Scope.
Sec. 18-73. Definitions.
Sec. 18-74. Registration and fees required.
Sec. 18-75. Official's right of entry.
Sec. 18-76. Sampling permitted.
Sec. 18-77. Vehicle inspection.
Sec. 18-78. Disposal.
Sec. 18-79. Reimbursement.
Sec. 18-80. Enforcement and administration.
Sec. 18-81. Disposition of fees collected.
Sec. 18-82. Notices and orders.
Sec. 18-83. Violation and penalties.

***State law reference—**Crimes and offenses, S.C. Code 1976, Title 16.

ARTICLE I. IN GENERAL

Sec. 18-1. Ordinance summons for enforcement of county ordinances.

(a) There shall be made available to the code enforcement officers and sheriff's department of the county an ordinance summons which complies with the requirements of S.C. Code 1976, § 56-7-80. The form shall be substantially the same as the form which is attached to the ordinance from which this section is derived as attachment A, which is incorporated as part of this section by reference. For purposes of this section, any employee of the department of public works is a code enforcement officer for the purposes of any littering, dumping or animal control ordinance.

(b) The finance department shall be responsible for having the summons books printed, issuing blank summons books, and keeping a record of the summons forms assigned to an individual.

(c) Any officer issuing an ordinance summons shall be responsible for forwarding the copy of the summons labeled "Court Copy" to the appropriate judicial office within one business day of issuing the summons. It shall also be the issuing officer's responsibility to keep the copy of the summons labeled "Officer Copy" until the appointed hearing time. After all action concerning the summons has been concluded, the issuing officer shall turn the "Officer Copy" of the summons in to the finance department within one business day. Failure to comply will not affect the validity of any charge or conviction.

(d) The finance department shall be responsible for keeping the summons forms which have been turned in by law enforcement officers in a manner which will allow for an annual audit of the summons forms.
(Ord. of 1-18-94, §§ 1—4)

Sec. 18-2. Use of public boat landings.

(a) *Restrictions.* All public boat landings in the county shall not be used for camping, parking camper trailers, or the erection of tents, except at those landings where camping or parking is specifically authorized and signs to that effect are posted.

(b) *Penalty.* Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be punished in accordance with section 1-8.
(Ord. of 2-3-75, §§ 1, 2)

Sec. 18-3. Fees for fire service calls.

A fee of up to $500.00 shall be assessed the owner of a home or business whereat the county fire service responds to an emergency call for service. Said fee shall be charged only on those instances wherein the home or business owner can recover the cost of said fee from the fire insurance company providing coverage specially for a fire service call. In those instances where the home or business owner's insurance company does not provide funds to cover a fire service call, said fee shall be waived provided proof of non-coverage in the form of the policy itself or a written letter from the insurance company to that effect is produced. Non-insured homes or businesses are automatically exempt from the requirement to pay the fee.
(Ord. of 3-1-99, § 1)

Sec. 18-4. Tampering with certain signs and traffic control devices.

(a) *Tampering with traffic signs prohibited.* No person shall tamper with any traffic sign, highway direction sign, traffic light, or sign indicating the name of any street. As used in this section, the word tamper shall include the following:

(1) Changing the wording of any sign;

(2) Removing any sign;

(3) Turning any sign so that it no longer faces the direction it was installed to face;

(4) Covering any sign;

(5) Defacing any sign;

(6) Shooting at any sign;

(7) Doing any act that will render a sign more difficult to read; or

(8) Placing any obstruction in front of a sign.

(b) *Exemption for authorized work.* Nothing in this section shall be interpreted to prohibit any action by a person authorized by a politic agency or body having authority over a sign to take any action in connection with a sign.

(c) *Other rights and liabilities not affected.* Nothing in this section shall be interpreted as abolishing or restricting any rights or liabilities created by law, including any right of any person to be awarded damages in a civil suit for any loss suffered as a result of any sign tampering.

(d) *Violations and penalties.* Any person who shall violate the provisions of this section shall be guilty of a misdemeanor and shall be punished to the maximum jurisdictional limit of the magistrate's court. Persons shall be deemed guilty of a separate offense for each sign which has been tampered with.
(Ord. No. 09-31, §§ 1—4, 10-19-09)

Editor's note—Ord. No. 09-31, §§ 1—4, adopted October 19, 2009, did not specify manner of inclusion; hence, inclusion as § 18-4 is at the discretion of the editor.

Secs. 18-5—18-25. Reserved.

ARTICLE II. RESERVED*

Secs. 18-26—18-50. Reserved.

***Editor's note—**Ord. No. 02-02, § 10, adopted Mar. 18, 2002, repealed art. II, §§ 18-26 and 18-27, in their entirety. Formerly, said sections pertained to noise as adopted by an ordinance of June 5, 1995. The user is directed to App. A. of this Code for similar provisions.

ARTICLE III. ENHANCED 911 EMERGENCY TELEPHONE SYSTEM*

Sec. 18-51. General requirements.

(a) The county 911 system shall be an enhanced system type and shall fully comply with all specified requirements of the S.C. Code 1976, §§ 23-47-10 through 23-47-80, as amended.

(b) The county office of E911 is charged with the responsibility of maintaining the database, managing the county 911 system, providing guidance, support and assistance, as needed, to the municipalities, the sheriff's office, the county EMS, all county fire districts and other public safety agencies, as may be appropriate.

(c) An emergency telephone system fund shall be established in an interest bearing account by the county treasurer. The requirements and limitations in the S.C. Code 1976, §§ 23-47-10 through 23-47-80, as amended, shall apply.
(Ord. of 10-18-99, § 1)

Sec. 18-52. E911 service fee, billing and collection.

(a) The E911 service fee shall include charges as may be required by the service suppliers and agreed upon by the county and such charges for support, planning, operation and current or future enhancements as required by the county and outlined in S.C. Code 1976, §§ 23-47-10 through 23-47-80, as amended.

(b) The initial E911 service fee charge, which will become effective upon the date specified herein, shall be $1.50 per month per applicable subscriber line, for each billed line intended to have access to Emergency service through the county E911 service fee telephone system. Further, a monthly charge shall also be levied upon each local exchange access facility subscribed to by telephone subscribers whose local exchange access lines are in the area served by or which would be served by the 911 service and/or system of the jurisdiction of the county as provided for in this article, in amounts permitted pursuant to S.C. Code 23-47-50, and subject to approval by the Division of Information Resource Management or the South Carolina Budget and Control Board, provided that the amounts of such levy shall be set forth precisely in each annual, or supplemental budget ordinance as appropriate together with a provision providing that such charges were a tax enforceable under S.C. Code 1976, § 23-47-50(B). Said E911 service fee rate shall include funding for only such expenses and costs as are authorized under provisions of S.C. Code 1976, § 23-47-40(A), (B), and (D), as may be approved by the county council attendant to the normal adoption of the county's ordinary and capital budgets. Said budget shall clearly delineate expense, and sources of revenue and authorized expenses from sources other than the E911 service fee, by budget account and line item/object.

(c) The E911 service fee shall be uniform and not vary according to the type of local exchange access.

***Editor's note—**An ordinance adopted Oct. 18, 1999, §§ 1—5, did not specifically amend this Code; hence its inclusion as art. III, §§ 18-51—18-55, of this chapter was at the discretion of the editor. Section 8 of the ordinance provided for an effective date as follows:

"Subsequent to final reading approval, this ordinance [article] shall take effect on July 1, 2000; which shall be the earliest effective date of any agreement between the county and any service supplier regarding service fees to be collected from subscribers."

(d) Coin operated telephones shall be toll free for 911 calls, but certain locations, such as detention centers or institutions may be denied access to 911 at the discretion of the responsible director, the county administrator, and the E911 administrator. Other coin operated telephones which can be clearly identified as not being in the public interest regarding continuation or access to 911 service may also be denied such access.

(e) The service supplier shall remit E911 service fee collections to the county within 45 calendar days following the end of the month wherein such funds are generated

(f) An audit and budget reconciliation shall be conducted annually. The audit shall comply with the requirement of the S.C. Code 1976, § 23-47-50(E).
(Ord. of 10-18-99, § 2)

Sec. 18-53. Accounting and management.

(a) As provided in S.C. Code 1976, § 23-47-50(C), the county is responsible for the collection of delinquent accounts having cause procedures to be established with the service supplier for the identification of such accounts and the service supplier shall forward such information to the appropriate authority for collection procedures.

(b) The E911 administrator is responsible for the administration of this article.
(Ord. of 10-18-99, § 3)

Sec. 18-54. Addressing and road names.

All road naming and addressing activity shall be as provided for in the county road naming and addressing ordinance. The E911 administrator shall be an integral part of the maintenance of such naming and addressing activity.
(Ord. of 10-18-99, § 4)

Sec. 18-55. Penalties.

Any person who shall violate any provision of this ordinance shall be deemed to be guilty of a misdemeanor and, upon conviction of such offense, may be fined not more than $500.00 or imprisoned for not more than 30 days, and in addition, shall pay all costs and expenses involved in the case. Each and every day or portion thereof during which any violation continues shall be considered a separate offense.
(Ord. of 10-18-99, § 5)

Secs. 18-56—18-70. Reserved.

ARTICLE IV. HAZARDOUS MATERIALS ORDINANCE*

Sec. 18-71. Purpose.

(a) It is the intent of this article to develop a data base of information concerning the location and disposal of hazardous materials in Jasper County. This data base will be used to protect firefighters and emergency personnel from injury or death occurring from an explosion or fire because of unknown dangerous materials present;

***Editor's note—**Ord. No. 04-20, §§ 1—13, adopted Sept. 20, 2004, was not specifically amendatory of the Code and has been included as art. IV at the discretion of the editor. See the Code Comparative Table for a detailed analysis of inclusion.

Cross reference—Zoning, App. A.

(b) It is further intended to use this data base to protect the natural environment through the monitoring of use and disposal of hazardous materials within Jasper County;

(c) It is further intended to locate and identify those businesses that should report extremely hazardous substances under SARA Title III, in order to form site plans and assure compliance; and

(d) It is further intended to charge cost recovery of time and material spent while handling hazardous materials incidents to the company, vendor, or owner of the hazardous material.
(Ord. No. 04-20, § 1, 9-20-04)

Sec. 18-72. Scope.

(a) This article shall apply to all materials which are highly flammable, or which may react to cause fires or explosions, or which by their presence create or augment a fire or explosion hazard, or which because of the toxicity, flammability, or liability of explosion, render fire fighting, rescue, or public safety operations abnormally dangerous or difficult, or create a threat to public health or safety. This article shall also apply to flammable or combustible liquids which are chemically unstable and which may spontaneously form explosive compounds, or undergo spontaneous reactions of explosive violence or with sufficient evolution of heat to be a fire hazard. Hazardous materials shall include such materials as flammable solids, corrosive liquids, radioactive materials, oxidizing materials, potentially explosive materials, poisonous gases, and hazardous materials known or suspected of chronic toxicity, as defined in this article. However, this article shall not included heating fuels, lubricating oils, hydraulic oils, lubricating greases or compressed gases for residential use.

(b) The storing, handling, and dispensing of materials covered by this ordinance shall be conducted pursuant to the requirements of any and all local, state and federal applicable codes.

(c) This ordinance recognizes that transporters of hazardous materials must comply with all United States Department of Transportation Regulations, such hazardous materials regulations governing both interstate and intrastate activities.
(Ord. No. 04-20, § 2, 9-20-04)

Sec. 18-73. Definitions.

(a) For the purposes of this article, the following definitions as identified by the United Nations Classification System shall apply:

Class 1	Explosives
Division 1.1	Explosives with a mass explosion hazard.
Division 1.2	Explosives with a projection hazard.
Division 1.3	Explosives with predominantly a fire hazard.
Division 1.4	Explosives with no significant blast hazard.
Division 1.5	Very insensitive explosives.
Class 2	Gases
Division 2.1	Flammable gases (can be ignited very easily)
Division 2.2	Nonflammable gases.

Division 2.3	Poison gases (any gas of such nature that a small amount of the gas, when mixed with air, is dangerous to life).
Class 3	Flammable Liquids
Division 3.1	Flashpoint below minus 18°C (0°F).
Division 3.2	Flashpoint minus 18°C and above but less than 23°C (73°F).
Division 3.3	Flashpoint of 23°C and up to 61°C (141°F).
Class 4	Flammable Solids; Spontaneously Combustible Materials; and Materials dangerous when wet.
Division 4.1	Flammable solids (a solid substance, other than one classified as an explosive, which is liable to cause fires through friction, through absorption of moisture, through spontaneous chemical changes, or as a result of retained heat from manufacturing or process).
Division 4.2	Spontaneously combustible materials.
Division 4.3	Materials that are dangerous when wet.
Class 5	Oxidizers and Organic Peroxides
Division 5.1	Oxidizers (evolves oxygen either spontaneously or with wild heating).
Division 5.2	Organic peroxides.
Class 6	Poisonous and Etiologic (infectious) materials
Division 6.1	*Poison A:* A liquid so toxic that an extremely small amount of the vapor formed by the liquid is dangerous to life.
	Poison B: Less toxic liquids and solids that are hazardous either by contact with the body (skin absorption) or by ingestion.
	Poison C: Liquids or solids that evolve toxic or strongly irritating fumes when heated when heated or when exposed to air.
Division 6.2	Etiological (infections) materials.
Class 7	Radioactive materials.
Any material or combination of materials that spontaneously emits ionizing radiation.	
Class 8	Corrosives
Any acids, alkaline caustic liquids, and other corrosive liquids which when in contact with living tissue, will cause severe damage of such tissue by chemical action; in case of leakage will materially damage or destroy other containers of other hazardous commodities by chemical action and cause the release of their contents; or are liable to cause fire when in contact with organic matter or with certain materials.	

(b) *Extremely hazardous substances* are those substances designated as such by the administrator of the United States Environmental Protection Agency.

(c) For the purpose of registration, the following registration categories are hereby established and defined:

Category A: Includes any facility which uses, produces or stores any amount of extremely hazardous substance(s) as defined by Section 304 of the Emergency Planning and Community Right-to-Know Act of 1986 (SARA Title III); and meets or exceeds hazardous substances list, or under the comprehensive environmental response, compensation, and liability act (Cercla) of 1980 list.

Category B: Includes any facility which produces hazardous chemical(s) and/or stores hazardous chemical(s) for wholesale and/or any facility which uses hazardous chemicals as defined in section 18-73(a) of this article and meets or exceeds quantities listed in section 18-73(e) of this article.

Category C: Includes any facility which handles or stores any hazardous chemical(s) as defined in section 18-73(a) of this article and meets or exceeds quantities listed in section 18-73(e) of this article for retail sale to the general public.

(d) For the purpose of registration, the term *hazardous chemicals* does not include:

(1) Any food, food additive, color additive, drug or cosmetic regulated by the Food and Drug Administration.

(2) Any substance to the extent it is used for personal, family or household purposes.

(3) Any substance to the extent it is used in a medical research laboratory or a hospital or other medical facility under the direct supervision of a technically qualified individual.

(4) Any substance used by farmers, provided, their storing, handling, and use of hazardous materials is for farming purposes only.

(5) Any substance to the extent it is used by an food service facility in the preparation of such food for human consumption.

(6) Any substance to the extent it is stored and used by the facility for janitorial and housekeeping purposes only.

(e) A registration shall be required for the use, handling, production, and/or storage of any quantity of hazardous chemicals a defined under section 18-73(a), which meets or exceeds the below listed amounts.

Note: A registration shall also be required for those facilities which adhere to section 18-73(a) of this article.

	Division	*Amount*
Class 1	1.1	Any
	1.2	Any
	1.3	Any
	1.4	Any
	1.5	Any
Class 2	2.1	100 lbs.
	2.2	None
	2.3	Any
Class 3	3.1	55 Gals.
	3.2	55 Gals.
	3.3	55 Gals.
Class 4	4.1	10 lbs.
	4.2	10 lbs.
	4.3	10 lbs.
Class 5	5.1	200 lbs.

	Division	*Amount*
	5.2	10 lbs.
Class 6	6.1	Any
	6.2	Any
Class 7		Any
Class 8		55 Gals.

(Ord. No. 04-20, § 3, 9-20-04)

Sec. 18-74. Registration and fees required.

(a) A fee shall be paid for initial registration pursuant to this Article. An annual renewal fee shall be paid by January 1 of each year. Only one registration is required per facility per year. Fee schedule as follows:

Initial Registration	*Renewal Registration*
Category A - $300.00	$200.00
Category B - 150.00	100.00
Category C - 100.00	50.00

(b) No registration shall be valid after the last day of the year in which it was issued.

(c) Government agencies are exempted from the fees but are not exempted from compliance.

(d) Registrations are nontransferable.
(Ord. No. 04-20, § 4, 9-20-04)

Sec. 18-75. Official's right of entry.

(a) The appropriate official designated by the county administrator or his authorized representative may at all reasonable times request access to any building whether completed or under construction, or to any property for the purpose of making an inspection or investigation to enforce any of the provisions of this article and, if denied, and a belief exists as to probable cause that hazardous materials are present, then such official shall obtain a search warrant to allow inspection of the premises.

(b) If an emergency appears to exist, the county may petition for a court order enjoining the owner or occupant of the premises for conduction business or storing product in question.

(c) No person, owner, or occupant of any building or premise shall fail, after proper credentials are displayed, to permit entry into any building or onto any property by the appropriate official designated by the county administrator, or a duly authorized agent, for the purpose of inspections pursuant to this article. Any person violating this section shall be guilty of a misdemeanor and, upon conviction, sentenced to a $500.00 fine or 30 days in jail for each offense.
(Ord. No. 04-20, § 5, 9-20-04)

Sec. 18-76. Sampling permitted.

(a) The appropriate official may verify the contents of any chemical container by taking a sample for analysis if the holder or owner of a chemical container is unable to identify or substantiate the contents through the production of trade-accepted manifests and/or acceptable documentation.
(Ord. No. 04-20, § 6, 9-20-04)

Sec. 18-77. Vehicle inspection.

(a) No materials shall be transported in any vehicle which has physical, mechanical or electrical defects which could cause or contribute to fire or explosion or which is improperly placarded, as provided in the United States Department of Transportation Regulations. The appropriate official designated by the county administrator and any county law enforcement officer shall have the authority to inspect a vehicle transporting materials for such defects or violations and shall prohibit a defective vehicle or improperly placarded vehicle from transporting materials on road and highways within the county.
(Ord. No. 04-20, § 7, 9-20-04)

Sec. 18-78. Disposal.

(a) Disposal of materials shall be by methods meeting all requirements of state and federal law. Upon registration of hazardous materials, a list of materials for disposal, method of disposal and location of disposal shall be supplied.
(Ord. No. 04-20, § 8, 9-20-04)

Sec. 18-79. Reimbursement.

In the event of a spill or release of any hazardous material, as defined by this ordinance, which would require Jasper County to commit its hazardous material resources, the party or parties responsible for such spill or release shall pay all costs incurred by Jasper County, including all legal fees, in its efforts to mitigate any risks to life, property and/or the environment caused by such spill or release. The Jasper County Administrator or his designee shall have the sole authority to commit Jasper County's hazardous material resources.
(Ord. No. 04-20, § 9, 9-20-04)

Sec. 18-80. Enforcement and administration.

(a) The Jasper County Emergency Management Department will be responsible for administration of this ordinance and maintaining registration.
(Ord. No. 04-20, § 10, 9-20-04)

Sec. 18-81. Disposition of fees collected.

(a) All fees collected shall be turned in to the county finance office and credited to the county's general fund.

(b) The funds generated by this article will be allocated to the local emergency planning committee as described by the Community Right to Know Act, Sara Title III. The committee will use these funds to purchase hazardous material equipment, develop a hazardous material response capability and conduct training needed for combating all hazardous material incidents.
(Ord. No. 04-20, § 11, 9-20-04)

Sec. 18-82. Notices and orders.

Whenever the fire marshal or a duly authorized agent designated by the county administrator finds in any building or upon any premises dangerous or hazardous conditions or materials, there shall be issued such notice or orders to remove or remedy the conditions as may be necessary for the protection of life and property from fire and smoke or explosion.
(Ord. No. 04-20, § 12, 9-20-04)

Sec. 18-83. Violation and penalties.

(a) Any person operating or maintaining any occupancy, premises or vehicle subject to this article, who fails to rectify any existing violation of this article on premises under his control, or who fails to take immediate action to abate a violation of this article when ordered or notified to do so by the appropriate official designated by the county administrator or his duly authorized representative, shall be guilty of a misdemeanor, and sentenced to a $500.00 fine or 30 days in jail for each offense.

(b) Any person failing to register material(s) or pay registration/renewal fee covered by this article is in violation of the article and is subject to the penalties and fees as previously outlined in section 18-81(a).
(Ord. No. 04-20, § 13, 9-20-04)

Chapter 19

RESERVED

Chapter 20

PLANNING AND DEVELOPMENT*

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Article II. Industrial Park Developments

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***Cross references—**Administration, ch. 2; powers and duties of planning board regarding airport protective areas, § 4-42; buildings and building regulations, ch. 6.

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Article V. Reserved

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Article VI. Reserved

ARTICLE I. IN GENERAL

Sec. 20-1. Comprehensive plan.

The comprehensive plan prepared and approved by the county planning commission be and the same is hereby adopted as the comprehensive plan for the county.

(Ord. of 11-16-98, § 1)

Editor's note—The comprehensive plan adopted by an ordinance of Nov. 16, 1998 and referred to in § 20-1 above, has not been included within the Code, but may be found on file in office of the clerk to council.

Cross reference—South Carolina Local Government Comprehensive Planning Enabling Act of 1994, S.C. Code 1976, § 6-29-310 et seq.

Secs. 20-2—20-25. Reserved.

ARTICLE II. INDUSTRIAL PARK DEVELOPMENTS*

Sec. 20-26. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory, as applied to a use or structure, means customarily and clearly subordinate or incidental and on the same premises as such use or structure.

Agent means an authorized person acting for or on the behalf of the subdivider or owner.

Application means a written document addressing objective criteria for consideration of a site for industrial park development district designation.

Approved activities means industrial activities such as manufacturing, processing, assembling, storing, testing, research and similar industrial uses.

County economic development director means the employee of the county appointed by the county administrator to serve as the department head for the county economic development staff.

Development cost recovery means direct costs associated with physical improvements such as road grading, road construction, drainage improvements, drainage piping, rail spur construction, etc.

Industrial development means the addition of structures and facilities for the purpose of manufacturing or processing plants, distribution warehouses or other approved activities.

Industrial park development district means a single parcel of 25 acres or more which is suitable for a community of related or unrelated manufacturing plants, distribution warehouses or other approved activities and which has been designated by the county council as eligible for negotiation of a development agreement.

***State law reference—**Industrial development projects, S.C. Code 1976, § 4-29-10 et seq.

Industrial park development district agreement means a series of legally binding contracts including a site development plan, restrictive covenants, marketing contract and development contract through which the owner of a designated industrial park development district, the county and any applicable utility provided jointly agree to develop and market property for the purposes of industrial development.

Industrial park development district designation means an action by resolution of the county council which qualifies a site for negotiation of an industrial park development district agreement.

Infrastructure means physical improvements, including roads, rail service, drainage and utilities.

Objective criteria means measurable time and cost specific factors to be considered in evaluating industrial development potential.

Off-street parking means an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street arranged so that no maneuvering incidental to parking shall be on any public street and so that an automobile may be parked or unparked therein without moving any other automobile.

Owner and *landowner* means any person having title to sufficient proprietary interest in the land for which development district designation is sought and which has the legal authority to enter into binding agreements therefor concerning the disposition of such property.

Prequalification means the process by which applications for industrial park development district designation are reviewed and considered for approval by the economic development commission.

Structure means anything constructed or erected, the use of which requires location on the ground.

Subdivider/developer means the owner of property or his agent engaged in the subdivision or improvement of land for division into two or more lots, building sites or other divisions for the purpose, whether immediate or future, of sale or building development. The agent, subdivider and developer of properties subject to an industrial park development district agreement is the county.

Use means the performance of a function or operation which constitutes the utilization of land.

Utility cost recovery means generally recognized costs associated with the provision of water, sewer, electric and natural gas utilities.

Yard means a required open space unoccupied and unobstructed by any structure or portion thereof from a height of 30 inches above the finished grade level of the ground.
(Ord. of 9-6-88, § 1)

Cross reference—Definitions generally, § 1-2.

Sec. 20-27. Designation of development district.

(a) In order for any property to be considered eligible for industrial park development district designation, the county economic development commission shall evaluate the application by objective criteria, which it shall establish, and shall recommend to the county council an assignment of eligibility or noneligibility of the application and shall recommend a priority assignment for industrial park development district designation.

(b) To be eligible for submission of an industrial park development district application designation, a site must be a single parcel of 25 acres or more, identified on the tax maps of the county, and suitable for a community of related or unrelated manufacturing or processing plants, distribution warehouses or other approved activities according to criteria established by the economic development commission and approved by the county council.

(c) The economic development commission shall, within 12 months of the effective date of the ordinance from which this article is derived, submit to the county council for approval recommended criteria for use in evaluating the eligibility and priority of applications for industrial park development district designation. The criteria addressed shall include, as a minimum, the following:

(1) Compatibility with and impact on existing and planned land use in surrounding areas;

(2) Environmental impact;

(3) Transportation resources and impact, to include rail service;

(4) Availability of water and sewer to meet projected demand;

(5) Site conditions, to include drainage, floodplain, slopes, vegetation and soil conditions;

(6) Availability of electric service;

(7) Availability of natural gas; and

(8) Land and development costs.

(d) Publicly owned sites for which master plans have been completed and approved by the economic development commission as of the effective date of the ordinance from which this article is derived are exempt from the requirements of this section and shall be considered eligible for industrial park development district designation.

(e) Considering the recommendations of the economic development commission, the county council may, by resolution, designate a site or priority ranking of sites as designated for the purpose of negotiating development agreements as appropriate and feasible.
(Ord. of 9-6-88, § 2)

Sec. 20-28. Development district agreement.

(a) *Maximum area.* No more than a total of 1,000 unoccupied acres shall be included under industrial park development agreements at any one time.

(b) *Contents of agreement.* The agreement shall include the following:

(1) A site development plan and restrictive covenants. The site development plan and restrictive covenants and any amendment thereafter shall be approved by the economic development commission and planning commission. Restrictive covenants shall be included in all deeds and as a minimum shall address the following: permitted principal uses and structures, permitted accessory uses and structures, prohibited uses and structures, minimum lot area, minimum lot width, minimum yard requirements, maximum lot coverage by all buildings, maximum height of structures, minimum off-street parking and loading requirements, architectural and aesthetic standards, performance standards (air and noise emissions, water and other environmental

standards), implementation of plans and construction and property owners' association. The plan and restrictive covenants shall conform with all county subdivision, drainage and land use ordinances.

(2) A marketing contract establishing the county economic development commission as the exclusive development and marketing agent of the property. This agreement shall address the following:

a. The minimum term of the contract shall be 20 years. However, the contract shall permit early termination after an initial five-year period. Early termination shall require the property owner to reimburse the county for the depreciated value of the cost of road and drainage improvements made by the county, plus 25 percent to serve sites for which industries have not entered into construction contracts for completion of facilities approved by the economic development commission at the time of termination. Depreciation value shall be calculated on a straight line 20-year basis plus 25 percent from the date of completion of the improvements.

b. No option entered into by the county on behalf of the owners shall be for a period of over three years or the period ending with the expiration of the marketing contract, whichever is less.

(3) A development contract establishing terms and conditions under which the owner, the county and any public utility provider agree to provide and develop the infrastructure necessary to make the district suitable for industrial development.

a. The contract will comply with the site development plan.

b. For the purpose of these agreements the county shall be considered the developer and subdivider, so that the county may install public roads, drainage and rail improvements. Such improvements shall be completed on a phased basis in accordance with the site development plan as practical and economically feasible.

c. The county economic development director shall be identified as the point of contact for coordination and management of public improvements and utilities within the availability of funds and terms of the contract.

d. The development contract shall set the anticipated return of investment for all parties. The owner's return shall be based on the agreed-upon undeveloped per-acre price of the land with appropriate use, and investment in improvements shall also be considered. Normally, cost recovery for provision of utilities may include normal tap-on, user charges, impact fees and other charges as agreed to by the utility provider.

(c) *Ratification by council.* No contract or other agreement entered into under the provisions of this article shall be binding until ratified by the county council. No provision of this article shall be construed to require the county or the economic development commission to entertain any application for designation which is not physically and economically feasible or which does not have excellent prospects for attracting industry or for which development funds are not available.

(d) *Private developments.* No provision of this article shall be construed to prohibit or regulate the development of industrial parks by private developers who do not apply for or are unsuccessful in obtaining industrial park development district designation.
(Ord. of 9-6-88, § 3)

Sec. 20-29. Official copy of designations and agreements.

The economic development director shall maintain at least one copy of each industrial park development district designation and development agreement. Such official copy shall be available at all times for public inspection at the office of the economic development commission.
(Ord. of 9-6-88, § 4)

Secs. 20-30—20-40. Reserved.

ARTICLE III. PLANNING COMMISSION

DIVISION 1. GENERALLY*

Sec. 20-41. Establishment of planning commission.

The Jasper County Planning Commission is hereby established under the provisions of S.C. Code 1976, § 6-29-320, with jurisdiction over all unincorporated areas of the county.
(Ord. No. 07-48, Exh. 1, 11-13-07; Ord. No. 08-02, § 4, 2-4-08; Ord. No. 09-03, § 3, 1-5-09)

Sec. 20-42. Composition of the commission.

The planning commission shall consist of seven members appointed by county council for terms of four years. Members shall serve until their successors are appointed and qualified. No member of the planning commission shall be the holder of an elected public office in the county. Membership on the planning commission shall be reserved to persons of good standing in the community having knowledge of the community and concern for the future welfare of the county. Members shall be required to either own land or a business within the county if they are not residents of the county.
(Ord. No. 07-48, Exh. 1, 11-13-07; Ord. No. 08-07, § 1, 4-2-08; Ord. No. 09-03, § 4, 1-5-09)

Sec. 20-43. Review authority.

The function and duty of the planning commission is to undertake a continuing planning program for the physical, social, and economic growth, development, and redevelopment of the unincorporated areas of the county. The planning commission may make, publish, and distribute maps, plans, and reports and recommendations relating to the development if its area of jurisdiction to county officials and agencies, public utility companies, civic, educational, professional, and other organizations and citizens pursuant to

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***Editor's note—**Ord. No. 07-48, Exh. 1, adopted Nov. 13, 2007, deleted Div. 1, §§ 20-41—20-44, and supplied provisions for a new Div. 1, §§ 20-41—20-45, to read as set out herein. Former Div. 2, §§ 20-41—20-44 pertained to similar subject matter and derived from an ordinance adopted June 1, 1998, §§ 1—4; and Ord. No. 05-11, §§ 1, 2, adopted June 20, 2005.

S.C. Code 1976, § 6-29-340. In general, the planning commission has the powers as may be necessary to enable it to perform its functions and promote the planning within the unincorporated boundaries of the county.

In discharge of its responsibilities, the planning commission has the power and duty to:

(1) Prepare and revise periodically plans and programs for the development and redevelopment of its area as provided in this chapter; and

(2) Prepare and recommend for adoption to the appropriate governing authority or authorities as a means for implementing the plans and programs in its area:

a. Zoning ordinances to include zoning district maps and appropriate revisions thereof, as provided in this chapter;

b. Regulations for the subdivision or development of land and appropriate revisions thereof, and to oversee the administration of the regulations that may be adopted as provided in this chapter;

c. An official map and appropriate revision on it showing the exact location of existing or proposed public street, highway, and utility rights-of-way, and public building sites, together with regulations to control the erection of buildings or other structures or changes in land use within the rights-of-way, building sites, or open spaces within its political jurisdiction or a specified portion or it, as set forth in this chapter;

d. A landscaping ordinance setting forth required planting, tree preservation, and other aesthetic considerations for land and structures;

e. A capital improvements program setting forth projects required to implement plans which have been prepared and adopted, including an annual listing of priority projects for consideration by the governmental bodies responsible for implementation prior to the preparation of their capital budget; and policies or procedures to facilitate implementation of planning elements.

(Ord. No. 07-48, Exh. 1, 11-13-07; Ord. No. 09-03, § 5, 1-5-09)

Sec. 20-44. Decision-making authority.

The planning commission acts in a review and approval capacity on major subdivision applications as set out in this article and pursuant to S.C. Code, § 6-29-760.

(Ord. No. 07-48, Exh. 1, 11-13-07)

Sec. 20-45. Removal of members.

Members of the planning commission may be removed at any time by county council for cause. The existence of cause shall be discussed by the council in executive session as permitted by the Freedom of Information Act, S.C. Code, § 30-4-70(a)(1), and the determination of removal shall be by vote in public session declaring a vacancy in the position without a statement of cause. Any fact which, in the discretion of council, is deemed to adversely affect the public interest, including lack of attendance at meetings, may constitute cause.

(Ord. No. 07-48, Exh. 1, 11-13-07)

Secs. 20-46—20-50. Reserved.

DIVISION 2. ORGANIZATION AND RULES OF PROCEDURE

The planning commission shall organize, elect officers, and adopt rules of procedure as required by S.C. Code § 6-29-360. Said rules of procedure shall be attached hereto as though copied herein. [Rules of procedure are set out in this division 2.]
(Ord. of 6-1-98, § 5)

Sec. 20-51. Organization.

(a) *Rules.* These rules of procedure are adopted pursuant to S.C. Code § 6-29-360 for the county planning commission which consists of members appointed by the county council.

(b) *Officers.* The officers of the commission shall be a chairman and vice-chairman elected for one-year terms at the first meeting of the commission in each calendar year. The commission shall appoint a member of the staff of the county as secretary of the commission.

(c) *Chairman.* The chairman shall be a voting member of the commission and shall:

(1) Call meetings of the commission;

(2) Preside at meetings and hearings;

(3) Act as spokesperson for the commission;

(4) Sign documents for the commission;

(5) Transmit reports and recommendations to council; and

(6) Perform other duties approved by the commission.

(d) *Vice-chairman.* The vice-chairman shall exercise the duties of the chairman in the absence, disability, or disqualification of the chairman. In the absence of the chairman and vice-chairman, an acting chairman shall be elected by the members present.

(e) *Secretary.* The secretary shall:

(1) Provide notice of meetings;

(2) Assist the chairman in preparation of agenda;

(3) Keep minutes of meetings and hearings;

(4) Maintain commission records as public records;

(5) Attend to commission correspondence; and

(6) Perform other duties normally carried out by a secretary.
(Ord. of 6-1-98, § 5)

Sec. 20-52. Meetings.

(a) *Time and place.* An annual schedule of regular meetings shall be adopted, published and posted at the designated county office in December of each year. Special meetings may be called by the chairman upon 24 hours notice, posted and delivered to all members and local news media. Meetings shall be held at the place stated in the notices, and shall be open to the public.

(b) *Agenda.* A written agenda shall be furnished by the secretary to each member of the commission and the news media, and shall be posted at least five days prior to each regular meeting, and at least 24 hours prior to a special meeting. Items may be added to the agenda at a meeting by majority vote.

(c) *Quorum.* A majority of the members of the commission shall constitute a quorum. A quorum shall be present before any business is conducted other than rescheduling the meeting.

(d) *Rules of order.* Robert's Rules of Order shall govern the conduct of meetings except as otherwise provided by these Rules of Procedure.

(e) *Voting.* A member must be present to vote. Each member shall vote on every question unless disqualified by law. The question of disqualification shall be decided by the member affected, who shall announce the reason for the disqualification, give it to the chairman in writing, have it placed in the minutes, and refrain from deliberating or voting on the question.

(f) *Conduct.* Except for public hearings, no person shall speak at a commission meeting unless invited to do so by the commission.
(Ord. of 6-1-98, § 5)

Sec. 20-53. Public hearings.

(a) *Notice.* The secretary shall give the notice required by statute or ordinance for all public hearings conducted by the commission. Members of the public desiring to be heard shall provide the secretary their name and address, together with the name of any organization they may represent, prior to speaking before the commission in the conduct of the hearing.

(b) *Procedure.* The chairman, or other commission member conducting the hearing, shall read into the record all written comments pertinent to the subject of the hearing prior to receiving oral comments. Written comments not bearing the name and address of the author shall not be considered for the record. On matters brought before the commission for public hearing which were initiated by an applicant, the applicant, his agent or attorney shall be heard first, members of the public next, and staff next. The applicant shall have the right to reply last. No person may speak for more than five minutes without the consent of the commission. No person speaking at a public hearing shall be subject to cross examination. All questions shall be posed by members of the commission. On matters not initiated by an applicant, members of the public shall speak in the order in which requests were received, or in such order as the commission shall determine.
(Ord. of 6-1-98, § 5)

Sec. 20-54. Records.

(a) *Minutes.* The secretary shall record all meetings and hearings of the commission on tape which shall be preserved until final action is taken on all matters presented. The secretary shall prepare written minutes of each meeting for approval by the commission at the next regular meeting. Minutes shall be maintained as public records.

(b) *Reports.* The secretary shall assist in the preparation and forwarding of all reports and recommendations of the commission in appropriate form. Copies of all notices, correspondence, reports and forms shall be maintained as public records.

(c) *Attendance.* The minutes shall show the members in attendance at each meeting and the reason for absence submitted by any member. The commission shall recommend to the governing body the removal for cause of any member who is absent from three consecutive meetings without adequate reason.
(Ord. of 6-1-98, § 5)

Sec. 20-55. Review procedure.

(a) *Zoning amendments.* Proposed zoning text and district amendments shall be considered and recommendations shall be forwarded to the governing body within 30 days after receipt of the proposed amendments, unless additional time is given by the governing body. When so authorized, the planning commission shall conduct any required public hearing prior to making a recommendation.

(b) *Plats.* Plats submitted for review pursuant to land development regulations shall be reviewed by designated staff members who may approve for recording plats of existing lots of record, minor subdivisions of land which meet all zoning requirements, and subdivisions which are exempt from regulation pursuant to S.C. Code § 6-29-1110(2). The commission shall be informed in writing of all staff approvals at the next regular meeting, and a public record of such actions shall be maintained. All other plats shall be subject to review and approval by the commission in accord with the provisions of the county's land development ordinance provisions.

(c) *Comprehensive plan.* All zoning and land development regulation amendments shall be reviewed first for conformity with the comprehensive plan. Conflicts with the comprehensive plan shall be noted in any report to the governing body on a proposed amendment. The elements of the comprehensive plan shall be reviewed and updated on a schedule adopted by the commission meeting the requirements of S.C. Code § 6-29-510(E).

(d) *Reconsideration.* The commission may reconsider any review when so requested by the governing body, or when an applicant brings to the attention of the commission new facts, a mistake of fact in the original review, correction of clerical error, or matters not the fault of the applicant which affect the result of the review.
(Ord. of 6-1-98, § 5)

Sec. 20-56. Finances.

(a) *Budget.* The commission shall submit written recommendations to the governing body for funding in the annual budget. The recommendations shall include an explanation and justification for proposed expenditures.

(b) *Expenditures.* Budgeted funds shall be expended only for approved purposes in accordance with financial policies and procedures set by the governing body, including procurement rules. Upon adoption of a budget by the governing body, the commission may adopt an authorization for specified expenditures by designated staff members within the limits provided. Reimbursement for actual expenses incurred in the performance of official duties approved in advance by the commission shall be made to members of the commission and staff upon submission of vouchers supported by receipts.

(c) *Personnel.* The commission shall employ such staff and consultants as may be authorized and funded by budget or make recommendations for staff members to be employed by the county. Consultants shall be engaged by majority vote of the commission after review of proposals invited by public notice and mail, and personal interviews with applicants by the commission, or a committee of commission members and staff.
(Ord. of 6-1-98, § 5)

Sec. 20-57. Adoption and amendment.

(a) *Adoption.* These rules were adopted by vote of a majority of the members of the commission at a regular public meeting on June 1, 1998.

(b) *Amendment.* These rules may be amended at any regular meeting of the commission by majority vote of the members of the commission at least seven days after the written amendment is delivered to all members.
(Ord. of 6-1-98, § 5)

Secs. 20-58—20-100. Reserved.

ARTICLE IV. DEVELOPMENT AGREEMENTS BY AND BETWEEN COUNTY AND PRIVATE DEVELOPERS*

Sec. 20-101. Authorization.

A development agreement pursuant to S.C. Code 1976, § 6-31-10 et seq., as amended, by and between the county and a private developer, be it person, persons, firm, partnership, corporation or the like, is hereby authorized to be entered into pursuant to the regulations contained herein and according to the criteria for such an agreement as stipulated hereinafter below.
(Ord. of 3-20-00, § 1)

Sec. 20-102. Minimum requirements.

(a) A tract of land to be included in a development agreement shall contain a minimum of 25 acres of highland. For the purposes of this article, "highland" is defined as all land within the boundaries of a project, excluding delineated wetland and lands within a designated floodway.

***Editor's note—**An ordinance adopted March 20, 2000, §§ 1—9, did not specifically amend this Code; hence its inclusion as article IV, §§ 20-101—20-109, of this chapter was at the discretion of the editor.

(b) The time for developing the land included in the development agreement shall be at least five years from the time the physical improvements to the property are begun subsequent to the signing of the development agreement.

(c) The development agreement shall specify the following:

(1) A legal description of the property and the names of the legal and equitable owners. For the purposes of this article, a purchaser holding a written and executed contract of sale is an equitable owner and may be a party to the agreement.

(2) A termination date not less than five years as stipulated in subsection (b). A time for the completion of the development or any phase of the development shall also be required.

(3) A description of the uses for the property to include population and building densities and heights.

(4) A description of utilities to serve the development providing the name of the utility provider, when the service is to be provided, what easements are to be granted, whether utilities are to be placed underground, and other pertinent information.

(5) A description of any reserved land, or land to be dedicated for public purposes.

(6) An environmental impact study as may be deemed appropriate by the county council.

(7) A description of all development permits needed from federal, state and local authorities. Failure to list a required permit in the agreement does not relieve the developer from the requirement to obtain all required permits.

(8) A statement that the development is consistent with the county's comprehensive plan and the land development regulations of the county.

(9) A description of any conditions, terms, restrictions or requirements which are deemed by the county council to be necessary for the assurance of the public health, safety and welfare.

(10) A description of provisions to be made by the developer for historic preservation and restoration as applicable.

(11) A description of any other matter pertinent to the development which is not inconsistent with law, to include the assessment of impact fees by the county, and a description of how they are to be assessed, when they are to be paid, and for what purpose they will be used.

(12) If the development agreement is to include another governmental entity together with the county, a statement as to that government's purpose and responsibility within the agreement and its role in the administration of the agreement.

(Ord. of 3-20-00, § 2; Ord. No. 10-10, § 1, 5-3-10)

Sec. 20-103. Adoption of agreement.

The county shall approve each development agreement by the adoption of an ordinance specific to that agreement. Such ordinance shall be provided three readings at duly convened council meetings in accordance with the statutes governing the adoption of ordinances. Prior to the third reading, the council shall advertise and hold a public hearing on the ordinance authorizing the development agreement. Notice

of said hearing shall be published in a newspaper having general circulation in the community at least 15 days prior to the day of the hearing and shall specify the property location, proposed uses and a place where a copy of the agreement may be obtained.

(1) Prior to the first reading of the ordinance to adopt a development agreement, the county administrator shall present to the county council a checklist for development agreements which shall indicate whether or not the proposed agreement before council is in accord with the provisions of this article.

(2) The county council may elect to have the planning commission review the proposed development agreement and make recommendation to council for its adoption.

(Ord. of 3-20-00, § 3)

Sec. 20-104. Applicable laws.

(a) Unless otherwise provided by the development agreement, the laws in force at the time the agreement is executed shall apply to the property development throughout the term of the agreement.

(b) The agreement shall not make any provision altering or amending the rights of electricity or natural gas suppliers.

(c) The agreement shall not extend to any properties outside the jurisdiction of the county, except by inclusion of the governing authority having jurisdiction as a party to the agreement.

(d) The county reserves the right to apply laws adopted subsequent to the execution of a development agreement if, after holding a public hearing of the matter, one of the following conditions is met:

(1) The new laws do not conflict with laws governing the development agreement and do not prohibit or unduly delay the development.

(2) The new laws are determined to be essential to the public health, safety or welfare of the county.

(3) The new laws are anticipated and provided for in the development agreement.

(4) Substantial changes have occurred which would pose a serious threat to the public health, safety or welfare if not addressed.

(5) The development agreement is found to be based on substantially and materially inaccurate information supplied by the developer.

(Ord. of 3-20-00, § 4)

Sec. 20-105. Review.

The county administrator shall cause to be undertaken an annual review of the progress being made by the developer under the terms and provisions of the development agreement and to report such progress to the county council.

(1) When a review reveals a material breach of the agreement, the county council shall cause a notice to be sent to the developer containing the nature of the breach, the evidence supporting the determination, and provide a reasonable time to cure the breach. Said notice shall be sent by certified mail or hand delivered with receipt provided.

(2) In the event a developer fails to cure the breach within the time given, the county may unilaterally terminate the agreement, or modify the agreement as it may see fit and proper. The developer shall have the right to rebut the determination or to consent to amend the agreement to address the concerns raised by the findings of the breach.

(Ord. of 3-20-00, § 5)

Sec. 20-106. Annexation or incorporation.

A development agreement shall remain in effect in an annexed or newly incorporated area for the duration of the agreement or eight years from the annexation's or incorporations' date, whichever is earlier; provided:

(1) The application for the agreement was submitted to the county before the first signature was affixed to the petition for incorporation or annexation; and

(2) A development agreement was entered into prior to the election for incorporation or ordinance for annexation.

The development agreement may be extended by consent of all parties for up to 15 years. Provisions of the agreement may be suspended or amended by the municipality should a danger to public health or safety be determined as a result of the annual review.

(Ord. of 3-20-00, § 6)

Sec. 20-107. Recordation.

The developer shall be responsible for recording the development agreement in the county clerk of courts office, or any subsequent office for the recording of land records within 14 days after execution. The developer shall also be responsible for recording any deeds or deeds of easement deriving from lands dedicated for public use within the project.

(Ord. of 3-20-00, § 7)

Sec. 20-108. Successors and amendment.

The agreement shall be binding on any successors in interest, and may be amended or terminated only with the mutual consent of the affected parties unless such is provided for elsewhere in this article.

(Ord. of 3-20-00, § 8)

Sec. 20-109. Compliance with state and federal laws.

The provisions of the development agreement shall be modified or suspended to comply with applicable state or federal law enacted after the agreement executed.

(Ord. of 3-20-00, § 9)

Secs. 20-110—20-199. Reserved.

ARTICLE V. RESERVED*

Secs. 20-201—20-300. Reserved.

ARTICLE VI. RESERVED†

***Editor's note—**Ord. No. 09-03, § 11, adopted January 5, 2009, repealed the former article V, §§ 20-201—20-204 in its entirety, which pertained to the Central Jasper County—Town of Ridgeland Joint Planning Areas, and derived from Ord. No. 05-11, § 4, adopted June 20, 2005, and Ord. No. 07-48, § 3, adopted November 13, 2007.

†**Editor's note—**Ord. No. 09-03, § 11, adopted January 5, 2009, repealed the former article VI, §§ 20-301—20-305 in its entirety, which pertained to the Southern Jasper County—City of Hardeeville Joint Planning Areas, and derived from Ord. No. 05-11, § 3, adopted June 20, 2005, and Ord. No. 07-48, § 3, adopted November 13, 2007.

Chapter 21

RESERVED

Chapter 22

RESERVED*

***Editor's note—**Ord. No. 09-33, § 5, adopted December 14, 2009, repealed the former chapter 22, §§ 22-1—22-11 in its entirety, which pertained to signs, and derived from an ordinance adopted October 16, 1989, and Ord. No. 00-09, § 1, adopted June 19, 2000.

For current provisions pertaining to similar subject matter, the user's attention is directed to Appendix A, Article 15.

Chapter 23

RESERVED

Chapter 24

SOLID WASTE*

Article I. In General

Sec. 24-1. Littering prohibited.
Sec. 24-2. Enforcement of litter control.
Secs. 24-3—24-25. Reserved.

Article II. Solid Waste Ordinance

Sec. 24-26. Purpose and Scope.
Sec. 24-27. Authority.
Sec. 24-28. Definitions.
Sec. 24-29. Disposal and recycling facility/charges—County public convenience centers.
Sec. 24-30. Same—Hickory Hill Landfill and Recycling Center (HHLFRC).
Sec. 24-31. Commercial, industrial, C & D and yard waste charges at HHLFRC.
Sec. 24-32. Rate schedule.
Sec. 24-33. Oakwood Landfill.
Sec. 24-34. Haphazard Landfill.
Sec. 24-35. Natural disasters or acts of God.
Sec. 24-36. Landfills required to provide annual information and data.
Sec. 24-37. Commercial haulers and individual business, commercial industrial or institutional haulers.
Sec. 24-38. Litter officer.

***State law references—**Garbage collection and disposal by counties, S.C. Code 1976, § 44-55-1010 et seq.; solid waste collection and disposal by counties, S.C. Code 1976, § 44-55-1210 et seq.

ARTICLE I. IN GENERAL

Sec. 24-1. Littering prohibited.

It shall be unlawful for any person to dump, throw, drop, leave or in any way deposit any garbage, ashes, rubbish, paper, trash, litter, refuse, building materials, glass bottles, glass or cans on any property belonging to another on or along any street, road, highway, curb, sidewalk, or public right-of-way, except as required by the county, nor shall any person throw or deposit any refuse in any stream or other body of water within the boundaries of the county.
(Ord. of 8-3-87(1), § I)

State law reference—Litter control, S.C. Code 1976, § 44-67-10 et seq.

Sec. 24-2. Enforcement of litter control.

(a) *Responsibility of driver.* When litter is thrown from a vehicle, the driver shall be held responsible regardless of who throws the litter out of the vehicle.

(b) *Procedures.* The following procedures shall be followed by litter control officers when citing violators of this provision of this section:

(1) In accordance with S.C. Code 1976, § 16-11-710, the county litter control officers shall hereby be authorized to accept a cash bond in lieu of requiring an immediate court appearance by a person who has been charged in a violation of ordinances and laws relating to litter control. Checks shall be accepted instead of cash.

(2) Litter control officers shall use Form S-438 when issuing citations.

(3) In cases where bail is accepted by arresting officers, the violator's copy of the summons (blue) shall serve as the receipt for the offender. Bail monies shall be properly secured during nonworking hours by the litter control officer. Prior to the trial, the arresting officer shall turn the bail bond over to the magistrate who signs the receipt portion of the summons for the arresting officer. Strict accountability shall be required in accordance with established procedures of the county's finance department.

(Ord. of 8-3-87(1), § II)

State law reference—Litter control officers, S.C. Code 1976, § 44-67-110.

Secs. 24-3—24-25. Reserved.

ARTICLE II. SOLID WASTE ORDINANCE

Sec. 24-26. Purpose and scope.

(a) This article is established by the county to regulate the collection and disposal of solid waste and recyclables generated in the boundaries of the county.

(b) To provide definitions of waste streams and recyclables and the proper disposal for solid waste generated by the individuals, businesses and other legal entities within the county.

(c) To provide a basis for the proper record keeping for solid waste disposal and recyclables as required by the Solid Waste Policy and Management Act of 1991.

(d) To establish county approved methods for solid waste disposal and recycling within the county and establish penalties for violations of this article.
(Ord. of 9-5-95, § I)

Sec. 24-27. Authority.

The authority of this article is established by S.C. Code 1976, §§ 44-55-1010—44-55-1060, as amended, S.C. Code 1976, § 44-1-140(11), as amended, Section 9, Part II, Act No. 410 of 1971 also South Carolina regulation PC-SW-2, and for the public health, welfare and safety of the citizens of the county. Also in conjunction with Section 9 of the General Appropriations Act (Act No. 410) South Carolina Solid Waste Policy and Management Act of 1991.
(Ord. of 9-5-95, § III)

Sec. 24-28. Definitions.

[The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

C & D landfill means a landfill permitted by SCDHEC for the disposal of nonhazardous and nonleachable demolition and construction debris generated by residents and businesses in the county. For the purpose of this article the county approved C & D landfills are Hickory Hill LFRC and Oakwood Landfill. The haphazard C & D site is for use by the county public works department only.

Collector/hauler means an individual, a partnership, a corporation or other legal entity and any unincorporated association which commercially collects solid waste and hauls it to the county designated landfill(s) or to recycling centers. Landlords who provide solid waste collection and hauling services to tenants as part of rental payment are included in this definition.

Construction and demolition debris (C&D) means waste generated by the construction or demolition of a home or business. This includes all lumber, scraps, shingles, sheet rock, wallboard, brick, etc., associated with a building's structure.

Generator means any person, company, firm, housing subdivision, residence, development that produces refuse, solid waste, etc.

Hazardous waste means any waste identified as hazardous based upon state and federal regulations. If a generator suspects that a waste is hazardous it is their responsibility to identify the waste and contract SCDHEC for proper disposal of such waste. There is no facility in the county permitted to handle hazardous waste.

Household garbage means perishable animal and vegetable waste, paper, food and other waste generated by private residences.

Industrial and/or commercial waste means waste generated by any source other than a family residence.

Liquid waste means any waste that is in a liquid form. This waste may be required to have analytical data to determine if it is hazardous. There is no disposal facility in the county that accepts liquid waste.

Multi-residential units means residential properties that consist of dwelling units classified by the county assessor as having more than one dwelling unit per property, parcel or account. This definition includes, but is not limited to, apartments and mobile home parks with more than two units.

Public convenience centers are county designated sites located throughout the county for the recycling and disposal of solid waste generated by the residents of the county. No commercial or industrial waste will be accepted at these sites and individuals must show proof of residency. Residents who wish to use these sites may obtain information about their location and the acceptance of items for disposal and recycling from the county public works department.

Recyclables means items removed from the waste stream to make new marketable items and to reduce landfill use.

Sanitary landfill means a land disposal site that employees engineered methods of disposing of solid waste on land in a manner that minimizes environmental hazards and meets the design and operation criteria set forth by the state department of health and environmental control (SCDHEC) and the Federal Subtitled "D" Regulations. For the purpose of this article Hickory Hill Landfill and Recycling Center, a division of waste management of the state is the only sanitary landfill approved by the county for the disposal of household, commercial, industrial waste generated in the county.

Single family residence means residential properties classified by the county assessor as having only one dwelling unit per property, parcel or account.

Solid waste means garbage, refuse, litter, rubbish or any material resulting from industrial, commercial, agricultural or residential activities not disposable by means of a sewage system operated in accordance with state regulations.

Special waste means waste generated by an industrial or commercial process which may contain properties other than typical solid waste and or waste generated by spills of products not defined as solid waste.

(1) There are two types of special wastes:

a. *Type A:* Which would require analytical data. This would be waste such as sludge, large petroleum spills, etc., which are not hazardous by definition.

b. *Type B:* These are special waste that may not require analytical data, but nonetheless should be identified such as asbestos, empty pesticide containers, etc.

(2) All nonhazardous special waste can be disposed of in a lined subtitle "D" site with prior approval. Commercial and industrial generators in the county should contact Hickory Hill directly for more information.

White goods means all major appliances (stoves, refrigerators, dishwashers, washers, dryers, air conditioners, etc.). The Solid Waste Management Act requires that these items be recycled, therefore they cannot be landfilled. Contact the public works department for the nearest available disposal site.

Yard waste/land clearing debris means limbs, clippings, etc. from yards and landscaping activities. Yard waste and land clearing debris can be accepted at the landfills.
(Ord. of 9-5-95, § I)

Sec. 24-29. Disposal and recycling facility/charges—County public convenience centers.

(a) The county currently operates five convenience centers throughout the county with the sixth to be constructed in 1996 at Hickory Hill Landfill. These convenience centers are primarily for unincorporated areas of the county. However, residents of the county can use them for individual disposal or recycling at their convenience. In order to use the convenience center the individual must show proof that they are a citizen or taxpayer in the county (e.g. driver license). Absolutely no commercial, industrial solid waste, hazardous waste, or dead animals can be disposed of at the county convenience centers.

(b) In order to provide recycling, the convenience centers will accept certain recyclables on a voluntary basis (these are not buy back centers).

(c) The types of solid waste accepted at the convenience centers are:

(1) Household and residential garbage from individual homes.

(2) Yard waste landscape from an individual home not to exceed ten inches in diameter.

(3) Bulky items such as furniture and small amounts of C & D waste.

(4) White goods such as refrigerators and stoves, etc.

(5) Waste oil from individual homeowners.

(6) Aluminum and metal cans.

(7) Plastic bottles such as milk jugs and drink bottles.

(8) Batteries from individual homeowners.

(9) Tires from individual homeowners.

(d) There is no charge for residents of the county for the use of the convenience centers. The county pays for the disposal of solid waste generated at the convenience center as per the contract with Hickory Hill Landfill.
(Ord. of 9-5-95, § II)

Sec. 24-30. Same—Hickory Hill Landfill and Recycling Center (HHLFRC).

HHLFRC is the approved solid waste disposal facility for the county. As per the contract with the county the following items can be disposed of at HHLFRC and charged to the county at the approved contract rate (10.00 per ton).

(1) Household or residential garbage from family dwellings. This includes waste hauled by an individual or a company contracted to haul household garbage in the county.

(2) Solid waste generated at the convenience center and/or waste hauled by county owned and operated vehicles to the landfill. In the future, if the county decides to contract with a private company to haul waste from the convenience center this waste will continue to be charged to the county at the contract rate.

(3) County designated waste such as waste generated in the county which is not deemed residential, but is considered by the county council and the public works department as "special items." An example of this waste would be a clean up project for a charitable organization or construction debris from a county owned building.

(4) Construction or demolition debris from an individual's home where the homeowner is performing the work themselves. If an individual contracts for their home to be built or remodeled the disposal of the waste from such a project will be billed to the hauler contracted to haul the waste and this will be considered commercial C & D waste and charged at the higher disposal rate set forth by the contract with Hickory Hill. (See section 24-32)

(5) Shingles from a single family dwelling that are replaced due to wear or damage will be considered a special item and will be charged to the county. If the individual of the home contracts to have the shingles removed and the contractor hauls off the waste then the contractor must give the name and address of the homeowner as well as the homeowner's tax I.D. number.

(6) Shingles from new construction of a home or commercial business will be considered commercial C & D and charged to the hauler at the higher contract rate.

(Ord. of 9-5-95, § II)

Sec. 24-31. Commercial, industrial, C & D and yard waste charges at HHLFRC.

(a) Effective the date of the acceptance of this article, commercial waste will be charged to the hauler at the rate designated by the rate schedule. (See section 24-32) The contract agreement between the county and Hickory Hill LFRC requires that all commercial waste generated in the county must be delivered to Hickory Hill Landfill and Recycling Center, except commercial, construction and demolition debris and commercial yard waste.

(b) Commercial waste is deemed any waste other than residential that is generated by commercial businesses licensed and permitted in the county or the municipalities there in.

(c) Commercial waste includes any source of solid waste not generated by family residents. Examples of commercial waste would be restaurants, stores, gas stations, office buildings, hotels, motels and other licensed commercial businesses.

(d) Multifamily units such as apartments and trailer parks which use a commercial container for their solid waste will be considered a commercial business.

(e) Multifamily units that choose to haul their solid waste directly and/or have curbside service in individual containers will be considered residential and charged to the county at the contract rate.

(f) All commercial solid waste from the county will be billed directly to the hauler/contractor delivering the waste to the landfill. The hauler must have the appropriate county license to operate and must have the appropriate credit references designated by Hickory Hill Landfill. It is the private landfill's responsibility to collect these fees from the hauler. Each hauler/contractor operating in the county should establish payment terms with the designated landfill and is subject to the terms set forth by the designated landfill.

(g) Commercial construction and demolition waste will be billed to the hauler at the existing market rate. This rate will not exceed the maximum rate imposed by the contract agreement and set forth in the rate schedule. (See section 24-32)

(h) Mixed loads of commercial and residential waste will not be accepted. Any hauler who mixes loads will be charged the higher of the two rates or the commercial rate set forth by the agreement.

(i) Yard waste and land clearing debris from a commercial operation or as the results of land clearing to construct a commercial building or business will be billed to the hauler at the rate set forth in section 24-32.

(j) The Solid Waste Management Act of 1991 prohibits the disposal of white goods, tires and waste oil at Hickory Hill Landfill and Recycling Center.

(k) Industrial waste will be treated on the same terms as commercial waste. However, some industrial waste may be deemed "special waste" and may require prior approval and analysis before disposal at the landfill. If an industrial waste is deemed a "special waste" additional charges may be imposed by the landfill and charged to the hauler or directly to the generator. If an industrial waste is not considered a special waste the charges will be the same as the current commercial rate.
(Ord. of 9-5-95, § II)

Sec. 24-32. Rate schedule.

Rates for disposal of solid waste at Hickory Hill Landfill per contract with the county.

(1)	Household, residential, convenience center, yard waste from households or convenience centers. (Billed to the county), per ton	$10.00
(2)	Yard waste/land clearing debris from commercial sources. (Billed to the hauler/generator), per ton	18.00
(3)	Special items approved by public works and county council. (Billed to the county), per ton	10.00
(4)	Commercial waste from commercial business in the county (Billed to the hauler) Effective date of ordinance approval, per ton.	20.00
	Annual increase in $2.00 increments not to exceed for life of contract, per ton	30.00
(5)	Commercial C & D (market rate not to exceed $30.00/ton), per ton	26.00
(6)	Industrial waste that is not considered special waste. This waste will be subject to annual increases as is commercial, but not to exceed $30.00/ton, per ton	20.00
(7)	Special waste or industrial waste deemed special waste	Negotiated price with generator

(8) Shingles from individual's homes, per ton 10.00

(9) Debris from individual's home destroyed by acts of God or fire . . . . . No charge
(Ord. of 9-5-95, app. A)

Sec. 24-33. Oakwood Landfill.

(a) Oakwood Landfill is an approved SCDHEC construction and demolition landfill. Oakwood is a privately owned landfill which accepts construction and demolition debris as well as yard waste and land clearing.

(b) Any company, hauler or individual choosing to use Oakwood Landfill for disposal of acceptable waste must pay for that waste based on the terms set forth by Oakwood Landfill. The county will not pay for any waste disposed of at Oakwood Landfill. It is the responsibility of Oakwood Landfill to collect any fees for disposal at the facility.
(Ord. of 9-5-95, § II)

Sec. 24-34. Haphazard Landfill.

Haphazard Landfill is an inert C & D landfill owned and operated by the county. This landfill is for the sole use of the county and is not open to the public.
(Ord. of 9-5-95, § II)

Sec. 24-35. Natural disasters or acts of God.

(a) In the event of a natural disaster, the county may choose to deem some solid waste as a special item and this waste will be charged at the preferred rate as per the agreement with Hickory Hill LFRC.

(b) In the event of a catastrophic fire where a business or commercial entity is destroyed and that business is not insured the county may deem such waste as special items and a preferred rate will be charged. If an individual's home is destroyed by a natural disaster or fire, Hickory Hill Landfill will waive all disposal charges for such debris.
(Ord. of 9-5-95, § II)

Sec. 24-36. Landfills required to provide annual information and data.

All landfills accepting waste of any category generated in the county will be required to repeat annually the data necessary to meet SCDHEC annual report requirements.
(Ord. of 9-5-95, § II)

Sec. 24-37. Commercial haulers and individual business, commercial industrial or institutional haulers.

(a) All commercial haulers of solid waste or any category of commercial or industrial waste will be required to be licensed to do business in the county and to obtain a permit to haul such waste to the approved landfills. The individual vehicles will be registered annually at the county business license office and the permit fee per vehicle will be $20.00.

(b) Every hauler registered in the county must keep records for annual reporting to the county of waste disposed of at the approved landfills. Such data will be made available to the county upon request for purposes of filing reports to SCDHEC required by the General Statutes of the State of South Carolina.
(Ord. of 9-5-95, § II)

Sec. 24-38. Litter officer.

The county litter officer and the sheriff are empowered to enforce local, state and federal laws related to violations of the solid waste regulations and littering regulations to the full extent of such laws and ordinances and to impose maximum fines and penalties as imposed by such laws.
(Ord. of 9-5-95, § II)

Chapter 25

STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

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ARTICLE I. IN GENERAL

Secs. 25-1—25-25. Reserved.

ARTICLE II. OMNIBUS ROAD ORDINANCE

DIVISION 1. PURPOSE, AUTHORITY AND JURISDICTION

Sec. 25-26. Authority and title.

This article is adopted under authority granted under S.C. Code of Laws, 1976, §§ 4-9-30 and 6-29-1110 through 6-29-1200, as amended. It shall be known as the "Jasper County, South Carolina, Omnibus Road Ordinance Providing for the Naming of Roads, the Maintenance of Existing Roads, the Acceptance of New Roads and the Standards for Road Construction" and may be cited in the short form as the "Jasper County Road Ordinance".
(Ord. of 5-18-98, art. 1, § 1.0)

Sec. 25-27. Jurisdiction.

This article shall govern all matters related to roads which, by definition herein, are found to be subject to the jurisdiction of Jasper County, South Carolina.
(Ord. of 5-18-98, art. 1, § 1.1)

Sec. 25-28. Purpose.

The general purpose of this article is to establish uniform criteria for the naming of roads, the maintenance of existing roads, the creation of new roads, and the standards for road construction within Jasper County, South Carolina, and, among other things, to insure the adequacy of procedures to provide for the efficient and economical application of the county's resources regarding roads.

(1) *Specific purpose.* As of the date of the original adoption of this article, Jasper County maintained 379 roads totaling 127.27 miles. Most of the 379 roads are considered unimproved as they are maintained yet have been constructed to no prevailing standard, are largely dirt in nature having no impermeable wearing surface, possess no legally defined right-of-way and are maintained therefor in varying widths, access in many instances only one parcel of property, derive their maintenance due to historical imperative and no other valid reason, and are either unnamed or unsigned as to an approved road name. It is the specific intent of this ordinance to provide a procedural vehicle whereby these roads can be addressed, their rights-of-way established, their names and signage identified, approved and catalogued, and the roadways themselves improved to better serve the public. Additionally, it is the specific purpose of this ordinance to establish standards and procedures by which new roads may be incorporated into the county road system.

(Ord. of 5-18-98, art. 1, § 1.2)

Secs. 25-29—25-40. Reserved.

DIVISION 2. DEFINITIONS

Sec. 25-41. Definitions.

Except where definitions are specifically included herein, or elsewhere specifically defined in the provisions, words in the text of this chapter shall be interpreted in accordance with the prevalent standard dictionary definition.

Parcel: A lot or contiguous lots under the same ownership.

Property owner: The legal or beneficial owner or owners of all the land proposed to be included in a development, or identified as a parcel. The holder of an option or contract to purchase, a lessee having a remaining term of not less than 50 years in duration, or other person having an enforceable proprietary interest may be considered a "property owner" for the purposes of this article.

Residence: A building or part of a building containing one or more dwelling units, including mobile homes and manufactured housing.

Right-of-way plan: The plan adopted by the Jasper County Planning Commission and incorporated into the comprehensive plan which defines and designates the various categories of roads within Jasper County according to potential right-of-way needs.

Road: The terms road, highway, street, avenue and the like shall be interchangeable as designators of vehicular by-ways providing access to individual parcels of property, and that pedestrian facilities, bridges, tunnels, viaducts, drainage structures and other appurtenances commonly considered as a component part of a road shall also be included in the definition of the term. A "road" shall be the physical embodiment of such a by-way irrespective of prior platting or planning.

a. *County road:* Any road currently maintained under the county road maintenance system, and any new road to be constructed within the jurisdiction of the county, and dedicated for maintenance to the county, which is excess of 100 feet in length and accesses, or presupposes to access, two or more parcels of land under different ownership, unless such road is a part of the South Carolina State or federal system or highways or, by definition, a private road.

    1) The Master List of County Roads as maintained by the department of public works, and the mapping of said roads compiled by the Lowcountry Council of Governments at the direction of Jasper County and dated June 1, 1998, are made a part of this ordinance as though copied herein. Any revisions to the list or the map also shall be incorporated herein and made a part of this article.

b. *Private road:* No road shall be designated as a private road, unless:

    1) In a new development, such proposed road is defined as such by action of the Jasper County Planning Commission upon its satisfaction as to the construction and perpetual maintenance of such road; or

    2) All the owners of property accessed by such road agree to and sign an instrument and plat to be recorded in the Clerk of Courts' Office for Jasper County which waives county responsibility for the maintenance of such road; or

3) The road exists prior to June 1, 1998, and accesses two or more parcels of land under different ownership, but is not in the county, state, or federal road maintenance system. This type of private road shall not suffice as approved access for further subdivision of land.

4) Any road existing prior to June 1, 1998, and accessing less than two parcels of land, and which is not in the county, state or federal road maintenance system, is considered a driveway under the provisions of this chapter and shall not be considered for maintenance under the terms hereof, nor shall such driveway suffice as approved access for further subdivision of land.

c. *Road classifications:* Roads shall fall into one of the following classifications.

1) *Arterial.* A freeway, expressway or a street or highway which is intended or used for moving either heavy vehicular traffic volumes or high-speed traffic or both, or which has been designated as an arterial within the comprehensive plan.

2) *Collector.* A street which is used or intended to be used for moving traffic from local streets to arterials and which may include the principal entrance and circulation streets of a subdivision, or which has been designated as a collector in the adopted comprehensive plan.

3) *Local street.* A street which is used or intended to be used for access to abutting properties, or which has been designated as a local street in the adopted comprehensive plan.

4) *Cul-de-sac.* A local street having a short length being terminated by a vehicular turnaround.

5) *Alley.* A minor way used or intended to be used primarily for vehicular access of a service nature to the rear of properties which otherwise front on a road as classified above.

Road side ditch: A drainage appurtenance parallel to the sides of the travel surface of a road, which may be along one or both sides of the road and is contained within the right-of-way of said road; and which has as its primary functions the receipt of storm water runoff from the road surface, and/or the repository for subsurface drainage to keep water from accumulating beneath the road surface; and which may contain pipes of varying sizes. A road side ditch will be maintained as part of a road maintenance function. In no event shall a road side ditch be confused with or be considered a drainage canal, which has the function of effecting basin drainage, and is not therefore a maintenance responsibility associated with standard road maintenance activity.
(Ord. of 5-18-98, art. 2, § 2.0)

Sec. 25-42. Rules for construction of language.

(a) The particular shall control the general.

(b) In the case of any difference of meaning or implication between the text of this article and any caption, illustration, summary table, or illustrative table, the text shall control.

(c) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.

(d) The word "building" or "structure" includes any part thereof.

(e) Words used in the present tense shall include the future, and words used in the singular shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.

(f) All public officials, bodies, and agencies to which reference is made are those of Jasper County unless otherwise indicated.

(g) The word "county" or "Jasper County" shall mean the area of jurisdiction of Jasper County, South Carolina, excluding all incorporated municipalities.
(Ord. of 5-18-98, art. 2, § 2.1)

Secs. 25-43—25-55. Reserved.

DIVISION 3. EXISTING ROADS

Sec. 25-56. Existing roads.

Existing roads fall into two categories: (1) those presently maintained by a governmental entity; for purposes of this article either the state (including federal aid primary) or the county, and (2) those not presently maintained by any public entity. Roads in the latter category are classified as private roads according to the definition in section 25-41(b) of this article.
(Ord. of 5-18-98, art. 3, § 3.0)

Sec. 25-57. County maintained.

The county department of public works is charged with the maintenance of roads in the county system. An inventory of roads, catalogued by number, shall be maintained by the department. Periodic maintenance shall be carried out by the department according to a schedule established by the director.

(1) *Maintenance procedure.* Maintenance performed by the county on any road within its system shall include work on the road surface, attendant drainage, sign replacement, and any other ancillary activity which, in the aggregate, relates to the safe passage of vehicles upon the public roadways.

a. *Dirt roads.* County dirt roads shall be placed on a periodic schedule for scraping based on the amount and nature of vehicular traffic. Roads used by school buses in the course of their normal routes shall receive a higher priority rating for maintenance than roads not accessed by school buses, however, all roads shall be maintained in a passable manner.

b. *Paved roads.* County paved roads shall be maintained subsequent to a periodic visual inspection by the director of public works, or his official designee.

c. *Complaints.* Upon the receipt of a complaint wherein a road defect is noted, the department of public works shall react within ten working days to either repair the defect or redirect traffic to avoid the defect until repairs can be made. Repairs which cannot be effected within 60 days from the notice of defect shall be brought to the attention of the county council for resolution. In those instances where the cause of the road defect, such as a water leak or truck traffic which exceeds the legal weight limit as established by the South Carolina Department of Transportation (SCDOT), can be determined, the county shall make an effort to recoup the costs of the road repair from the person, firm or agency identified as having caused the defect.

d. *Continuation of maintenance.* The following notice, to be published as set forth hereinafter below, shall be considered a provision of this ordinance stipulating the requirements for continuation of county maintenance on roads being maintained by the county at the time of the adoption of this article.

> "On July 1, 2002, the Jasper County Department of Public Works will no longer maintain roads which it has historically maintained without benefit of a dedicated right-of-way. Said right-of-way shall be voluntarily provided by all abutting property owners. In those cases where the property owners fail to dedicate a right-of-way, the county may elect to condemn land for the right-of-way, or seek a court order designating the right-of-way. The right-of-way for dirt roads in existence at the time of this ordinance shall encompass the present roadbed and ditches. In the event Jasper County needs additional right-of-way for upgrade and safety reasons, the request for additional right-of-way shall be handled on an as needed basis. For paved roads to be dedicated to the County, the right-of-way shall be at least fifty (50) feet. Additionally, all dead-end roads must be provided a turnaround right-of-way having a diameter of eighty (80) feet for a dirt road and one hundred (100) feet for a paved road. Said right-of-way shall be conveyed to the County by deed of easement with surveyed plat, or by other means acceptable to the County, prior to May 31, 2002. All such accepted dedications shall be recorded in the Office of the Clerk of Court prior to June 30, 2002. Inquiries may be directed to the Jasper County Department of Public Works at Post Office Box 1244, Ridgeland, South Carolina 29936, or telephone (843) 726-7740 Monday through Friday, 7:30 AM to 4:00 PM."

The above notice shall run once a month from July, 2000 through May, 2002 in the Jasper County Sun, the Beaufort Gazette and the Carolina Morning News, and whatever other newspaper of general or local circulation within Jasper County may be deemed by the Administrator to have sufficient coverage so as to warrant inclusion of the notice therein. A request shall also be made of local radio and television stations and cable television services having coverage in Jasper County to broadcast the announcement as a public service message on a monthly basis beginning in July 2000 and ending in May 2002.

e. *Cessation of maintenance.* Those roads historically maintained by the county as of the adoption date of this article, but for which a dedicated right-of-way is not provided to the county as per section d. above, shall no longer be maintained by the county as of July 1, 2002, and shall be considered private roads. A sign indicating that these roads are private roads as per section 25-92 of this article shall be posted at its intersection with any publicly maintained road.

f. *Costs of right-of-way survey, deed of easement, etc.* All costs for the conveyance of a dedicated right-of-way to the county, in a form and manner acceptable to the county, shall be borne by the person(s) desiring continued public road maintenance. In the event of undue hardship to the persons involved, the county may elect to absorb the costs of the survey or legal work upon the review and recommendation of the planning commission.

(2) *Encroachment on county right-of-way.* No one shall be permitted to permanently or temporarily erect any structure, install any fixture, or place any equipment above, on, or below ground within

any county right-of-way without first obtaining the approval of the county. Such approval shall be requested by making application to the department of public works on forms made available by, and in a format acceptable to, the department.

a. *Permit required.* An encroachment permit must be issued by the department of public works prior to any permanent or temporary encroachment on the county rights-of-way. Such permit shall describe the location and nature of the encroachment (i.e. driveway, water line, etc.), whether the encroachment is permanent or temporary, and, if temporary, the duration of the encroachment and a commitment to return the right-of-way to its original condition upon the termination of the encroachment.

b. *Driveways.* Driveway access across road side ditches onto county maintained roads in existence at the time of the adoption of this ordinance for individually platted or improved properties extant along the road shall be permitted upon application to the department of public works for such. Public works shall determine the drainage pipe size (diameter and length) and the appropriate cover material; and shall install the pipe in the ditch and lay the cover in order to create the driveway access. Only one such access created in this manner shall be allowed per property. Any additional driveways accessing a piece of property shall be installed at the sole expense of the property owner subsequent to securing the appropriate encroachment permit from the county. All properties platted subsequent to the enactment of this article which front a county maintained road shall be required to pay the county for the costs incurred in providing driveway access across a road side ditch.

(3) *Interference with county rights-of-way.* It shall be unlawful to interfere with the established county right-of-way in any manner, either by encroachment, modification of the roadbed or drainage pattern, destruction or theft of road signs, or by any other means. Any interference shall be construed as a violation of this article and subject the offender to the penalties and remedies noted within division 6.

(4) *Naming of existing roads.* The planning commission shall, by proper certificate, approve and authorize the name of a street or road laid out within the county. The commission may, after reasonable notice through a newspaper having general circulation, change the name of a street or road within the boundary of its territorial jurisdiction:

(1) When there is duplication of names or other conditions which tend to confuse the traveling public or the delivery of mail, orders, or messages;

(2) When it is found that a change may simplify marking or giving of directions to persons seeking to locate addresses; or

(3) Upon any other good and just reason that may appear to the commission.

Street names shall not duplicate or be confused with existing names. Names are subject to the approval of the planning commission to eliminate duplicate or confusing names.

On the name being changed, after reasonable opportunity for a public hearing, the planning commission shall issue its certificate designating the change, which must be recorded in the office of the register of mesne conveyance or clerk of court, and the name changed and certified is the legal name of the street or road

(5) *Signs.* The county shall cause to be installed required traffic control and road name signs. The location and design of such signs shall be approved by the director of public works or his official designee. Road name signs shall be installed at all intersections within the county.

(6) *Paving dirt roads.* Dirt roads, or a portion thereof, within the county maintenance system may be selected for paving by the county upon recommendation by the director of public works that:

1) Paving the road in question would eliminate a chronic maintenance problem; or

2) Paving the road in question is warranted by virtue of the volume or nature of traffic utilizing the road.

Upon determination by the director of public works that paving is necessary and beneficial, a determination shall be made that the required right-of-way exists. If not, a written request shall be made of all abutting property owners along the road for a donation of right-of-way to accomplish the paving effort. This written request shall be followed by individual negotiation led by the county attorney or his official designee. In the event that the necessary right-of-way cannot be obtained in this manner, condemnation may then proceed as prescribed by state statute.

The director of public works shall annually provide a list of roads targeted for paving to the county transportation committee together with a request to fund the paving. The transportation committee shall establish a priority list for funding the requests and submit same to the county council for review and comment. Once the county has obtained the necessary right-of-way, and approved the engineered design of the road as applicable, the contract will be advertised and let by the county to pave the roads so funded. Upon completion of the paving and ancillary work, the road will be maintained by the county. The county will modify, as necessary, all driveway accesses along the road being paved to insure compatibility with the paved road surface.

(Ord. of 5-18-98, art. 3, § 3.1; Ord. of 7-19-99, §§ 1—4)

Sec. 25-58. Not county maintained.

Existing roads which meet the eligibility criteria listed below may be considered for acceptance into the county road maintenance system. All existing roads which are not accepted into the county system shall be considered as private roads which will not receive county maintenance. This type of private road will, however, be subject to the provisions herein related to road naming and signage.

(1) *Eligibility.* Prior to the acceptance of an existing road into the county's maintenance program, the road shall be approved for acceptance by the county council and received via instrument of dedication, plat, deed of easement and/or by court order into the system. The road shall be assigned a name by the planning commission in accord with the provisions herein and a county road number for maintenance inventory purposes. No road shall be accepted unless it meets the following criteria:

1. The road must be at least 100 feet in length and access two or more properties under different ownership.

2. The road must possess a legally defined right-of-way:

a. For unpaved roads: not less than 40 feet with a roadbed of not less than 16 feet in width. All dead-end roads must terminate in a turnaround of not less than a 40-foot radiused right-of-way with a 32-foot radiused road surface.

b. For paved roads: not less than 50 feet with a roadbed of not less than 22 feet in width. All dead-end road shall terminate in a turnaround of not less than a 50-foot radius right-of-way with a 44-foot radiused road surface.

3. Adequate drainage is provided for the road within the right-of-way. The drainage devices, structures and facilities must either accommodate run-off from a storm with a ten year return frequency as determined by the adopted Jasper County Flood Insurance Rate Map (FIRM) or Flood Hazard Boundary Map (FHBM); or, be determined adequate upon certification by an engineer registered in the State of South Carolina; or meet the approval of the county public works director or his official designee upon the satisfactory inspection of the drainage appurtenances for the subject road.

4. The person(s) delivering the road shall cause the road sign(s) bearing the name approved by the planning commission to be installed in accord with the provisions herein at every intersection along the road at no cost to the county in a manner acceptable to the county.

(2) *Application for acceptance for maintenance.* A person(s) requesting that the county assume maintenance responsibility for an existing road which meets the above eligibility requirements, must submit a written request for such to the director of public works indicating the beginning and ending points of the road, its total length, the names and addresses of all property owners abutting the road, and other pertinent information, such as the age of the road, the materials used in construction, sketches of the ditches, etc., as may be deemed necessary by the county. The director of public works shall recommend to the county council, subsequent to his inspection of the road in question, that the road either be (a) accepted for maintenance; (b) accepted for maintenance upon the satisfaction of certain conditions; or (c) that the road not be accepted for maintenance." The county council shall act upon the request prior to the road becoming a part of the county system of public roadways and prior to the county becoming obligated to provide maintenance to that roadway. Should the road be accepted for maintenance, it shall be given a name as provided for herein, and a county road number and added to the master list and map of county roads.

a. *County right-of-way required.* As noted in subsection (1)2., a dedicated right-of-way shall be provided with a request for road maintenance. Evidence of the right-of-way shall be in the form of a plat of the road delineating an easement for maintenance, or a deed of easement which clearly delineates the width of the right-of-way, the nature of the road (residential, commercial, etc.), and whether any deed restrictions or covenants are extant affecting the use and/or maintenance of the road. A road right-of-way must demonstrate that the dedication to the county is voluntarily made by all of the property owners abutting the road proposed for maintenance.

1. *Condemnation.* In those instances wherein the county determine that it is in its best interest to seek maintenance responsibility for a road, or a portion of a road, and the right-of-way is not granted, or is undetermined, the county, by action of the council, may elect to condemn the land adjacent to a road, or portion of a road, according to the provisions for such as permitted by the South Carolina Code of Laws, 1976, as amended.

(Ord. of 5-18-98, art. 3, § 3.2; Ord. No. 10-01, §§ 1, 2, 2-1-10)

Sec. 25-59. Reserved.

Editor's note—Ord. No. 99-01, § 15, adopted February 1, 1999, repealed § 25-59 which pertained to road naming of existing roads and derived from an ordinance of May 18, 1998, article 3, § 3.3. Current information on the naming of roads can be found in article III of this chapter.

Sec. 25-60. Road signs.

In conjunction with section 25-59 above, by December 31, 1999, all roads within the county shall have a road sign installed at every intersection bearing the approved road name and, as applicable, the range of street addresses within that particular block of road. The signs shall be of a design, color, size and shape consistent with those prevalent within the county as of the adoption of this ordinance. Signs on roads named by application to the planning commission shall be paid for by the applicants. All signs on new roads, or existing roads accepted into the county maintenance system, shall be paid for by those persons delivering the roads to the county.
(Ord. of 5-18-98, art. 3, § 3.4)

Secs. 25-61—25-70. Reserved.

DIVISION 4. NEW ROADS

Sec. 25-71. New roads.

New road layouts shall be in conformity with a plan for the most advantageous development of the entire neighboring area. All proposed streets shall be in alignment with existing planned or platted streets with which they are to connect and shall be consistent with the following provisions.
(Ord. of 5-18-98, art. 4, § 4.0)

Sec. 25-72. Reserved.

Editor's note—Ord. No. 99-01, § 15, adopted on Feb. 1, 1999, repealed § 25-72 which pertained to road names of new roads and derived from an ordinance of May 18, 1998, art. 4, § 4.1. Current information on road names can be found in Art. III of this chapter.

Sec. 25-73. Road signs.

In the case of a new road to be dedicated to the county, the developer of the new road shall be responsible for funding the cost of sign manufacture and installation after the location has been approved by the planning commission.
(Ord. of 5-18-98, art. 4, § 4.2)

Sec. 25-74. Road layout and design.

The following criteria shall govern the layout and design of new roads proposed to be dedicated to the county for maintenance. In any event, the planning commission shall reserve the right to alter any plan for a proposed road as it may deem appropriate.

(1) *Layout.* The road layout may include minor streets of considerable continuity, approximately parallel to and on each side of each major thoroughfare to avoid lots fronting on such thoroughfares.

(2) *Road gradients.* Proposed road shall be adjusted to the contour of the land so as to produce reasonable gradients.

(3) *Road extensions.* Certain proposed roads shall be extended to the boundary line of the tract to be subdivided so as to provide for normal circulation of traffic within the vicinity. Wherever there exists a dedicated or platted road abutting the tract to be subdivided, the developer shall extend the road to an intersecting road or shall terminate the road in a permanent type turnaround, the radius of which shall be as determined and approved by the planning commission upon recommendation of the county administrator or his official designee.

(4) *Half-streets.* Whenever there exists a dedicated or platted half-street or alley adjacent to the tract to be subdivided and approved by the planning commission, the other half shall be platted. In no case shall a new half-street or road be permitted.

(5) *Cul-de-sacs.* Cul-de-sac roads may be planned where conditions permit their use, and in no instance shall be designed to accommodate more than 20 lots in a residential subdivision or more than ten lots in a commercial or industrial subdivision. Cul-de-sacs shall not exceed 1,000 feet in length.

(6) *Alleys.* Alleys may be required where appropriate in commercial and industrial areas. Except where justified by extreme conditions, alleys shall not be approved in residential subdivisions.

(7) *Road intersections.* All roads, streets and alleys shall intersect at right angles (90 degrees) or as nearly thereto as possible. No road shall intersect any other road at an angle of less than 75 degrees (angle of intersection to be measured at the junction of the road centerlines).

a. The center lines of not more than two roads shall intersect at any one point.

b. Street jogs are to be avoided, but, where unavoidable, street jogs at intersections shall have a center line off-set of not less then 150 feet.

c. A triangular area formed by the intersection of the street right-of-way lines and a distance 35 feet back along said lines connected by a straight line at the points thus determined, must be kept clear of all vegetation, wall or structure for a height of between two and one-half feet and ten feet for vision of motorists, pedestrians, and other users.

d. No two roads may intersect an existing road on the same side at a distance of less than 150 feet onto a designated local road or any road where the posted speed limit is not in excess of 35 miles per hour; 250 feet onto a designated collector road or any road where the posted speed limit is not in excess of 45 miles per hour; and 350 feet onto a designated arterial road or any road where the posted speed limit is not in excess of 55 miles per hour.

(8) *Road design standards.* All specifications regarding the installation of county roads within a subdivision shall be as designated by the planning commission upon recommendation from the director of public works who shall approve sub-base and base materials and construction practices, pavement or other travel surface materials, pavement and right-of-way widths, grades, vertical and

horizontal curves, and any other design requirements for roads not specifically noted in these regulations. All roads shall be constructed equal to or better than the state department of transportation specifications.

a. *Right-of-way.* The following rights-of-way shall apply to all new road construction wherein the road is proposed for dedication to the county for maintenance.

a. Arterial road: A minimum of 125 feet.

b. Collector road: A minimum of 85 feet.

c. Local road: A minimum of 66 feet for roads designed for non-residential use and 50 feet for local roads intended to access residential properties.

d. Alley: A minimum of 30 feet.

e. Cul-de-sac: Only local roads are permitted to permanently terminate in a cul-de-sac, the right-of-way diameter of which shall be twice the width of the road right-of-way, temporary cul-de-sacs on arterial or collector roads are permitted provided the cul-de-sac right-of-way is at least twice the diameter of the road right-of-way.

b. *Wearing surface.* All roads constructed for dedication to the county must have a two-inch asphalt wearing surface, or an equivalent type and thickness of material, such as concrete, acceptable to the planning commission and the director of public works; over a six-inch base of crushed stone or other acceptable aggregate material, and have a compacted sub-base of sand/clay mix which meets or exceeds the standards of the state department of transportation for sub-base construction.

1. *Dirt roads.* Dirt roads will not generally be approved for construction if the intent is to dedicate the road to the county for maintenance. However, the planning commission shall reserve the right to approve such construction for dedication to the county in special circumstances wherein it can be shown that a paved road would be detrimental to the nature of the development being accessed by the new road. In no instance shall the cost of road construction be the sole consideration.

c. *Cross-section of acceptable road designs.* Appended hereto as though copied herein and made a part hereof are standard cross-section representations of acceptable road designs which may be used as a guide in submitting road layouts to the planning commission. The standards depicted are intended to express the minimum road design requirements. Particular applications may require more stringent design features to provide an acceptable roadway.

(9) *Ingress and egress.* Wherever a tract to be subdivided is proposed to ingress and egress from and onto an existing road of exceptional vertical or horizontal fluctuation, the planning commission, upon recommendation from the director of public works, or his official designee, and after taking into account traffic volume and speed, shall determine the appropriate point or points for such ingress and egress.

(Ord. of 5-18-98, art. 4, § 4.3)

Sec. 25-75. Private lot driveways.

Each proposed lot for residential use shall be so designed as to allow the development of a private driveway serving said lot. Such driveway shall be so located, designed and constructed as to provide a relatively level stopping space no less than 20 feet outside the street right-of-way.

(1) *Vision clearance.* Adequate vision clearance at the intersection of driveways with road right-of-way lines shall be provided. Vegetation, walls, street furniture, or other structures shall be prohibited between a height of two and one-half feet and ten feet for a distance of five feet removed from the right-of-way.

a. *Corner lots.* Driveways of corner lots shall be located at least 30 feet from the point of intersection of local road right-of-way lines, 60 feet from the point of intersection of a collector road right-of-way line, and 120 feet from the point of intersection of an arterial road right-of-way line.

(Ord. of 5-18-98, art. 4, § 4.4)

Sec. 25-76. Monuments.

All lot corners, street corners, and points of change in direction in exterior boundary lines of the subdivision shall be marked with iron or concrete markers in accord with the S.C. State Board of Engineering Examiners Manual for land surveying. They shall be located within four inches of the finished grade or flush as conditions may require.

(Ord. of 5-18-98, art. 4, § 4.5)

Sec. 25-77. Warranty.

Prior to acceptance by the county of a new road or roads, the developer or contractor shall furnish a security instrument, in a form and manner acceptable to the county, in the amount of no less than 15 percent of the total cost of the construction, excluding right-of-way acquisition, of the road. This security shall be furnished as a guarantee against faulty workmanship and/or materials, and shall remain in effect for a minimum of one year following the date of acceptance of the new road by the county. At the conclusion of the one-year period, the security shall, upon the satisfactory inspection of the road by the director of public works, be released.

(Ord. of 5-18-98, art. 4, § 4.6)

Secs. 25-78—25-90. Reserved.

DIVISION 5. PRIVATE ROADS

Sec. 25-91. Private roads.

For new roads where the owners of the property accessed desire to retain ownership and maintenance of said roads privately, an application for such shall be made with the planning commission. The planning commission may permit such private ownership provided that the conditions for maintenance of such roads are deemed adequate.

(Ord. of 5-18-98, art. 5, § 5.0)

Sec. 25-92. Posting.

Roads to be retained in private ownership shall be posted as "Privately Maintained Roads" utilizing signs approved by the county. All roads shall be named and signed in accordance with section 25-72 and 25-73 of this article.
(Ord. of 5-18-98, art. 5, § 5.1)

Sec. 25-93. Private road maintenance.

The mechanism for the perpetual maintenance of private roads shall be explicitly documented before the planning commission at the time of submission and recorded with the approved plat. All transactions involving properties accessed by said private road shall contain a copy of the private road maintenance provisions.
(Ord. of 5-18-98, art. 5, § 5.2)

Secs. 25-94—25-100. Reserved.

DIVISION 6. REMEDIES AND ENFORCEMENT

Sec. 25-101. Violation and penalty.

The county shall notify, in writing by certified letter, any person(s) who violates any provision of this article, as to the nature of the violation and the required remedy, and shall provide no less than ten days from the receipt of the notification for said person(s) to comply with the provisions of this article. Should the violation be uncorrected after notice, and pursuant to S.C. Code 1976, § 22-3-550, as amended, the person(s) violating any provision of this article may be deemed guilty of a misdemeanor and subject to a fine of not more than $500.00 and/or imprisonment not exceeding 30 days. Additionally, the county may elect to seek remedy through civil or criminal court and, upon conviction, the offender may be required to forfeit and pay such penalties or restitution as the court may decide as prescribed by law for each offense.
(Ord. of 5-18-98, art. 6, § 6.0; Ord. of 7-19-99, § 5)

Sec. 25-102. Enforcement.

Whenever it shall come to the attention of the governing authority that any provision of these regulations has been or is being violated, the county may immediately institute suit and prosecute the same to final judgment.
(Ord. of 5-18-98, art. 6, § 6.1)

Sec. 25-103. Conflict with other laws.

In interpreting and applying the provisions of these regulations, the requirements shall be considered as the minimum requirements for the provision of roads within the jurisdiction of the county. It is not the intent of these regulations to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where these regulations impose a greater restriction upon the use

of a road or require other restrictions which may appertain to a road greater than those imposed by the other resolutions, rules or regulations, or by any easements, covenants or agreements, or by any ordinances, the provisions of these regulations shall prevail.

(1) *Previous laws repealed.* All ordinances and resolutions regulating roads adopted prior to the effective date of these regulations are hereby repealed.

(Ord. of 5-18-98, art. 6, § 6.2)

Sec. 25-104. Separability.

Should any section, clause or provision of these regulations be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of these regulations as a whole or any part thereof other than the part declared to be unconstitutional or invalid; each section, clause or provision hereof being declared separate.

(Ord. of 5-18-98, art. 6, § 6.3)

Sec. 25-105. Amendment.

These regulations may be amended after notice and public hearing in the manner prescribed by law for their original adoption.

(Ord. of 5-18-98, art. 6, § 6.4)

Sec. 25-106. Effective date.

These regulations shall take effect and be enforced from and after June 1, 1998, the public welfare demanding it; provided, however, these regulations shall not apply to any subdivision or part thereof as to which design approvals have heretofore been obtained from the appropriate governmental agencies. Developers of such subdivisions already under development shall notify the planning commission within 60 days from the date of the adoption of these regulations. Such notification shall include a copy of the plans and a copy of any previous approvals.

(Ord. of 5-18-98, art. 6, § 6.5)

Secs. 25-107—25-120. Reserved.

ARTICLE III. NAMING AND ADDRESSING OF ROADS*

Sec. 25-121. Title.

This article shall be known and may be cited as the "Road Naming and Addressing Ordinance" for the county.

(Ord. No. 11-02, § 2, 1-18-11)

***Editor's note—**Ord. No. 11-02, § 2, adopted January 18, 2011, amended article III in its entirety to read as herein set out. Formerly, article III pertained to similar subject matter, and derived from an ordinance adopted February 1, 1999, §§ 1—14.

Sec. 25-122. Purpose and intent.

The purpose and intent of this article is to provide a uniform system of naming all roads within the county and assigning addresses for all properties and buildings throughout the county in order to facilitate the provision of adequate public safety and emergency response service and to minimize difficulty in locating properties and buildings for public service agencies and the general public.
(Ord. No. 11-02, § 2, 1-18-11)

Sec. 25-123. Definitions.

(a) *Rules for construction of language.*

(1) The particular shall control the general.

(2) In the case of any difference of meaning or implication between the text of this article and any caption, illustration, summary table, or illustrative table, the text shall control.

(3) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.

(4) The word "building" or "structure" includes any part thereof.

(5) Words used in the present tense shall include the future, and words used in the singular shall include the plural, and the plural the singular, unless context clearly indicates the contrary.

(6) All public officials, bodies, and agencies to which the reference is made are those of the county unless otherwise indicated.

(7) The word "county" or "Jasper County" shall mean the area of jurisdiction of Jasper County, South Carolina, excluding all incorporated municipalities, except where specifically included within the context of this article.

(b) *Specific definitions.* The following words and phrases when used in this article shall have the meanings respectively ascribed to them in this section.

Address program administrator: That official of the county charged with the administration of this article, including his/her representative. The address program administrator may be the 911 administrator for the county.

Building: A structure having a roof supported by columns or walls for the shelter of persons, for residential, institutional, business or other use. When separated by division walls from the ground up without openings, each such enclosure may be deemed a separate building.

Concurrence: The county planning commission shall have the right to disapprove any action of the address program administrator by majority vote. If the planning commission shall fail to act within two regular meetings after the action of the address program administrator, the planning commission shall be deemed to have concurred.

Driveways: A private way, beginning at the property line of a lot abutting a public road, private road, easement or private right-of-way, giving access from the public road, private road, easement or private right-of-way, and leading to a building, lot or physical location, and as further defined in article II of this chapter.

Property owner: The legal or beneficial owner or owners of all the land proposed to be included in a development, or identified as a parcel. The holder of an option or contract to purchase, a lessee having a remaining term of not less than 50 years in duration, or other person having an enforceable proprietary interest may be considered a "property owner" for the purposes of this article.

Road address: The combination of numbers and road names assigned under the terms of this article which identifies a particular building, lot or other physical location.

Road: As defined in section 25-41 of this chapter, the terms road, highway, street, avenue and the like shall be interchangeable as designators of vehicular by-ways providing access to individual parcels of property, and that pedestrian facilities, bridges, tunnels, viaducts, drainage structures and other appurtenances commonly considered as a component part of a road shall also be included in the definition of the term. A "road" shall be the physical embodiment of such a by-way irrespective of prior platting or planning.

(1) *County road:* Any road currently maintained under the county road maintenance system, and any new road to be constructed within the jurisdiction of the county, and dedicated for maintenance to the county, which is in excess of 100 feet in length and accesses, or presupposes to access, two or more parcels of land under different ownership, unless such road is a part of the state, or federal system of highways or, by definition, a private road.

The master of list of county roads as maintained by the department of public works, and the mapping of said roads compiled by the Lowcountry Council of Governments at the direction of the county and dated June 1, 1998, are made part of this article as though copied herein. Any revision to the list or the map also shall be incorporated herein and made a part of this article.

(2) *Private road:* No road shall be designated as a private road, unless:

In a new development, such proposed road is defined as such by action of the county planning commission upon its satisfaction as to the construction and perpetual maintenance of such road; or

a. All the owners of a property accessed by such road agree to sign an instrument and plat to be recorded in the clerk of courts' office for the county which waives county responsibility for the maintenance of such road; or

b. The road exists prior to June 1, 1998, and accesses two or more parcels of land under different ownership, but is not in the county, state or federal road maintenance system. This type of private road shall not suffice as approved access for further subdivision of land.

c. Any road existing prior to June 1, 1998, and accessing less than two parcels of land, and which is not in the county, state or federal road maintenance system, is considered a driveway under the provisions of this article and shall not be considered for maintenance under the terms hereof, nor shall such driveway suffice as approved access for further subdivision of land.

(Ord. No. 11-02, § 2, 1-18-11)

Sec. 25-124. Administration and application.

The address program administrator shall be responsible for the interpretation and administration of this article, to include:

(1) Compiling a data base of road names for every road in the county.

a. For roads within municipalities, the address program administrator shall catalogue existing road names to insure that potential conflict does not exist with any other existing road name, either within any municipality or within the unincorporated area.

b. In the event that conflict is discovered in a road name, the address program administrator shall request a meeting of the units of local government involved to prepare a recommendation to be offered to the planning commission having jurisdiction to effect a change in the road name. In the event of a change falling to the county, the process shall be stipulated in section 25-127 of this article.

c. All roads to be named shall be in excess of 500 feet in length to avoid naming driveways.

(2) Assigning all road addresses for properties and buildings within the unincorporated area of the county and those municipalities which may elect to have addressing assigned by the county within their jurisdictions. In any event, the address program administrator shall compile a data base of all road addresses within the county, to include all municipalities.

(3) Recommending change of existing address when necessary to facilitate sequential house numbers.

(4) Designating individual unit addresses with the multiple housing units or mobile home parks in conformity with the provisions of this article.

(5) Performing such other tasks as may be necessary to administer the provisions of this article.
(Ord. No. 11-02, § 2, 1-18-11)

Sec. 25-125. Existing road names.

The names of roads listed on the official county road map sheet as administered by the address program administrator that are located within the unincorporated areas of the county, whether public or private, shall not be changed by any method except those set forth in this article. A copy of this article and a list of road names shall be forwarded to the South Carolina Department of Transportation (SCDOT). The official county 911 road registry shall cross reference the old road names.
(Ord. No. 11-02, § 2, 1-18-11)

Sec. 25-126. New road names.

(a) No new public roads in the unincorporated area of the county shall be named without the approval of the planning commission upon the recommendation of the address program administrator.

(b) No new private road names shall be recognized by the county or added to the county's list of road names without the approval of the planning commission upon recommendation of the address program administrator.

(c) The name of any new road, public or private, shall not duplicate or be confusingly similar to any other road name already existing under section 25-124 of this article. This subsection shall not apply to the extension of an existing road.

(d) New subdivision roads, whether public or private, shall be named when created through the land development process which shall include the submission of road names to the address program administrator who shall make recommendation of the road names to the planning commission for approval.

(e) Developers establishing new public roads shall pay the county for the actual cost of purchasing and erecting street signs which meet the standards of the SCDOT.

(f) Developers desiring to use any type of sign other than the style which meets the standards set forth by the SCDOT for a public road shall have the style and design approved by the planning commission upon recommendation from the address program administrator.

(g) Developers and/or home owner's association shall maintain all street signs within their development.

(h) The names of private roads, including mobile home roads, which require naming to facilitate postal delivery and emergency response, shall be recognized by the county at the request of the citizens who own property adjacent to the road. Such road must serve at least three households. The name of the private road shall be commonly known to the community. In the event that there are two or more recommendations of names, the planning commission shall determine the name giving recognition to the name preferred by at least 51 percent of the property owners on the road. However, this shall not constitute acceptance or dedication of the road by the county for maintenance and other purposes.
(Ord. No. 11-02, § 2, 1-18-11)

Sec. 25-127. Renaming roads.

Renaming roads may be initiated by three different methods:

(1) Initiated by the county planning commission (S.C. Code 1976, § 6-29-1200(B));

(2) Initiated by Jasper County Emergency Services, after providing signatures of at least 51 percent of the property owners with access or potential access to the road;

(3) Public petition with signatures of at least 51 percent of the property owners with access or potential access to the road; persons desiring the name of a road be changed shall submit a petition to the address program administrator.

The address program administrator will make recommendations to the county planning commission on the requested road name change based upon the following:

(1) In case of public petition, it shall be made on forms provided by the address program administrator.

(2) In all cases the address program administrator shall review the requested road name change for compliance with the provisions of this article regarding road name change for compliance with the provisions of this article regarding road naming and shall not recommend any change which varies from the provisions herein.

(3) In case of public petition and in the event the address program administrator recommends the request, and approval is made by the county planning commission, the petitioner(s) shall be required to pay the county for the costs of purchasing new signs and erecting them, including labor.

The planning commission shall, by proper certificate, approve and authorize changing the name of a street or road laid out within the county. The commission may, after reasonable (at least 14 days prior to the meeting whereat action on the request is contemplated) notice through a newspaper having general circulation, posting of the roadway and notice by mail of adjacent landowners; change the name of a street or road within the boundary of its territorial jurisdiction:

(1) When there is a duplication of names or other conditions which tend to confuse the traveling public or the delivery of mail, orders, or messages;

(2) When it is found that a change may simplify marking or giving of directions to persons seeking to locate addresses; or

(3) Upon any other good and just reason that may appear to the commission.

Street names shall not duplicate or be confused with existing names. Names are subject to the sole approval of the planning commission to eliminate duplicate or confusing names.

On the name being changed, after reasonable opportunity for public input, the planning commission shall issue its certificate designating the change, which must be recorded in the office of the register of mesne conveyance or clerk of court, and the name changed and certified is the legal name of the street or road. (Ord. No. 11-02, § 2, 1-18-11)

Sec. 25-128. Display of road address numbers.

Every owner of improved property shall purchase and display their officially assigned address numbers within 21 days after receiving notification of the proper number assignment so that they are clearly visible from the street or road on which the property fronts. The following criteria shall be used to properly display the number.

(1) Address numbers must be a minimum of three inches in height for residential uses so as to be seen easily from the road.

(2) Numbers for the multiple dwelling units and nonresidential buildings shall be at least at least six inches in height and shall be placed on the front of the building facing the road or on the end of the building nearest the road. Individual units shall be required to display unit numbers which are at least three inches in height on the front door or immediately adjacent to the door.

(3) Address numbers must be set on a background of a contrasting color.

(4) On a corner lot, the house number should face the street named in the address.

(5) If a building is more than 50 feet from any road, the address number shall be displayed on a sign attached to a fence, gate, lawn stake, mailbox, etc., adjacent to and clearly visible from the road right-of-way.

(6) Address numbers shall be plain block numeric numbers and not in alpha or cursive style print. (Ord. No. 11-02, § 2, 1-18-11)

Sec. 25-129. Types of numbers.

Two types of numbers are to be used under this article:

(1) A primary number is to be assigned to each street frontage of each parcel of land, whether or not the parcel is occupied. The primary number is required to be posted only if the parcel of land is occupied by a dwelling unit or other structure, or is otherwise actively used and the owner, occupant, or person in charge is notified under section 25-125 of this article. Other primary numbers are reserved for future development of the numbered parcels and will be assigned at the time of improvement or development.

(2) Secondary numbers may be used when a number of units, structures, and uses co-exist on the same parcel of land. Examples of parcels requiring secondary numbers include apartment projects, mobile home parks, office parks, planned unit developments, recreational vehicle parks, recreational areas, shopping centers and other uses where the uses of secondary numbers would clarify the location of a unit or use for public safety purposes. To provide secondary numbers, the address program administrator shall work with the owner, manager, or person in charge of the project to determine a logical numbering system under the following guidelines:

Building on a single parcel with more than one and less than five units may be given either letter (preferred) or number designations as requested by the owner of the property.

a. A single building on a single parcel of land with five or more units may be given numerical designations such as Suite #, Apartment # or similar designations, if so desired.

b. Multiple buildings on the same parcel of land may be given secondary numbers consisting of number designations if the buildings are accessed from a main entrance to the project. Generally, the number designations should increase in a clockwise direction from the main entrance.

c. Mobile home parks, recreational vehicle parks and similar uses shall be given letter designations for lots or sections and number designations for individual lots or sites.

(Ord. No. 11-02, § 2, 1-18-11)

Sec. 25-130. Exempt and excluded structures.

The intent of this section is to exclude from this article those structures that do not present a significant danger to human life if destroyed by fire or other events. The following structures shall be excluded from the provisions of this article:

(1) Agricultural buildings not requiring a separate mailing address such as a barn, poultry house, outbuilding or equipment storage buildings. Buildings used as dwelling unit, office or nominal work station of an employee shall not be exempt.

(2) Storage and accessory buildings for the use of the occupant of another building on the property. Buildings used as dwelling units, office or the nominal work station of an employee, or those requiring a separate mailing address, shall not be exempt.

(Ord. No. 11-02, § 2, 1-18-11)

Sec. 25-131. Collaboration with the post office.

The address program administrator shall act as a liaison with the United States Post Office with regard to the provision of the road addresses assigned. The post office may elect to use the addresses assigned as the official mailing address of the property within the county and advise newcomers to contact the address program administrator for the assignment of a mailing address.
(Ord. No. 11-02, § 2, 1-18-11)

Sec. 25-132. Utility company compliance.

(a) Following the adoption of this article, all utility services regulated by the South Carolina Public Service Commission or any utility cooperative service organization providing services in the unincorporated area of the county, shall withhold service from any building, dwelling, mobile home or other structure not exempt under this order until the owner or other requesting party has furnished the utility with a valid assigned number.

(b) It shall be the responsibility of the address program administrator to notify each affected utility of each implementation area by issuing maps and lists of official numbers assigned each structure or use.
(Ord. No. 11-02, § 2, 1-18-11)

Sec. 25-133. Implementation by the county departments.

Every department and official under the jurisdiction of the county council shall not render any non-emergency service until the occupant, owner or requesting individual has provided the department with a valid assigned number. Non-emergency service includes any service except law enforcement, fire, rescue or emergency medical service.
(Ord. No. 11-02, § 2, 1-18-11)

Sec. 25-134. Enforcement.

Owners or occupants of buildings which are not in compliance with the provisions of this article shall be notified and required to meet the requirements herein within 60 days from the date of notification. A warning notice will be issued after the 60 days if the requirements have not been met. The owner or occupant who does not voluntarily comply with this article within 30 days after delivery if a warning notice by registered or certified mail shall be subject to criminal prosecution. Any person found violating a provision of this article shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding $500.00 or 30 days imprisonment or both; and if such violation continues, each day's violation shall be a separate offense. Violation of this article may also be enforced by seeking an order to compel compliance of civil remedies against the violator.
(Ord. No. 11-02, § 2, 1-18-11)

Chapter 26

TAXATION*

Article I. In General

Sec. 26-1. Tax assessor.
Sec. 26-2. Adoption of alternate procedure for collection of property taxes.
Sec. 26-3. Penalties and fees for delinquent taxes.
Sec. 26-4. Application for agricultural assessment of property.
Sec. 26-5. Authority to limit agricultural land use designation.
Sec. 26-6. County stamps for timber deeds.
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Article II. Board of Assessors

Sec. 26-36. Establishment; membership.
Sec. 26-37. Meetings; compensation of members.
Sec. 26-38. Duties.
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Article III. Property Taxes

Sec. 26-45. Taxpayer escrow system for payment of ad valorem property taxes.

***Cross reference—**Administration, ch. 2.

State law references—Authority of county to assess property taxes, S.C. Code 1976, § 4-9-30(5); taxation generally, S.C. Code 1976, Title 12.

ARTICLE I. IN GENERAL

Sec. 26-1. Tax assessor.

(a) *Appointment; compensation.* There is hereby created the office of tax assessor for the county. The tax assessor shall be appointed by the board of assessors to serve at the pleasure of the board. He shall receive such compensation as is provided by the county council.

(b) *Powers and duties.* The tax assessor shall:

(1) Be responsible for the valuation, assessment and reassessment of all property for tax purposes and take measures to place all taxable property in the county on the tax books. Notwithstanding any other provisions of law, the auditor shall, on or before the first Tuesday of March, or as soon thereafter as may be practicable in each year, lay before the tax assessor the returns of all property, both real and personal, made to him or by him where the owner or his agent fails to make a return, together with a list of all property, both real and personal, which he can discover that has not been previously returned or listed for taxation, as required by law.

(2) Have charge of the valuation, assessment and reassessment of all property for tax purposes.

(3) Keep the tax system up to date and maintain a current system of maps, cards and records with respect to the valuation, assessment and reassessment of all property for tax purposes, and adjust the records from time to time to reflect shifting or changing value of the property.

(4) Employ personnel to assist him in his duties when salaries and expenses for such personnel have been provided for by the county council.

(5) Impartially and fairly assess and reassess the value of all property for tax purposes and enter such valuation upon the returns and lists furnished by the auditor. The tax assessor shall deliver the returns and lists, with such valuations, to the auditor on or before the second Tuesday in June, or as soon thereafter as may be practicable, in each year.

(Ord. of 2-11-80, § 4)

Cross reference—Officers and employees, § 2-51 et seq.

Sec. 26-2. Adoption of alternate procedure for collection of property taxes.

The county adopts the alternate procedure for collection of property taxes as provided for in S.C. Code 1976, §§ 12-51-10—12-51-170.

(Ord. of 12-17-79)

Sec. 26-3. Penalties and fees for delinquent taxes.

(a) The following penalties and fees shall be charges to delinquent taxes:

(1) May 1, 1992: $10.00.

(2) September 1, 1992: $10.00.

(b) This schedule shall remain in effect until changed by the county council, and the county administrator is to implement the new schedule immediately by giving public notice to the citizens of the county. All necessary documents are to be printed to reflect the change in the penalties and delinquent fees, and the tax collector is empowered to collect such penalties and fees.
(Res. of 1-6-92)

Sec. 26-4. Application for agricultural assessment of property.

Property owners shall apply for the agricultural assessment of property at intervals of five years so long as the use of the property concerned is not changed during such prescribed period. The five-year intervals shall commence January 1, 1981, and be in accordance with S.C. Code 1976, § 12-43-220.
(Ord. of 5-1-78; Ord. of 4-5-83)

Sec. 26-5. Authority to limit agricultural land use designation.

The county tax assessor is granted the authority to limit agricultural land use designation only to parcels of five or more acres in size. The county tax assessor shall also be empowered to exempt any parcels that may be reclassified by such ruling from those respective rollback taxes ordinarily levied.
(Res. of 10-6-86)

Sec. 26-6. County stamps for timber deeds.

All timber deeds involving timber situate in the county, whether recorded or unrecorded, shall have county stamps attached thereto in all respects as provided in regard to other deeds.
(Ord. of 5-20-91)

Sec. 26-7. Assessment of aircraft.

The assesment ratio otherwise applicable in determining the assessed value of aircraft subject to property tax in Jasper County, South Carolina, is reduced to a ratio of four percent of the fair market value of such aircraft upon adoption of this section. The reduced assesment ratio established in this section sall apply uniformly to all aircraft subject to property tax in the county.
(Ord. No. 07-49, § 2, 12-17-07)

Secs. 26-8—26-35. Reserved.

ARTICLE II. BOARD OF ASSESSORS*

Sec. 26-36. Establishment; membership.

There is hereby created the county board of assessors, to be composed of five appointed members and the county auditor, ex officio. The chairman shall be elected from the members of the board. Board members other than the auditor shall be appointed by the county council. One member shall be appointed from each of the four townships of the county and one member shall be appointed from the county at large. Terms of

***Cross reference—**Boards, commissions and committees, § 2-76 et seq.

office shall be four years, except that of the five initial appointees, two shall serve for two years only as determined by lot at the first meeting of the board. Any vacancy on the board shall be filled in the manner of the original appointment for the unexpired term.
(Ord. of 2-11-80, § 1)

Sec. 26-37. Meetings; compensation of members.

Upon appointment of the board of assessors, the auditor shall call a meeting of its membership. The board shall meet at least once every two months, and additionally upon the call of the chairman or any two of its members. Three members shall constitute a quorum. Appointed members shall receive compensation as determined by the county council.
(Ord. of 2-11-80, § 2)

Sec. 26-38. Duties.

In the performance of its duties the board of assessors shall:

(1) Cooperate with the state tax commission in the evaluation and assessment of any taxable property in the county which the commission is authorized to assess.

(2) Appoint and employ a tax assessor trained and experienced in the assessment and evaluation of property and the principles of taxation.

(3) Take necessary measures to ensure that all taxable property is listed upon the tax books.

(4) Provide for tax map revisions and periodic reassessments to reflect changing property values.

(5) Propose rules and regulations to the county council to effectively carry out the provisions of this article.

(6) Define the duties of the tax assessor and supervise his activities.

(7) Act as a county board of tax equalization in addition to its prescribed duties as a board of assessors, and hear and determine appeals of actions of the tax assessor.

(Ord. of 2-11-80, § 3)

Secs. 26-39—26-44. Reserved.

ARTICLE III. PROPERTY TAXES

Sec. 26-45. Taxpayer escrow system for payment of ad valorem property taxes.

(a) (1) A taxpayer electing to participate in the county taxpayer escrow system for payment of ad valorem property taxes or electing to opt out of the system, must notify the county treasurer in writing no later than January 15th of the tax year and no earlier than December first of the preceding tax year. If the treasurer does not receive written notification from December first to January 15th, the taxpayer must pay ad valorem taxes in the same manner as the previous tax year.

(2) The treasurer must notify the county auditor and county assessor of each taxpayer electing to participate or electing to opt out of participating in the county taxpayer escrow system for payment

of ad valorem property taxes. If the county assessor determines the property has diminished in value, an estimated ad valorem property tax obligation must be adjusted to reflect the reduced value. Upon being notified of an adjustment for reduced value from the assessor, the county treasurer must notify the property owner of the adjusted estimated property tax obligation.

(b) Taxpayers participating in the county taxpayer escrow system for payment of ad valorem property taxes may at any time prior to September 16 of the tax year, but no more than once each month pay into the escrow system any amount that he or she chooses. Payment shall be booked by the county as of the next succeeding booking date. Booking dates for each tax year shall be February 15, March 15, April 15, May 15, June 15, July 15, August 15 and September 15. Booking dates which fall on Saturday, Sunday or a county holiday shall be booked as of the next succeeding business day. The remaining balance of ad valorem property taxes, if any, is due on or before January 15th of the following taxable year. The Treasurer must notify the county auditor of the amount of a property owner's payments received no later than October 1st. A notice of the remaining tax due and other authorized charges and information must then be prepared and mailed to the property owner.

(c) Payments into the county taxpayer escrow system for payment of ad valorem property taxes during a property tax year are a credit against the total property tax due on the real property for the property tax year. The estimated property taxes paid into the escrow system during a property tax year must be deposited by the county treasurer in an interest bearing account. The interest is to be retained by the treasurer to offset the administrative expenses of the escrow system.

(d) Reserved.

(e) On January 15th of each tax year the treasurer will pay the taxes of each taxpayer who has participated in the escrow system for payment of ad valorem property taxes as follows.

(1) The treasurer will only pay the taxes if, as to each parcel, there is sufficient revenue to pay the ad valorem property tax due in full.

(2) If the taxpayer owns two or more parcels and there is insufficient funds to pay all of the ad valorem property tax, the treasurer will pay the taxes in the order instructed by the taxpayer, or if not instructed, in the numerical order of the TMS numbers of the parcels owned by the taxpayer.

(3) After paying the taxes as provided in subsections (e)(1) and (2), if there are parcels for which ad valorem property taxes remain unpaid because there is an insufficient fund in the escrow account to pay those taxes, the treasurer will notify the taxpayer of the amount due, plus penalties and interest in order to pay the tax or taxes.

(4) If as of the 15th day of the month preceding the scheduled date of tax sale of property of a taxpayer who is participating in the escrow system for payment of ad valorem property taxes, there remains insufficient funds to pay the tax, penalty and interest in full, the treasurer shall remit to the taxpayer the remaining balance in the escrow account, mailed to the last known address of the taxpayer.

(f) If payment of ad valorem property taxes paid during the property tax year results in an overage in the escrow account, that overage shall be allowed to remain on deposit for payment of the next succeeding year's ad valorem property taxes, unless the taxpayer elects to opt out of the county taxpayer escrow system. In that case, the overage must be refunded to the taxpayer.

(g) The participation by a taxpayer in the county escrow system for payment of ad valorem property taxes as provided in this section in no way alters the due date, penalty schedule, and enforced collection of property taxes as provided by law.

(Ord. No. 09-39, § 1, 11-18-09)

Chapter 27

FEES

Article I. County Road System Maintenance Fund

Sec. 27-1. County road system maintenance fund established; uses.
Sec. 27-2. County road system maintenance fee.
Sec. 27-3. Reserved.
Sec. 27-4. Civil penalties.

ARTICLE I. COUNTY ROAD SYSTEM MAINTENANCE FUND

Sec. 27-1. County road system maintenance fund established; uses.

There is hereby established the Jasper County Road System Maintenance Fund to be a source of funding to maintain public roads, bridges, street lighting, supporting drainage systems, public parking facilities and other related public works in the county road system. Funds of the county road system maintenance fund shall be deposited in the general fund of the county, shall be accounted for separately and shall be administered by the jasper county administrator. The proceeds of such fund, together with any investment income earned thereon, must be used only and exclusively for the construction, improvement and maintenance of public roads, bridges, street lights, supporting drainage systems, public parking facilities and other related public works within the county highway system. Funds not used in any fiscal year shall be carried forward and used exclusively for the uses stated in this section.
(Ord. No. 11-18, § 1, 6-6-11)

Sec. 27-2. County road system maintenance fee.

The owner of every motor vehicle which is required to be registered and licensed in the county by the state department of motor vehicles, except registered mobile homes, shall pay annually to the county treasurer at the same time he/she pays his/her county vehicle taxes, a road user fee of $25.00 for each such vehicle. This fee is not based on the value of any vehicle. Proceeds from this fee shall be deposited to the county road system maintenance fund.
(Ord. No. 11-18, § 1, 6-6-11)

Sec. 27-3. Reserved.

Sec. 27-4. Civil penalties.

(a) For each vehicle for which a county road system maintenance fee is past due and unpaid, a penalty of $10.00 shall be levied against the owner of such vehicle and any such penalty due shall be collected at the same time as collection of the county road system maintenance fee. Each day in which the county road system maintenance fee is due and unpaid shall be deemed a separate and distinct offense.

(b) If the county road maintenance system fee and penalties are not paid after the expiration of 60 days from the due date of the fee, the fees and penalties maybe enforced by judgment or such other means provided for under the laws of the state. Nothing in this section shall be construed as a limit on the time for bringing of an action to collect such fees and penalties.
(Ord. No. 11-18, § 1, 6-6-11)

Chapter 28

UTILITIES*

Article I. In General

Secs. 28-1—28-35. Reserved.

Article II. Hardeeville Area Water Quality Management Agency

Sec. 28-36. Definitions.
Sec. 28-37. Designation.
Sec. 28-38. Jurisdiction.
Sec. 28-39. Powers and duties.
Sec. 28-40. Exceptions to sewer connection requirements.
Sec. 28-41. Financial assistance for sewer connection expenses.
Secs. 28-42—28-70. Reserved.

Article III. Beaufort-Jasper County Water Authority

Sec. 28-71. Consolidation of Beaufort-Jasper County water authority and Jasper County water and sewer authority.
Sec. 28-72. Membership.
Sec. 28-73. Compensation of members.
Sec. 28-74. Continuation of previous authority.
Sec. 28-75. Financing of improvements and extensions.
Secs. 28-76—28-100. Reserved.

Article IV. Rural Water System

Sec. 28-101. Establishment.
Sec. 28-102. Membership.
Sec. 28-103. Officers.
Sec. 28-104. Certifications regarding membership and personnel.
Sec. 28-105. Compensation of members.
Sec. 28-106. Service area.
Sec. 28-107. Powers.
Sec. 28-108. Rates for services not to be regulated by state.
Sec. 28-109. Tax exemption for property of system.
Sec. 28-110. Fiscal year; annual audit.
Sec. 28-111. Use of revenue.
Sec. 28-112. Contracts for sale of water.
Sec. 28-113. Tampering with facilities or polluting water; unlawful use of water.

***Cross reference—**Buildings and building regulations, ch. 6.

State law reference—Authority to grant franchises for public utilities, S.C. Code 1976, § 4-9-30(11).

ARTICLE I. IN GENERAL

Secs. 28-1—28-35. Reserved.

ARTICLE II. HARDEEVILLE AREA WATER QUALITY MANAGEMENT AGENCY*

Sec. 28-36. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

201 refers to section 201 of PL 92-500, the Federal Water Pollution Control Act, as amended.

Nonpoint source pollution means pollutants which are not collected or centralized. Stormwater runoff is a major nonpoint source.

Point source facilities means waste treatment facilities and the collection system through which wastewater is transmitted to a single point for processing.

Point source pollution means wastewater which is collected and transferred to a single point or place. (Ord. of 1-7-80, § 6)

Cross reference—Definitions generally, § 1-2.

Sec. 28-37. Designation.

(a) The Town of Hardeeville is hereby designated as the water quality management agency for the area described by section 28-38, with powers and duties as defined by section 28-39, to control both point and nonpoint source pollution.

(b) The county is designated as a supplemental agency for the unincorporated portions of the area described in section 28-38, with powers and duties as defined in section 28-39, to manage point sources. (Ord. of 1-7-80, § 1)

Sec. 28-38. Jurisdiction.

The area over which the Town of Hardeeville shall have jurisdiction for water quality matters shall coincide with the boundaries of the approved and certified 201 facilities plan for Hardeeville, as delineated by the map attached to the ordinance from which this article is derived, which is made a part of this article by reference. Where uncertainty exists as to the boundaries of the 201 planning area, the following rules shall apply:

(1) Boundaries indicated as approximately following the center of streets, highways, railroad lines, utility easements, streams, rivers, lakes, canals and other bodies of water shall be construed to follow such centerlines.

(2) Boundaries indicated as approximately following platted lot lines and corporate lines shall be construed as following such lines.

***Cross reference—**Boards, commissions and committees, § 2-76 et seq.

(3) Boundaries indicated as parallel to or extensions of features indicated in subsections (1) and (2) of this section shall be so construed. Distances not specifically indicated on the 201 map shall be determined by the scale of the map.

(Ord. of 1-7-80, § 2)

Sec. 28-39. Powers and duties.

(a) The Town of Hardeeville shall have the authority to exercise the following powers and duties within the area defined by section 28-38:

(1) To annually review and establish 201 facilities priorities for water quality projects.

(2) To ensure implementation of the approved 201 facilities plan by:

a. Enforcing uniform sewer use regulations for the entire area, to include, among other things, the authority to mandate tie-ons where sewer lines are available.

b. Enforcing regulations to control the location of waste treatment facilities within the area.

c. Establishing policies and procedures to ensure areawide consideration of water quality matters.

d. Enforcing user charges and industrial cost recovery systems (UCICR) to ensure that each recipient of waste treatment service will pay its proportionate share of the costs of operation and maintenance, including replacement, as required by EPA.

(3) To provide water and sewer utility service to the incorporated and unincorporated parts of the area, in accord with the 201 plan.

(b) The county shall enact sewer use ordinances and other measures deemed appropriate by both jurisdictions, which shall be consistent with those of the Town of Hardeeville, the designated management agency. The county shall authorize the town to enforce such ordinances in the unincorporated portions of the 201 facilities planning area for purposes of ensuring proper administration of the service facilities.

(Ord. of 1-7-80, § 3)

Sec. 28-40. Exceptions to sewer connection requirements.

In the implementation of the 201 plan it may be necessary to require tap-ins to existing or proposed wastewater collection lines. Such authority will be contained in the sewer use ordinance of the Town of Hardeeville. However, to avoid undue hardships, those dwellings with properly functioning septic tanks, on-site disposal systems or wells will be exempt from the requirements of the sewer use ordinance or any other regulatory ordinance requiring tap-ins for a period of five years from the date the service is first made available.

(Ord. of 1-7-80, § 4)

Sec. 28-41. Financial assistance for sewer connection expenses.

To the extent that financial assistance is available from other local, state or federal agencies, the Town of Hardeeville will work to obtain monies to assist low- and moderate-income persons with tap-in fees and other related expenses.

(Ord. of 1-7-80, § 5)

Secs. 28-42—28-70. Reserved.

ARTICLE III. BEAUFORT-JASPER COUNTY WATER AUTHORITY

Sec. 28-71. Consolidation of Beaufort-Jasper County water authority and Jasper County water and sewer authority.

The Beaufort-Jasper County water authority, initially created by Act No. 784 of 1954, as amended, shall be enlarged by adding thereto all of Jasper County except for any municipalities which operate water and sewer systems and except the area presently being served by any municipally owned waterworks and sewer system by consolidating the Jasper County water and sewer authority as created by Act No. 598 of 1971 into the Beaufort-Jasper County water authority.

The District of the Beaufort-Jasper Water and Sewer Authority (BJWSA) shall be restricted to exclude all of unincorporated Jasper County, except for those areas of unincorporated Jasper County where infrastructure built by BJWSA is already in place and serving water or sewer customers in Jasper County, including areas at Point South and Palm Key. A boundary survey of any such regions will be provided at or before the earliest of: the date that a true and accurate survey of those areas is provided to Jasper County by the BJWSA, 90 days from the passing of this resolution.
(Ord. of 10-3-83, § 1; Ord. of 6-2-97, § 1)

Sec. 28-72. Membership.

The composition of the Beaufort-Jasper County water authority shall be as follows: The authority shall be composed of nine members, seven of whom shall be resident electors of Beaufort County and two of whom shall be resident electors of Jasper County. The Beaufort County members of the authority shall be appointed by the governor upon the recommendation of a majority of the legislative delegation of Beaufort County. Of the Beaufort County members, the respective governing bodies of the City of Beaufort, the Town of Port Royal and the Town of Bluffton shall each recommend to the legislative delegation of Beaufort County one person who may in turn be recommended by the legislative delegation of Beaufort County to the governor for appointment, and the Beaufort County council shall recommend to the legislative delegation of Beaufort County three persons who shall in turn be recommended by the legislative delegation of Beaufort County to the governor for appointment. The Jasper County members of the authority shall be appointed by the governor upon the recommendation of a majority of the legislative delegation of Jasper County. Of the Jasper County members, the respective governing bodies of the City of Ridgeland and the City of Hardeeville shall each recommend to the legislative delegation of Jasper County one person who may in turn be recommended by the legislative delegation of Jasper County to the governor for appointment. The terms of office for all members and their successors of the authority shall be six years. All members of the authority shall hold office until their successors have been appointed and qualify. Any vacancy occurring for any reason among the members of the authority shall be filled for the remainder of the unexpired term by the procedure set forth in this section.
(Ord. of 10-3-83, § 1)

Sec. 28-73. Compensation of members.

The members of the Beaufort-Jasper County water authority may fix their compensation for each meeting in actual attendance upon the business of the authority, but in no event shall such compensation exceed $600.00 per year for each member or $840.00 per year for the chairman.
(Ord. of 10-3-83, § 1)

Sec. 28-74. Continuation of previous authority.

Pursuant to S.C. Code 1976, § 6-11-610, there will be no new commission appointed under this article, nor will any changes be made in the old members of the Beaufort-Jasper County water authority, as enlarged pursuant to this article, except as set forth in section 28-72.
(Ord. of 10-3-83, § 3)

Sec. 28-75. Financing of improvements and extensions.

The Beaufort-Jasper County water authority, as enlarged pursuant to this article, will not issue any general obligation bonds under S.C. Code 1976, §§ 6-11-490—6-11-600. At the present time the authority has no immediate plans for the issuance of revenue bonds payable from the revenues derived from the operation of its waterworks system to provide for the funding of the proposed extensions into Jasper County. It is, however, anticipated that the authority will negotiate with the Farmers Home Administration of the United States Department of Agriculture with respect to the future financing of the construction of the improvements and extensions of the waterworks system into Jasper County and for the sale of waterworks revenue bonds to the Farmers Home Administration. It is anticipated that the negotiations will eventually lead to loans and grants with which the authority will construct improvements and extensions to the waterworks system into Jasper County.
(Ord. of 10-3-83, § 2)

Secs. 28-76—28-100. Reserved.

ARTICLE IV. RURAL WATER SYSTEM

Sec. 28-101. Establishment.

There is hereby created a body corporate and politic to be known as the county rural water system. It shall be the function of the system to supply water to individuals, public and private corporations and political subdivisions within the geographical area specified in this article. To that end, it shall be empowered to drill wells, construct reservoirs, water treatment, transmission and distribution facilities and appurtenances thereto, and to acquire such land, rights-of-way, easements, machinery, apparatus and equipment as shall be deemed useful therefor.
(Ord. of 9-15-80, § 1)

Sec. 28-102. Membership.

The rural water system shall be composed of five members, who shall be resident electors of the county. All members of the system shall be appointed by the county council. The original appointees shall serve

staggered terms. Upon the termination of the terms of the original members, their successors shall be appointed by the county council in the same manner as is provided for the original appointment, for terms of four years. Any vacancy occurring by reason of death, resignation or otherwise shall be filled for the remainder of the unexpired term by appointment of the county council. All members of the system shall hold office until their successors shall have been appointed and shall have qualified.
(Ord. of 9-15-80, § 2)

Sec. 28-103. Officers.

As soon as convenient, the rural water system shall convene and shall organize by electing one of its number as chairman, a second as vice-chairman and a third as secretary. The terms of office of the officers of the system shall be for such period as the system shall determine in its bylaws.
(Ord. of 9-15-80, § 2)

Sec. 28-104. Certifications regarding membership and personnel.

The secretary of the rural water system shall from time to time file in the office of the clerk of court of the county appropriate certificates showing the personnel of the system and the duration of the terms of the respective members.
(Ord. of 9-15-80, § 2)

Sec. 28-105. Compensation of members.

The members of the rural water system shall receive no compensation, but shall be reimbursed for any actual expenses incurred in connection with the business of the system.
(Ord. of 9-15-80, § 2)

Sec. 28-106. Service area.

The service area of the rural water system shall encompass all of the county. The system shall not provide any of its authorized services to persons or private corporations within the established limits of any municipality or legally constituted water or sewerage district that was in existence at the time of the ratification of the ordinance from which this article is derived, without the consent of the governing body thereof.
(Ord. of 9-15-80, § 3)

Sec. 28-107. Powers.

The rural water system shall be fully empowered to acquire, construct, operate, maintain, improve and extend facilities which would enable it to obtain fresh water in large volume and to distribute and sell the water, subject to the limitations set forth in section 28-106, to persons, firms, corporations, municipal corporations, political divisions, and the United States government, or any agencies thereof, at any point within its service area. To that end, the authority shall have the following powers:

(1) To have perpetual succession.

(2) To sue and be sued.

(3) To adopt, use and alter a corporate seal.

(4) To define a quorum for its meetings.

(5) To establish a principal office.

(6) To make bylaws for the management and regulation of its affairs.

(7) To build, construct, maintain and operate canals, aqueducts, ditches, tunnels, culverts, flumes, conduits, mains, pipes, dikes, dams and water reservoirs.

(8) To impound fresh water in lakes or reservoirs.

(9) To build, construct, maintain and operate water distribution systems for the distribution of water for domestic or industrial use.

(10) To acquire and operate any type of machinery, appliances or appurtenances necessary or useful to discharge the functions committed to the authority by this article.

(11) To accept gifts or grants of services, properties or moneys from the United States, or any of its agencies, under such conditions as the United States or such agency shall prescribe.

(12) Subject to the provisions of section 28-106, to sell water for industrial or domestic use.

(13) To prescribe rates and regulations under which water shall be sold for domestic and industrial use.

(14) Subject to the provisions of section 28-106, to enter into contracts for the sale of water upon such terms as the parties thereto shall approve, with persons, private corporations, municipal corporations, public bodies and public agencies and with the United States government or any agencies thereof.

(15) To prescribe such regulations as it shall deem necessary to protect from pollution all water in its canals, aqueducts, reservoirs or distribution systems.

(16) To make contracts of all sorts and to execute all instruments necessary or convenient for the carrying on of the business of the system.

(17) To lease or sell and convey lands, or interests therein.

(18) To make use of county and state highway rights-of-way in which to lay pipes and lines, in such manner and under such conditions as the appropriate officials in charge of such rights-of-way shall approve.

(19) To alter and change county and state highways wherever necessary in order that it may discharge the functions committed to it in such manner and under such conditions as the appropriate officials in charge of such highways shall approve.

(20) To acquire, by purchase or gift, or through the exercise of eminent domain, all land, interests therein, easements and rights-of-way which the authority shall deem necessary to enable it to fully and adequately discharge all functions committed to it. The power granted in this subsection shall be deemed to include the power to acquire protective areas of land adjacent to any of its facilities.

(21) To exercise the power of eminent domain for any corporate function. The power of eminent domain may be exercised through any procedure prescribed by the Code of Laws of South Carolina, 1976, as such statutes are now constituted or as they may afterwards be constituted following any amendments thereto.

(22) To appoint officers, agents, employees and servants, to prescribe the duties of such persons, to fix their compensation, and to determine to what extent they shall be bonded for the faithful performance of their duties.

(23) To make contracts for construction, engineering, legal and other services, with or without competitive bidding.

(24) To borrow money and to make and issue negotiable bonds, notes and other evidences of indebtedness, payable from all or any part of the revenues derived from the operation of its facilities. The sums borrowed may be those needed to pay all costs incident to the construction and establishment of the facilities, and any extension, addition and improvement thereto, including engineering costs, construction costs, the sum needed to pay interest during the period prior to which the facilities or any extension, addition or improvement thereto shall be fully in operation, such sum as is needed to apply working capital to place the facilities in operation, and all other expenses of any sort that the system may incur in establishing, extending and enlarging the facilities. Neither the faith and credit of the state, nor that of any county, municipality or political subdivision of the state, shall be pledged for the payment of the principal and interest of the obligations, and there shall be on the face of each obligation a statement, plainly worded, to that effect. Neither the members of the system nor any person signing the obligations shall be personally liable thereon. To the end that a convenient procedure for borrowing money may be prescribed, the system shall be fully empowered to:

a. Covenant and agree that, upon it being adjudged in default as to the payment of any installment of principal or interest upon any obligation issued by it or in default as to the performance of any covenant or undertaking made by it, that in such event the principal of all obligations of such issue may be declared forthwith due and payable, notwithstanding that any of them may not have then matured.

b. Confer upon a corporate trustee the power to make disposition of the proceeds from all borrowings and of all revenues derived from the operation of the facilities, in accordance with and in the order of priority prescribed by the resolutions adopted by the authority as an incident to the issuance of any notes, bonds or other types of securities.

c. Dispose of its obligations at public or private sale, and upon such terms and conditions as it shall approve.

d. Make such provision for the redemption of any obligations issued by it prior to their stated maturity, with or without premium, and on such terms and conditions as the system shall approve.

e. Covenant and agree that any cushion fund established to further secure the payment of the principal and interest of any obligations shall be in a fixed amount.

f. Limit or prohibit free service to any person, firm, corporation or municipal corporation, or any subdivision or division of the state.

g. Prescribe the procedure, if any, by which the terms of the contract with the holders of its obligations may be amended, the number of obligations whose holders must consent thereto, and the manner in which such consent shall be given.

h. Prescribe the events of default and the terms and conditions upon which all or any obligations shall become or may be declared due before maturity, and the terms and conditions upon which such declaration and its consequences may be waived.

(25) To do all other acts and things necessary or convenient to carry out any function or power committed or granted to the system.

(Ord. of 9-15-80, § 4)

Sec. 28-108. Rates for services not to be regulated by state.

The rates charged for services furnished by the rural water system shall not be subject to supervision or regulation by any state bureau, board, commission or like instrumentality or agency thereof.

(Ord. of 9-15-80, § 5)

Sec. 28-109. Tax exemption for property of system.

All property of the rural water system shall be exempt from all ad valorem taxes levied by the state, the county or any municipality, division, subdivision or agency thereof, direct or indirect.

(Ord. of 9-15-80, § 6)

Sec. 28-110. Fiscal year; annual audit.

The rural water system shall conduct its affairs on the fiscal year basis employed by the county, that is, its fiscal year shall begin on July 1 of each year and shall end on June 30 of the succeeding year. As shortly after the close of its fiscal year as may be practicable, an audit of its affairs shall be made by certified public accountants, of good standing, to be designated by the system. Copies of such audits, incorporated into an annual report of the system, shall be filed in the office of the clerk of court of the county and with the secretary of state.

(Ord. of 9-15-80, § 7)

Sec. 28-111. Use of revenue.

All revenues derived by the rural water system from the operation of its facilities which may not be required to discharge covenants made by it in issuing bonds, notes or other obligations authorized by this article shall be disposed of by the system from time to time for purposes germane to the functions of the system, or in such other manner as the general assembly may, by proper enactment, direct.

(Ord. of 9-15-80, § 9)

Sec. 28-112. Contracts for sale of water.

All municipalities, public bodies and public agencies operating water district systems in the county shall be fully empowered to enter into contracts to buy water from the rural water system. Such contracts shall extend over such period of time and shall contain such terms and conditions as shall be mutually agreeable to the system and to the contracting municipality, public body or public agency.
(Ord. of 9-15-80, § 10)

Sec. 28-113. Tampering with facilities or polluting water; unlawful use of water.

It shall be unlawful for any person to wilfully injure or destroy or in any manner hurt, damage, tamper with or impair the facilities of the rural water system, or any part of such facilities, or any machinery, apparatus or equipment of the system, or to pollute the water in any part of its service area, or to obtain water therefrom except in accordance with the regulations promulgated by the system. Any person so offending shall be deemed guilty of a misdemeanor and upon conviction shall be punished in accordance with section 1-8 and shall be further liable to pay all damages suffered by the system.
(Ord. of 9-15-80, § 8)

Appendix A

ZONING*

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***Editor's note—**Printed herein is the Zoning Ordinance of Jasper County, South Carolina, adopted by the county council on November 13, 2007. Former Appendix A pertained to similar subject matter. For a complete history of former Appendix A see the Code Comparative Table. Amendments to the original ordinance are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision derives unchanged from the original ordinance. For stylistic purposes, a uniform system of punctuation, capitalization, headings, catchlines, citation to state statutes, and expression of numbers in text has been used to conform to the Code. Obvious misspellings have been corrected without notation and material in brackets [ ] has been added for clarity.

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ARTICLE 1. PURPOSE, AUTHORITY

1:1. Purpose.

The zoning ordinance shall implement the comprehensive plan consistent with South Carolina Code of Laws section 6-29-710(A) Zoning Ordinance must be for the general purposes of guiding development in accordance with existing and future needs and promoting the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare; and section 6-29-720(A). When the local planning commission has prepared and recommended and the governing body has adopted at least the land use element of the comprehensive plan as set forth in this chapter, the governing body of a municipality or county may adopt a zoning ordinance to help implement the comprehensive plan. The zoning ordinance shall create zoning districts of such number, shape, and size as the governing authority determines to be best suited to carry out the purposes of this chapter.

A comprehensive plan must set forth not just the development of land and capital improvements. A comprehensive plan must also anticipate the provision of public services to the citizenry. With Jasper County's era of phenomenal growth having just begun, the delivery of public services must be anticipated as never before. As a significant effort to reinforce the Three Universal Development Principles the provision of public services will also reflect a rural level of service in areas of Jasper County beyond the municipal boundaries of Hardeeville and Ridgeland. To be in the best position to benefit the most from this inevitable development the County has adopted these Three Universal Development Principles as outlined in the Jasper County Comprehensive Plan:

1. Keep Jasper rural.
2. Develop the municipalities.
3. Development pays its own way.

The zoning ordinance shall regulate the location and use of buildings, structures and land, the height of buildings and other structures, the size of yards, the density and distribution of population; create districts for said purposes and establish the boundaries thereof; establish development standards; define certain terms used herein; provide for the method of administration and amendment; and provide for the imposition of penalties for the violation of the provisions of this ordinance.

1:2. Authority.

The provisions of this ordinance are adopted in accordance with authority conferred by the general statutes of the South Carolina, 1976 Code of Laws, Title 6, and Chapter 29 of the Comprehensive Planning Enabling Act of 1994, as amended.

1:3. Jurisdition.

The regulations set forth in this ordinance shall be applicable within the area designated on the official zoning map.

1:4. Official zoning map.

The boundaries of each zoning district are shown on a map entitled Official Zoning Map, Jasper County, South Carolina, which is hereby adopted and declared to be a part of this ordinance. The official zoning map and all amendments, certifications, citations, and other matters entered on the official zoning map are hereby a part of this ordinance and have the same legal effect as if fully set out herein. The official zoning map shall be maintained by the Development Services Representatives (DSR) and identified by the signature of the chairman of county council as attested by the county clerk.

1:4.1. *Amendments.* Amendments to the official zoning map shall be made as necessary so that the map at all times portrays the current status of the zoning districts or zoning district boundaries. Portions of Jasper County annexed by any municipality shall be administratively deleted from the official zoning map.

1:4.2. *Custodian of map.* A reproducible copy of the official zoning map shall be kept on file with the DSR in the office of the Jasper County Planning Department and copies shall be available at all times for inspection by the public.

1:5. Interpretation of district boundaries.

When uncertainty exists with respect to the boundaries of districts as shown on the official zoning map, the following rules shall apply:

Amendments to the official zoning map shall be adopted by ordinance as provided for herein. Promptly after the adoption of an amendment, the DSR shall alter or cause to be altered the official zoning map to indicate the amendment, and shall enter in writing upon the face of the map a certification indicating the alterations and citing the date of adoption and the effective date of the Ordinance amending the map. Each amendment shall be identified by the signature of the chairman of county council as attested by the county clerk.

1:6. Flood hazard boundary maps (FHBM).

Flood hazard boundary maps for Jasper County have been prepared by the Federal Emergency Management Agency (FEMA) and are on file in the office of the DSR. These maps and other supporting data, and any revisions thereto, are adopted by reference and declared a part of this ordinance.

1:7. Severability.

If for any reason one or more sections, sentences, clauses, or parts of this ordinance are held unconstitutional or invalid, such decision shall not affect, impair, or invalidate the remaining provisions of this ordinance.

1:8. Effective date of ordinance.

This ordinance shall take effect immediately following council's final approval of this ordinance.

ARTICLE 2. REVIEW AND DECISION MAKING BODIES

2:1. Jasper County council.

2:1.1. *Review authority.* The county council does not act in a review or recommending capacity.

2:1.2. *Decision-making authority.* The county council shall have final (local) decision-making authority on the following matters pursuant to (S.C. Code § 6-29-760):

1. Comprehensive plan amendments.
2. Zoning ordinance text amendments (see Article 3, Section 3:2).
3. Zoning map amendments (see Article 3, Section 3:2).
4. Planned development districts.
5. Acceptance of public dedications.

2:2. Jasper County Planning Commission.

2:2.1. *Review authority.* The function and duty of the planning commission is to undertake a continuing planning program for the physical, social, and economic growth, development, and redevelopment of the unincorporated areas of Jasper County. The planning commission may make, publish, and distribute maps, plans, and reports and recommendations relating to the development of its area of jurisdiction to county officials and agencies, public utility companies, civic, educational, professional, and other organizations and citizens pursuant to S.C. Code § 6-29-340. In general, the planning commission has the powers as may be necessary to enable it to perform its functions and promote the planning within the unincorporated boundaries of Jasper County.

The function of the joint planning area (JPA) planning commission is to carry out those duties as outlined in Jasper County Ordinance No. 05-11.

In the discharge of its responsibilities, the local planning commission has the power and duty to:

1. Prepare and revise periodically plans and programs for the development and redevelopment of its area as provided in this chapter; and
2. Prepare and recommend for adoption to the appropriate governing authority or authorities as a means for implementing the plans and programs in its area:
   (a) Zoning ordinances to include zoning district maps and appropriate revisions thereof, as provided in this chapter;
   (b) Regulations for the subdivision or development of land and appropriate revisions thereof, and to oversee the administration of the regulations that may be adopted as provided in this chapter;
   (c) An official map and appropriate revision on it showing the exact location of existing or proposed public street, highway, and utility rights-of-way, and public building sites, together with regulations to control the erection of buildings or other structures or changes in land use within the rights-of-way, building sites, or open spaces within its political jurisdiction or a specified portion of it, as set forth in this chapter;

(d) A landscaping ordinance setting forth required planting, tree preservation, and other aesthetic considerations for land and structures;

(e) A capital improvements program setting forth projects required to implement plans which have been prepared and adopted, including an annual listing of priority projects for consideration by the governmental bodies responsible for implementation prior to preparation of their capital budget; and policies or procedures to facilitate implementation of planning elements.

2:2.2. *Decision-making authority.* The planning commission acts in a review and approval capacity on major subdivision applications as set out in this ordinance and pursuant to S.C. Code, § 6-29-760.

2:3. Jasper County Board of Zoning Appeals (BZA).

2:3.1. *Reserved.*

2:3.2. *Review authority.* The Board of Zoning Appeals does not act in a review or recommending capacity.

2:3.3. *Decision-making authority.* The board of zoning appeals shall have final (local) decision-making authority on the following matters located within the unincorporated areas of the county:

1. Variances (See Article 3, Section 3.3).
2. Special exceptions (See Article 3, Section 3:4).
3. Appeals of administrative decisions (See Article 3, Section 3:5).

Neither the planning commission nor the county council has decision-making authority on any BZA applications.

ARTICLE 3. ZONING AND LAND DEVELOPMENT REVIEW AND ADMINISTRATION

3:1. General provisions.

This section sets forth the procedures required for obtaining letters of zoning determination, building permits, grading permits, sign permits, and certificates of use and occupancy, and also establishes procedures for processing land development applications. The general provisions of this section apply to all development applications and procedures under this article unless otherwise stated.

3:1.1. *Responsibility.* All requests for permits and licenses required by this ordinance, and legislative change of relief from the terms of this ordinance shall be in the form of an application. The provisions of this article shall govern the basic requirements for processing different types of applications from initiation to final action and issuance of a permit.

The development services representatives (DSR) shall be authorized to administer the requirements for processing applications and issuing permits according with the provisions of this ordinance.

The applicant shall be responsible to provide the required information to process a permit application, secure or renew a license, and present facts about circumstances which would justify a proposed change or modification to the terms and/or application of this ordinance.

All applications shall be submitted to the DSR on forms provided by the county and contain or be accompanied by the information required by the applicable checklists and fees. All completed applications and associated checklists shall be submitted to the DSR for processing and record keeping.

For the purposes of this article, parties in interest shall include the applicant and other persons who have submitted a written statement to the commission or DSR indicating their interest in the matter before the commission.

3:1.2. *Administrative adjustment.*

1. *Purpose.* Administrative adjustments are specified deviations from otherwise applicable development standards where development is proposed that would be:

   a. Compatible with surrounding land uses;

   b. Harmonious with public interest; and

   c. Consistent with the purposes of this zoning ordinance.

2. *Applicability.* The DSR shall have authority to authorize an adjustment of up to ten percent of any numerical standard set forth in subsection 7:3 Yard and Setback Requirements or Article 12 Development Standards. No administrative adjustment shall increase the overall density or intensity of the development.

3. *Review and action by the DSR.* The DSR shall review the application and approve or disapprove the application based upon the criteria below. A written decision including affirmative findings on the criteria set forth below shall be mailed to the applicant and each member of the Planning Commission.

4. *Administrative adjustment criteria.* To approve an application for an administrative adjustment, the DSR shall make an affirmative finding that the following criteria are met:

   a. That granting the administrative adjustment serves a conspicuously obvious and needed purpose;

   b. That granting the administrative adjustment will ensure an equal or better level of land use compatibility as the otherwise applicable standards;

   c. That granting the administrative adjustment will not materially and adversely affect adjacent land uses and the physical character of uses in the immediate vicinity of the proposed development because of inadequate buffer, screening, setbacks and other land use considerations;

   d. That granting the administrative adjustment will not adversely affect property values in any material way; and

   That granting the administrative adjustment shall be generally consistent with the purposes and intent of this ordinance.

3:1.3. *Application completeness.* Applications required under this ordinance shall be considered complete only if they are submitted in the required format, including all mandatory information as required by article 2 of the land development regulations the appropriate land development regulations checklist, and are accompanied by the appropriate fee. Any application that is determined to be incomplete shall, within 30 days of its submittal, be returned to the applicant along with an explanation of the application's deficiencies. Fees shall not be refunded. No further processing of the application shall occur until the deficiencies are corrected. Once the deficiencies are corrected, the application may be resubmitted without the payment of additional fees, provided that it is resubmitted by the application deadline date within 90 days of the date that the application was returned to the applicant.

3:1.4. *Filing fees.* Applications shall be accompanied by the fee amount that has been established by the county council and as amended by Resolution from time to time for the respective type of application. Fees shall not be required for applications initiated by authorized review or decision-making bodies.

3:1.5. *Complaints regarding violations.* Any authorized action or decision made by the DSR may be appealed to the BZA within 30 days. A complete application for appeal will be scheduled for a BZA hearing.

An appeal from the decision of the BZA may be made pursuant to the provisions of Title 6, Chapter 29 and taken to circuit court within 30 days after actual notice of the decision.

Any person aggrieved by a decision of the BZA rendered after the hearing may within 30 days after notice thereof file an appeal in circuit court for a review of the decision of the BZA pursuant to Section 6-29-1150 of the South Carolina Local Government Comprehensive Planning Enabling Act of 1994.

3:2. Zoning ordinance text and map amendments (rezoning).

The regulations, restrictions, and boundaries set forth in this zoning ordinance may from time to time be amended, supplemented, changed, or repealed by the county council. Prior to final action by county council under this article, the planning commission shall review the amendment and offer any comments or recommendations as appropriate. All actions taken under this article shall be done in accordance with the procedures outlined below and consistent with applicable state laws.

Any proposed zoning text amendment and/or zoning map amendment must be made in compliance with the latest edition of the Jasper County Comprehensive Plan.

3:2.1. *Zoning change by application.* An application for any change or amendment to the zoning text or map of this ordinance shall contain a description and/or statement of the present and proposed zoning regulation or district boundary to be changed and the names and addresses of the owner or owners of the property. Such application shall be filed with the dsr in accordance with the current schedule of submittal dates as designated by the planning commission. In order for an application to be processed by the DSR, all required information and forms must be completed. The DSR may return any incomplete forms to the applicant.

3:2.2. *Initiation of amendments.* County council, county planning commission, board of zoning appeals, or property owners may initiate proposed changes or amendments to the ordinance text and/or map. Petitions for text and/or map changes or amendments must first be presented to the DSR.

3:2.3. *Review and recommendation by the planning commission.* The DSR shall, upon receipt of a request for an amendment to the zoning ordinance text or map, review and make written recommendations to the Jasper County Planning Commission concerning the request. The planning commission shall have 30 days upon receipt of certification of completeness of the application by the DSR to submit its report and recommendation to county council. If the planning commission fails to submit a report within the prescribed time period, it is deemed to have approved the change or departure from the text or map.

3:2.4. *Public hearing.* Upon receipt of the planning commission recommendation(s) for an amendment to the zoning ordinance text or map, county council shall schedule a public hearing in accordance with subsection 3:5.3.

No change in or departure from the text or maps as recommended by the planning commission may be made pursuant to the hearing unless the change or departure be first submitted to the planning commission for review and recommendation. The planning commission shall have 30 days upon receipt of certification of completeness of the application by the DSR to submit its report and recommendation(s) on the change to the county council if the planning commission fails to submit a report within the prescribed time period the application is deemed approved.

When the required public hearing is delegated from county council to the planning commission, no public hearing by the county council is required before amending the zoning ordinance text or map.

3:2.5. *Action by county council.* After conducting a duly advertised public hearing, county council shall consider information presented at the hearing along with the recommendation(s) received from the Jasper County Planning Commission. When applicable, the county council will require input from the Southern Jasper/Hardeeville Joint Planning Commission or the Central Jasper/Ridgeland Joint Planning Commission.

Before county council approves any map amendment, the planning commission and county council shall be informed of the relation of the application to the provisions of the county's comprehensive plan or, in the absence of such information, that one or more of the following should be considered:

1. That the original zoning classification given the property was improper or inappropriate.
2. That there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the county's comprehensive plan and which have substantially altered the basic character of such area.

3:2.6. *Reconsideration of request for amendment.* When county council shall have denied a request for an amendment, it shall not consider the same or a less intensive reclassification for an amendment affecting the same property until one year from the date of the previous denial.

3:2.7. *Effective date of changes in zoning or map ordinances.* Any ordinance affecting a change in the text of the zoning ordinance or zoning maps shall become immediately effective upon county council approval.

3:2.8. *Rezoning fees.* When a proposed amendment to the ordinance text or map is initiated by individuals or parties other than county council, planning commission, or board of zoning appeals, a fee shall be paid for each application for administrative and advertising expenses as established by the county council and as amended by resolution from time to time.

3:3. Variances.

3:3.1. *Consideration of variances.* The Jasper County Board of Zoning Appeals, is authorized to hear and decide appeals for Variance from the requirements of the zoning ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the board makes and explains in writing the following findings: The fact that the property may be utilized more profitably (economic hardship), should a Variance be granted, may not be considered grounds for a variance. The board may not grant a variance, the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land, or to change the zoning district boundaries shown on the official zoning map in accordance with all requirements as prescribed by the zoning ordinance.

The board of zoning appeals may authorize upon written appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where the variance meets all of the following criteria:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
2. These conditions do not generally apply to other property in the vicinity;
3. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
4. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

In granting a variance, the board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board may consider advisable to protect established property values in the surrounding area, or to promote the public health, safety, or general welfare. Violation of such conditions and safeguards shall be a violation of this ordinance and punishable under Article 19.

The DSR shall notify owner of the property for which the Variance is requested, or his agent, as well as adjacent property owners by mail.

The DSR shall provide for posting of the property in accordance with subsection 3:5.3.

3:4. Special exceptions.

3:4.1. *Uses permitted by special exception.* The board of zoning appeals may hear and decide upon uses by special exception specifically authorized by the terms of this ordinance. The board shall not authorize a use by special exception unless the following conditions are met:

1. A written application is submitted.
2. Notice shall be given at least 15 days in advance of a public hearing in a newspaper of general circulation in Jasper County.
3. A public hearing shall be held.
4. The board shall make written findings indicating compliance with the regulations governing the special use, and any conditions placed on the approval by the board.

3:4.2. *Notice of hearing.* When an applicant requests a use by special exception under the terms of this ordinance, notice of a public hearing shall be published in a newspaper of general circulation in Jasper County at least 15 days prior to the hearing. The notice shall carry an appropriate descriptive title, and shall state the time, date, and place of the hearing in accordance with subsection 3:5.3.

3:5. Appeals and hearings.

3:5.1. *Duties of the development services representative (DSR), board of zoning appeals and courts on matters of appeal.* All questions of interpretation and enforcement shall be first presented to the DSR and such questions shall be presented to the board of zoning appeals only on appeal from the decision of the DSR, and that recourse from the decision of the board of zoning appeals shall be as provided by the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, S.C. Code, Title 6, Chapter 29. The BZA shall be the only authorized body to render decisions on the zoning appeal applications at the county level.

3:5.2. *Appeals to the board.* The board shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the DSR in the enforcement of this ordinance.

Appeals to the board of zoning appeals concerning interpretation or administration of this ordinance may be taken by any person aggrieved or by any officer, department, board, or bureau of the county. Appeal must be taken within 30 days from the date of the decision notice or letter, by filing with the DSR a notice of appeal specifying the grounds of such appeal. The DSR shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken. The board of zoning appeals shall fix a reasonable time for hearing the appeal, give due notice of the hearing at least 15 days prior to the hearing date, to the parties of interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by designated agent or attorney. The board may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination appealed from and shall make such order, requirements, decision, or determination and to that end shall have all the powers of the DSR and may issue or direct the issuance of a permit.

3:5.3. *Notice of hearing.* Notice of a public hearing shall be published in a newspaper of general circulation in Jasper County at least 15 days prior to the hearing. The notice shall carry an appropriate descriptive title, and shall state the time, date, and place of the hearing.

In addition, the DSR shall properly post, and maintain on the property, a county notice sign at least 15 days prior to the date of the public hearing. Such signs shall be placed in a conspicuous place or places on the affected premises.

3:5.4. *Stay of proceedings.* An appeal, which requests Board action stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken, certifies to the board, after notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In which case, proceedings shall not be stayed other than by a restraining order, which may be granted by the board or by a court of competent jurisdiction.

3:5.5. *Decisions.* The concurring vote of the majority of the members of the board of zoning appeals in attendance at the hearing shall be necessary to reverse any order, requirement, decision, or determination of the DSR charged with the enforcement of this ordinance, to decide in favor of the applicant any matter upon

which it is required to pass under this ordinance, or to grant a variance or special exception from the provisions of this ordinance. In all final decisions or orders, the board must specifically state that it is ordering, modifying or denying the particular matter presented to it for decision.

All final decisions and orders of the board must be in writing and be permanently filed in the office of the planning department as a public record. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the board, which must be delivered to parties of interest by certified mail.

3:5.6. *Appeals.* Every decision of the board of zoning appeals may be appealed in the manner provided by the laws of the State of South Carolina and particularly by the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, S.C. Code, Title 6, and Chapter 29.

3:5.7. *Board of zoning appeals fees.* An administrative fee as established by county council and as amended by resolution from time to time shall be paid to the DSR for each application to the board of zoning appeals.

3:6. Required permits and certificates.

No building, structure or sign requiring a permit or any part thereof shall be erected, added to or structurally altered, nor shall any excavation or grading be commenced until the required zoning and related permits have been issued by the DSR.

No building, structure or land shall be used; nor shall any building, structure or land be converted, wholly or in part to any other use, until all applicable and appropriate licenses, certificates and permits have been issued certifying compliance with the requirements of this ordinance.

No permits inconsistent with the provisions of this ordinance shall be issued unless accompanied by a special exception or variance or as approved by the BZA.

The provisions of this section shall not apply to the necessary construction, replacement or maintenance by a public utility of its outside plant facilities, including such items as poles, cross-arms, guys, wire, cable and drops.

3:6.1. *Types of required permits/certificates and fees.* Fees for all permits and certificates shall be in accordance with the current Jasper County Fee Schedule as amended from time to time.

3:6.1.1. *Zoning certificate (ZC).* A Zoning Certificate shall be required in advance of the following:

1. The issuance of a building permit.
2. Grading or filling of a lot or parcel.
3. Changing the use of any part of a structure or lot, including any increase in the number of families or dwelling units occupying a building or lot.
4. The installation of a manufacturing or other industrial process whose operation may generate effects of the types and magnitudes limited by performance standards as set forth in this ordinance.
5. Installation of any sign for which a permit is required.
6. The establishment of a temporary use.

7. Electric or gas utility companies and/or cooperatives extending service or utilities to a given site.

When the DSR receives an application for a zoning certificate whose proposed improvement and use described and illustrated conforms to all requirements of this ordinance, he/she shall issue a zoning certificate and return a signed copy to the applicant within 15 days of receipt of the application.

When the DSR receives an application for a zoning certificate whose proposed improvement and use described and illustrated does not conform to this ordinance, he/she shall deny the issuance of a zoning certificate, and so advise the applicant within 15 days, citing the particular sections of this Ordinance with which the application does not comply.

The zoning certificate shall remain in full effect unless/until the applicable zoning criteria is changed by an amendment to the Jasper County Zoning Ordinance.

3:6.1.2. *Grading permit.* A grading permit shall be required prior to any land disturbing activity not exempt by this ordinance. No grading permit shall be issued unless and until a zoning certificate has first been issued. Where required the excavation ordinance shall be enforced in conjunction with the issuance of a grading permit. In these instances a grading permit shall not be issued until the applicant demonstrates compliance with all code regulations and the submission of the necessary fees.

3:6.1.2A. *Excavation permit.* An excavation permit shall be required for excavation activities as described in article 14.

3:6.1.3. *Building permit.* A building permit shall be required of all proposed building and/or development activity unless expressly exempted by the county building code.

3:6.1.4. *Sign permit.* Where a Sign Permit is required by this Ordinance, the permit application shall be in accordance with the Zoning Ordinance and shall be accompanied by the following:

1. A common signage plan.
2. Identification of landowner and/or leaseholder of property on which the sign is to be erected, including street address.
3. Name and address of owner of the sign.
4. Site plan sketch with dimensions (non-professionally drafted plan is acceptable) showing the location of the sign with respect to the property and right-of-way lines, building and setback lines, and buildings, parking areas, existing free-standing signs, and buffer areas.
5. Correct size, shape, configuration, face area, height, nature, number, and type of sign to be erected, including the size of letters and graphics.
6. The value of the sign and sign structure.

Signs exceeding 36 square feet in area shall be accompanied by a drawing and written certification from a registered South Carolina engineer or architect that the sign is structurally

sound and safe, does not constitute a hazard to persons or property on the premises, on adjoining property, or in the vicinity, and that the sign is in compliance with all building or other construction codes and the requirements of this ordinance.

3:6.1.5. *Certificate of use and occupancy.* It shall be unlawful to use, occupy, or permit the use of any building or premises, or both, or parts thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use of structure until a certificate of use and occupancy has been issued by the DSR which states that the proposed use of the building or land conforms to the provisions and the requirements of this ordinance.

The DSR shall retain a record of all certificates of use and occupancy issued. Failure to obtain a certificate of occupancy shall be a violation of this ordinance, and punishable under Article 19.

3:6.1.5-1. *Application procedures.* Application for a zoning certificate shall be made concurrently with the application for a building permit where applicable. The certificate of use and occupancy shall be issued within 15 days after the successful completion of all the final inspections related to the project.

3:6.1.5-2. *Temporary certificate of use and occupancy.* The DSR may issue a temporary certificate of use and occupancy for a period as determined by the DSR, but not to exceed six months for alterations, or for use of a building pending completion, or for bazaars, carnivals, and other temporary activities. The temporary certificate of use may require conditions and safeguards to protect the occupants and the general public.

3:6.1.5-3. *Failure to obtain certificate of use and occupancy.* Failure to obtain a certificate of use and occupancy shall be a violation of this ordinance and punishable under Article 19 of this ordinance.

3:6.1.5-4. *Conformance of construction and use.* Zoning certificates are issued on the basis of approved construction documents and applications approved by the DSR. Certificates of use authorize only the use, arrangement, and construction set forth in such approved construction documents and applications.

Use, arrangement, or construction that differs from approved construction documents and applications is a violation of the ordinance and punishable under Article 13 of this ordinance.

3:6.1.5-5. *Right of appeal.* Should the applicant disagree with the administrative decision of the DSR regarding the requested zoning certificate, the applicant may appeal the action of the DSR to the board of zoning appeals.

3:6.2. *Refund of zoning and building permit fees for affordable housing.* Any person to whom a zoning certificate or permit is issued pursuant to subsection 3:6.1.1 hereof and/or a building permit issued pursuant to subsection 3:6.1.3 hereof, and qualified pursuant to the criteria below shall be entitled to refund of fees for permits.

In order to qualify for refund of fees, the applicant must meet the following criteria:

1. The permit(s) must have been issued subsequent to the date of this ordinance; and

2. For building and zoning permit fee reimbursement for housing units to be sold, there must have been constructed one or more dwelling units, and:
   a. Each dwelling unit subject to the permit must have been sold by the applicant, and each such sale must qualify and factually proven as the sale of affordable housing as defined in article 4.
   b. Each such sale must be made as an arms length transaction; and
3. For building and zoning permit fee reimbursement for housing units to be occupied by the landowner:
   a. The family income shall be no more than 80 percent of the area media income after adjustment for family size.
   b. Housing cost shall constitute no more than 28 percent of the annual family income adjusted for family size.
   c. The landowner must be the applicant for building and zoning permits.
4. Each applicant requesting refund must provide the DSR with proof that he/she meets the criteria set forth above.

(Ord. No. 09-12, § 1, 5-4-09; Ord. No. 11-03, § 2, 4-18-11)

ARTICLE 4. DEFINITIONS

All definitions as provided in this article and throughout the zoning ordinance shall also apply to the land development regulations.

Words not defined herein shall have the meanings stated in the Standard Building Code, Standard Plumbing Code, Standard Gas Code, or Standard Fire Prevention Code. Words not defined in the Standard Codes shall have the meanings in Webster's Tenth Edition Collegiate Dictionary, as revised.

Words in the present tense include the future tense. Words used in the singular include the plural, and words used in the plural include the singular.

The word "shall" is always mandatory.

The word "may" is permissive.

The word "lot" includes the word "plot" or "parcel."

The word "person" includes a firm, association, organization, partnership, trust company, or corporation, as well as an individual.

The word "used" or "occupied" as applied to any land or building shall be construed to imply that said land or building is in actual use or occupancy and shall be construed to include the words "intended," "arranged," or "designed to be used or occupied."

The word "building" or "structure" includes any part thereof.

The word "map" or "zoning map" shall mean the official zoning map of Jasper County, South Carolina.

The term "planning commission" refers to the Jasper County Planning Commission established by County Ordinance Number 98-0-09. The term "council" refers to the Jasper County Council.

The term "board of zoning appeals" refers to the Jasper County Board of Zoning Appeals (BZA).

Unless the context clearly indicates the contrary, conjunctions shall be interpreted as follows:

1. "And" indicates that all connected items, conditions, provisions or events shall apply.
2. "Or" indicates that the connected items, conditions, provisions or events shall apply.
3. "Either...or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.

Other words and terms defined herein are as follows:

Abandonment: The relinquishment of maintenance responsibilities on a road by the county council (See "Road").

Abutting: Sharing a common border; physically touching.

Accessory: An activity or structure that is customarily associated with and appropriately incidental and subordinate to a principal activity and/or structure, and is located on the same zone lot except as provided under the provisions for accessory off-street parking (See "Structure").

Activity: The performance of a function or operation which constitutes the use of the land.

Activity principal: An activity which fulfills a primary function of an establishment, institution, household, or other entity.

Affordable housing: In the case of dwelling units for sale or to be occupied by the landowner, stick built or modular housing in which mortgage, amortization, taxes, insurance, and condominium or association fees, if any, constitute no more than 28 percent of the annual household income for a household earning no more than 80 percent of the area median income, by family size, as published from time to time by the Lowcountry Council of Governments and, in the case of dwelling units for rent, housing for which the rent and utilities constitute no more than 30 percent of the annual household income for a household earning no more than 80 percent of the area median income, by family size as published from time to time by Lowcountry Council of Governments.

Alley: (See "Road Classifications — Alley").

Area of shallow flooding: A designated AO or VO Zone shown on flood insurance rate maps (FIRM) with base flood depths of one to three feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident (See "Base flood," "Flood," and "Flood insurance rule maps" (FIRM)).

Area of special flood hazard: The land in the flood plain subject to a one percent or greater chance of flooding in any given year.

As-built/record drawings: A set of drawings prepared by and certified by a South Carolina registered professional engineer and surveyor or register landscape architect (if plans were prepared and accepted by an RLA), that accurately represents the actual final configuration of the stormwater and other related infrastructure constructed in a development.

Attached: Buildings which share one or more common walls with other buildings. As pertains to residential use, dwelling units may also be considered attached when sharing structures in a manner other than just common walls (See "Building," "Dwelling Unit," "Residential Use," and "Structure").

Base flood: The flood having a one percent chance of being equaled or exceeded in any given year (See "Flood").

Bed and breakfast inn: Any owner-occupied dwelling or portion thereof offering rooms and meals at breakfast to transient lodgers in return for compensation (See "Dwelling").

Best management practices or *BMP:* Stormwater management practices, either structural, non-structural or natural that has been demonstrated to effectively control movement of pollutants, prevent degradation of soil and water resources, and that are compatible with the planned land use.

Block: A piece or parcel of land entirely surrounded by public roads (See "Road").

Buildable area: That portion of any lot which may be used or built upon in accordance with the regulations governing the zoning district within which the lot is located when the front, side and rear yard, open space, and applicable buffer area requirements have been met (See "Yard," "Yard, Front," "Yard, Rear," "Yard, Side," and "Zoning District").

Building: A structure having a roof supported by columns or walls and intended for use on a permanent basis (See "Structure").

Building, accessory: A subordinate structure on the same lot as the principal or main building or use occupied or devoted to a use incidental to the principal use. Included in this definition are private garages, storage sheds, workshops, animal shelters, pool houses, etc., when detached from the principal buildings, and carports attached to the principal building when at least 75 percent open or unenclosed (See "Building, Principal," "Structure," "Use," and "Use, Principal").

Building, alteration: Any act or process that changes one or more of the exterior architectural features of a structure, including, but not limited to, the erection, construction, reconstruction, or removal of any structure (See "Building" and "Structure").

Building, principal: A building in which is conducted, or in which is intended to be conducted, the main or principal use of the lot on which it is located (See "building" and "lot").

Building setback line: A line establishing the minimum allowable distance between the nearest portion of any building excluding steps, gutters, and similar fixtures, and the property line when measured perpendicular thereto (See "Building").

Canopy tree: A deciduous tree that forms the top layer of vegetation in a forest. Examples of such trees include oaks, hickories, maples, poplars, and others.

Certificate of occupancy: A document allowing the occupancy or use of a building or certifying that the structure or use has been constructed or will be used in compliance with all applicable provisions of this ordinance and the building code (See "Building," "Structure," and "Use").

Certificate of zoning compliance: A document certifying that a proposed use meets all requirements of this ordinance (See "Use").

Chicanes: Curb extensions that alternate from one side (or both sides) of the road to the other, forming S-shaped curves (See "Road").

Clean Water Act: The Federal Water Pollution Control Act, as amended, codified at 33 U.S.C. § 1251 et seq.

Cluster home development: A development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features (See "Building," "Common open space," and "Development").

Commission or *planning commission:* The Jasper County Planning Commission.

Common area: The areas not owned by an individual owner of a condominium or cooperative residence or PUD parcel, but shared by all owners, either by percentage interest or owned by the management organization. Common areas may include recreation facilities, outdoor space, parking, landscaping, fences, laundry rooms and all other jointly used space (See "Condominium").

Comprehensive land use plan: A plan for the physical development of the area of jurisdiction, or any amendment or extension of the plan or any addition to the plan adopted by county council pursuant to the authority vested in it by law.

Conditional use: A use of land or structure, which is permitted in a zoning district under conditions, specified in the zoning ordinance ("See Structure", "Use", "Zoning district").

Condominium: A unit in a multi-unit structure owned by an individual who has use of all common areas associated with that structure (See "Structure").

Contiguous: Describes two more objects that are adjacent to each other.

County: Jasper County, South Carolina.

County council: The publicly elected officials of Jasper County, South Carolina.

Critical area: Defined by OCRM as tidelands, coastal waters and the beach/sand dune system. OCRM determines the jurisdictional boundary, which is referred to as the "critical line". A permit is required from OCRM prior to any alteration to the critical areas of South Carolina.

Cul-de-sac: A road having one end open to traffic and being permanently terminated by a vehicular turnaround of circular design (See "Road").

Day care services: Day care services shall mean and include any home, center, agency, or place, however styled, where children, elderly, and other persons not related to the operator are received for custodial care, apart from their parents, whether for compensation, reward, or otherwise during part or all of the day or any number of successive days.

Dedication: A deeded, prescriptive, or acknowledged proof by maintenance activity right-of-way, unless otherwise stated, grants an easement to the traveling public.

Density: The number of dwelling units per acre of land developed or used for residential purposes. Density requirements in this Ordinance are expressed in dwelling units per gross acre; that is, per acre of land devoted to residential use is based on the total land area within a development tract or subdivision devoted to residential use, excluding nothing (See "Dwelling unit," "Gross acreage," and "Residential use").

Detached: A building which is surrounded by yards or other open areas (See "Building, accessory").

Developer: An individual, partnership, corporation, or other entity (or agent therefore) that undertakes the activities covered by these regulations.

Development: Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations (See "Building" and "Structure").

Development, land development, land development, major: The physical improvement of land by land disturbing activities or construction of infrastructure, buildings and structures allowed through site plan, development plan or major subdivision approval.

Development services representative (DSR): The person or persons as designated by the Jasper County Deputy Administrator of Development Services.

DHEC: South Carolina Department of Health and Environmental Control.

Discharge rate: The rate at which stormwater leaves a development.

Domestic animal shelter: A pen, shelter, or structure where no more than three dogs or small domestic animals, not to include horses, cows, goats, swine including pot bellied pigs, sheep, ponies, grazing animals, and fowl of any kind, are boarded and kept (See "Structure").

Drainage: The removal of surface water or groundwater from land by drains, grading, or other means.

Driveway: A paved or unpaved area used for ingress and egress of vehicles, and allowing access from a road to a building or other structure or facility (See "Building," "Road," and "Structure").

DSR: The county's designated development services representative.

Dwelling: A building or portion of a building arranged or designed exclusively for human habitation (See "Building").

Dwelling, detached: A single dwelling unit, surrounded by open space or yards and which is not attached to any other dwelling by any means (See "Dwelling unit").

Dwelling, duplex: A building containing two dwelling units (See "Dwelling unit").

Dwelling, group occupied: A dwelling unit occupied by five or more individuals unrelated by blood, marriage, adoption, or guardianship living together as a single housekeeping unit (See "Dwelling unit").

Dwelling, multi-family: A building containing three or more dwelling units (See "Dwelling unit" and "Family").

Dwelling, patio home: A single-family detached or semi-detached dwelling unit. It is built on a small lot sometimes enclosed by walls, which provide privacy. Instead of being centered on a lot, the dwelling is placed against one of the side lot lines.

Dwelling, residential designed manufactured home: A single-family dwelling unit built according to the Federal Manufactured Housing Construction and Safety Standards (245 CFR 3280) HUD Code, 6-15-76, and which:

a. Has a minimum width over 20 feet (multiple-section);

b. Has a minimum of 900 square feet of enclosed living area;

c. Has a minimum 3:12 roof pitch; and has a type of shingle commonly used in standard residential construction;

d. Is covered with an exterior material customarily used on site built homes, including vinyl or aluminum lap siding, wood, masonite, or other materials similar to the exterior siding commonly used in standard residential construction; and

e. Has a roof overhang of not less than eight inches.

Dwelling, single-family: A building containing one dwelling unit (See "Dwelling unit").

Dwelling, standard designed manufactured home: A single-family dwelling unit built according to the Federal Manufactured Housing Construction and Safety Standards (24 CFR 3280) HUD Code, 6-15-76, and which does not meet the definition of a Residential Designed Manufactured Home (See "Dwelling, Single-Family").

Dwelling, townhouse: A series of attached single-family dwelling units on separate lots, which may or may not have a common roof and are separated from each other by common vertical walls (See "Dwelling, single-family").

Dwelling unit: A single unit providing complete, independent living facilities for one or more persons in the same family including permanent provisions for living, sleeping, eating, cooking, and sanitation (See "Family").

Easement: A grant, by the property owner of a portion of land, for use by the public, a utility, a corporation, or person for specified purposes.

Elevated building: A non-basement building constructed to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns, (post and piers), shear walls, or breakaway walls (See "Building").

Environment: The complex of physical, chemical, and biotic factors that act upon an ecological community and ultimately determine its form and survival.

Evergreen tree: A coniferous or deciduous tree that remains green throughout the year.

Excavation: The mechanical removal of any subsurface minerals, natural resource material or other substance including but not limited to sand, clay, gravel, limestone or rock:

a. Where the gross acreage of the excavation(s) within the site exceeds one acre and the average final depth of the excavation is proposed to be greater than ten feet from the final grade to the top of the bank of the excavation; or

b. Where the gross acreage of the excavation(s) within the site exceeds 25 percent of the gross acreage of the parcel or lot on which the excavation(s) take place;

c. Where the excavated mineral, material, or substance is sold and the gross acreage of the excavation(s) within the site exceeds two acres. Any activity involving the sales of excavated minerals, materials or substances will require the appropriate DHEC permit.

Excavation plan: The written engineering drawings, specification and documents as may be required to review and document conformance to this ordinance of an excavation, excavation activity or excavation operation.

Eyebrow: The arch of a cul-de-sac covering the outer ridge of a tangent road section.

Family day care home: Where permitted as an accessory use and allowed by law shall mean a home in which care and developmental activities is provided for other people's children. Care is primarily aimed at children up to five years old but may include primary school children and may assist older children in special or emergency situations.

Family: One or more persons related by blood, marriage, adoption, or guardianship, and not more than four persons not so related, except that mentally and physically handicapped persons living together for whom care is provided on a 24-hour basis shall be construed to be a family, in accord with the provisions of S.C. Code § 6-7-830.

Fast food restaurants: Eating establishments which typically offer drive-thru service as well as table seating for indoor ordering and pick-up by patrons.

Federal Manufactured Home Construction and Safety Standards: Regulations promulgated by the Department of Housing and Urban Development (HUD) governing the design and construction, strength and durability, transportability, fire resistance, energy efficiency, and quality of manufactured housing. These standards also set performance requirements for heating, plumbing, air conditions, thermal, and electrical systems.

Flood: A general and temporary condition of partial or complete inundation of normally dry land areas.

Flood hazard boundary map (FHBM): An official map issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard are defined.

Flood insurance rate map (FIRM): An official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones.

Flood plain: Area of land typically located adjacent to rivers, streams, wetlands and coastal areas which are subject to recurring flood waters due to low and/or flat topography.

Flood-resistant material: Any building material capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage which requires more than low-cost cosmetic repair.

Floodway: The channel of a river or other watercourse and the adjacent land area that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot (See "Base flood").

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

Floor area ratio: An intensity measure of land use derived at by dividing the total floor area of a building by the total site area (See "Floor").

Gross acreage: Is to be measured as the total area of land confined within the property boundaries, including those which are permanently under water or subject to inundation, or which are contained in an easement or grant of use other than existing publicly dedicated road rights-of-way (See "Road").

Gross floor area (GFA): The sum of the floor area for each of a building's stories measured from the exterior limits of the faces of the structure, including basement floor area. It does not include unenclosed porches or any floor space in an accessory building or in the principal building, which is designed for parking of motor vehicles (See "Building," "Floor," and "Structure").

Group non-residential development: A building or group of buildings which consists of more than one office, commercial, retail or industrial structure erected on one or more parcels of ground developed with a common plan for the protection, maintenance and improvement of the parcels with reciprocal easements and rights in one or more of the parcels and governed by an owner's association or developed as a horizontal property regime (See "Easement" and "Parcel").

Group residential development: A building or group of buildings containing three or more dwelling units located on one or more parcels of ground developed with a common plan for the protection, maintenance and improvement of the parcels with reciprocal easements and rights in one or more of the parcels and governed by an owner's association or developed as a horizontal property regime (See "Easement" and "Parcel").

Habitable dwelling: A dwelling meeting the minimum habitability requirements of this ordinance, and other applicable regulations (See "Dwelling").

Hazard to air navigation: An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

Height: The vertical distance of a structure or vegetation (See "Structure" and "Vegetation").

Highway: A road, street, or traffic way serving as and designated as a State or United States route (See "Road" and "Street").

Historic structure: Above-ground architectural features (e.g., house, temple, market place, church) that have reached a designated age or have other characteristics, such as association with an important even or person, that make them 'historic' and therefore worthy of consideration as a heritage resource (See "Substantial improvement").

Home occupation: Any occupation within a dwelling, including a hobby and clearly incidental thereto, carried on by a member or members of the family residing on the premises (See "Dwelling," "Family," and "Premises").

Illicit connection: A connection to a stormwater system or receiving water which results in a discharge that is not composed entirely of stormwater runoff except allowable non-storm water discharges or those granted coverage by an active NPDES permit.

Illicit discharge: Any activity, which results in a discharge to a stormwater system or receiving waters that is not composed entirely of stormwater except (a) discharge pursuant to an active NPDES permit, and (b) other allowable discharges as defined and exempted in the LDR.

Impervious surface: A surface, which has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes, but is not limited to, surfaces such as compacted clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots, patios, swimming pool decks, and other similar structures.

Improvement: Any manmade immovable item that becomes part of, placed upon, or is affixed to real estate.

Instrument runway: A runway equipped or to be equipped with a precision electronic navigation aid or landing aid or other air navigation facilities suitable to permit the landing of aircraft by an instrument approach under restricted visibility conditions (See "Runway").

Integrated basis: Means development of a parcel or parcels of land as part of a common plan based upon a development concept having common characteristics among district segments or subdivisions. A subdivision of property solely for the purpose of conveyance at less than fair market value to children or grandchildren of the property owner shall not for that reason be developed on an integrated basis.

Land development, major: The changing of land characteristics through development, redevelopment, and/or construction of condominium complexes, commercial parks, shopping centers, industrial parks, manufactured home parks, and similar developments for sale, lease, or any combination of owner and rental characteristics.

Land development: The changing of land characteristics through redevelopment, construction, subdivision into parcels, condominium complexes, apartment complexes, commercial parks, shopping centers, industrial parks, mobile home parks, and similar developments for sale, lease, or any combination of owner and rental characteristics.

Land disturbance or *land disturbing activities:* Any activity that changes stormwater runoff rates, volumes and pollutant loads on a site. These activities include, but are not limited to, the grading, digging, cutting, scraping, or excavating of soil, the placement of fill materials, paving, construction, substantial

removal of vegetation and any activity that bares soil or rock or involves the diversion or piping of any natural or man-made watercourse. The definition excludes those activities that are identified as vegetation clearance activities, such as silviculture or agriculture.

Larger common plan: A contiguous area where multiple separate and distinct construction or development activities may be taking place at different times on different schedules under one plan. For example, if a developer buys a 20-acre lot and builds roads, installs pipes, and runs electricity with the intention of constructing homes or other structures sometime in the future, this would be considered a larger common plan of development or sale. If the land is parceled off or sold, and construction or development occurs on smaller plots by separate, independent builders, this activity would be considered part of the larger common plan.

Larger than utility runway: A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

Line of sight: The linear distance along the line of vision offered by a window, door, or other opening in a principal or accessory building to the property line (See "Building, accessory" and "Building, principal").

Lot: A parcel of land considered as a unit. The terms "lot", "lot of record", "parcel," "plot," "property", or "tract", whenever used in this Ordinance are interchangeable (See "Parcel").

Lot area: The area contained within the boundary line of a lot (See "Lot").

Lot, corner: A lot located at the intersection of two or more roads (See "Lot" and "Road").

Lot, depth: The horizontal distance between front and rear lot lines (See "Lot Line").

Lot, double frontage: A lot, other than a corner lot, abutting upon two or more streets. A corner lot shall be considered having double frontage if it has access on three or more sides or shows access to two streets parallel to one another (See "Lot" and "Road").

Lot, flag: An interior lot, located behind another lot, which has a narrow strip of land, as a portion of that lot, that runs along one side of the front lot to provide access to the road. A panhandle or pipe stem lot is considered a flag lot (See "Lot, flag" and "Road").

Lot, flag pole: The narrow portion of a flag lot that serves as access to a public road. The minimum width of the flagpole portion of the lot is 20 feet (See "Lot" and "Road").

Lot, interior: A lot, other than a corner lot, which has frontage on only one road other than an alley (See "Alley," "Lot," and "Road").

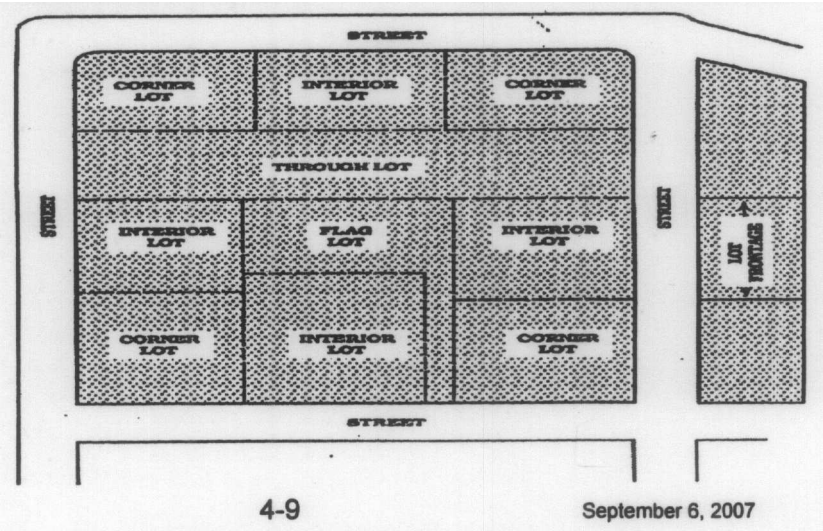
Lot line: A line bounding a lot which divides one lot from another or from a road or any other public or private space (See "Lot" and "Road").

Lot of record: A lot, the boundaries of which are filed as legal record (See "Lot").

Lot, through: A lot which has access to an internal subdivision road and an external collector or arterial road (See "Lot," "Road," and "Subdivision").

Lot, through or double frontage: A lot which has frontage on more than one road (See "Lot" and "Road").

Lot, width: The distance between the side lot lines, at the minimum required building setback line of a lot, as measured along a straight line parallel to the front lot line or parallel to the chord thereof (See "Lot").



Maintenance: Any action necessary to preserve stormwater management facilities in proper working condition, in order to serve the intended purposes set forth in the LDR and to prevent structural failure of such facilities.

Manufactured home: A prefabricated house that is joined together in standardized sections (See "Federal Manufactured Home Construction and Safety Standards" and "Travel Trailer").

Manufactured home park: A parcel with space, improvements and utilities for the long-term parking of three or more manufactured homes, which shall include services, utilities and facilities for the residents (See "Lot").

Manufactured home park space: A plot or ground within a manufactured home park designed for the accommodation of one unit (See "Manufactured home park" and "Unit").

Maximum extent practicable: A measure of an action or effort that is consistent with the current definition of the U.S. Environmental Protection Agency and the S.C. Department of Health and Environmental Control. An action or effort is defined as accomplishing its goal to the maximum extent practical if that action or effort is available and capable of being done after taking into consideration cost, existing technology and logistics in light of overall purpose and incremental effect of the action or effort.

Maximum flood of record: The elevation of the maximum flood of record determined by using the 100-year frequency flood elevation where such has been previously determined by published governmental data.

Mini-warehouse: A building or group of buildings in a controlled-access and fenced compound that contains individual, compartmentalized and controlled-access stalls or lockers for the dead storage of customer's goods or wares (See "Building").

Mining and *mine operation:* Comprises establishments that extract naturally occurring mineral solids, including but not limited to sand, fill dirt, coal and ores; liquid minerals, such as crude petroleum and gases, such as natural gas. The term mining is used in the broad sense to include quarrying, beneficiating (e.g. crushing, screening, washing, and flotation), and other preparation customarily performed at the mine site, or as a part of mining activity. Mine operation includes establishing operating mines, quarries, or other facilities on their own account or for others on a contract or fee basis.

Mixed occupancy: Any building that is used for two or more occupancies classified by different occupancy use groups (See "Building" and "Occupancy use group").

Mobile home: See Manufactured home.

Modular building unit or modular structure: Any building of closed construction, regardless of type of construction or occupancy use group, other than a mobile or manufactured home, constructed off-site in accordance with the applicable codes (International Building Code, International Residential Code, etc.) and transported to the point of use for installation or erection (See "Building," "Manufactured home," "Mobile home," and "Occupancy use group").

NPDES: National Pollutant Discharge Elimination System (See "Clean Water Act").

Nonconformity: A nonconformity is any lot of record, use, building, structure or vegetation in existence prior to the effective date of this ordinance or an amendment or revision of this ordinance, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the ordinance, revision, or amendment.

Non-residential use: A principal use of land for other than residential purposes, i.e. commercial, industrial, institutional (See "Use").

Nudity or *a state of nudity:* A state of dress which fails to opaquely and fully cover a human buttocks, anus, male or female genitals, pubic region or areola or nipple of the female breast.

Open space: A portion of a subdivision that has been set aside for permanent protection. Activities within the Open Space are restricted in perpetuity through the use of an approved legal instrument (See "Open space ratio").

Open space ratio: The open space ratio is a measure of the intensity of land use. It is arrived at by dividing the total amount of open space within the site by the total site area (See "Common open space ratio" and "Park").

Overlay district: An additional zoning requirement that is placed on a geographic area that does not change the underlying zoning.

Owners association: A private non-profit association which is organized by the developer and/or owners of a development in which individual owners share common interests in open space and/or facilities and are in charge of preserving, protecting, managing, and maintaining the common property and enforcement of the protective covenants, easements and/or restrictions (See "Developer," "Development," and "Easement").

Parcel: A land area bounded by property lines that is recognized as such by the county assessor's office. A lot or contiguous lots under the same ownership (See "Lot").

Park: A public facility open for recreation, with commercial activities for recreational uses only, open space and public gardens (See "Open space").

Performance standards: Limits imposed upon land uses with respect to their noise, vibration, toxic matter and hazardous waste, fire and explosive hazards, radioactive materials, odor, light and glare, electromagnetic interference, and smoke and particulate matter.

Person: Any and all persons, natural or artificial and includes any individual, association, firm, corporation, business trust, estate, trust, partnership, two or more persons having a joint or common interest, or an agent or employee thereof, or any other legal entity.

Plat: A map or drawing, the accuracy of which is certified by an engineer or land surveyor, upon which the developer's plan of a subdivision or land development is presented for approval (See "Subdivision").

Pollutant: Those man-made or naturally occurring constituents that when introduced to a specific environment creates a deleterious effects. Typical pollutants found in stormwater include but are not limited to sediment (suspended and dissolved), nutrients (nitrogen and phosphorus), oxygen demanding organic matter, heavy metals (iron, lead, manganese, etc.), bacteria and other pathogens, oil and grease, household hazardous waste (insecticide, pesticide, solvents, paints, etc.) and Polycyclic Aromatic Hydrocarbons (PAHs).

Precision instrument runway: A runway with an instrument approach procedure utilizing an instrument landing system (ILS) or precision approach radar (PAR).

Pre-development: The conditions that exist immediately prior to the initiation of development or construction in terms of topography, vegetation, land use and rate, volume and direction of stormwater runoff. For the purposes of the LDR, pre-development refers to the condition of a an area immediately prior to application for a development permit.

Premises: A lot, plot, or parcel of land including the buildings or structures thereon, under control by the same owner or operator (See "Building," "Lot," "Parcel," and "Structure").

Principal building: A building which contains the principal activity or use located on a zone lot on which the building is situated (See "Activity, principal," "Building," and "Use, principal").

Property owner or *owner:* The legal or equitable owner of land, including but not limited to a mortgagee or vendee in possession, receiver, executor, trustee, or long-term or commercial lessee, or any other person or entity holding proprietary rights in the property or having legal power of management and control of the property.

Protected property: Property which is protected from the impacts of land uses upon surrounding properties by means of specified buffering restrictions and performance standards (See "Performance standards" and "Use").

Protected property line: A property boundary or portion thereof from which, across which, or at which buffering restrictions or performance standards are measured (See "Performance standards").

Private road or *private street:* Any right-of-way, road, street, drive, or means of vehicular access to private properties that is not dedicated to public use (See "Road," "Street," and "Use").

Public right-of-way: Roadway surface being used by the traveling public and/or proposed to be used by the traveling public (See "Roadway").

Raised crosswalk: Speed humps outfitted with crosswalk markings and signage to be used by pedestrians.

Receiving waters: All natural water bodies, including oceans, salt and freshwater marsh areas, lakes, rivers, streams, ponds, wetlands, and groundwater. stormwater management ponds, man-made wetlands, ditches, and swales constructed for the sole purpose of controlling and treating stormwater are not considered receiving waters.

Record drawing: Drawings submitted for record purposes and which have been annotated to show significant changes in the work made during construction based upon marked up prints, drawings, and other data furnished by the Contractor to the developer, or to the developer's engineer.

Recreational vehicle: A vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and is primarily designed as a temporary living accommodation for recreational and camping purposes.

Redevelopment: A change to previously existing, improved property, including but not limited to the demolition or building of structures, filling, grading, paving, or excavating, but excluding ordinary maintenance activities, remodeling or reconstruction of buildings on the existing footprint, resurfacing of paved areas and exterior changes or improvements that do not materially increase or concentrate stormwater runoff or cause additional nonpoint source pollutions.

Reserve strip: A strip of land adjacent to a public street or similar right-of-way which has been reserved for the purpose of controlling access to the public way (See "Road").

Residence: A building or part of a building containing one or more dwelling units, including mobile homes and manufactured housing, mobile home parks and group residential activities. Residence does not include transient habitation, detention centers, nursing homes, and hospitals (See "Building," "Dwelling unit," "Manufactured housing," and "Mobile home").

Residential use: Pertaining to a residence. An attached garage is a residential use, whereas a detached garage is an accessory use. In a mixed building, that part of the structure used for non-residential purposes is not a residential use (See "Residence").

Residential use, grandfathered: Residential use in existence or permitted for construction prior to the date of the original adoption of this ordinance or the date of any applicable amendment hereto.

Responsible party: Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns that is named on a stormwater inspection and maintenance agreement and plan as responsible for the long-term operation and maintenance of one or more stormwater management practices.

Restriction: Any limitation on activity, by statute, regulation or contract provision (See "Easement" and "Owner's association").

Re-subdivision: A combination or recombination of previously recorded lots or tracts of contiguous land for the purpose of creating additional lots or enlarging existing lots (See "Lot" and "Tract").

Retention: All stormwater that is collected within a development and is not directly discharged into receiving waters.

Right-of-way plan: The plan within the adopted comprehensive plan prepared by the county planning commission which defines and designates the various categories of roads within the county according to potential right-of-way needs.

Riparian buffer: A vegetated buffer strip along tidelands, streams and rivers that serves the purpose of: filtering stormwater; providing wildlife habitat; protecting water quality; and mitigation of shoreline erosion, flooding and storm surge.

Road: The terms road, highway, street, avenue and like shall be interchangeable as designators of vehicular by-ways providing access to two or more individual parcels of property. Pedestrian facilities, bridges, tunnels, viaducts, drainage structures and other appurtenances commonly considered as a component part of a road shall also be included in the definition of the term. A "road" is a vehicular by-way irrespective of prior platting or planning.

a. *Road, county:* Any road currently maintained under the county road maintenance system, and any new road to be constructed within the jurisdiction of the county which accesses, or presupposes to access, two or more parcels of land under different ownership.

b. *Road, private:* No road shall be designated as a private road, unless:

   1. In a new development, such proposed road is defined as such by action of the county planning commission upon its satisfaction as to the maintenance of such road; or

   2. All the owners of property accessed by such road agreed to sign an instrument and plat to be recorded in the office of the register of mesne conveyance for the county which waives county responsibility for the maintenance of such road; or

   3. The road exists prior to July 1, 1998, and accesses two or more parcels of land under different ownership, but is not in the county, state, or federal road maintenance system. This type of private road shall not suffice as approved access for further development of land.

c. *Road, nonresidential.* Roads used for access to commercial, service, and industrial properties as designated by the zoning classification or to those areas exhibiting this character or intent.

d. *Road, residential.* Roads used primarily to provide access from major or minor collector roads to residential units. By nature of their design, these roads serve vehicles passing through the area with either origin or destination within the area (See "Collector, major," and "Collector, minor,"). The two classes of residential roads are listed below:

   1. *Road, residential sub-collector:* A road which provides access to residential dwelling units and carries 400—1,250 vehicles per day. A road may not be classified a sub-collector road if it is designed in such a way that it may carry at any future date more than 1,250 vehicles per day (See "Dwelling unit"); and

   2. *Road, residential local.* A road providing access and/or road frontage to residential dwelling units and carries less than 400 vehicles per day. A road may not be classified as a local road if it is designed in such a way that it may carry at any time in the more than 400 vehicles per day (See "Dwelling unit" and "Street").

e. *Road classifications:*

1. *Arterial.* A freeway, expressway, road or highway which is intended or used for moving either heavy vehicular traffic volumes or high-speed traffic or both, or which has been designated as an arterial in the adopted county zoning ordinance.

   a. *Minor arterial.* Principal traffic arteries within residential or commercial areas that carry traffic from arterials to lower-order residential streets (See "Street").

2. *Collector.* A road which is used or intended to be used for moving traffic from local roads to arterials and which may included the principal entrance and circulation roads of a land development, or which has been designated as a collector in the adopted county zoning ordinance.

   a. *Collectors, major.* Street that provides access to arterials from residential streets and carry more than 4,000 vehicles per day (See "Street").

   b. *Collectors, minor.* Streets that provide access to arterials from residential streets and carry 1,250 to 4,000 vehicles per day (See "Street").

3. *Local.* A road which is used or intended to be used for access to abutting properties, or which has been designated as a local road in the adopted county zoning ordinance.

4. *Cul-de-sac.* A local road being terminated by a vehicular turnaround.

5. *Alley (or half street).* A minor, permanent private service-way which is used for secondary vehicular access to the back or the side of properties which otherwise have primary vehicular access to a public road. All alleys are to be privately maintained with measures to ensure that the travel way is not obstructed in any manner, including parking.

Roadway: That portion of a road intended for the use by vehicular traffic.

Road width: The shortest distance between the lines delineating the traveling surface of a road. For roads with curbs, the width is measured from the edge of pavement.

Roof: That part of a building or open structure which covers the interior area delineated by the walls or support structure.

Roof height (mean): The elevation located at a point two-thirds of the distance between the bottom of the roof to the roof peak as measured from the eave elevation.

Runway: A defined area on an airport prepared for landing and takeoff of aircraft along its length.

SCDOT: South Carolina Department of Transportation.

Semi-nudity or *state of semi-nudity:* A state of dress in which in which clothing covers no more than the genitals, pubic regions, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

Setback/setback line: The minimum horizontal distance between the street right-of-way line or front line and/or corner side lot line of a lot and the nearest wall of a building or structure adjoining such right-of-way.

Sexually oriented business: For purposes of this ordinance, sexually oriented business operations shall mean and include the following:

Adult arcade means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas".

Adult bookstore or adult video store means a commercial establishment, which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas"; or

2. Instruments, devices, or paraphernalia, which are designed for use in connection with "specified sexual activities". A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as an adult bookstore or adult video store. Such other business purposes will not serve to exempt such commercial establishment from being categorized as an adult bookstore or adult video store so long as: one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe "specified sexual activities" or "specified anatomical areas".

Adult cabaret means a nightclub, bar; restaurant or similar commercial establishment, which regularly features:

1. Persons who appear in a state of nudity; or

2. Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or

3. Films, motion pictures, videocassettes, slides, or other photographic reproductions, which are characterized by the description of "specified sexual activities" or "specified anatomical areas".

Adult motel means a hotel, motel or similar commercial establishment which:

1. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right-of-way which advertises the availability of this adult-type of photographic reproductions; or

2. Offers a sleeping room for rent for a period of time that is less than ten hours; or

3. Allows a tenant or occupant of a sleeping room to sublet the room for a period of time that is less than ten hours.

Adult motion picture theater means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

Adult theater means a theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities".

Sexual encounter center means a business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or

2. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or seminude.

Sign: Any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, promote direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, insignias, illumination or projected images when the same is placed in view of the general public, or viewed when traveling along a public street right-of-way, privately maintained street and access or service drives.

Sign, abandoned: A sign structure not containing a sign for 120 continuous days or a sign not in use for 120 continuous days, or a sign advertising a business no longer occupying the site on which the sign exists or to which it refers (See "Sign" and "Structure").

Sign, animated: Any sign or part of a sign that uses movement or change of lighting to depict action, gives the visual impression of movement or creates a special effect or sign. Means a sign or display that uses movement or the appearance of movement through the use of patterns of lights, changes in color or light intensity, computerized special effects, video displays, or through any other method.

Sign, audible: Any sign or part of a sign which emits any sound capable of being detected on a public road or adjoining property.

Sign, awning: A sign that is mounted, painted, or attached to an awning or other window or door canopy that is otherwise permitted by county ordinances.

Sign, banner: A temporary sign of cloth or similar material that celebrates an event, season, community, neighborhood, or district and is sponsored by a recognized community agency or organization.

Sign, bench: A sign painted on, located on, or attached to any part of the surface of a bench, seat, or chair placed on or adjacent to a public place or roadway.

Sign, billboard: A commercial sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located. Also known as "Off-premise sign" or "Off-site sign."

Sign, building: Any sign attached to any part of a building (See "Sign").

Sign, canopy: A sign attached to the underside of a canopy.

Sign, changeable copy: A sign or portion thereof with characters, letters or illustrations that is manually changed or rearranged in the field through the utilization of attachable letters, numbers, symbols and other similar characters without altering the face or the surface of the sign for the purpose of identifying products sold or services provided by the related business tenant on the same premises.

These include marquees, electric/electronic/mechanical signs, service station signs, with individual letters and numbers that can be removed and replaced by hand or mechanically.

Sign, digital: Includes: "Sign, animated"; "Sign, light emitting diode (LED)"; "Sign, static electronic message display"; "Sign, video display." See definitions for each type.

Sign, digital billboard: An off-site or off-premises animated, LED, static electronic message display, or video display sign.

Sign, directory: A sign listing only the names and/or use, or location of more than one business, activity or professional office conducted within a building, group of buildings or commercial center. This sign is located on the interior of the lot or commercial center.

Sign, electronic changeable copy: A sign or portion thereof with characters, letters or illustrations that is electronically changed or rearranged through the utilization of attachable letters, numbers, symbols and other similar characters by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices within the display area for the electronic or mechanical indication of information.

Sign, face: The area or display surface used for the message.

Sign, flashing: Any electrical, directly or indirectly illuminated sign that exhibits changing natural or artificial light or color effects by any means whatsoever.

Sign, freestanding: Any non-movable sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

Sign, governmental: A sign erected and maintained pursuant to and in discharge of any governmental functions or required by law, ordinance, or other governmental regulation.

Sign, hanging: A freestanding sign supported by the extended arm of a single post or a beam between two posts.

Sign, home occupation: A sign containing only the name and occupation of a permitted home occupation.

Sign, identification: A sign giving the nature, logo, trademark, or other identifying symbol; address; or any combination of the name, symbol, and address of a building, business, development, or establishment on the premises where it is located (See "Building" and "Sign").

Sign, illuminated: Any sign which is directly or indirectly lighted by an external source.

Sign, image changing: Any sign that automatically changes images and text through the use of moving elements or automated methods.

Sign, incidental: A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking", "entrance", "loading only", "telephone", and other similar directives. No sign with a commercial message legible from a position off the lot on which the sign is located shall be considered incidental (See "Lot" and "Sign").

Sign, inflatable: Any display capable of being expanded by air or other gas and use on a permanent or temporary basis to advertise a product or event.

Sign, information: Signs containing no message, copy, announcement, or decoration other than instructions or directions to the public except for subordinate identity. Such signs include, but are not limited to, identifying the following: restrooms, public telephones, walkways, entrance and exit drives, freight entrances, and traffic directions. Information signs shall be permitted on business lots provided that no such sign shall exceed six square feet in display area. Information signs shall not count toward the maximum number of signs allowable nor the maximum display area of signs allowable.

Sign, internally illuminated: Any sign which transmits light through its face or any part thereof.

Sign, landmark: Any sign of artistic or historic merit, uniqueness, or of extraordinary significance to the community as may be identified by the local historical commission or other official agency.

Sign, light emitting diode (LED): Sign utilizing technology of diodes arranged in pixels to create messages changeable by electronic means. Said signs are sometimes referred to as electronic message centers and shall include other similar signs such as liquid crystal display signs, fiber optic signs, plasma display screen signs, incandescent signs, time-temperature-date signs or any other such sign using similar technologies.

Sign, marquee: See "Sign, changeable copy."

Sign, memorial: A sign, tablet, or plaque memorializing a person, event, structure, or site.

Sign, moving: Any sign involving any form of physical movement, including rotation.

Sign, nameplate: A sign, located on the premises, giving the name and/or the address of the owner or occupant of a building or premises.

Sign, nonconforming: A sign lawfully erected and maintained prior to the adoption of the current zoning ordinance that does not conform with the requirements of the current ordinance.

Sign, off-premises: See "Sign, billboard."

Sign, off-site: See "Sign, billboard."

Sign, pedestal: See "Sign, freestanding."

Sign, permanent: A sign attached to a building, structure or the ground in some manner and made of materials intended for more than short term use (See "Building," "Sign," and "Structure").

Sign, political: A temporary sign announcing or supporting political candidates or issues in connection with any national, state or local election (See "Sign, temporary").

Sign, portable: A sign not permanently attached to the ground or other permanent structure and designed to be transported on wheels.

Sign, project: Any sign erected and maintained on the premises temporarily while undergoing construction by an architect, contractor, developer, finance organization, subcontractor or materials vendor upon which property such individual is furnishing labor, services or material.

Sign, projecting: A sign that is wholly or partly dependent upon a building for support and that projects more than 12 inches from such building.

Sign, public and institutional: A sign relating to uses of a civic, charitable, fraternal, cultural, religious, educational, institutional, or governmental nature. Such signs shall conform to the requirements for business signs as described in article 15 of this ordinance.

Sign, residential/commercial/industrial subdivision and residential development: Permanent signs displaying no information other than the name of a subdivision or development.

Sign, roof: A sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and that projects above the top edge or roof line of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.

Sign, sandwich board: A portable sign shaped like an A-frame with a sign panel on one or both sides where the sign panel is integral to the structure of the sign.

Sign, searchlight display: Any use of lighting intended to attract the general public by the waving or moving of light beams.

Sign, snipe: A sign which is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes or fences, or to other objects.

Sign, static electronic message display: A sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means. Displays can change through dissolve or fade transitions, or with the use of other subtle transitions and frame effects that do not have the appearance of moving text or images, but which may otherwise not have movement, or the appearance or optical illusion of movement, of any part of the sign structure, design or pictorial segment of the sign, including movement of any illumination or the flashing, scintillating or varying of light intensity.

A sign or portion thereof that displays electronic, static images, static graphics or static pictures, with or without information, defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices within the display area where the message change sequence is accomplished immediately or by means of fade, repixelization or dissolve modes. Electronic graphic display signs include computer programmable, microprocessor controlled electronic or digital displays. Electronic graphic display signs include projected images or messages with these characteristics onto buildings or other objects.

Sign structure: The supports, uprights, bracing and framework of a sign (See "Sign, abandoned").

Sign, temporary: A sign that is used only for a limited period of time and is not permanently mounted (See "Sign").

Sign, temporary window: A window sign of a temporary nature used to direct attention to the sale of merchandise, or a change in the status of the business, including, but not limited to, sign for sales, specials, going out of business, and grand openings.

Sign, vehicle: A permanent or temporary sign affixed, painted on or placed in or upon any parked vehicle, parked trailer or other parked device capable of being towed, which is displayed in public view under such circumstances as to location on the premise, time of day, duration, availability of other parking space on the premises where it is loaded, unloaded or otherwise carries out its principal function, which circumstances indicate that the primary purpose of the display is to attract the attention of the public rather than to serve the business of the owner thereof in the manner which is customary for the vehicle.

Sign, video display: A sign that changes its message or background in a manner or method of display characterized by motion or pictorial imagery, which may or may not include text and depicts action or a special effect to imitate movement, the presentation of pictorials or graphics displayed in a progression of frames which give the illusion of motion, including but not limited to the illusion of moving objects, moving patterns or bands of light, or expanding or contracting shapes, not including electronic changeable copy signs. Video display signs include projected images or messages with these characteristics onto buildings or other objects.

Sign, wall: A sign fastened to, or painted on, the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and that does not project more than 12 inches from such building or structure.

Sign, windblown: Any banner, device, or display designed to be moved by the wind which contains a written or pictorial message. Windblown signs do not include decorative flags mounted on individual poles as long as they are spaced at least 20 feet apart. Governmental and corporate flags are considered windblown signs but are exempt from the provisions of this ordinance if in compliance with article 15 of this ordinance.

Sign, window: Any sign which is painted on, applied to, attached to or projected upon or within the exterior or interior of a building glass area, including doors, or located within 15 feet of the identification, message, symbol, insignia, visual representation, logotype, or any other form which communicates information, can be read from off-premises contiguous property or public right-of-way.

Sign face: The part of the sign that is or can be used to identify, advertise or communicate information or for visual representation which attracts the attention of the public for any purpose. Sign face includes any background material, panel, trim, color and direct or self-illumination used that differentiates the sign from the building, structure, backdrop surface or object upon which or against which it is placed. The sign structure shall not be included as a portion of the sign face provided that no message, symbol or any of the aforementioned sign face criteria are displayed on or designed as part of the sign structure

Site: A parcel or parcels on which an applicant or operator proposes to conduct or conducts excavation activities or operations.

South Carolina Manufactured Housing Board: Is authorized by state statute to regulate the construction, repair, modification, installation, tie-down, hook-up, and sale of manufactured homes in South Carolina,

which board has adopted for regulation of manufactured homes the Federal Manufactured Housing Construction and Safety Standards, promulgated by HUD, and contained in the board's Manufactured Housing Regulations, May 26, 1990.

Specified anatomical areas: Specified anatomical areas as used in this ordinance means and includes any of the following:

(1) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola; or

(2) Human male genitals in a discernable turgid state, even if completely and opaquely covered.

Specified sexual activities: Specified sexual activities means and includes any of the following:

(1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;

(2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;

(3) Masturbation, actual or simulated;

(4) Human genitals in a state of sexual stimulation, arousal, or tumescence; or

(5) Excretory functions as part of or in connection with any of the activities set forth above.

Speed humps: Flat-topped asphalt speed tables constructed with a six-foot ramp followed by a ten-foot flat section then another six-foot ramp.

Storm water: Stormwater runoff, precipitation runoff, and surface runoff.

Storm water management: The collection, conveyance, storage, treatment and discharge of stormwater runoff in a manner to meet the objectives of the LDR and its terms, including, but not limited to measures that control the increased volume and rate of runoff and water quality impacts caused by manmade changes to the land.

Storm water management plan or *SWMP:* The set of drawings and other documents, including calculations signed and sealed by a professional engineer licensed in the state, that comprise all of the information and specifications for the programs, drainage systems, structures, BMPs, concepts, and techniques for the control of stormwater conveyance, quantity, quality and volume.

Storm water system or *storm water management facilities:* The conveyance or system of conveyances including roads with drainage systems, highways, right-of-way, streets, catch basins, curbs, gutters, ditches, man-made channels, storm drains, detention ponds, and other stormwater facilities.

Street: Synonymous with "Road."

Structural BMP: A device designed and constructed to reduce pollutant loading through measures including reducing the volume of surface stormwater runoff, biological uptake of pollutants, and filtering of pollutants. Structural BMPs include but are not limited to detention basins, retention basin, bioswales, and infiltration basins.

Structure: Anything constructed or erected which requires permanent location above grade. For purposes of this ordinance, "structure" does not include landscape features such as ornamental pools, planting boxes, sculpture, bird baths, open terraces, walkways, driveways, walls or fences, shelters for pets, playhouses, open stairs, recreational equipment, flagpoles, light standards, game courts, swimming pools, underground fallout shelters, air-conditioning compressors, pump houses or wells, mailboxes, outdoor fireplaces, gatehouses, burial vaults or bus shelter (See "Building").

Structural alteration: Any change in the supporting members of a building, such as the bearing walls, beams, or girders, or any change in the dimension or configuration of the roof or exterior walls (See "Building").

Subdivider: Any person, individual, firm, partnership, association, corporation, estate, trust, or any other group or combination acting as a unit, dividing or proposing to divide land so as to constitute a subdivision. This definition includes any authorized agent of the subdivider (See "Subdivision").

Subdivision: All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, lease, or building development, and includes all division of land involving a new road or change in existing roads, and includes re-subdivision which would involve the further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law; or, the alteration of any roads or the establishment of any new roads within any subdivision previously made and approved or recorded according to law, and includes combinations of lots of record (See "Building," "Development," "Lot," and "Road").

Substantial improvement: Any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures, which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either: (1) any project of improvement to a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions (does not include Americans with Disabilities Act compliance standards): or (2) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure. Permits shall be cumulative for a period of five years (See "Improvement" and "Structure").

Superelevation: The construction of a curved roadway section in which the elevation of the outside edge of the curve is higher than the elevation of the inside edge of the curve.

Temporary use: An activity or use that constitutes development; and is an activity or function of limited duration (existing for a period of no more than six months); and involves the placement of non-permanent structures; and/or involves exclusive use of a parkland, sandy beach, water, streets or parking areas which is not otherwise open and available for general public use.

Tideland: All coastal waters, marshes and wetlands influenced by the tide. Tidelands are considered "critical area" and are under the protective jurisdiction of the South Carolina Department of Health and Environmental Control, Ocean and Coastal Resource Management (OCRM).

Tract: An area, parcel, site, piece of land, or property which is the subject of a development application (See "Parcel").

Traffic calming: changes in street alignment or installation of barriers and other physical measures to reduce traffic speeds and/or cut-through volumes in the interest of safety and other purposes.

Traffic circles: Raised islands placed in intersections around which traffic circulates.

Traffic control island: The area in a roadway where vehicles are intended to be excluded. Traffic control islands are classified as follows:

Divisional islands. Islands built to separate opposing traffic flows. A continuous divisional island is a median. A divisional island located at the public entrance to a subdivision is a subdivision entrance island.

Channelization islands. Defined area between traffic lanes.

Pedestrian refuge islands. Islands built exclusively for the safety of pedestrians (See "Roadway" and "Street").

Travel trailer or recreational vehicle: A structure that (1) is intended to be transported over the streets and highways (either as a motor vehicle or attached to or hauled by a motor vehicle), and (2) is designed for temporary use as sleeping quarters, but that does not satisfy one or more of the definitional criteria of a mobile or manufactured home or modular unit (See "Mobile home," "Modular building unit," "Road," and "Structure").

Trip: A one-way movement of vehicular travel from an organization point (one trip end) to a destination point (the other trip end). For purposes of this Ordinance, trip shall have the meaning that it has in commonly accepted traffic engineering practice and that is substantially the same as the definition in the previous sentence.

Underlying fee: Ownership of property upon which a public right-of-way is physically located (See "Public right-of-way").

Understory tree: A small deciduous tree that forms the layer of vegetation under the canopy trees in a forest. Examples of such trees include dogwoods, sourwoods, fruit trees and others.

Unnecessary hardship: The deprivation resulting from application of the ordinance, so great as to effectively prevent the owner from making any reasonable use of the land. Economic hardship is precluded by state law for consideration as an unnecessary hardship. Must establish proof of each of the following:

(1) A zoning restriction as applied to their property interferes with their reasonable use of the property, considering the unique setting of the property in its environment;

(2) No fair and substantial relationship exists between the general purposes of the zoning ordinance and the specific restriction on the property; and

(3) The variance would not injure the public or private rights of others.

Use: The purpose or activity, for which land or any building thereon is designed, arranged or intended, or for which it is occupied or maintained.

Use, accessory: Customary incidental uses including but not limited to home occupations, garages, swimming pools, tennis courts, and non-commercial greenhouses (See "Building, accessory" and "Use").

Use, principal: The primary purpose for which land is used (See "Building, principal" and "Use").

Utility runway: A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

Variance: A modification of the area regulations of this ordinance, granted by the board of zoning appeals, where such modification will not be contrary to the public interest, and where, owing to conditions peculiar to the property, a literal enforcement of the ordinance would result in unnecessary and undue hardship (See "Unnecessary hardship") in the reasonable development of the property; economic hardship shall not be a considered in the granting of any variance (See "Use, accessory" and "Use, principal").

Vegetation: Any object of natural growth.

Visual runway: A runway intended solely for the operation of aircraft using visual approach procedures.

Volume: The quantity of water that is generated by rainfall and other sources within a development.

Waiver: The modification of the minimum standards and requirements contained in the LDR and the county stormwater management design manual for specific circumstances where strict adherence of the requirements would result in unnecessary hardship and not fulfill the intent of the ordinances.

Water quality: Those characteristics of stormwater runoff that relate to the physical, chemical, biological, or radiological integrity of water.

Water quantity: Those characteristics of Stormwater runoff that relate to the rate and volume of the stormwater runoff.

Wetlands: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar type areas.

Wetlands, jurisdictional: Wetlands over which the U.S. Army Corps of Engineers has permitting jurisdiction (See "Wetlands").

Wetlands, non-jurisdictional: Wetlands over which the U.S. Army Corps of Engineers does not have permitting jurisdiction (See "Wetlands").

Working day: Monday through Friday, excluding all county-observed holidays.

Yard: An open space that lies between the principal or accessory building or buildings and the nearest lot line. Such yard is unoccupied and unobstructed from the ground upward except as may be specifically provided by this ordinance (See "Building, accessory," "Building, principal," and "Lot line").

Yard, front: A yard extending the full width of the front of a lot between the front (street) right-of-way line or property line and the front building line (See "Building setback line," "Lot," "Public right-of-way," "Road," and "Yard").

Yard, rear: A yard extending the full width of the lot in the area between the rear lot line and the rear building line (See "Lot" and "Yard").

Yard, required: That part of a yard between a lot line and the minimum required building setback line, within which no structure shall be located except as provided by this ordinance (See "Lot," "Setback/setback line," and "Yard").

Yard, side: A yard extending the full length of the lot in the area between the side lot line and a side building line (See "Lot" and "Yard").

Zoning ordinance: The adopted zoning ordinance of Jasper County, South Carolina, or its municipalities.

Zoning district: A specifically delineated area or district within which regulations and requirements govern the use, placement, spacing and size of land and buildings.
(Ord. No. 09-06, §§ 8, 9, 2-2-09; Ord. No. 09-12, §§ 2—4, 5-4-09; Ord. No. 09-33, §§ 1, 2, 12-14-09; Ord. No. 09-37, § 1, 11-2-09; Ord. No. 11-03, § 1, 4-18-11; Ord. No. 11-22, § 20, 10-3-11; Ord. No. 12-02, § 2, 2-21-12)

ARTICLE 5. ZONING DISTRICT REGULATIONS

5:1. Establishment of zoning districts.

For purposes of this ordinance, the following zoning districts are hereby established:

PRIMARY DISTRICTS

R	Residential
RP	Rural Preservation
RE	Resource Extraction
RC	Resource Conservation
CC	Community Commercial
GC	General Commercial
ID	Industrial Development
MB	Mixed Business

SPECIAL PURPOSE DISTRICTS

PDD	Planned Development Districts
FHOD	Flood Hazard Overlay Districts
ACOD	Airport Compatibility Overlay Districts
LLOD	Levy-Limehouse Overlay District
HCOD	Highway Corridor Overlay District
IPOD	Interstate Proximity Overlay District

(Ord. No. 09-12, § 5, 5-4-09; Ord. No. 11-24, § 1, 9-6-11; Ord. No. 12-10, § 1, 6-18-12)

5:2. Purpose of districts.

Collectively, these districts are intended to advance the purposes of this ordinance, as stated in the preamble. Individually, each district is designed and intended to accomplish the following more specific objectives.

5:3. Primary districts.

R RESIDENTIAL DISTRICT

The purpose of this district is to foster, sustain, and protect areas in which the principal use of land is for single-family dwellings and related support uses.

RP RURAL PRESERVATION DISTRICT

The intent of this classification is to preserve, sustain, and protect from suburban encroachment rural areas and resources, particularly forest and agricultural, and maintain a balanced rural-urban environment.

The retention of open lands, woodlands, plantations, and farmlands, which make up a large part of this area, are essential to clean air, water, wildlife, many natural cycles, and a balanced environment, among other things. Even more essential from an economic perspective are the agricultural lands and farming operations in this area. Also provided by this district is a rural environment of larger acreage lots.

RE RESOURCE EXTRACTION

The intent of this classification is to protect, preserve, sustain, and protect activities which specifically extract or harvest natural resources for commercial or industrial purposes, such as mining, excavations, excavation operations and activities, while concurrently ensuring protection of the health, safety, welfare of nearby residents and the value of nearby property. The resource extraction district will protect economically important mineral resources of the county for current and future use and will protect existing land uses adjacent to potential mineral lands from undue harm that may result from mineral extraction activity.

Businesses extracting resources are essential activities that may present unique challenges when considering adjacent properties and protection of public health, safety and welfare. However, it is intended that this zoning classification only apply to those portions of the county where the potential for conflict between adjacent current and future land uses and the mineral extraction activities are minimal. Any zoning map amendment to designate a property as RE should be carefully considered by assessing the following factors, including but not limited to: impact on environmentally sensitive areas and critical natural resources; impact on health, safety and welfare of the county residents; impact on the character of existing communities; impact on adjacent land value; traffic generation and potential mitigation; and any other factor considered essential to address.

RC RESOURCE CONSERVATION DISTRICT

The purpose of this district is to protect from misuse and to ensure for future generations the county's environmentally sensitive, wetlands, marshes, rivers, creeks, and other natural resources critical to the ecosystems they support, however, the above is not intended to discourage quality development.

Due to the fragile nature of these resources, development standards for this district generally are more rigid than elsewhere in the county, requiring closer attention to the environment, and mitigation of land disturbing activity which would negatively impact such resources.

CC COMMUNITY COMMERCIAL

The intent of this district is to provide commercial nodes in convenient and strategic locations of the county to meet "community needs, and to encourage clustering commercial development as opposed to strip commercial development and commercial sprawl. Community commercial areas are intended to provide adequate, logically placed and convenient locations for commercial establishments in relation to residential housing and to minimize trip generation for those living in zoned rural preservation.

GC GENERAL COMMERCIAL DISTRICT

This district is intended to support large commercial development(s) in major unincorporated areas of Jasper County, such as Point South, during the time span of the county's comprehensive plan, to the year 2015. This district is projected to have most public facilities and infrastructure in support of urban development such as schools, sewer, water, streets, etc., and as such is intended to provide the regulations and capital improvements which will support new development. It consists of areas where development logically should locate as a consequence of planned public facilities and associated capital expenditures. District regulations permit limited development of generally suburban character, providing for a full range of commercial, institutional, industrial and residential uses.

ID INDUSTRIAL DEVELOPMENT DISTRICT

The intent of this district is to accommodate certain industrial uses which, based on their operational characteristics, are incompatible with residential, social, medical, and commercial environs. As a result, the establishment of such districts shall be restricted to areas geographically removed or buffered from such environs, and the operations of such uses monitored by performance standards to ensure environmental compatibility.

MB MIXED BUSINESS DISTRICT

The purpose of this district is to provide suitable locations for a mixture of commercial and low-intensity industrial uses at key nodes and corridors throughout the county. Mixed business locations are generally located along major thoroughfares in centers where existing development is located and provide good access to transportation routes. Intense manufacturing operations are not allowed in this district and specific development standards are in place to protect neighboring land uses, including residential properties.
(Ord. No. 09-12, § 6, 5-4-09; Ord. No. 11-24, § 2, 9-6-11)

5:4. Special purpose districts.

PDD PLANNED DEVELOPMENT DISTRICT

The intent of the Planned Development District is to encourage flexibility in the development of land in order to promote its most appropriate use; and to do so in a manner that will enhance public health, safety, morals, and general welfare.

Within the PDD, regulations adapted to unified planning and development are intended to accomplish the purpose of zoning and other applicable regulations to an equivalent or higher degree than where such regulations are designed to control unscheduled development on individual level or tracts, promote economical and efficient land use, provide an improved level of amenities including open spaces, foster a harmonious variety of uses, encourage creative design, and produce a better environment.

In view of the substantial public advantage of "planned development", it is the intent of these regulations to promote and encourage or require development in this form where appropriate in character, timing, and location, including large undeveloped tracts.

FHOD FLOOD HAZARD OVERLAY DISTRICTS

The intent of the flood hazard overlay district is to protect human life and health, minimize property damage, encourage appropriate construction practices, and minimize public and private losses due to flood conditions by requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.

Additionally, this overlay district is intended to help maintain a stable tax base by providing for the sound use and development of flood-prone areas and to ensure that potential home buyers are notified that property is in a flood area. The provisions of this overlay district are intended to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, street and bridges located in the floodplain, and prolonged business interruptions; and to minimize expenditures of public money for costly flood control projects and rescue and relief efforts associated with flooding.

ACOD AIRPORT COMPATIBILITY OVERLAY DISTRICT

The intent of the airport compatibility overlay district is to protect the dual interests of airports and neighboring land uses, and to promote the use and development of land in a manner that is compatible with the operation and use of an airport so as to protect the public investment in, and benefit provided by the facility to the region. The overlay district also protects the public health, safety, convenience, and general welfare of citizens who utilize the facility or live and work in the vicinity by preventing the creation or establishment of obstructions or incompatible land uses that are hazardous to the airport's operation or the public welfare. In general, the overlay district shall:

1. Protect and promote the general health, safety, economy, and welfare of airport environs.
2. Prevent the impairment and promote the utility and safety of airports.
3. Promote land use compatibility between airports and surrounding development.
4. Protect the character and stability of existing land uses.
5. Enhance environmental conditions in areas affected by airports and airport operations.
6. Prohibit noise sensitive uses within locations around the airport that are impacted by aircraft-related noise.
7. Protect the functional integrity of the airport by prohibiting land uses that are negatively affected by the higher levels of noise generated by aircraft operations.

8. Protect airport operations and reduce conflicts between aircraft and structures by requiring height limits within certain distances of the airport facilities.

LLOD LEVY-LIMEHOUSE OVERLAY DISTRICT

The intent of the Levy-Limehouse Overlay District is to provide the residents of this unique unincorporated community the ability to subdivide parcels, as though they were within a municipality, parcels which are smaller in size than that allowed by the underlying zoning district(s).

HCOD HIGHWAY CORRIDOR OVERLAY DISTRICT

The intent of the highway corridor overlay district is to provide additional buffering protection along frontage properties in special growth areas in accordance with the Jasper County Comprehensive Plan.

IPOD Interstate Proximity Overlay District

The purpose and intent of the IPOD is to promote a flexible mix of industrial and commercial highway interchange appropriate uses. The county recognizes that certain areas of the county are areas of economic importance based upon the availability of infrastructure, proximity to energy, utilities and transportation are critical. The IPOD adds an extra layer of land use regulation over the underlying zoning, which allows increased flexibility in land use, exempts certain provisions of this ordinance, and adds safeguards to ensure proper industrial and commercial growth.
(Ord. No. 12-10, § 2, 6-18-12)

ARTICLE 6. USE REGULATIONS

6:1. Permitted use and conditional uses.

Principle uses shall be allowed within the base zoning districts of this ordinance in accordance with subsection 6.1 Table 1.

The North American Industry Classification System, 1997, is the basis for determining the use of property permitted by the various zoning districts. Where uncertainty exists relative to a given use not specifically listed by Table 1, the NAICS Manual should be consulted. In general, all uses listed by a given NAICS number and category should be construed as being permitted in the assigned zoning district, unless separately listed.

To aid in the use of Table 1, it is arranged by NAICS Sectors, followed by the uses and codes included in the respective sector:

Sector 11: Agriculture, Forestry, Fishing and Hunting

Sector 21: Mining

Sector 22: Utilities

Sector 23: Construction

Sector 31—33: Manufacturing

Sector 42: Wholesale Trade

Sector 44—45: Retail Trade

Sector 48—49: Transportation and Warehousing

Sector 51: Information

Sector 52: Finance and Insurance

Sector 53: Real Estate and Rental and Leasing

Sector 54: Professional, Scientific, and Technical Services

Sector 55: Management of Companies and Enterprises

Sector 56: Administrative and Support and Waste Management and Remediation Services

Sector 61: Educational Services

Sector 62: Health Care and Social Assistance

Sector 71: Arts, Entertainment, and Recreation

Sector 72: Accommodation and Food Services

Sector 81: Other Services (except Public Administration)

Sector 92: Public Administration

Uses and NAICS code references are displayed within the appropriate sector in numerical order, beginning with Sector 11 (Agricultural, Forestry, Fishing and Hunting) and running through Sector 92 (Public Administration).

Section 6.1—Table 1

	NAICS	R	RP	RC	CC	GC	ID	RE	MB
Sector 11: Agriculture, Forestry, Fishing and Hunting (Sec. 6:2.16)									
Agricultural Production, Crops	111	N	P	P	N	P	P	P	N
Agricultural Production, Livestock, Animals	112								
Livestock, Except Feedlots (Article 11:7.1)	112111	C	C	P	N	N	P	C	N
Feedlots	112112	N	N	P	N	N	N	N	N
Poultry and Eggs (Article 11:7.2)	1123	C	C	P	C	N	N	C	N
Animal Specialties (Article 11:7.3)	1129	C	C	P	N	N	N	C	N
Horses and Other Equine	11292	P	P	P	N	N	N	P	N
General Farms	11299	P	P	P	N	P	N	P	N
Fishing, Hunting, Trapping	1141-2	N	P	P	P	P	N	P	N
Agricultural Services	115	N	P	P	P	P	N	P	N
Forestry	11531	N	P	P	N	N	P	P	N
Sector 21: Mining and Mine Operation									
Mining (Article 11:7.4)	212	N	N	N	N	N	N	C	N
Sector 22: Utilities									
Electric, Gas, and Sanitary Services	221								
Electric	2211								
Generation	22111	N	N	P	N	P	P	N	N
Transmission	22112	P	P	P	P	P	P	N	P

	NAICS	R	RP	RC	CC	GC	ID	RE	MB
Natural Gas Distribution	2212	P	P	P	P	P	P	N	P
Water Supply Systems	22131								
Storage/Treatment	22131	N	P	P	P	P	P	N	P
Transmission	22131	P	P	P	P	P	P	N	P
Sewerage Systems	22132								
Collection	22132	P	P	P	P	P	P	N	P
Treatment (Article 11:7.5)	22132	N	N	P	C	P	P	N	P
Sector 23: Construction									
Bldg. Construction-General Contract and Operative Builders	233	N	N	N	N	P	P	N	P
Heavy Construction other than Building Construction-Contractors	234	N	N	N	N	P	P	N	P
Special Trade Contractors (Article 11:7.6)	235	N	N	N	C	P	P	N	P
Sector 31-33: Manufacturing (Article 11:7.7)									
Food	311	N	N	N	N	N	P	N	C
Beverage and Tobacco	312	N	N	N	N	N	P	N	C
Textile Mills	313	N	N	N	N	N	P	N	C
Textile Product Mills	314	N	N	N	N	N	P	N	C
Apparel	315	N	N	N	N	N	P	N	C
Leather and Allied Products	316	N	N	N	N	N	P	N	C
Wood Products	321	N	N	C	N	N	P	N	C
Paper	322	N	N	N	N	N	P	N	C
Printing and Related Activities	323	N	N	N	N	P	P	N	C
Petroleum Products	324	N	N	N	N	N	P	N	N
Chemical Products	325	N	N	N	N	N	P	N	N
Plastic and Rubber Products	326	N	N	N	N	N	P	N	N
Nonmetallic Mineral Products	327	N	N	N	N	N	P	N	C
Primary Metal	331	N	N	N	N	N	P	N	C
Fabricated Metal Products	332	N	N	N	N	N	P	N	C
Machinery	333	N	N	N	N	N	P	N	C
Computer and Electronic Products	334	N	N	N	N	N	P	N	C
Electrical Equipment, Appliances and Components	335	N	N	N	N	N	P	N	C
Transportation Equipment	336	N	N	N	N	N	P	N	C
Furniture and Related Products	337	N	N	N	N	N	P	N	C
Miscellaneous Manufacturing	339	N	N	N	N	N	P	N	C
Sector 42: Wholesale Trade (Article 11:7.8)									
Wholesale Trade-Durable Goods	421	N	N	N	N	P	P	N	P
Used Motor Vehicle Parts	421140	N	N	N	N	N	C	N	N
Recyclable Material	42193	N	N	N	N	N	C	N	C
Wholesale Trade-Nondurable Goods	422	N	N	N	N	P	P	N	P
Sector 44-45: Retail Trade									
Motor Vehicle and Parts	441	N	N	N	N	P	P	N	P
Automotive Parts and Accessories Stores (Article 11:7.9)	441310	N	N	N	C	P	P	N	P
Furniture and Home Furnishings	442	N	N	N	P	P	N	N	P
Electronics and Appliances	443	N	N	N	P	P	N	N	P
Building Materials, Garden Supplies	444							N	

	NAICS	R	RP	RC	CC	GC	ID	RE	MB
Lumber and Building Materials (Article 11:7.10)	4441	N	N	N	C	P	P	N	P
Lawn and Garden Equipment and Supplies Stores	4442	N	N	N	P	P	P	N	P
Food and Beverage Stores	445								
Grocery Stores	4451	N	N	N	P	P	N	N	N
Convenience Stores	44512	N	N	N	P	P	N	N	N
Specialty Stores	4452	N	N	N	P	P	N	N	N
Fruit and Vegetable	44523	N	P	P	P	P	N	N	N
Beer, Wine, and Liquor	4453	N	N	N	P	P	N	N	N
Health and Personal Care	446	N	N	N	P	P	N	N	N
Gasoline Stations	447	N	N	N	P	P	P	N	N
Truck Stops	44719	N	N	N	N	N	P	N	N
Clothing and Accessory Stores	448	N	N	N	P	P	N	N	N
Sporting Goods, Hobbies, Books, and Music	451	N	N	N	P	P	N	N	N
General Merchandise Stores	452	N	N	N	P	P	N	N	N
Miscellaneous Retail	453	N	N	N	P	P	N	N	N
Flea Markets	4533	N	N	N	P	P	N	N	N
Manufactured Home Dealers	45393	N	N	N	N	P	N	N	P
Non-Store Retailers	454	N	N	N	P	P	N	N	P
Fuel Dealers (Article 11:7.11)	45431	N	N	N	P	P	P	N	C
Sector 48-49: Transportation and Warehousing									
Air Transportation (Article 8:3)	481	N	N	C	N	C	C	C	N
Transportation	482	N	N	N	P	P	P	N	C
Water Transportation	483	N	N	N	P	P	P	N	C
Truck Transportation	484	N	N	N	N	P	P	N	C
Used Household and Office Goods Moving (Article 11:7.11A)	484210	N	N	N	C	P	P	N	C
Transit and Ground Passenger Transportation	485	N	N	N	P	P	P	N	C
Pipeline for Transportation	486	N	N	N	N	P	P	N	C
Scenic and Sightseeing Transportation Storage	487	N	P	N	N	P	P	N	C
Support Activities for Transportation	488	N	N	N	N	P	P	N	C
U.S. Postal Service	491	N	P	N	P	P	P	N	P
Warehousing and Storage	493	N	N	N	N	P	P	N	C
Sector 51: Information									
Publishing Industries	511	N	N	N	N	P	P	N	P
Motion Pictures and Sound Industries	512	N	N	N	N	P	P	N	P
Motion Picture Theaters	512131	N	N	N	N	P	N	N	N
Broadcasting and Telecommunications	513	N	N	N	P	P	P	N	P
Communication Towers and Ant. (Article 11:7.12)	5131	C	C	C	C	C	C	C	C
Information Services and Data Processing	514	N	N	N	P	P	P	N	P
Libraries (Article 11:7.13)	51412	C	N	P	P	P	P	N	N
Sector 52: Finance and Insurance									
Banks	521	N	N	P	P	P	P	N	N
Credit Intermediation	522	N	N	N	P	P	P	N	N

	NAICS	R	RP	RC	CC	GC	ID	RE	MB
Pawn Shops	522298	N	N	N	N	P	N	N	N
Security and Commodity Contracts, and Financial Investments	523	N	N	N	P	P	P	N	N
Insurance Carriers and Related Activities	524	N	N	N	P	P	P	N	N
Funds, Trust, and Other Financial Vehicles	525	N	N	N	P	P	P	N	N
Sector 53: Real Estate, Rental and Leasing									
Real Estate	531	N	N	N	P	P	P	N	N
Mini-Warehouses(Article 11:7.14)	53113	N	N	N	N	C	P	N	C
Rental and Leasing Services	532	N	N	N	P	P	N	N	P
Video Tape Rental	53223	N	N	N	P	P	N	N	N
Sector 54: Professional, Scientific, and Technical Services									
Professional, Scientific, Technical Services	541	N	N	N	P	P	P	N	P
Display Advertising - Signs	54185	See Article 15							
Veterinary Services	54194	N	N	P	P	P	N	N	P
Sector 55: Management of Companies and Enterprise									
Management of Companies and Enterprises	551	N	N	N	P	P	P	N	P
Sector 56: Administrative and Support, Waste Management and Remediation Services									
Administrative and Support Services	561	N	N	N	P	P	P	N	P
Landscape Services	56173	N	N	N	P	P	P	N	P
Waste Management Services	562							N	
Waste Collection (Article 11:7.15)	5621	N	N	N	N	N	C	N	N
Hazardous Waste Treatment and Disposal	562211	N	N	N	N	N	N	N	N
Solid Waste Landfill (Article 11:7.16)	562212	N	N	N	N	N	C	N	N
Solid Waste Incinerators (Article 11:7.17)	562213	N	N	N	N	N	C	N	N
Material Recovery Facilities (Article 11:7.18)	562920	N	N	N	N	N	C	N	C
All Other Waste Management (Article 11:7.19)	56299	N	N	N	N	N	C	N	N
Sector 61: Educational Services									
Educational Services	611								
Elementary Schools	6111	P	P	N	P	P	N	N	N
Secondary Schools	6111	P	P	N	P	P	N	N	N
Jr. Colleges, Colleges, Universities, Professional Schools	6112-3	N	N	N	P	P	N	N	N
Business Schools, Computer, and Management Training	6114-5	N	N	N	P	P	P	N	N
Other Schools and Instruction (Article 11:7.19a	6116	C	N	N	P	P	N	N	N
Educational Support Services	6117	N	N	N	N	P	P	N	N
Sector 62: Health Care and Social Assistance									
Ambulatory Health Care Services	621	N	N	N	P	P	N	N	N
Hospitals	622	N	N	N	P	P	N	N	N
Nursing and Residential Care Facilities	623	N	N	N	P	P	N	N	N
Nursing Care Facilities (Article 11:7.20)	6231	C	C	N	P	P	N	N	N
Community Care for Elderly (Article 11:7.21)	6233	C	C	N	P	P	N	N	N
Social Assistance	624	N	N	N	P	P	N	N	N

	NAICS	R	RP	RC	CC	GC	ID	RE	MB
Individual and Family Services	6241	N	N	N	P	P	N	N	N
Community, Food, and Housing and Emergency and Relief Services	6242	N	N	N	P	P	N	N	N
Vocational Rehabilitation Services	6243	N	N	N	P	P	P	N	N
Day Care Services (Article 11:7.22)	6244	C	C	N	C	C	C	N	N
Sector 71: Arts, Entertainment, and Recreation									
Performing Arts, Spectator Sports and Related Industries	711	N	N	N	N	P	N	N	N
Museums, Historical Sites, and Similar Institutions (Article 11:7.23)	712	N	C	C	P	P	N	N	N
Amusement, Gambling, and Recreation	713	N	N	N	N	P	N	N	N
Golf Courses and Country Clubs	71391	P	P	P	P	P	N	N	N
Marinas (Article 11:7.24)	71393	C	P	P	P	P	P	N	N
Gun Club and Skeet Ranges (Article 11:7.25)	713990	N	C	C	N	C	N	N	N
Sector 72: Accommodation and Food Services									
Accommodations	721								
Hotels and Motels	72111	N	N	N	P	P	N	N	N
Bed and Breakfast Inns (Article 11:7.26)	721191	C	C	C	P	P	N	N	N
Camps and Recreational Vehicle Parks (Article 11:7.27)	72121	N	C	C	C	C	N	N	N
Rooming and Boarding Houses, Dormitories, Group Housing	72131	N	N	N	P	P	N	N	N
Eating Places	7221-3	N	P	N	P	P	P	N	N
Fast Food Restaurants		N	P	N	P	P	P	N	N
Drinking Places	7224	N	N	N	N	P	N	N	N
Sector 81: Other Services (except Public Administration)									
Auto Repair and Maintenance	8111	N	N	N	P	P	N	N	P
Personal and Laundry Services	812							N	
Personal Care Services (Article 11:7.28)	8121	N	N	C	P	P	P	N	N
Funeral Homes and Services	81221	N	N	N	P	P	P	N	N
Cemeteries (Article 11:7.29)	81222	N	C	C	C	C	C	N	N
Crematories	81222	N	N	N	P	P	P	N	P
Laundry and Dry Cleaning Services	8123	N	N	N	P	P	P	N	P
Coin Operated Laundries/Dry Cleaning	81231	N	N	N	P	P	N	N	N
Pet Care	81291	N	N	N	P	P	N	N	N
Automotive Parking Lots and Garages	81293	N	N	N	P	P	P	N	P
Sexually Oriented Business (Article 17)	81299	N	N	N	N	C	N	N	N
All Other Personal Services	81299	N	N	N	P	P	N	N	N
Religious, Fraternal, Professional, Political, Civic, Business Organizations	813								N
Religious Organizations	81311	P	P	P	P	P	P	N	N
All Other Organizations	8132-9	N	N	N	P	P	P	N	N
Sector 92: Public Administration									
Executive, Legislative, and General Govt.	921	N	N	N	P	P	P	N	P
Justice, Public Order and Safety	922	N	N	N	P	P	P	N	P
Courts	92211	N	N	N	P	P	P	N	P
Police Protection	92212	P	P	P	P	P	P	N	P
Correctional Institutions	92214	N	N	N	N	N	P	N	P

	NAICS	R	RP	RC	CC	GC	ID	RE	MB
Fire Protection	92216	P	P	P	P	P	P	N	P
Administration of Human Resources	923	N	N	N	P	P	P	N	P
Administration Of Environmental Quality and Housing Program	924-5	N	N	N	P	P	P	N	P
Public Parks and Recreation	924120	P	P	P	P	P	P	N	P
Administration of Housing, Planning, CD Programs	925	N	N	N	P	P	P	N	P
Administration of Economic Programs	926	N	N	N	P	P	P	N	P
Residential Uses									
Site Built Housing	NA								
Existing Single-Family Detached	NA	P	P	P	P	P	N	N	P
Single-Family Detached	NA	P	P	P	P	P	N	N	N
Second Single-Family Residential Dwelling Unit (Article 11:7.30)	N/A	C	C	N	C	N	N	N	N
Duplexes (Article 11:7.31)	NA	C	C	N	C	C	N	N	N
Multi-Family, Apartments	NA	N	N	N	N	P	N	N	N
Townhouses (Article 11:7.32)	NA	C	N	N	C	C	N	N	N
Patio Homes (Article 11:7.33)	NA	C	N	N	C	C	N	N	N
Manufactured Housing (Article 12:9)									
Residential Designed	NA	P	P	P	N	N	N	N	N
Standard Designed	NA	P	P	P	N	N	N	N	N
Accessory Uses to Residential Uses									
Bathhouses and Cabanas	NA	P	P	P	P	P	N	N	N
Domestic Animal Shelters	NA	P	P	P	P	P	N	N	N
Non-Commercial Greenhouses	NA	P	P	P	P	N	N	N	
Private Garage and Carport	NA	P	P	P	P	P	N	N	N
Storage Building	NA	P	P	P	P	P	N	N	N
Swimming Pool, Tennis Courts	NA	P	P	P	P	P	N	N	N
Auxiliary Shed, Workshop	NA	P	P	P	P	P	N	N	N
Home Occupation (Article 11:7.34)	NA	C	C	C	C	C	N	N	N
Horticulture, Gardening	NA	P	P	P	P	P	N	N	N
Family Day Care Home	NA	P	P	P	P	P	N	N	N
Satellite Dishes, etc.	NA	P	P	P	P	P	N	N	N
Accessory Uses to Non-Residential Uses									
Buildings, Structures, Lift Stations, etc. (Article 11:7.35)	NA	N	C	C	P	P	P	N	C
Open Storage (Article 11:7.36)	NA	N	N	C	C	C	C	C	C
Temporary Uses									
All Temporary Uses; Non-Residential (Article 11:7.37)	NA	C	C	C	C	C	C	C	C
Temporary Accessory Dwelling Unit (Article 11:7.38)	NA	C	C	C	C	C	N	N	C

6:1.1. *Uses Permitted By-Right = P.* The letter "P" indicates that a use type is permitted by-right in the respective zoning district, subject to compliance with all other applicable regulations of this ordinance.

6:1.2. *Uses Subject to Conditions = C.* The letter "C" indicates that a use type is permitted in the respective zoning district only if it complies with the industry specific and sometimes case specific conditions of article 11 and all other applicable regulations of this ordinance and if approved in

accordance with the review procedures set forth in article 11. A section number reference following a use category means the use must meet the additional conditions and requirements of the referenced section.

6:1.3. *Uses Not Allowed = N.* The letter "N" indicates that a use type is not permitted in the respective zoning district, unless it is otherwise expressly allowed by other regulations of this ordinance.

6:1.4. *New or Unlisted Uses.* Any uses found in the latest edition of the NAICS Manual but not listed in Table 1 above shall adhere to the allowed uses as listed in the next available high order category. Should the allowed uses be unspecified in any of the higher order categories, the DSR(s) shall be authorized to make a similar use interpretation in accordance with South Carolina Code of Laws Section 6-29-710.

Uses not listed in the NAICS Manual are identified by the letters "NA" (Not Applicable) in the NAICS column. If an application is submitted for a use type that is not listed as an allowed use in one or more zoning districts, the DSR shall be authorized to make a similar use interpretation.

6:1.5. *Reserved.*

6:1.6. *Accessory Uses.* A use which is naturally and normally incident and subordinate to the principal use of a structure or lot shall be permitted in all zones unless otherwise stated.

(Ord. No. 08-11, § 1, 5-5-08; Ord. No. 09-06, § 1, 2-2-09; Ord. No. 09-12, §§ 7, 9, 5-4-09; Ord. No. 09-28, § 1, 10-5-09; Ord. No. 11-09, § 1, 4-18-11; Ord. No. 11-24, §§ 3—5, 9-6-11; Ord. No. 12-03, § 1, 3-5-12; Ord. No. 12-16, § 1, 9-17-12)

6:2. Affordable housing bonus.

A. *Affordable housing general standards.*

1. *Design.* Design shall conform to the following:

   a. The units shall be located in a random fashion throughout the development, and mixed in such a way that they blend with the character of the community. In multi-family developments, the designated units shall be mixed throughout the buildings.

   b. Exterior materials, details, style, landscaping, and other elements of the units that are visible shall be identical to those of the other units in the development.

2. *Control of units.* The units shall be regulated to ensure that they remain available as affordable units. The following are acceptable methods of regulation:

   a. Management may be by a private developer, nonprofit housing agency, or housing authority. The eligibility rules shall be reviewed and approved by the housing authority to ensure they meet state and federal requirements. Where there are no state or federal funds or programs involved, the housing authority shall review the pro forma to ensure the eligibility requirements match the cost reduction provided by the bonus.

   b. *Sales units.* These units may be sold subject to agreements that limit appreciation and that require the units to be sold to people eligible for such units. Appreciation shall be geared to the percentage increase in assessed value in the development.

c. Nothing in subsection 2.a. or 2.b. of this section shall prohibit units to be sold to a housing authority or a recognized nonprofit, affordable housing corporation.

d. *Rental units.* These units shall be rented only to eligible tenants based on the approved eligibility program.

B. *Types of affordable housing bonuses.*

1. *Single-family cluster.* In a single-family cluster, the developer shall submit the site capacity calculations to establish the base density. The bonus shall be granted provided all requirements of this article are met, as well as the following conditions:

a. The bonus shall be permitted only when natural resources do not limit the density.

b. Fifty percent of the additional units shall meet the criteria of subsection 6:2.15.A.

c. A site plan shows the additional units being accommodated by.

(i) A revised set of lot standards which reduces lot area for all lots or uses several lot sizes; and/or

(ii) The amount of open space as required by this ordinance is maintained.

2. *Planned, community or multifamily developments.* Developers of these uses can propose up to a 20-percent increase in density maximums, which shall be granted, provided the requirements of this article are met. The actual bonus shall be determined by this section. The developer shall submit the site capacity analysis to establish the base density, as well as meet the following conditions:

a. The bonus shall be permitted only when natural resources do not limit the density.

b. Fifty percent of the additional units shall meet the criteria of subsection 6:2.15.A.

c. A site plan showing the additional units being accommodated by any combination of the following:

(i) A revised mix of dwelling unit types. The developer may introduce a unit type that uses less land to partially achieve the increase in density.

(ii) The affordable units shall be mixed into all unit types used on the plan.

(iii) The amount of open space as required by this ordinance is maintained.

Example: Site capacity in a planned development permits 100 dwelling units. Use of the bonus would permit a total of 120 dwelling units, of which ten must be affordable units. The 100 base units would sell for $180,000.00. The raw land cost, site development cost and profit on the lot would be 25 percent of the total or $45,000.00 per lot. The building cost, including both hard costs and soft costs, would be $80.00 per square foot or $135,000.00 for a 1,688-square-foot house. The ten affordable units would be $78.00 per square foot or $109,000.00 for a 1,400-square-foot house. This represents a reduction of 39 percent which makes it very affordable when compared to the market housing. The developer's bonus is ten market units. Since there are 110 units to allocate over the cost of land and improvements of $4,500,000.00, the ten-unit bonus in market units reduces the per-init cost to $40,909.00. If the site was a suburban planned development with a 1.83 gross density and 40 percent open space, it would have the following land allocation: 54.6 acres, of which 40 percent (21.9 acres) was

open space, leaving 32.7 acres of buildable land. With about 15 percent streets, the average lot size would have been 12,100 square feet. The affordable project would have 120 units for a density of 2.19 dwelling units per gross acre. Open space would be reduced from 40 percent to 38.0 percent (20.7 acres), thus providing 33.9 acres for development and resulting in 120 lots of about 10,000 square feet each.

(Ord. No. 11-24, § 6, 9-6-11)

Editor's note—Ord. No. 11-24, § 6, adopted September 6, 2011, amended section 6:2 in its entirety to read as herein set out. Formerly, section 6:2 pertained to conditional use regulations, and derived from Ord. No. 09-06, §§ 3—6, adopted February 3, 2009; Ord. No. 09-12, §§ 8, 10, adopted May 4, 2009; Ord. No. 09-28, § 2, adopted October 5, 2009, and Ord. No. 11-09, § 2, adopted April 18, 2011.

ARTICLE 7. PRIMARY DISTRICTS

7:1. Permitted uses.

See section 6.1, Table 1.

7:2. Minimum lot area.

The minimum lot areas per dwelling unit for each zoning district are listed in section 7.3, Table 1 unless otherwise required by the South Carolina Department of Health and Environmental Control (SCDHEC).

7:3. Yard and setback requirements.

All setback lines adjacent to a public right-of-way are measured from the edge of the public right-of-way. When the right-of-way is not known, the setback shall be measured from the edge of the pavement or back of the curb, if present, and each required setback shall be increased by a minimum of ten feet.

In such cases in the residential zone where the frontage along both sides of the street is at least 50 percent developed, then the required front yard setback for a new structure not the subject of a site plan or subdivision application may be modified to the average for the existing development.

Setbacks from existing roads will be consistent with the requirements outlined in the appropriate zoning district and listed in Table 1.

Table 1:
Schedule of Lot Area, Yard, Setback, and Density By District

	R	RP	RC	CC	GC	ID	RE	MB
Minimum Lot Per Unit								
Non-Residential Area (SF)	40,000	2 acres	2 acres	10,000	10,000	12,000	2 acres	12,000
Residential								
Single-Family	.5 acre	1 acre	5 acres	(B)	(A)	N/A	N/A	N/A
Patio	6,500	N/A	N/A	3,500	3,500	N/A	N/A	N/A
Duplex	8,500	2 acres	N/A	5,000	5,000	N/A	N/A	N/A
Townhome	2,000	N/A	N/A	1,800	1,800	N/A	N/A	N/A
(A) 4 per acre for single-family dwelling units; 6 per acre for attached units. (B) 2 per acre for single-family dwelling units; 4 per acre for attached units.								

	Single-Family and Non-Residential Uses									Patio	Du-plex	Townhome
	R	RP	RC	CC	GC	ID	RE	MB	All Districts			
Minimum Yard and Building Setback (feet)												
Minimum lot width	50	200	200	80	80	90	200	90	Minimum lot width	45	50	20
Front												
Major Street (Multi-Lane)	60	60	60	60	60	60	200	60	Major Street (Multi-lane)	60*	60*	60*
Major Street (Two-lane)	35	45	45	35	35	45	200	45	Major Street (Two-lane)	25	25	25
Minor Street	25	25	25	25	25	25	150	25	Minor Street	15	15	10
Side												
Residential	10	25	50	5	5	N/A	N/A	N/A	Interior	N/A	0	0
Non-residential	10	25	50	5	5	10	100	10	Street-side/Exterior	5	10	5
Rear												
Residential	25	25	100	10	10	N/A	100	N/A	Residential	20	20	5
Non-residential	40	50	150	10	10	15	100	15	Non-residential	N/A	N/A	N/A

* Access to units along a multi-lane major street shall generally have a common access onto a frontage road or similar, which shall be considered a minor street; the frontage road or similar may encroach into the 60' front setback from the multi-lane major street.

(Ord. No. 09-06, § 7, 2-2-09; Ord. No. 09-12, § 11, 5-4-09; Ord. No. 09-38, § 1, 11-2-09; Ord. No. 11-24, § 7, 9-6-11)

7:4. Riparian buffers.

A riparian buffer shall be provided along tidelands, wetlands, streams and rivers. Buffers are measured from OCRM designated critical lines for tidelands; delineation lines for wetlands; and from stream and river banks.

The buffer area shall remain undeveloped, except for piers, docks and pervious access paths to the water or wetlands bank. Any disturbance of the buffer area shall adhere to OCRM's Best Management Practices (BMPs). Riparian buffers shall also be in accordance with any applicable state and federal regulation.

Buffer widths are based on land use. In the event that a setback standard in section 7:3 is less than the required buffer width, the required buffer regulation applies.

Riparian Buffer Table

Water Resource	*Individual Dwelling Unit*	*Single-Family Residential Development*	*Multi-Family Residential*	*Non-Residential*
Critical Area (Coastal Waters, Tidelands, Beach/Dune System)	15'	25'*	35'*	50'*
Jurisdictional Wetlands, Saltwater or Freshwater	15'	25'*	35'*	50'*
Non-Jurisdictional Wetlands, Saltwater or Freshwater	15'	25'*	35'*	50'*
Rivers, Streams (non-critical area)	25'	50'	50'	50'
The above setbacks are total average widths; with widths not to be less than 15 feet for a 25-foot buffer, 20 feet for a 35-foot buffer, and 30 feet for a 50-foot buffer.				
* Buffer requirement may be waived if applicant provides an OCRM land disturbance permit and/or approved wetland mitigation plan as part of a PDD, Subdivision or Development Plan submittal.				

Maintenance within a riparian buffer will adhere to the following limitations:

1. Trees can be limbed up to 15 feet.

2. Under brush can be cleared down to no less than four inches above grade.

3. Unprotected trees under three-inch caliper can be cut.

(Ord. No. 09-37, § 2, 11-2-09)

7:5. Maximum height.

Maximum building height in all districts is 35 feet. Height measurement shall be made from the average finished grade elevation at the building line to the mean roof height.

Chimneys, elevators, poles, spires, tanks, towers, and other projections not used for human occupancy may exceed the district height limit.

ARTICLE 8. SPECIAL PURPOSE DISTRICTS

8:1. Planned development district (PDD).

8:1.1. *Intent.* The intent of the planned development district is to encourage flexibility in the development of land in order to promote its most appropriate use; and to do so in a manner that will enhance public health, safety, morals, and general welfare.

Within the PDD, regulations adapted to unified planning and development are intended to accomplish the purpose of zoning and other applicable regulations to an equivalent or higher degree than where such regulations are designed to control unscheduled development on individual lots or tracts, promote economical and efficient land use, provide an improved level of amenities, foster a harmonious variety of uses, encourage creative design, and produce a better environment.

In view of the substantial public advantage of "planned development," it is the intent of these regulations to promote and encourage or require development in this form where appropriate in character, timing, and location, particularly in large undeveloped tracts.

All PDD's shall conform to the Jasper County Comprehensive Land Use Plan and Land Use Map (latest edition). All PDD's shall endeavor include a component for Affordable House as outlined in Article 6 section 6:2.15.

In keeping with the intent of Jasper County to maintain a rural character outside the joint planning district boundaries, cluster development is encouraged. In cluster developments it is envisioned that patio homes and other similar types of residential developments are grouped together and surrounded with substantial undisturbed open space that is perpetually protected from future development. The use of cluster development is encouraged and where possible should be a component of the overall PDD Master Plan.

8:1.2. *Purpose.* The purpose of the planned development district (PDD) is to permit development for specialized purposes where tracts suitable in location, area, and character are to be planned and developed

on a unified basis. Suitability of tracts for the development proposed shall be determined primarily by reference to the land use plan, but due consideration shall be given to the existing and prospective character of surrounding development.

Within PDD districts, regulations adapted to implement such unified planning and development are intended to accomplish the purposes of zoning and other applicable regulations to an equivalent or higher degree than where such regulations are designed to control unscheduled developments on individual lots, and to promote economical and efficient land use, an improved level of amenities, appropriate and harmonious variety, creative design and a better environment.

In view of the substantial public advantages of planned development districts, it is the intent of these regulations to promote and encourage, or to require development in this form where appropriate in location, character and timing.

8:1.3. *Establishment of the planned development district; application of article.* Where the symbol PDD is established on the official zoning district map, planned development is permitted as the applicable zoning classification, provided, it is planned and developed on a unified basis, in accord with the provisions of this article.

Where the symbol PDD is not established on the official zoning district map, a planned development may nonetheless be established by amendment as provided for in this article, where tracts suitable in location and character for the uses and structures proposed are to be planned and developed on a unified basis, in accord with the provisions of this article.

Unless a deviation from such restrictions is provided in the approved master plan, property within a PDD district shall be required to adhere to all provisions of the Jasper County Zoning Ordinance and Land Development Regulations, as well as any overlay district as applicable, unless deviation is provided for as part of the approved master plan. The regulations applicable to the uses in an approved PDD shall be those of the most restrictive zoning district where such uses are allowed.

The standards set forth in this article are minimum requirements and it is the intent of this section that relevant county authorities may impose conditions and safeguards in excess of, or in addition to, the specified minimal requirements. Satisfying the minimum requirements set forth herein does not per se indicate that an applicant is entitled to a zoning change.

8:1.4. *General requirements.* Any property under the jurisdiction of this ordinance that contains four or more acres and is to be developed on an integrated basis is eligible for designation of the PDD zoning as provided in this article. No property in any zoning district consisting of 25 acres or more, whether in single or multiple ownership may be developed on an integrated basis until and unless the parcel is rezoned to the PDD district. The planning commission may require that property consisting of fewer than 25 acres be developed as a planned development district (PDD) upon a finding that such integrated development serves the public interest.

All property rezoned PDD shall be made on application of the developer and on covenant of all owners of an interest in any portion of the property, who must agree to be bound by the district designation and regulations.

Jasper County Council may require, at its sole discretion, a development agreement between the county and developers for properties developed as a planned development district (PDD) as a prerequisite to development plan approval.

Plats, surveys and other information suitable for submission in digitized format for consideration of applications, concept plans, master plans and development plans shall be submitted to the county in both paper and digitized format, in accordance with county procedures.

8:1.5. *Permitted uses.* Any use permitted in any of the zoning districts adopted by Jasper County may be permitted, and any other uses as the council may approve, including limited or conditional uses, provided the conditions for such uses are not in conflict with the Jasper County Zoning Ordinance or Land Development Regulations.

No PDD shall be created that fails to specify the type of land uses that will occupy every portion of the PDD property.

8:1.6. *Perimeter and buffer requirements.* Perimeter setbacks around the boundary of the PDD shall be a minimum of ten feet; provided however, the requirements of this subsection may be modified or waived in the adopted master plan upon a finding that the adjacent property is and will be adequately buffered by other natural or manmade features of a permanent nature. The setback shall be measured from the property boundary unless a particular boundary of the PDD abuts a road or highway right-of-way, in which case it shall be measured from the abutting edge of the right-of-way.

Minimum buffers of (a) 20 feet shall be maintained along all external dimensions of a PDD which abut RC and RP districts; (b) 30 feet where the PDD is adjacent to a single- or multi-family residential district (R30), and 50 feet where adjacent to a ID, CC and GC districts; provided however, the requirements of this subsection may be modified or waived in the adopted master plan upon a finding that the adjacent property is and will be adequately buffered by other natural or manmade features of a permanent nature. Additional buffers, such as vegetative cover, walls or fences to a height of seven feet may be required for trash, all storage yards and/or outdoor display areas, as well as those areas identified in the Jasper County Zoning Ordinance and Land Development Regulations specific use standards. Buffer requirements shall be in addition to, but exclusive of, perimeter setbacks.

In the outer 20 feet of the buffer area or in the perimeter setback, the only allowable uses are pedestrian and/or bicycling trails, sidewalks and paths, or underground utilities. Buffers and perimeter setbacks shall include vegetative cover and be maintained regularly. Within the remaining buffer, no development, parking areas, structures or accessory buildings except the required fence and vegetative cover, a properly permitted sign, interconnecting pedestrian and/or bicycling trails, sidewalks and paths, or underground utilities shall be placed.

If it finds substantial need for screening of the proposed PDD activity, the planning commission may require within the buffer a six-foot high fence made of either brick, finished concrete, mortar, wood, stone, masonry units, faux masonry materials, or a combination of the above. The public view side of the fence shall include vegetative plantings which complement and enhance the fence.

Any required side yard buffer shall begin where the private property line and the public right-of-way intersect and extend to the rear lot line. The vegetative cover and the fence, if required, shall begin where

the private property line and the public right-of-way intersect and extend to the rear lot line. This requirement will be modified as necessary to accommodate safe view corridors for vehicular and pedestrian ingress and egress.

Required rear yard buffers and the fence, if required, shall extend the entire length of the rear lot line. Riparian buffers shall be in accordance with section 7:4.

8:1.7. *Application and concept plan.*

A. *Application:*

1. To secure a PDD district designation, an application must be filed with the fee established by Jasper County. The Applicant must provide a fund to reimburse the County for professional fees incurred in processing the application pursuant to Jasper County Ordinance 06-01, adopted January 17, 2006 as the same may be amended from time to time.

2. The application shall be on a form provided by the county and shall contain, at a minimum, the information required by the form, a legal description of the property, and the names and addresses of all persons having a legal or equitable interest in the property.

3. All persons having a legal or equitable interest in the property must agree in writing to be bound by the district designation and regulations for which application is made.

4. A request for a PDD district designation shall be processed as an amendment to the zoning ordinance and official map(s), including the future land use maps and the comprehensive plan, if necessary.

5. A concept plan shall be submitted with the application to Jasper County DSR. Applications and concept plans will be forwarded to the planning commission in accordance with standard procedural requirements as established by the planning commission. However, applications for properties consisting of fewer than 200 acres shall not be required to submit a concept plan and may begin the review process with an application and master plan; provided, however, for projects less than 200 acres that are unusually complex, the planning staff or planning commission may require a concept plan. Applications for PDD zoning of fewer than 200 acres may only be approved following approval of a concept plan or of a master plan.

B. *Concept plan:* Concept plans shall contain at a minimum, the following information:

1. A narrative statement by the applicant as to the goals of the development and a justification of why a PDD designation is necessary or desirable to achieve them;

2. A statement identifying existing buildings, structures, or other facilities on the property;

3. Identification of adjacent landowners and existing land use and zoning of such properties, and proof of notification to adjacent landowners by certified mail of the notice of the zoning application;

4. Identification, by name, number and width, of existing public rights-of-way on or adjacent to the property, and the proposed access to such existing rights-of-way;

5. A description of archeological sites or historic structures on the property, as defined by the South Carolina Department of History and Archives, including grave sites, and the proposed approach to protect them and any others that might be discovered during development;

6. A concept plan planned development map delineating the following:

   a. The vicinity of the property;

   b. The boundary lines of the property;

   c. Any rivers, creeks, marshes, and general patterns of wetlands on or adjacent to the property;

   d. Land uses adjacent to the property; existing buildings, structures or facilities on the property;

   e. Municipal or county boundary lines adjacent to the property;

   f. Historic structures on or adjacent to the property; any flood hazard and all overlay district boundary lines;

   g. Proposed access to existing roads;

   h. Arrangement/layout or land uses, approximate acreage to each land use area, type of use and residential density of each use area;

7. An identification of each type of use proposed for the PDD;

8. The total number of units and acreage for residential use and the total square footage and acreage for commercial uses, institutional uses, and all other uses;

9. A general layout of roadways of major circulation, the anticipated rights-of-way (ROW) widths based on either ultimate traffic demands in accordance with the Institute of Transportation Engineers (ITE) Manual (latest available edition) or a minimum of 50 feet, whichever is greater; an explanation of whether they are to be publicly or privately maintained, and a general statement as to the anticipated impact of the PDD project on public roads, including analysis of the capacity of existing public roads to carry the additional traffic generated by the PDD at build-out, taking into consideration build-out of other impacting developments. Jasper County may require a traffic impact analysis and a description of proposed mitigation (if any);

10. A description or list of any proposed waivers or deviations from the Jasper County Zoning Ordinance and Land Development Regulations regarding either 1) generally applicable development standards; 2) specific zoning district regulations, or 3) any applicable overlay district regulations, and what is proposed in their place;

11. Statement(s) from applicable utility service providers such as water, sewer (if applicable), telephone and electricity, trash and yard waste that service is available to the PDD, or what is required to render services available;

12. A proposed phasing schedule and average number of anticipated residential units or commercial square footage to be produced annually;

13. The proposed internal and external setbacks, vegetative buffer material and percent open space areas. Any proposed deviation from the applicable Jasper County Zoning Ordinance and Land Development Regulations standards must be accompanied by justification for such deviation;
14. A statement that proposed stormwater mitigation shall comply with Jasper County Stormwater Management and Regulations; and
15. An explanation of the proposed ownership and maintenance of rights-of-way, drainage systems, water and sewer systems, open space systems and amenities.

The planning commission will consider the application, concept plan, and recommendations from planning staff. The planning commission shall examine, consider and address, among others, issues relating to financial impacts upon the county and Jasper County, environmental impacts and required infrastructure to serve the PDD. The planning commission may require submission of additional maps, data or proposed methods of addressing other pertinent matters relative to the development which are reasonably available and where, owing to the nature, size and location of the proposed development, particular elements critical to the health, safety and welfare of the community and its citizens. Such elements include, but are not limited to, environmental impact statements as to specific matters not otherwise required or adequately addressed herein, traffic analysis, hurricane evacuation, other emergency preparedness and response, historical preservation, shoreline erosion, public access, community linkages, public education and the like.

Upon finding that the application and concept plan meets all of requirements of this section, that the development meets the purposes of this section, that the adjacent parcel of land and the community at large are adequately protected from any adverse effects of the proposed development, that the proposed engineering of the project adequately addresses the issues of transportation, stormwater drainage, utilities and public health and safety, adequately considers and provides for historical and ecological resources within the district and addresses the potential impact of the project on external historical and ecological resources, the concept plan may be approved.

8:1.8. *Rezoning to planned development district (PDD).* Rezoning of a parcel depicted on the official zoning map of Jasper County to PDD shall be by ordinance upon the recommendation of the planning commission.

A zoning of PDD shall not entitle an applicant or owner of the affected property to any right to develop or engage in any land use or land disturbing activity, other than the rights in existence as of the time the Concept Plan is approved. Further, initial zoning of PDD does not vest an applicant or owner with any number of residential units or square footage of commercial/institutional/industrial space. To engage in development or any land use or land disturbing activity other than that in existence when PDD zoning is approved, an overall Master Plan and subsequent Development Plan(s) must be approved for the areas to be developed or engaged in land disturbing activity. A zoning of PDD does not constitute the commencement of activity or use that would abrogate exemptions, tax or otherwise, attendant to silvaculture activities.

The owner may seek rezoning of property to PDD at any time after approval of the concept plan. If the concept plan submitted by the applicant is approved, but modified without the written agreement of the applicant, the applicant shall have 60 days after receipt of notice of approval of the modified concept plan to withdraw the concept plan by written notice to the planning commission. If withdrawn, the zoning for the

areas within the concept plan shall be unchanged from the zoning existing before the application was submitted. Unless a waiver or deviation is secured as part of the approved concept plan, the regulations applicable to all uses in the approved concept plan shall be those of the most restrictive zoning district where such uses are allowed. For rezoning pursuant to this subsection, the concept plan planned development map referred to in subsection 8:1.7B.6 shall become the official zoning map for the PDD.

For properties for which no concept plan has been submitted for approval pursuant to subsection 8:1.7A.5 hereof, the owner may seek rezoning of the property to PDD at any time after approval of the master plan. Unless a waiver or derivation is secured as part of the approved master plan, the regulations applicable to all uses in the approved master plan shall be those of the most restrictive zoning district where such uses are allowed. For rezoning pursuant to this subsection, the master plan planned development map referred to in ubsection 8:1.10.7 shall become the official zoning map for the PDD.

8:1.9. *Sale or transfer of ownership of development tracts.* The owner of a PDD may sell or transfer ownership of development tracts within a PDD in accordance with the following procedures and provisions:

1. Property covenants and restrictions must accompany the transfer of any development tract within the approved PDD restricting the new owner to the development type, road network, water, sewer approach, and density indicated on the approved concept plan;

2. The developer must submit a plat suitable for certification by Jasper County authorizing the developer to record such plat with the clerk of court or register of deeds, including submissions in digital format, and subsequently record such plat prior to the sale or transfer of any development tract; and

3. This procedure will not be required for the sale or transfer of an individual single-family lot or group of lots intended for construction of one single-family dwelling.

8:1.10. *Master plan.* A master plan shall be developed for all of the PDD property to be developed. The master plan, together with the required fee, shall be submitted to the dsr for review and a recommendation to the planning commission. The minimum requirements of the master plan include:

1. Multiple copies of the master plan to sufficiently distribute to all designated reviewing bodies at the time of submittal;

2. Proposed arrangement of land uses, including land for public facilities, approximate acreage of each use area or tract, type of use and density (residential use tracts). All specified densities will be construed as maximums, with acceptance of the maximums subject to satisfaction of other provisions within the PDD ordinance;

3. A boundary survey with the computed acreage of the tract bearing the seal of a registered land surveyor;

4. The location of primary control points to which all dimensions, angles, bearings, block numbers and similar data shall be referred;

5. The proposed name of the development and the names and addresses of the owner(s) of record, and the applicant, if different from the owner(s), with proof of authority to submit and process the application;

6. Type of land use of all parcels contiguous to the development property;

7. A master plan planned development map showing:

   a. Vicinity map or sketch showing the general relationship of the proposed development to the surrounding areas with access roads referenced to the intersection of the nearest state primary or secondary paved roads;

   b. Topographic survey of the area being applied for;

   c. Where applicable, surveyed line delineating the extent of any special district boundary on the development property;

   d. Where applicable, survey line delineating wetlands;

   e. The location, dimensions, descriptions, and flow of existing watercourses and drainage structures within the tract or on contiguous tracts;

   f. Location of municipal limits or county lines, and district and overlay district boundaries, if they traverse the tract, form part of the boundary of the tract, or are contiguous to such boundary;

   g. The location, dimensions, name and description of all existing or recorded streets, alleys, reservations, easements or other public rights-of-way within the tract intersecting or contiguous with its boundaries or forming such boundaries;

   h. The location, dimensions, name and description of all existing or recorded residential lots, parks, public areas, permanent structures and other sites within or contiguous with the tract;

   i. The proposed location, dimensions and description of land(s) for public facilities; and

   j. Proposed conceptual street system layout, vehicular and pedestrian, with the written comments of the DSR and/or his/her representative.

   8. Traffic impact analysis as set forth in the Jasper County Zoning Ordinance and Land Development Regulations or as required by the DSR and/or county council, and a statement of need for mitigation (if any). If mitigation is required, a statement of proposed mitigation;

   9. Preliminary master drainage plan and master water and sewer plan with the written comments of the DSR and/or his/her representative.

   10. Preliminary comments from affected agencies having approval or permitting authority over elements related to the proposed development, or evidence that a written request for such comments was properly submitted to the agency and a reasonable period of time has elapsed without receipt of such comments. Minimum agency responses include South Carolina Department of Transportation, South Carolina Department of Health and Environmental Control, and Office of Ocean and Coastal Resource Management, Jasper County School District and Jasper County Emergency Services (as applicable).

   11. A narrative addressing:

      a. The proposed ownership and maintenance of streets, drainage systems, water and sewer systems, open space areas, parking areas, and other proposed amenities and improve-

ments; and when any of the above are to be privately owned, a description of the governance, operation and financial structure to be used to secure their maintenance, management and long term improvements;

b. Proposed phasing and time schedule if development is to be done in phases;

c. Proposed phasing and time schedule for lands to be dedicated for public facilities;

d. Proposed internal site planning standards such as typical lot sizes and widths, and setbacks and buffers aimed at addressing potential incompatibility between adjacent land uses and activities;

e. Letters of capability and intent to serve community water supply or sewage disposal service from the affected agency or entity, where applicable;

f. A statement describing the character of, and rationale for, the proposed master plan; and

g. Other information or descriptions deemed reasonably appropriate by staff or planning commission for review.

8:1.11. *Master plan review/approval/amendment.* Unless otherwise specified in an approved development agreement, upon finding that the application and master plan meets all of requirements of this section, that the development meets the purposes of this section, that the adjacent parcel of land and the community at large are adequately protected from any adverse effects of the proposed development, that the proposed engineering of the project adequately addresses the issues of transportation, stormwater drainage, utilities and public health and safety, adequately considers and provides for historical and ecological resources within the district and addresses the potential impact of the project on external historical and ecological resources, the master plan may be approved by the planning commission.

No master plan may be recorded with the clerk of court or register of deeds, and no land use or land disturbance activity, other than that in existence as of the time of the master plan approval shall be permitted, unless and until the applicant has secured development plan approval in accordance with subsection 8:1.12 hereof.

Approved master plans may be revised (the DSR shall notify the planning commission of any changes made to the approved documents), subject to the approval of the Jasper County DSR, for the following changes:

1. Minor changes in the location of roads or widths of streets or rights-of-ways within the master plan;

2. Minor changes in the allocation of housing density within the master plan so long as the overall approved density of the master plan is not increased; and

3. Changes in the proposed build-out and phasing schedule.

4. Unless otherwise specified in an approved master plan or developers agreement, all phases of the pdd will be required to adhere to the latest version of the following standards at the time of development plan submittal:

   a. All articles of Jasper County Land Development Regulations;

   b. Environmental quality standards;

c. County fees; and

d. Impact fees.

5. Changes to the master plan listed below shall require that a revised master plan be submitted to the planning commission:

a. Re-designation of land uses within a development area or phase;

b. Building heights, setbacks, and buffers;

c. Changes in the location of roads or widths of streets or right-of-ways within the master plan which are not minor changes;

d. Changes in the allocation of housing density within the master plan, and any proposed increase in density of the master plan which are not minor changes; and/or

e. Lot sizes and dimensions.

8:1.12. *Development plans.* Development plans are required to commence clearing or construction within any area or phrase within the PDD district. Development plans must be in conformance with the approved master plan and the requirements of the Jasper County Zoning Ordinance and Land Development Regulations. The development plan, in sufficient number (as determined by the DSR) of black or blue line prints to be distributed to all reviewing bodies, and in digital format acceptable to the DSR, together with the required fee, must be submitted to the DSR for review, and approval. The minimum requirements of the development plan include:

1. Name and address of all owner(s) of an interest in the property being developed;

2. Name of the development, date, north point and graphic scale;

3. Name and seal of registered land surveyor, landscape architect or civil engineer;

4. Name of county, location, tax map(s) and parcel number(s);

5. Bearings and distances of all lot lines and street lines;

6. Streets and alleys, rights-of-way, proposed street names and lot numbers (Street addresses will be assigned or approved by the Jasper County Office of Emergency Preparedness after Development Plan approval and copies are sent to appropriate agencies);

7. Final traffic mitigation plans (if applicable);

8. Square foot area of each lot;

9. Location of all monuments and markers and type indicated;

10. Location, size and type of all existing and proposed easements;

11. Proposed location and designation of parks, playgrounds, school sites, open space, recreation amenity areas and public facilities where applicable;

12. Existing railroads, watercourses, streets, highways, County limit lines, transmission lines, existing and/or proposed water and sewer lines, easements, drainage pipes, ditches, and wetlands and wetlands buffers within or immediately adjacent to land in the land being developed, whether or not jurisdiction is asserted by OCRM or the Army Corps of Engineers;

13. Design, specifications and profiles of all proposed streets, drainage systems, lighting, parking, and parking lots;
14. Layout and design, specifications and profiles for all proposed water lines and sewer lines or well and septic tank locations, as applicable;
15. Letters of intent to serve underground electrical, telephone, cable or gas from respective utility companies;
16. Proposed fire hydrant locations or locations and quantity of other proposed water supply systems for fire protection as required;
17. Other affected agency final approvals, certifications or permits for elements relative to the development such as:
    a. DHEC construction permits for community water and sewer systems;
    b. DHEC approval of the use of individual wells or community water system in conjunction with septic tanks in the event community sewer is physically unavailable;
    c. OCRM and/or Army Corps of Engineers signed certification of surveyed Wetland Boundary Lines and any required buffers/easements;
    d. OCRM and/or Corps of Engineers permits for proposed docks, marinas, bulkheads, fill and the like (where applicable);
    e. County designated Engineer approval of stormwater drainage systems and road plans;
    f. Certification of the local fire official having jurisdiction that development is in compliance with all applicable fire and life safety standards; and
    g. All other applicable regulatory agency approvals.
18. Two paper copies and digital format acceptable to the Jasper County DSR of signed final covenants and restrictions for the development (where applicable);
19. Signed statement of any offers of proposed public dedication of streets, drainage system, school sites, open space areas, easements or river, wetland, grave or historic site access, or, if these are not to be dedicated and are to remain private, a complete and detailed report of the procedures, fees and methods that address maintenance and improvements to these elements;
20. Two paper copies and in digital format acceptable to the Jasper County DSR of final Homeowners or Property Owners' Association documents addressing ownership and maintenance of all improvements;
21. Jasper County Overlay district boundary lines (where applicable) denoted directly on the development plan;
22. Tree survey and mitigation proposal consistent with the provisions of the Jasper County Zoning Ordinance and Land Development Regulations;
23. Two paper copies and in digital format acceptable to the Jasper County DSR of recorded deeds, plats or easements clearly documenting legal access to the development and any applicable encroachment permits; and

24. Bond or legal surety, acceptable to Jasper County, guaranteeing the completed installation of all required public and infrastructure improvements to the development and other improvements shown on the Development Plan, or represented in the application. Such bonds or other surety shall be payable to Jasper County and equal 125 percent of a registered engineer estimate of construction costs or contractors' executed contracts for subdivision public and infrastructure improvements, whichever is greater. The applicant shall complete all improvements including required mechanisms guaranteeing perpetual ownership and maintenance, within 12 months of the date of development plan approval. Failure to do so will constitute a violation of the development permit and terminate the right to continue development, and shall entitle Jasper County to act on the posted bond and cause the public and infrastructure improvements to be completed on behalf of the lot purchasers in the development. Extension to the 12 month time period afforded for completion of improvements may be granted one time by Jasper County. Such requests must be submitted prior to the expiration date and accompanied by:

    a. An explanation of why the extension is necessary;

    b. Signed/dated agreement to the extension by all affected lot owners in the development to date;

    c. Amount of work completed, cost remaining for incomplete work and time frame for completion of work, certified by a registered engineer;

    d. Amended bond or surety for incomplete work in an amount of 125 percent of the cost of completion and of sufficient duration to secure the completion of the work.

25. Any other material or information required by the Jasper County Zoning Ordinance and Land Development Regulations or requested by county council or their designated staff.

8:1.13. *Development plan approval.*

1. A development plan shall be submitted to the county DSR and such other professional advisors as the County may designate. A development plan may be approved if:

    a. It incorporates all information required by subsection 8:1.12;

    b. It complies with the approved concept and master plan;

    c. It complies with the provisions of the Jasper County Zoning Ordinance and Land Development Regulations appertaining to the PDD and/or any other development agreements, if applicable; and

    d. All infrastructure systems have been reviewed and approved by all applicable reviewing authorities.

2. Except as otherwise modified herein or otherwise specified in an approved concept plan or development agreement, the provisions of the Jasper County Zoning Ordinance and Land Development Regulations in effect at the time of the application shall be applicable.

3. Approval of the development plan shall be an administrative decision of the DSR. The DSR shall notify the Planning Commission of all PDD approvals.

(Ord. No. 08-11, § 3, 5-5-08)

8:2. Reserved.

Editor's note—Ord. No. 11-08, § 1, adopted June 6, 2011, repealed the former section 8:2, which pertained to the flood hazard overlay district (FHOD), and derived from an ordinance adopted November 13, 2007.

8:3. Airport compatibility overlay district (ACOD).

8:3.1. *Purpose.* The concentration of people and sound-sensitive activities on lands adjacent to airport or heliport operations and the maximum height of buildings, other structures, and trees in such areas shall be regulated by the airport compatibility overlay district. These overlay districts are designated around airfields to limit the obstruction of landing, takeoff, and maneuvering airspace by buildings, other structures, and trees. Such controls serve to protect the public investment in airports or heliports by restricting adjacent land uses incompatible with the use, growth, or expansion of these facilities.

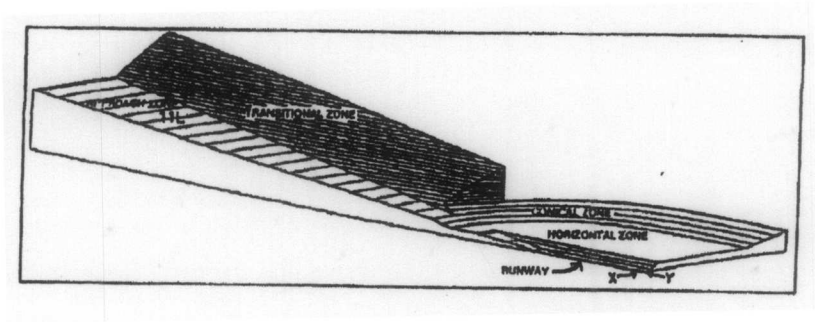
8:3.2. *Application.* The land use controls associated with the airport compatibility overlay districts shall be in addition to and shall only apply where underlying zoning districts and their controls have been established under other articles of this ordinance. Where airport compatibility overlay district controls conflict with the controls of underlying zoning districts, the more restricted controls shall apply.

8:3.3. *Designation of airport district.*

8:3.3-1. *Introduction.* The Jasper County Airport Compatibility Overlay District is hereby established pursuant to the purposes of this Article, comprising all those lands within the height control overlay zones as further delineated in this chapter.

8:3.3-2. *New runways/new airport facilities.* In the event that new runways are added to the Ridgeland Airport, or an entirely new airport facility is constructed in Jasper County, the types of height control overlay zones will be expanded to accommodate these facilities by amendment to this ordinance. A larger airport facility, offering instrument landing and capable of accommodating jet traffic will require noise control overlays as well as more extensive height control zones, all of which will require an amendment to this ordinance based upon an FAA approved Airport Master Plan.

8:3.3-3. *Height control overlay zones.* Four types of height control overlay zones are established for the Ridgeland Airport based on the present runway configuration described in the Airport Layout Plan. Further, these height control overlay zones are consistent with the Federal Aviation Administration (FAA) Advisory Circular #150/5190-4, entitled "A Model Zoning Ordinance to Limit Height of Objects Around Airports," dated August 23, 1977. The diagram below represents the relationship of the zones to the primary surfaces of the airport.



8:3.3-4. *Approach zones.* Approach zones are delineated for each of the two runway approaches. The beginning of each approach zone is coincident with, as wide as, and at same elevation as the end of the primary surface for the respective runway end. The zone then expands outward uniformly to its ultimate width which is a distance measured horizontally from the end of the primary surface. The centerline of each approach zone is the horizontal continuation of the centerline of the respective runway end. The two approach zones are dimensioned as follows:

APPROACH ZONE	*WIDTH at END of PRIMARY SURFACE*	*ELEVATION at END of PRIMARY SURFACE*	*HORIZONTAL ULTIMATE WIDTH**	*LENGTH of APPROACH ZONE#*
NNE	70'	76.7'	1,250'	1,850'
SSW	70'	66.0'	1,250'	2,100'

*width is measured horizontally, perpendicular to the horizontal extension of the runway centerlines

length is measured along the horizontal extension of the centerlines

8:3.3-5. *Transitional zones.* Transitional zones are established adjacent to the sides, but not past the wide ends, of the approach zones and the sides, in plan view, of the primary surfaces, except that the transitional zones shall not overlay, in plan view, any primary surfaces. Transitional zones shall be 400 feet.

8:3.3-6. *Horizontal zone.* The horizontal zone is established by swinging radii 3,500 feet, measured horizontally, from the midpoint of the ends of the primary surfaces at runway ends and then connecting the adjacent arcs by drawing straight lines tangent to those arcs. All lands within the outermost boundary so formed are in the horizontal zone.

8:3.3-7. *Conical zone.* The conical zone begins at any given point on the periphery of the horizontal zone and extends outward from the airport for a horizontal distance of 1,500 feet, measured perpendicular to a line tangent to the periphery of the horizontal zone at the given point.

8:3.3-8. *Height limits.* The maximum height of buildings, other structures, and trees shall be restricted within each height control overlay zone. Where these zones overlap each other, the more restricted height limitation shall apply. However, the height limits of this article shall not prohibit the

construction or maintenance of any building or other structure, or the growth of any tree up to a height of 50 feet above the land surface elevation as it existed at the date of enactment of this ordinance. Following are the height limits for the height control overlay zones.

1. Approach zone NNE/SSW starting at the end of and at the same elevation as the primary surface at the respective runway ends, measure a slope one foot vertically upward for every 20 feet horizontally outward from the runway end, for a distance of 2,000 feet measured parallel to the horizontal extension of the runway centerline.
2. Transitional zones starting at the side of and at the same elevation as the primary surfaces, and also starting at any given point on the sides of the approach zones at the same elevation as the approach zone height limit for the given point, measure a slope one foot vertically upward for each seven feet horizontally outward from the runway, for a distance of 1,000 feet measured perpendicular to the runway centerline or the horizontal extension of the runway centerline.
3. Horizontal zone the height limit for the horizontal zone is 85 feet above sea level.
4. Conical zone starting at any given point on the periphery of the horizontal zone and at the same elevation as the horizontal zone height limit, measure a slope one foot vertically upward for each 20 feet horizontally outward from the airport, for a distance of 1,000 feet measured perpendicular to a line tangent to the periphery of the horizontal zone at a given point.

8:3.4. *Other use restrictions.* Notwithstanding any other provisions of this ordinance, no use may be made of any land or water body within the Jasper County Airport District in such a manner as to create electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, or otherwise endanger the landing, takeoff, or maneuvering of aircraft using the airport.

8:4. Levy-Limehouse Overlay District (LLOD).

8:4.1. *Purpose.* The intent of the Levy-Limehouse Overlay District is to provide the residents of this unique unincorporated community the ability to subdivide parcels, as though they were within a municipality, which are smaller in size than that allowed by the underlying zoning district(s).

8:4.2. *Development standards.*

1. All new construction shall be in accordance with the latest edition of the IBC.
2. Lot size shall be a minimum of 10,000 sqaure feet.
3. Lots shall have a minimum frontage in accordance with section 9:4 of this ordinance.
4. Lots shall meet all setback requirements for the R zone.
5. The property owner shall verify that the proposed subdivision is located within a public utility water service area and shall provide the DSR with a Letter of Intent to Serve from the public utility to service the proposed property with water.
6. The property owner shall provide the DSR with a letter of intent to Serve from the public utility to provide sanitary sewer service to the proposed property. In cases involving the need to install an

individual on-site septic system the owner shall provide the DSR with a statement of approval from SCDHEC. In addition, the owner shall provide the DSR with proof that the proposed subdivision provides sufficient area to adequately meet setback distances from the system to all lot lines, structures, wells, environmentally sensitive areas, etc.

8:5. Highway corridor overlay district (HCOD).

8:5.1. *Purpose.* Owing to the particularly special growth patterns evidenced in Jasper County along certain designated highway corridors, the following Highway Corridor Overlay provisions are enacted to establish a standard of development consistent with the goals and objectives of the Jasper County Comprehensive Plan. These standards apply to the specific district as delineated in subsection 8:5.2 and are in addition to the buffering requirements of subsection 12:8.

8:5.2. *District boundaries.* The provisions of this chapter are applicable to the lands within 500 feet from the rights-of-way of all roads as shown on the latest amended Official Jasper County Zoning Map including the US Highway 278 Corridor from the Hardeeville City limits east to the Beaufort County line and to the land within 500 feet form the rights-of-way of the SC Highway 170 Corridor from the Beaufort County line to the intersection of SC 170 with 278.

8:5.3. *Highway buffer.* A minimum 50-foot wide continuous landscaped buffer shall be established and maintained parallel and adjacent to the highway corridor. This buffer is separate and distinct from the buffering requirements of section 12.8 except that, where that section may call for a greater setback from the highway because of a specific activity, the greater setback distance shall be observed. Likewise, should section 12.8 require total screening because of a specific activity, the 50-foot wide landscaped buffer may be used to accommodate such screening.

Only the following activities shall be permitted within the landscaped buffer:

1. Vehicular access drives which tie into approved access points as determined by SCDOT and/or Jasper County, and which run perpendicular to the right-of-way, or as nearly perpendicular as is feasible owing to terrain, horizontal curves and the like.
2. Landscaped walls and fences less than six feet high.
3. Lighting.
4. Landscaping fixtures.
5. Signage.
6. Underground utility lines.
7. Overhead utility lines which run perpendicular to the road right-of-way and are consolidated with vehicular access drives wherever possible.
8. Drainage or stormwater detention or retention areas.

8:5.4. *Tree removal.* Within the required 50-foot buffer, no living tree six inches in diameter or larger, as measured at a point five feet above ground, shall be removed from the buffer except for the following reasons, and then only with the specific approval in writing to the DSR:

1. To accommodate vehicular access drives.

2. To accommodate required sight clearance distances in accordance with section 12:6 of this ordinance.

3. To remove diseased trees.

4. To accommodate the landscaping requirements of section 16:5, specific trees may be removed as shown on the approval landscaping plan.

8:5.5. *Landscaping.* Every development within the highway corridor overlay district shall provide to the county a landscape plan which shall be reviewed and kept on file by the DSR. The plan shall show all existing trees on site to be retained and all plantings to be made with tabulation made as to the total number of trees retained and to be planted by type of plant material. It is recommended that a professional landscape architect prepare the plan, however, if the plan is of sufficient detail and satisfactory to the DSR, a professional landscape architect is not required. The plan shall, at a minimum, show that each 100 linear feet of highway buffer shall contain at least seven broad-leafed overstory trees, eight understory trees and 35 shrubs. Three cone bearing overstory trees and one understory tree may be substituted for one broad leafed overstory tree.

During the course of the development review should the DSR determine that there is sufficient natural buffering located within the required 50-foot buffer area the landscaping requirements as outlined in this section may be revised, reduced or eliminated at the DSR's discretion.

1. At the time of planning, as measured from a point five feet above the ground, each broad leafed overstory tree shall be at least three inches in diameter and each understory tree shall be at least two inches in diameter. Overstory trees shall be at least 12 feet tall at time of planting and understory trees at least ten feet tall. Shrubs shall be at least two and one-half feet tall at time of planting.

2. Existing as well as installed plant materials may be used to meet this landscaped buffer requirement. All installed plant material shall conform to ANSI Z60.1-1966 "American Standard for Nursery Stock".

3. The owner is responsible for maintaining all required plant material in good health. Any dead, unhealthy or missing plants must be replaced with vegetation that conforms to the initial planting standards of this section. All landscape planting areas shall be stabilized from soil erosion immediately upon planting and shall be maintained for the duration of the premises. In the event that plant material is severely damaged due to weather or other reasons, the owner shall have until the end of the dormant season to replant.

4. A list of acceptable trees and what constitutes acceptable overstory broad leafed and cone bearing trees and what constitutes understory trees, is located in Article 13.

8:5.6. *Frontage roads.* Frontage roads shall be located to the rear of the required highway buffer. Portions of frontage road right-of-way landscaped to highway buffer standards and adjacent to the highway buffer may be applied toward meeting the landscaping requirement of the highway buffer.

8:5.7. *Reserved.*

8:5.8. *Architectural design and materials.* Within the highway corridor overlay district, consistency in architectural design and use of materials is desired. Therefore, only the following exterior materials and design features may be employed within the corridor.

1. *Siding:* Wood clapboard, wood board and batten, wood shingle siding, brick, natural stone, stucco, tabby, faced concrete block, and any artificial siding material which closely resembles the natural materials listed above. Siding may be left natural or painted, stained or, in the case of wood, weathered. Painted surfaces shall conform to the colors listed in subsection 16:8.4.

2. *Roofs:* Wood shingles, slate shingles, multi-layered asphalt shingles, metal raised seam or tiles.

3. *Features:* Pitched roofs, roof overhangs, covered porches, canopies, awnings, trellises, gazebos, and open wood fences.

4. *Colors:* Earth tones (greens, tans, light browns, terra cotta, etc.), grays, pale primary and secondary colors (less than 50 percent color value), white cream tones, and the like. Dramatic accent colors, such as reds or blues, may be used for trim, logos, or to distinguish an architectural feature.

5. *Exterior materials and features prohibited:*

   a. Plywood, cinderblock, unfinished poured concrete, unfaced concrete block, plastic and/or metal not closely resembling a natural material.

   b. Partial (less than three sides) mansard roofs, flat roofs without a pediment, unarticulated roofs having a length exceeding 50 feet.

   c. Unarticulated facades having a length exceeding 50 feet.

   d. Incongruous architectural details or color contrasts as determined by the DSR or BZA.

   e. Unscreened chain link or woven metal fences.

   f. Reflective materials as the main building feature, to include highly reflective glass.

(Ord. No. 09-33, § 4, 12-14-09)

8:6. Interstate proximity overlay district (IPOD).

8:6.1. *Purpose.* The purpose and intent of the IPOD is to promote a flexible mix of industrial and commercial highway interchange appropriate uses. The IPOD adds an extra layer of land use regulation over the underlying commercial zoning, which allows increased flexibility in land use, exempts certain provisions of the county zoning ordinance, and adds safeguards to ensure proper limited industrial growth.

The IPOD and its requirements have been established to implement the goals and objectives of the 2007 Jasper County Comprehensive Plan as well as the 2011 Point South County Improvement District Plan.

8:6.2. *Application.* Unless a deviation from such restrictions are provided elsewhere in this section 8:6, property within the IPOD district shall be required adhere to all provisions of the county zoning ordinance and land development regulations otherwise applicable within the underlying zoning district.

8:6.3. *District boundaries.* The provisions of this article are applicable to land designated within the IPOD as shown on the latest amended official county zoning map.

8:6.4. *Sub-district boundaries.* The IPOD is divided into separate sub-districts that follow natural boundaries between existing highway commercial land use and areas targeted for industrial and heavier commercial uses. The use of sub-districts focuses potential industrial growth in two primary target areas, while preserving other areas for commercial, retail, accommodations and services. Sub-districts A, B and C are shown on the official county zoning map and can be described as follows:

1. *IPOD Sub-District A.* An area optimal for highway corridor commercial uses and primarily consisting of restaurants, hotels, gas stations, smaller scale retail businesses and strip malls. These retail and service businesses primarily serve interstate and highway travelers and commuters. However, neighborhood-oriented retail and service businesses (grocery stores, cleaners, etc.) may naturally develop over time to serve residents of adjacent areas.

2. *IPOD Sub-District B.* An area primarily ideal for major businesses that serve the regional community as well as interstate and highway users. Sub-district B is suitable for "big box" retailers with complementary uses, including supercenters (general retail, home improvement, electronics), "destination" stores (sporting goods, home furnishings), and other regional draw stores. Sub-district B is optimal for research and development, manufacturing, assembly, warehousing and distribution, other light industrial activities, offices, and supporting land uses.

3. *IPOD Sub-District C.* An area primarily consisting of recreational, outdoor accommodations and nature-based development. While elevations are generally lower and wetlands exist, uses allowed in the underlying general commercial district are appropriate but are subject to site suitability factors.

8:6.5. *Setbacks.* All setbacks in the IPOD shall be consistent with the underlying zoning district aside from manufacturing uses in sub-district "B." Building setbacks for manufacturing uses in sub-district "B" shall be a 50-foot minimum from lot lines on all sides of the property.

8:6.6. *Use regulation.* It is anticipated that the zoning district underlying the IPOD will usually be general commercial. General commercial is intended to support large commercial development in major unincorporated areas of the county. While the general commercial allows for a variety of retail and services businesses, the IPOD permits all uses within the underlying general commercial district in addition to allowing certain manufacturing and retail trade uses by right. In addition to the uses allowed in the underlying district found elsewhere in this ordinance (Table 6.1 of article 6) the following additional land uses are permitted in the IPOD sub-districts as indicated:

Table 8:1 IPOD Use Regulation

	NAICS	IPOD Sub-District A	IPOD Sub-District B	IPOD Sub-District C
Sector 31-33: Manufacturing				
Food	311	N	P	N
Beverage and Tobacco	312	N	P	N
Textile Mills	313	N	P	N
Textile Product Mills	314	N	P	N
Apparel	315	N	P	N

	NAICS	IPOD Sub-District A	IPOD Sub-District B	IPOD Sub-District C
Leather and Allied Products	316	N	P	N
Wood Products	321	N	P	N
Paper	322	N	P	N
Printing and Related Activities	323	P	P	P
Petroleum Products	324	N	P	N
Chemical Products	325	N	P	N
Plastic and Rubber Products	326	N	P	N
Nonmetallic Mineral Products	327	N	P	N
Primary Metal	331	N	P	N
Fabricated Metal Products	332	N	P	N
Machinery	333	N	P	N
Computer and Electronic Products	334	P	P	P
Electrical Equipment, Appliances and Components	335	N	P	N
Transportation Equipment	336	N	P	N
Furniture and Related Products	337	N	P	N
Miscellaneous Manufacturing	339	N	P	N
Section 44-45: Retail Trade				
Truck Stops	44719	P	P	N

8:6.7. *Development standards.* Reserved.

(Ord. No. 12-10, § 3, 6-18-12)

ARTICLE 9. GENERAL PROVISIONS

9:1. Application.

The regulations set forth in this ordinance, affect all land, every building, and every use of land and/or buildings and shall apply as follows.

9:1.1. *New uses or construction.* After the effective date of this ordinance, all construction and uses of land shall conform to the use and dimensional requirements for the district in which it is to be located, except that construction or uses of land which are substantially complete or developed on the effective date of this Ordinance shall be allowed to be completed provided that in no case shall construction or development of a use extend beyond 90 calendar days from the effective date of this ordinance.

9:1.2. *Open space requirements.* After the effective date of this ordinance no part of a yard, court, or other open space, or off-street parking or loading space required for the purpose of complying with the provisions of this Ordinance shall be included as part of a yard, open space, or parking and loading space required for any other building.

9:1.3. *Reductions of lot and yard area prohibited.* No yard or lot existing at the time of passage of this ordinance shall be reduced in size or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established herein.

9:1.4. *Conforming uses.* After the effective date of this ordinance, there shall be only one use allowed on each lot, with the exception of planned development district's and commercial tract developments. Structures or the uses of land or structures which then conform to the regulations for the district in which such structures or uses are located may be continued; provided that any structural alteration or change in use shall conform to the regulations herein specified.

9:1.5. *Lot requirements.* After the effective date of this ordinance, there shall be only one principal structure allowed on each lot with the exception of planned development district's and commercial tract developments and buildings as defined in Article 9:6 Accessory structures and buildings as defined in Article 9:6 Accessory structures.

9:2. Adequate facilities.

9:2.1. *Water and sewerage.* It shall be unlawful to construct or occupy any residential dwelling that is not connected to an approved water supply and sewerage disposal facility. Wherever public or community water and sewerage systems are available, dwellings shall be connected to such systems. In every other case, individual water supply and sewerage disposal facilities must meet the requirements set by the South Carolina Department of Health and Environmental Control (DHEC).

9:2.2. *Facility approval.* Area requirements for individual lots in all districts are minimum requirements with an approved water and sewerage disposal system accessible to the lot. If a lot of record with less than the minimum area is proposed for use and does not have an approved water and sewerage system available, a certificate from the South Carolina Department of Health and Environmental Control (DHEC) approving the proposed facilities must accompany a request for a building permit.

9:3. Nonconforming uses, structures, lots, and sites.

9:3.1. *Intent.*

1. Nonconformities are considered in general to be incompatible with the current or intended use of land, buildings, or structures in the district in which they are located.

2. Legal nonconformities are uses, structures, lots, or developed site improvements that do not conform to one or more provisions or requirements of this zoning ordinance, but were lawfully established prior to the effective date of this zoning ordinance or amendments thereto, or those approved by the planning commission through subsection 9:3.7(2). They shall be considered as legal nonconforming uses, structures, buildings, lots or sites.

3. Illegal nonconformities are:

    a. Uses and/or structures that cannot be conclusively proven to have existed prior to the enactment or amendment of the zoning ordinance or amendments thereto.

    b. Uses and/or structures illegally established after the enactment or amendment of the zoning ordinance or amendments thereto.

    c. Uses and/or structures established prior to the ordinance but became illegal immediately after a zoning ordinance amendment or amendments thereto.

4. This article has special provisions to permit certain nonconforming situations considered to be less harmful or even beneficial to continue under certain conditions, but to discourage their expansion, enlargement, or extension, except in certain cases where specific conditions can be met.

5. The requirements of this article are intended to accomplish the following:

   a. Eliminate nonconforming uses that are considered to be incompatible with the community and adjacent land use and encourage redevelopment into a more conforming use.

   b. Allow legal nonconforming buildings, structures or uses to remain until they are discontinued or removed, but to discourage their long-term survival.

   c. Place reasonable limits on the expansion of nonconformities that have the potential to adversely affect surrounding properties and the county as a whole.

   d. Encourage a gradual upgrading of nonconforming site landscaping, parking, paving, signs or other site features the are not in compliance with the requirements of this ordinance.

9:3.2. *Applicability.* To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance, upon which actual building construction has been diligently continued and there is a valid development and/or building permit. Actual construction is defined as including the placing of construction materials in permanent position and fastened in a permanent manner.

9:3.3. *Continuation of nonconformity.* On or after the effective date of the zoning ordinance, a nonconforming use, building, structure, lot, or site improvement that was lawfully operated, established, or commenced in accordance with the provisions of all ordinances and regulations in effect at that time, can continue as a legal nonconformity. This right remains if ownership of property, business or structure is transferred.

9:3.4. *Illegal nonconforming uses.* Illegal nonconforming uses shall be declared illegal uses and shall be discontinued.

9:3.5. *Nonconforming lots.*

1. In any district, if a lot of record at the time of adoption of this ordinance does not contain sufficient land area and/or lot width to meet the minimum lot size requirements of the ordinance for the district in which it is located, such lot may be used for a permitted use, as a building or placement site for a structure permitted in the district provided the following:

   a. There is conformance to the minimum yard setback requirements set forth in this ordinance for the district in which the use is located.

   b. Any permitted use serviced by a private septic tank system shall meet minimum DHEC regulations.

   c. All other standards of the ordinance are met.

9:3.6. *Nonconforming buildings and structures.* Nonconforming buildings and structures existing and lawful at the time of adoption of this ordinance or amendments thereto, may be continued even though the building or structure does not conform to the dimensional or other provisions of this ordinance, subject to the following:

1. Nonconforming residential structures may be expanded, enlarged, or extended provided that the expanded area complies with the setback requirements of the district.

2. Nonresidential nonconforming buildings or structures may be expanded, enlarged, or extended provided that the expanded area complies with the setback requirements of the district provided that structural expansion must be approved by the planning commission in accordance with subsection 9:3.7(2).

3. Structural expansion may not violate setback or height requirements unless hardship is proven and a variance is granted by the BZA.

9:3.7. *Nonconforming uses.* The lawful use or any building, land or building and land in combination, that existed prior to the effective date of this ordinance or any amendments thereto, may be continued subject to subsection 9:3.3. Illegal nonconforming uses are subject to subsection 9:3.3. Modification or change to nonconforming uses are subject to the following provisions:

1. Any nonconforming use may be changed to any conforming use permitted within the same zoning district.

2. Any modifications to a nonconforming use, including a change in use, the re-establishment of a non-conforming use or any expansions or alterations to the use, which do not otherwise conform to all provisions of this ordinance, shall require approval by the planning commission.

    a. In determining whether a nonconforming use change, re-establishment, or expansion of the nonconforming use is appropriate, the planning commission may consider the following standards:

        (1) That the proposed nonconforming use will be harmonious with the surrounding area.

        (2) That the proposed nonconforming use will be a desirable addition to the physical pattern of the neighborhood.

        (3) That any additional traffic resulting from the proposed nonconforming use will not be a burden on existing streets.

        (4) That no adverse environmental impacts including noise, smoke, dust, fumes, vapors, gases, heat, odor, glare, vibration, etc. will be created by the proposed nonconforming use.

        (5) That outdoor storage or activities are limited and subject to review and may require increased setbacks and buffers.

        (6) That the proposed use is considered to be benefit to the community and the county as a whole by implementing goals of the county comprehensive plan.

b. In permitting any nonconforming use, the planning commission may require appropriate conditions and safeguards in accordance with the provisions of this ordinance to assure that the use will not be detrimental to the adjacent property and surrounding area; including screening, buffering, etc.

c. The nonconforming use shall be subject to the applicable regulations of the zoning district where the nonconforming use is permitted as deemed appropriate by the planning commission.

d. Adjacent property owners must be notified by mail at least one week prior to the meeting in which the application is to be considered by the planning commission and a public notice sign shall be placed on the subject property.

e. If approved by the planning commission, the use shall remain a legal nonconformity until it complies with all zoning regulations.

9:3.8. *Damage or destruction of nonconforming uses, buildings or structures.* Any nonconforming building or structure, use, or any building or structure containing a nonconforming use, which has been damaged by fire or other natural causes, may be reconstructed or replaced, and used as before, if reconstruction or replacement is substantially begun within 12 months of such damage. An extension of the 12-month timeframe may be approved by the planning commission in accordance with subsection 9:3.7(2), if requested during the original 12-month timeframe. However, reconstructed or replaced buildings or structures shall not exceed the square footage contained in the structure at the time the damage occurred by more than 25 percent.

Furthermore, all reconstructed or replaced buildings, structures, or uses which alter, improve, or are built on a different location on the same parcel from the original construction shall meet all applicable requirements for the zoning district in which the building, structure, or use is to be located unless such requirements are modified by the board of zoning appeals pursuant to its powers enumerated in article 2.

Damage or destruction of nonconforming buildings, structures, or uses shall not include the deterioration of such due to a failure to adequately maintain or allow structures to fall into disrepair.

9:3.9. *Repair and alteration of nonconforming uses.* Normal maintenance and repair of a building or structure occupied by a nonconforming use is permitted provided no other provisions of this ordinance are violated.

9:3.10. *Cessation of nonconforming uses of land, buildings and structures.* When a nonconforming use of land ceases for a continuous period of 12 months, subsequent use of the land shall conform to the regulations for the zoning district in which the land is located unless otherwise provided for in this ordinance. An extension of the 12-month timeframe may be approved by the planning commission in accordance with subsection 9:3.7(2), if requested during the original 12-month timeframe.

When a nonconforming use of a structure is discontinued or abandoned for 12 months, the use shall not be resumed and the subsequent use shall conform to the regulations for the district in which the structure is located, unless otherwise provided for in this ordinance. An extension of the 12-month timeframe may be approved by the planning commission in accordance with subsection 9:3.7(2), if requested during the original 12-month timeframe.

When a mobile home is removed or an applicant wishes to replace a mobile home the dwelling may be re-established within a 12-month timeframe. Past 12 months, adherence to all current zoning ordinance regulations is required. In regard to shared septic systems, any replaced mobile home must adhere to current DHEC regulations.

9:3.11. *Temporary nonconforming uses of land.* Temporary nonconforming uses of land for carnivals, waste lots during the development of lots, and similar uses may be permitted according to the provisions of section 10:1, Provisions for group development.

9:3.12. *Change of tenancy or ownership.* There may be a change of tenancy, ownership, or management of a nonconforming use, buildings, structure or lot, provided there is no change in character to the nonconformity and that all building and fire codes are met.

9:3.13. *Right-of-way relocation.* Where a nonconforming front yard setback or buffer is created as a result of additional road right-of-way width being acquired by the South Carolina Department of Transportation or county public works, the building or parking lot may be improved or expanded without the need to obtain a variance from the board of zoning appeals, provided the following conditions are met:

1. The building or parking lot complied with the front yard setback prior to the acquisition of the additional road right-of-way.
2. The building or parking lot expansion will not reduce the depth of the front yard setback.
3. All other ordinance requirements are met and necessary approvals obtained.

9:3.14. *Nonconforming mobile home parks.*

1. This chapter shall regulate mobile home parks (see article 21) which are legal nonconformities as well this chapter regulates illegal nonconforming parcels.
2. After March 18, 2007, mobile home parks and may continue only through compliance with the parking and operational requirements driveway restrictions, screening requirements and performance standards of this ordinance and the land development regulations. Also, the mobile home park must meet the requirements of any applicable federal, state or county regulations or guidelines, including but not limited to DHEC regulations, the addressing and road naming ordinance, the Standard Building Code, and the assessor's mobile home registration process.
3. Whenever all mobile homes within a mobile home park are removed or become unoccupied for a continuous period of 12 months including up to 12 months prior to the adoption of this ordinance, the mobile home park may be reestablished only through compliance with all of the restrictions applicable to a new park.
4. If a structure in a legally nonconforming mobile home park is damaged or destroyed the structure may be repaired or replaced without increasing the degree of nonconformity as allowed through subsection 9:3.8.
5. Nothing in this chapter shall be deemed to prevent the ordinary maintenance and repair of a structure in a legally nonconforming mobile home park. However, no alterations are allowed except in compliance with article 21.

9:3.15. *Nonconforming camper and recreation vehicle parks.* Notwithstanding the provisions of section 9:3 hereof, nonconforming camper and recreation vehicle (RV) parks shall meet the requirements of subsection 6:2.12 not later than one year following the adoption of this ordinance or such use shall immediately cease.

(Ord. No. 08-11, §§ 3—7, 5-5-08; Ord. No. 10-08, § 1, 5-3-10)

Editor's note—Ord. No. 10-08, § 1, adopted May 3, 2010, changed the title of section 9:3 from "Nonconforming uses and structures" to "Nonconforming uses, structures, lots, and sites." The historical notation has been preserved for reference purposes.

9:4. Public access to property.

Every building hereafter erected or moved shall be located on a lot adjacent to and have a minimum of 50 feet of access frontage to a public street, highway, road, or other public right-of-way or private road with the exception of cul-de-sac radii in which case the frontage can be reduced to 30 feet.

9:5. Parking and storage of vehicles.

9:5.1. *Storage and use of recreational vehicles.* Effective one year from the date of adoption, no more than three recreational vehicles may be stored outdoors in the residential zoning district. Effective one year from the date of adoption, no more than three recreational vehicles can be parked outdoors in the rural preservation, resource conservation, community commercial and general commercial districts unless approved through "camps and recreational vehicle parks" conditional use review.

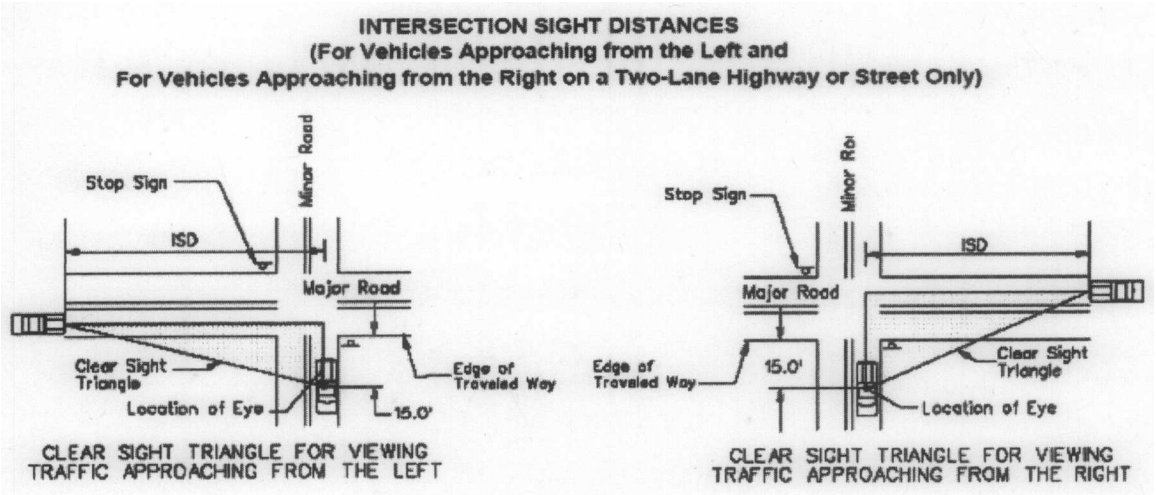
In the residential zoning district, no recreational vehicles shall be stored in front yards aside from in an established driveway. Parking is prohibited within the building area setback, however, such item may be parked anywhere on a residential lot for a period not to exceed 48 hours during loading or unloading. Recreational vehicles may be used for temporary lodging up to seven days, but permanent power sources shall not be approved.

In all districts, recreational vehicles shall be parked no less than five feet away from a habitable structure.

9:5.2. *Parking, storage and use of non-residential vehicles and equipment.*

1. No automobile, truck, or trailer of any kind or type, without current registration and license plates, shall be parked and construction equipment shall not be stored on any lot in the R or RP Zoning Districts, other than in completely enclosed buildings, or physically removed from vision from the public street serving the property.

2. Parking of vehicles, implements and/or equipment used for commercial, industrial, or construction purposes in the R Zone District shall be limited to one FHWA Class 8 or less vehicles. See chart below.



3. Vehicles used for commercial, industrial, or construction purposes are prohibited from parking in the front yards within residential zones unless on a driveway, nor within street/highway right-of-way in such districts, when not actively involved in commerce. Parking within the side and rear yards is allowed, but not within the setbacks.

4. No commercial vehicles used for transporting or hauling explosives, gasoline, or liquid petroleum products shall be permitted to park in any residential zone district.

(Ord. No. 12-02, § 1, 2-21-12)

9:6. Accessory structures.

An accessory structure is any structure over 120 square feet that supports an approved accessory use as defined in article 4.

9:6.1. *General standards.*

1. Except for accessory structures used in connection with agricultural uses or accessory dwelling units allowed by section 11:6 or 11:7, accessory structures shall not exceed 20 feet in height.

2. Accessory dwelling units and commercial accessory structures are limited to height restrictions required in article 7.

3. Accessory structures shall be at least ten feet from the principal structure and at least ten feet from another accessory structure. Placement may be subject to fire marshal approval.

4. No accessory structure shall occupy any part of a bufferyard.

5. No accessory structure shall occupy any part of a required setback.

6. Square footage limitations apply to the entire property and can be divided between multiple accessory structures.

7. Square footage limitations apply only to covered square footage separate from the primary use or structure.

8. Structures 120 square feet or larger require a building and zoning permit. Structures under this size must still adhere to the provisions of this section.

9:6.2. *Accessory structures and dwelling units in the residential zoning district.* Accessory structures provide opportunities for small scale aesthetic and shade structures; functional, protected, enclosed ancillary storage and activity space; among other benefits. As subordinate facilities to a principal structure, however, appropriate regulation is required in order to ensure compatibility of land uses, protect privacy of neighbors, ensure minimum open space and area requirements, and protect the health, safety, and welfare of the neighborhood and community.

1. One dwelling unit is allowed per lot, except as allowed by section 11:6 or 11:7. However, second floor garage apartments are considered an approved accessory structure and use.
2. Buildings accessory to single-family dwellings include non-commercial garages, barns, storerooms, open shelters, woodsheds, laundry rooms, play houses, greenhouses, hobby shops, guesthouses or pool houses built in conjunction to the primary dwelling (not meant for permanent occupancy) and animal or fowl shelters. This section does not include structures used to store wells, pumps, utilities or associated accessory equipment.
3. Accessory structures shall be allowed in side and rear yards and shall meet all setback requirements stated in article 7. Detached garages in conjunction with the primary dwelling may be located in front yards but are subject to setback requirements. All other accessory structures shall be allowed in side and rear yards.
4. For larger-lot residential designated property (over two acres), accessory structures in front yards shall be allowed but are subject to 75-foot setbacks.
5. Accessory structures shall be limited in size to either 25 percent of the total ground floor area of the principal structure or 800 square feet of total floor area, whichever is greater.
6. Where an accessory building is erected in the side yard adjacent to a street on a corner lot, it shall not be located closer to the street than the required front yard setback distance.
7. Shipping containers cannot be used as accessory structures in the residential zoning district.
8. There is a limit to three accessory structures per residential lot.

9:6.3. *Accessory structures in commercial, industrial and community commercial districts.*

1. There is no limit on accessory structures for approved accessory uses as defined in article 4.
2. Accessory structures shall meet all setbacks as noted in article 7.

9:6.4. *Accessory structures in resource conservation and rural preservation.* Accessory structures provide opportunities for small scale aesthetic and shade structures; functional, protected, enclosed ancillary storage and activity space; among other benefits. As subordinate facilities to a principal structure, however, appropriate regulation is required in order to ensure compatibility of land uses, protect privacy of neighbors, ensure minimum open space and area requirements, and protect the health, safety, and welfare of the neighborhood and community.

1. Total square footage of accessory units is limited to 1.0—1.9 acres, 1,000 square feet; 2.0—2.9 acres, 1,250 square feet; 3.0—4.9 acres, 1,500 square feet; 5.0 or more acres, 2,000 square feet plus 250 square feet per additional acre over five.

2. Buildings accessory to single-family dwellings include non-commercial garages, barns, storerooms, open shelters, woodsheds, laundry rooms, play houses, greenhouses, hobby shops, guesthouses or pool houses built in conjunction to the primary dwelling (not meant for permanent occupancy) and animal or fowl shelters. This section does not include structures used to store wells, pumps, utilities or associated accessory equipment

3. There is no limit on the number of accessory structures, only limits on square footage.

4. Accessory structures can be placed in side and back yards but must adhere to setback requirements. Front yard accessory units are only allowed if they meet a 75-foot setback.

9:6.5. *Hunt camp and rural accessory seasonal dwelling units.* Hunt camp and rural accessory seasonal dwelling units (mobile homes and cabins) are allowed on land owned by hunt club organizations or large land owners without subdivision for the purpose of seasonal hunting and recreational use, provided:

1. Clustering is acceptable, but 25 feet between structures must be maintained.

2. Building setback is 150 feet from any public roadway or property line.

3. One hunt camp and rural accessory seasonal dwelling unit is allowed for every 100 acres of land.

4. Zoning and building permits must be attained prior to construction.

(Ord. No. 09-26, §§ 1—6, 9-21-09)

ARTICLE 10. PROVISIONS FOR GROUP DEVELOPMENT

10:1. General standards.

A. *Setbacks/height.* See Article 7.

B. *Roads.* All roads or drives within the group development shall meet the County Land Development Regulations requirements for private roads. If the roads are to be conveyed to Jasper County, they shall be built in compliance with the county land development regulations.

C. *Traffic circulation.* Traffic circulation within the group development shall be reviewed and approved by the planning commission.

D. *Off-street parking.* See Parking Table 12.1.

E. *Off-street loading.* See Off-Street Loading Table 12.3.

F. *Exterior lighting.* Adequate exterior lighting shall be provided in all group developments. For lighting of horizontal tasks such as roadways, sidewalks, entrances and parking areas, fixtures shall meet IESNA "full-cutoff" (no light output above 90 degrees at any lateral angle around the fixture). Fixtures shall not be mounted in excess of 30 feet above finished grade. All other outdoor lighting such as floodlights and spotlights shall be aimed, located, designed, fitted and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as not to create a nuisance by projecting or reflecting objectionable light skyward, onto a neighboring property or onto a public roadway.

G. *Signage.* All signage in a group development shall be in accordance with the provisions set forth in the county sign ordinance.

H. *Screening and buffering.* A wall, fence, compact evergreen hedge or other type of evergreen foliage, or a combination of fence and shrubbery at least six feet in height shall be provided along side and rear exterior lot lines where any non-residential use is adjacent to a residential use and/or district for the purpose of screening non-residential activities from view. Additionally, a 15-foot landscaped buffer along the exterior property lines adjacent to residential uses and districts shall be maintained. No development is permitted in this buffer.

I. *Parking lot landscaping.* Off-street parking lot landscaping shall be provided as set forth in section 12:4, Parking lot landscaping.

10:2. Site plan review for group developments.

This section lists the criteria by which group developments are reviewed. Permitted uses must be in conformance with the site plan requirements listed in this section.

In any group development no building permit shall be issued until a site plan meeting the requirements of this section has been reviewed and approved by the DSR. All site review approvals are valid for two years, where upon if no building permit has been issued; a new site review will be required. A minimum of three copies of the site plan meeting the requirements of this section must be submitted to the DSR.

10:2.1. *Site plan submittal requirements.* In order to ensure proper and expeditious review, the site plan must meet the following criteria:

A. The site plan must be drawn to a scale of not less than 50 feet to one inch by an appropriate, qualified professional of the State of South Carolina;

B. A vicinity map, title block, scale, north arrow, site size, and property line survey;

C. The location of any utility easements;

D. The land use for every part of the site and the number of acres devoted to each use;

E. The site's traffic circulation plan, including the location of curb cuts and points of ingress/egress, and also including the location and width of all streets, drives, medians, service areas, dumpster pads, entrances to parking areas, etc.;

F. The site's parking plan, including all off-street parking, loading/unloading areas, and structures, and also including all parking spaces and their dimensions;

G. Stormwater management and sedimentation and erosion control plans, which must be submitted to the county soil and water conservation district;

H. The site's sign plan, which includes all exterior signage of the development;

I. The site's lighting plan, including the location, height, and type of all exterior light fixtures;

J. If applicable, the location of all proposed nonresidential buildings or structures, their general exterior dimensions, and gross square footage;

K. If applicable, the location of all proposed residential structures, their general exterior dimensions, the number of residential dwelling units by type, and the number of the bedrooms in each unit;

L. If applicable, the site's pedestrian circulation plan, including the location of all sidewalks, paths, trails, etc. and the dimensions thereof;

M. The screening and landscape plan for the site; including the location, size, and type of plant material;

N. Specifications indicating the proposed treatment or improvements to all open space areas and the delineation of those areas proposed for specific types of developed recreational activities;

O. Elevations of proposed development;

P. Prospective sketch indicating colors and materials of all structures and screening.

ARTICLE 11. CONDITIONAL USE REVIEW AND REGULATIONS*

11:1. Purpose and findings.

The county zoning ordinance provides for certain uses that, because of unique characteristics or potential impacts to adjacent land uses, are not permitted in zoning districts as a matter of right but which may, under appropriate standards set forth in the zoning ordinance or by the planning commission, be approved. These uses shall be permitted after plans prove adherence to the conditions through a zoning permit, zoning certification or site plan review and approval by the DSR.

No inherent right exists to establish a conditional use. Such authorization must be approved after satisfaction of a specific set of circumstances and conditions, in some cases applied by the planning commission. Each application and situation is unique. Every conditional use approval shall at a minimum be required to comply with all applicable regulations and rules in the county zoning ordinance and land development regulations and applicable industry or case specific conditions to ensure that the use can be appropriately accommodated on the specific property; that it will conform to the comprehensive plan; that it can be constructed and operated in a manner that is compatible with the surrounding land uses and overall character of the community; and that the public interest, health, safety, and general welfare will be promoted in some cases. Mere compliance with the generally applicable requirements however may not be sufficient, and additional measures and conditions may be necessary to mitigate the impact of the proposed development.
(Ord. No. 11-24, § 8, 9-6-11)

11:2. Conditional use review applicability.

The provisions of this section apply to any application for approval of a conditional use. Conditional uses are those uses that are generally compatible with the land uses permitted by right in a zoning district but that require individual review of their location, design, and configuration, and the imposition of conditions or mitigations in order to ensure the appropriateness of the use at a particular location within a given zoning district. This manner of approval is not required for any use permitted by right in a given zoning district.
(Ord. No. 11-24, § 8, 9-6-11)

***Editor's note—**Ord. No. 11-24, § 8, adopted September 6, 2011, amended article 11 in its entirety to read as herein set out. Formerly, article 11, sections 11:1—11:6, pertained to provisions for conditional uses, and derived from an ordinance adopted November 13, 2007, and Ord. No. 08-11, § 8, adopted May 5, 2008.

11:3. Initiation.

Any landowner or that owner's authorized representative may apply for a conditional use review for a specific use by filing an application with the DSR at least three weeks prior to the desired planning commission meeting if the request is subject to planning commission review or at the time of application for site plan, zoning permit, or zoning certification if subject to DSR review.

In cases where planning commission review of the conditional use is required, the applicant shall provide at minimum a full narrative discussing the proposal and a site plan with sufficient refinement to adequately represent the proposed use and site layout.
(Ord. No. 11-24, § 8, 9-6-11)

11:4. Review authority.

Uses subject to industry specific conditions are approved by the DSR by issuance of a zoning permit, zoning certification or site plan development permit by demonstrating adherence to the conditions during review and construction. In cases where certain conditional uses are proposed for parcels adjacent to residential areas, public parks, day cares, religious uses, historic and archaeological sites (listed on the National List of Historic Places or identified by the state department of archives and history) or environmentally sensitive areas (protected lands, critical habitat for endangered species and receiving waterways as defined by DHEC OCRM), the planning commission shall review and decide upon any additional case specific conditions appropriate to add to the land use proposal after considering the recommendation of the DSR. Industries requiring planning commission review of conditions if triggered by the aforementioned adjacent uses include the following:

Sector 31-33: Manufacturing

Sector 42: Wholesale Trade

Sector 48-49: Transportation and Warehousing

Sector 56: Waste Management and Remediation Services

In all cases, the DSR reviews the final plans submitted by the applicant for the desired permit and enforces all conditions. Failure to satisfy industry specific conditions noted in this chapter or case specific conditions required by the planning commission will prevent the issuance of a zoning permit, zoning certification or site plan approval for a conditional use. Administrative appeal of any determination of the DSR is heard by the board of zoning appeals consistent with procedures outlined in article 3. In cases where industry specific conditions or case specific conditions required by the planning commission cannot be met, the BZA has the authority to hear and decide upon variances in cases of hardship as outlined in article 3.
(Ord. No. 11-24, § 8, 9-6-11)

11:5. Case specific conditions.

When considering uses subject to their review the planning commission may impose case specific conditions, including reasonable standards, conditions, or requirements, in addition to or that supersede any standard specified in the zoning ordinance or land development regulations as it may deem necessary to

protect the public interest and welfare. However, if conditions cause hardship, the landowner or applicant may be eligible to be granted a variance from the case specific conditions by the BZA. Such additional standards may include, but need not be limited to:

1. Dedication or reservation of land;
2. Creation of restrictive covenants or easements;
3. Enhanced setbacks;
4. Yard requirements;
5. Increased screening or landscaping requirements;
6. Area requirements;
7. Development phasing;
8. Standards pertaining to traffic, circulation, noise, lighting, hours of operation, protection of environmentally sensitive areas, and similar characteristics;
9. Provision of sustainable features, solar or other renewable energy source, rain water capture, storage and treatment.
10. Require that a performance guarantee acceptable in form, content, and amount to the DSR and county attorney be posted by the applicant to ensure continued compliance with all conditions and requirements as may be specified.

(Ord. No. 11-24, § 8, 9-6-11)

11:6. Consideration for determining case specific standards for Sector 31-33: Manufacturing, Sector 42: Wholesale Trade, Sector 48-49: Transportation and Warehousing, Sector 56: Waste Management and Remediation Services when subject to planning commission review.

During review the planning commission shall ensure the proposal shall have no more adverse effects on health, safety, or comfort of persons living or working in the neighborhood, or shall be no more injurious to property or improvements in the neighborhood than would any other use generally permitted in the same district. In making a determination of case specific conditional standards, consideration shall be given to the following factors which may assist with development of additional conditions (including but not limited to):

1. Appropriateness of design and operation so as to be compatible with the existing or intended character of the general vicinity and so as not to change the essential character or negatively impact aesthetics of the area and/or corridor in which it is proposed;
2. Appropriateness of location, type, and height of buildings or structures;
3. Appropriateness of the type and extent of landscaping and screening on the site is sufficient; and
4. Consistency with any policy of the comprehensive plan that encourages mixed uses and/or densities.
5. Availability of utilities and services such as highways, streets, police and fire protection, drainage structures, water and sewage facilities.
6. Minimization of traffic hazards and to minimize traffic congestion on the public roads.

7. Mitigation of vibration, noise, odor, dust, smoke, or gas.
8. Avoidance of impact to the use and enjoyment of the property in the immediate vicinity for the purposes already permitted nor substantially diminish or impair the property values within the neighborhood.
9. Avoidance of designs that may impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.
10. Avoidance of detrimental impact or endangerment to the public health, safety, morals, comfort, or general welfare.
11. Compatibility with the goals, objectives, and policies of the county comprehensive plan and promote the intent of the zoning district in which the use is proposed.
12. Appropriateness of the hours of operation.

The planning commission has the authority to request additional information related to the use/site and, where necessary, require additional mitigating steps to ensure that the proposed use is compatible with the surrounding land uses as noted in the previous section (11:5).
(Ord. No. 11-24, § 8, 9-6-11)

11:7. Industry specific conditional use regulations.

The industry specific conditions contained in this section are intended to ameliorate the impact and improve the siting of uses, buildings, and projects whose design and/or operational characteristics could adversely affect surrounding property and environmental conditions. To this end, standards and criteria over and above those set forth elsewhere in this ordinance are imposed herein on all conditional uses listed on Table 6.1 and set out below.

11:7.1. *Sector 112111: Livestock, except feedlots.*

1. The parcel size shall be a minimum of two acres.
2. The number of animals permitted shall be limited to no more than one per every 6,000 square feet.
3. All buildings or structures (excluding fences) shall be located a minimum of 150 feet from the property line.

11:7.2. *Sector 1123: Poultry and eggs.*

1. The parcel size shall be a minimum of two acres.
2. The number of animals permitted shall be limited to no more than one per every 6,000 square feet.
3. All buildings or structures (excluding fences) shall be located a minimum of 150 feet from the property line.

11:7.3. *Sector 1129: Animal specialties.*

1. The parcel size shall be a minimum of two acres.

2. The number of animals permitted shall be limited to no more than one per every 6,000 square feet.

3. All buildings or structures (excluding fences) shall be located a minimum of 150 feet from the property line.

11:7.4. *Sector 21: Mining and mine operation.*

1. Article 6:1, Table 1 "Mining" encompasses "Mining and mine operation".

2. Mining and mine operation must have all required state and federal permits and meet the requirements of all state and federal statutes and regulations.

3. For the purposes of section 16:2, mining and mine operation shall be deemed to be a manufacturing use.

4. Mining and mine operation must meet all applicable roadway improvement standards.

5. Mining and mine operation must meet the following setbacks:

Setback Requirements for Mining and Mine Operation

Required Setbacks Where Permitted	*Adjacent Zoning*						
	RE	*RC*	*RP*	*R*	*CC*	*GC*	*ID*
From Property Line	50'	1,000'	300'	1,000'	1,000'	300'	100'
From Existing Residential Structures*	N/A	N/A	1,000'	N/A	N/A	1,000'	N/A
*Residential structures existing when submittal deemed complete.							

11:7.5. *Sector 22132: Treatment.*

1. Maximum 30,000 gallons per day.

11:7.6. *Sector 235: Special trade contractors.*

1. Screen on-site storage and construction vehicles as required in section 12.8.

11:7.7. *Sector 31-33: Manufacturing.*

1. No such use shall be located closer than 1,000 feet to the property line of any existing residential use, church, school, historical place or public park.

11:7.8. *Sector 42: Wholesale trade.*

1. No such use shall be located closer than 1,000 feet to any residential use, church, school, historical place or public park.

2. No material shall be placed in open storage in such a manner that it is capable of being transferred out by wind, water, or other causes.

3. All paper, rags, cloth and other fibers, and activities involving the same other than loading and unloading shall be within fully closed buildings.

4. All materials and activities not within fully enclosed buildings shall be enclosed by an opaque fence or wall or vegetative material, excluding points of ingress or egress, at lease eight feet in height.

Note: 1,000 feet from use is the actual building, not 1,000 feet from the property line.

11:7.9. *Sector 441310: Automotive parts and accessories store.*

1. Buildings limited to 5,000 square feet.
2. No outdoor display and storage.

11:7.10. *Sector 4441: Lumber and building materials.*

1. Buildings limited to 5,000 square feet.
2. No outdoor display and storage.

11:7.11. *Sector 45431: Fuel dealers.*

11:7.11A. *Sector 484210: Used household and office goods moving.* Where used household and office goods moving is allowed as a conditional use, such uses shall meet the following requirements:

A. No outdoor display and storage.

B. Adequate access must be provided for anticipated truck traffic.

C. Structures must meet screening and buffering requirements per article 12.

D. Article 16: Manufacturing use performance standards apply to this specific use.

E. Hours are limited to 7:00 a.m. to 7:00 p.m., Monday to Saturday.

F. Vehicles used for this specific use shall not exceed FHWA Class 8.

11:7.12. *Sector 5131: Communications and antenna.*

New towers:

1. All new towers shall be designed to accommodate additional antennas equal in number to the applicant's present and future requirements.
2. The proposed structure will not endanger the health and safety of residents, employees, or travelers, including, but not limited to, the likelihood of the failure of such structure; and all applicable safety code requirements shall be met.
3. The proposed structure will not impair the use of or prove detrimental to neighboring properties.
4. The proposed structure is necessary to provide a service that is beneficial to the surrounding community.
5. The proposed tower is located in an area where it does not substantially detract from aesthetics and neighborhood character.
6. The proposed use is consistent with potential land uses as outlined in the comprehensive plan.
7. Towers or antennas shall not be painted or illuminated unless otherwise required by state or federal regulations.
8. No tower or antenna shall be located within 1,000 feet of an existing tower or antenna, except where the applicant certifies that the existing tower does not meet the applicant's structural specifications and applicant's technical design requirements, or that a co-location agreement could not be obtained after mediation.

9. Towers or antennas shall have a maximum height of 185 feet.

10. Tower or antennas shall be located such that adequate setbacks are provided on all sides to prevent the tower's fall zone from encroaching onto adjoining properties. Should this fall zone encroach onto another property, a recorded easement may be prepared and signed by the adjacent property owner to ensure that no structure will be built within the fall zone. In addition to the tower's fall zone, the permitted uses shall meet the setback requirements of the underlying zoning district in which it is located.

11. Landscaping shall be required as follows:

    a. Around the base of the communication tower, outside of the security fence, at least one row of evergreen plant material capable of forming a continuous screen at least six feet in height shall be provided, with individual plantings spaced not more than five feet apart. In addition, at least one row of evergreen trees with a minimum two inches DBH (diameter at breast height) measured three and one-half feet above grade, at the time of planting and spaced not more than 25 feet apart shall be provided within 50 feet of the perimeter security fence.

    b. The landscaping requirements may be waived in whole or in part by the DSR if it is determined that existing natural vegetation provides adequate screening or if the DSR determines that the landscaping requirements are not feasible due to physical constraints or characteristics of the site on which the communication tower is to be located.

    c. All required landscaping shall be installed according to established planting procedures using good quality plant materials.

    d. A certificate of use and occupancy shall not be issued until the required landscaping is completed in accordance with the approved landscape plan and verified by an on-site inspection by the DSR unless such landscaping has been waived in accordance with subsection b. above. A temporary certificate of use and occupancy may, however, be issued prior to completion of the required landscaping if the owner or developer provides to the county a form of surety satisfactory to the county attorney and in an amount equal to the remaining plant materials, related materials, and installation costs as agreed upon by the DSR and the owner or developer.

    e. All required landscaping must be installed and approved by the first planting season following issuance of the temporary certificate of use and occupancy or the surety bond will be forfeited to the county.

    f. The owners and their agents shall be responsible for providing, protecting, and maintaining all landscaping in healthy and growing condition, replacing unhealthy or dead plant materials within one year or by the next planting season, whichever first occurs. Replacement materials shall conform to the original intent of the landscape plan.

    g. Eight-foot high fencing shall be provided around the communication tower and any associated structure.

12. A single sign for the purposes of emergency identification shall be permitted. The permitted sign shall not exceed two square feet in area and shall be attached to the fence surrounding the tower. Under no circumstances shall any signs for purposes of commercial advertisement be permitted.

13. Each parcel on which a communication tower is located must have access to a public road 20 feet in width.

Submittal information:

1. One copy of typical specifications for proposed structures and antenna, including description of design characteristics and material.

2. A current map or update of an existing map on file, showing locations of applicant's antenna, facilities, existing towers, and proposed towers which are reflected in public records, serving any property.

3. Identification of the owners of all antennae and equipment to be located on the site.

4. Written authorization from the site owner for the application.

5. Evidence that a valid FCC license for the proposed activity has been issued.

6. A line of sight analysis showing the potential visual and aesthetic impacts on adjacent residential districts.

7. A written agreement to remove the tower and/or antenna within 120 days after cessation of use. Must put a bond up front for the removal of the tower.

8. A certificate from a registered engineer that the proposed facility will contain only equipment meeting FCC rules, together with written indemnification of the affected government and proof of liability insurance or financial ability to respond to claims up to $1,000,000.00 in the aggregate which may arise from operation of the facility during its life, at no cost to the county.

9. A statement shall be submitted from a registered engineer that the NIER (non-ionizing electromagnetic radiation) emitted there from does not result in a ground level exposure at any point outside such facility which exceeds the lowest applicable exposure standards by any regulatory agency of the United States Government or the American National Standards Institute. For roof mounted communication towers, the statement regarding the NIER shall address spaces, which are capable of being occupied within the structure on which the communication tower is mounted.

10. Communication towers and their foundations shall meet the requirements of the current building code for wind and seismic loads. Drawings and calculations shall be prepared and sealed by a South Carolina registered professional engineer and shall be submitted with the building permit application.

11. Satisfactory evidence shall be submitted, with the building permit application for a freestanding communication tower, that alternative towers, buildings, or other structures do

not exist within the applicant's tower site search area that are structurally capable of supporting the intended antenna or meeting the applicant's necessary height criteria, or provide a location free of interference from AM towers.

12. Prior to issuance of a building permit, applicants shall provide documentation that the proposed communication tower has been reviewed by the FAA, if so required, and that a finding of no hazard to air navigation has been determined. Copies of the plans shall also be provided for comment to the Ridgeland Airport and Savannah/Hilton Head International Airport, prior to the issuance of permits. If any airport has an objection to the proposed tower, an advisory conference composed of airport officials, county officials and representatives of the communication company(ies) shall be convened. The results and findings of such conference shall be presented to the DSR prior to any permit being issued. Because the proximity of communication towers near aeronautical facilities affects the safety of the public, careful consideration should be given to the results and findings and such may be grounds for the DSR denying the issuance of a permit or requiring that certain additional requirements be imposed as a condition for the issuance of a permit.

13. Site plan, which shall include the following information:

    a. The location of tower(s), guy wires and anchors (if any);

    b. Tower height;

    c. Transmission building and other accessory uses;

    d. Existing structures and proposed structures;

    e. Fall zone;

    f. Parking;

    g. Access;

    h. Landscaped areas;

    i. Fences;

    j. Adjacent land uses; and

    k. Photos of site and immediate area.

Existing towers:

1. The increase in height to the existing transmission tower shall not exceed 25 feet; and communication towers on buildings, the maximum height shall be 20 feet above the roofline of buildings 50 feet or less in height, and 40 feet above the roofline of buildings 50 feet in height or greater. In addition, with the exception of towers constructed for aeronautical purposes, communication towers may not penetrate any imaginary surface, as described in Title 14 of the Code of Federal Regulations, Federal Aviation Regulation (FAR) Part 77, associated with existing or proposed runways at any publicly owned airport;

2. The total number of antennae added to an existing transmission tower shall not exceed six; and

3. Any additions, changes, or modifications that are proposed to the site or its components, proper plans, specifications, and calculations shall be submitted for permit approval to the DSR. Drawings indicating various types of antenna(s) to be located on the communication tower shall be submitted at the time of the permit application.

11:7.13. *Sector 51412: Libraries.*

11:7.14. *Sector 53113: Mini-warehouses.*

1. No such use shall be located closer than 250 feet to the property line of any existing residential use, church, school, historical place or public park.
2. Screen units from public right-of-way as required in section 12.8.
3. Minimum lot size of one acre; maximum lot size of five acres.

11:7.15. *Sector 5621: Waste collection.*

11:7.16. *Sector 562212: Solid waste landfill.* Solid waste landfills are divided by this section into two categories and regulated as follows:

A. *Sanitary landfills (Class 3).*

1. The boundary of the fill area shall not be located within 1,000 feet of any residence, day-care center, church, school, hospital or publicly-owned recreational park area. The state will determine whether the proposed landfill or landfill expansion meets this requirement prior to publication of the notice of intent to file a permit application pursuant to Part 1, Section D.1. of the state regulation.
2. The boundary of the fill area shall not be located within 200 feet of any property line not under control of the permittee.
3. The boundary of the fill area shall not be located within 200 feet of any surface water that holds visible water for greater than six consecutive months, excluding ditches, sediment ponds, and other operational features on the site.
4. The boundary of the fill area shall not be located within the distances designated below from any well used as a source of water for human consumption that is in a hydrologic unit potentially affected by the landfill. Exemptions may be granted if the applicant can demonstrate to the satisfaction of the DSR and state that the hydrologic conditions below the landfill provide protection to the aquifer in use.
   a. The boundary of the fill area shall not be located any closer than 500 feet from a well hydraulically up gradient of the landfill.
   b. The boundary of the fill area shall not be located any closer than 750 feet from a well hydraulically side gradient of the landfill.
   c. The boundary of the fill area shall not be located any closer than 1,000 feet from a well hydraulically down gradient of the landfill.
5. Waste material shall not be placed on or within any property rights-of-way or 50 feet of underground or above ground utility equipment or structures, i.e., water lines, sewer lines, storm drains, telephone lines, electric lines, natural gas lines, etc., without the written approval of the impacted utility.

6. A geotechnical engineering firm approved by the DSR shall render a written opinion that, to the best professional judgment, the formations being used to contain the waste are impermeable and that surrounding ground water sources will not be contaminated.
7. The facility shall be enclosed by an eight-foot high opaque fence or wall structure on all sides visible from the street serving the facility and an opaque cyclone fence on the remaining unexposed boundaries.
8. A plan showing restoration of the site on completion of use as a landfill shall accompany the request.

B. *Construction and demolition landfills (Class 2).*

1. The boundary of the fill area shall not be located within 1,000 feet of any residence, school, day-care center, church, hospital, or publicly-owned recreational park areas. The state will determine whether the new landfill or expansion of an existing landfill meets this requirement prior to the publication of the notice of intent to file a permit application pursuant to Part I, Section D.1. of the state regulation.
2. The boundary of the fill area shall not be located within 100 feet of any property line.
3. A landfill located in a 100-year floodplain shall demonstrate that engineering measures have been incorporated into the landfill design to ensure the landfill will not restrict the flow of the 100-year flood, reduce the temporary water storage capacity of the floodplain, minimize potential for floodwaters coming into contact with waste, or result in the washout of solid waste so as to pose a hazard to human health or the environment.
4. The landfill shall be in compliance with applicable requirements concerning wetlands imposed by U.S. Army Corps of Engineers, the U.S. Environmental Protection Agency, and the department.
5. Access to the landfill shall be controlled through the use of fences, gates, berms, natural barriers, or other means to prevent promiscuous dumping and unauthorized access.
6. The boundary of the fill area shall not be located within 200 feet of any surface water that holds visible water for greater than six consecutive months, excluding drainage ditches, sedimentation ponds and other operational features on the site.
7. The boundary of the fill area shall not be located within 100 feet of any drinking water well. A greater buffer may be required for compliance with the state's bureau of water requirements.
8. Waste material shall not be placed on or within any property rights-of-way or 50 feet of underground or above ground utility equipment or structures, i.e., water lines, sewer lines, storm drains, telephone lines, electric lines, natural gas lines, etc., without the written approval of the impacted utility.
9. Owners/operators of all Class 2 landfills located within 10,000 feet of any runway end used by turbojet aircraft or within 5,000 feet of any airport runway end used by only piston-type aircraft shall demonstrate that the units are designed and operated so that the Class 2 landfill does to pose a bird hazard to aircraft.

10. Owners/operators proposing to site new Class 2 landfills and lateral expansions located within a five-mile radius of any airport runway end used by turbojet or piston-type aircraft shall notify the affected airport and the Federal Aviation Administration (FAA).
11. No material shall be placed in open storage or areas in such a manner that is capable of being transferred out by wind, water, or other causes.
12. All materials and activities shall be screened in such fashion as not to be visible from off-site. The provisions of this subsection may be waived by the DSR where such facility will be utilized for a period not to exceed 90 days.

11:7.17. *Sector 562213: Solid waste incinerators.*

11:7.18. *Sector 562920: Material recovery facilities.*

11:7.19. *Sector 56299: All other waste management.*

11:7.19a. *Section 6116: Other schools and instructions.*

1. Use is subject to all applicable zoning code requirements and land development regulations.
2. Facilities are limited to 3,000 square feet.
3. Architecture of new structures must complement the nearby community and be compatible with the character of the area.
4. Services are limited to 20 students at any one time.
5. Owner/operator must provide proof of all outside agency approvals for services provided.
6. Hours are limited to 7:00 a.m. to 7:00 p.m., Monday to Friday and 7:00 [a.m.] to 5:00 p.m. on Saturdays.
7. Structures must meet buffering and screening requirements per article 12.
8. Off-street parking must be accommodated on-site.
9. Off street parking is prohibited within the building setback.
10. One flat two-sided business sign not larger than four square feet per face is permitted to identify the business. Signs shall not be illuminated.
11. Use of existing structures is subject to fire marshal and building official review and approval.
12. Facilities must be served by sewer systems or by septic systems sized appropriately to meet DHEC minimum standards for the use and size.

11:7.20. *Sector 6231: Nursing care facilities.*

1. The facility shall be designed to be compatible with residential development.
2. Screen parking from adjacent properties and public right-of-way as required in section 12.8.

11:7.21. *Sector 6233: Community care for elderly.*

1. The facility shall be designed to be compatible with residential development.
2. Screen parking from adjacent properties and public right-of-way as required in section 12.8.

11:7.22. *Sector 6244: Day care services.*

1. Approval must be obtained from the South Carolina State Department of Public Welfare Rules and Regulations relating to licensing care facilities and care centers, and the following requirements.
2. The minimum lot area for a care center shall be 20,000 square feet. At least 75 square feet of outdoor exercise area shall be available for each person based on the maximum enrollment.
3. The building shall contain a minimum of 35 square feet of floor area for each person based on the maximum enrollment.
4. A fence having a minimum height of six feet constructed to provide maximum safety to the occupants shall enclose the entire outdoor exercise area.
5. Off-street parking shall be provided in accordance with provisions set forth in section 12:1, Off-street parking.
6. Applicant must show an indication of impact for such items as traffic, noise, delivery vehicles, site access, etc. of the proposed care center.

11:7.23. *Sector 712: Museums and historical sites.*

1. Screening of parking as required in section 12.8.

11:7.24. *Sector 71393: Marinas.*

11:7.25. *Sector 713990: Gun club and skeet ranges.* The unique nature of this use is such that the following criteria shall be observed in placing any such use in the county.

1. It shall be located no closer than one mile to any residential use.
2. Gunfire shall be oriented away from habitable areas.
3. The site upon which the use is proposed shall be suitable in size and topography to ensure the safety of surrounding residents.
4. Adequate warning signs shall be placed to warn public of activity.

11:7.26. *Sector 721191: Bed and breakfast inns.* Bed and breakfast inns are intended to provide a unique transit lodging experience. As a result, care should be taken to protect the environs that contribute to the experience of such lodging while promoting their use. Toward this end, bed and breakfast inns, where permitted by this ordinance, shall:

1. Be occupied by the resident/owner.
2. Serve no regularly scheduled meal other than breakfast.
3. Provide off-street parking on the basis of one and one-half space per guest room, plus two spaces for the resident innkeeper; further provided that sufficient off-street parking space shall be available on site to accommodate private gatherings, where proposed by the applicant.
4. Be permitted one non-illuminated identification sign, not to exceed four square feet in area. Self illuminated, can use landscape lighting.

11:7.27. *Sector 72121: Camps and recreational vehicle.* Camps and recreational vehicle (RV) park, where permitted by Table 6.1, shall comply with the following site and design standards:

1. The site shall be at least five acres.
2. The site shall be developed in a manner that preserves natural features and landscape.
3. The following dimensional requirements shall serve as parameters beyond which development shall not exceed.
   a. Maximum impervious surface ratio shall not exceed 15 percent of the project site.
   b. Minimum setbacks for all structures and recreational vehicles shall be:

      Street frontage: 100 feet.

      All other property lines: 50 feet.
   c. Maximum density shall not exceed ten vehicles per acre.
   d. Bufferyards shall be as specified by article 12.
4. Areas designated for parking and loading or for trafficways shall be physically separated from public streets by suitable barriers against unchanneled motor vehicle ingress and egress. All drivers shall be located at least 150 feet from any street intersection and shall be designated in a manner conductive to safe ingress and egress.
5. All streets within RV parks shall be private and not public.
6. Each park site shall be serviced by public water and sewer or other systems approved by DHEC.

11:7.28. *Sector 8121: Personal care services.*

1. Screening of parking required in section 12.8.

11:7.29. *Sector 81222: Cemeteries.*

1. The minimum area for a perpetual care cemetery shall be 30 acres. Cemeteries in existence prior to January 1, 2003 are exempt from this requirement. The minimum area for a church cemetery shall be one acre.
2. Where a cemetery adjoins non-residentially-zoned property, no setback is required. When a cemetery adjoins residentially zoned property, no building, structure, burial plot or storage of equipment or materials shall be located closer than 35 feet of any property line, and mausoleums, columbaria, and chapels shall not be located closer than 50 feet of any property line.
3. Screening shall be provided in accordance with the provisions set forth in section 12:8, Screening and buffering requirements.
4. Adequate off-street waiting space shall be provided for funeral processions so that no vehicle stands or waits in a road right-of-way.
5. All cemetery access shall be provided from an arterial or collector street.
6. Mausoleums may be located only within the boundaries of approved cemeteries.

7. Cemetery review standards in accordance with S.C. Code 1976, tit. 27, ch. 43, shall apply to all cemeteries, regardless of zoning classification.

8. A storm water plan must be submitted and approved by the DSR before cemetery approval may be granted.

9. A cemetery may not be located in a flood hazard overlay district.

Pre-existing cemeteries. Any cemetery or portion of a cemetery that was approved, or was in the process of gaining approval, on the date of adoption of this ordinance shall be considered a nonconforming use. All others shall be subject to the specific provisions of this ordinance.

11:7.30. *Second single-family residential dwelling unit.*

1. There is a minimum of one-half acre per dwelling unit in the residential and community commercial district (one acre parcel minimum) and a minimum of one acre per dwelling unit in the rural preservation district (two acre parcel minimum), so as to not increase overall allowed density.

2. The applicant must provide a sketch plan, or work with the DSR to develop a sketch plan, to show dwelling location on an existing plat or tax map copy to demonstrate conditional use compliance at time of application. The following must be demonstrated:

   a. All applicable lot area and setback requirements are met for both units as if they were established separately on their own lots and so arranged to ensure public access in the event the property is subsequently subdivided for sale or transfer.

   b. If not connected to sewer, the lot is sufficient in size and shape so that the two units can be designed around two separate septic systems that can be entirely located on separate lots in the case of future subdivision for sale or transfer. Septic permits are necessary prior to conditional use approval.

3. Second single-family residential dwelling unit cannot share a septic system and separate DHEC septic permits must be attained prior to issuance of a conditional use review zoning permit, if units are not connected to sewer lines.

4. Zoning and building permits must be attained prior to construction.

11:7.31. *Duplexes.* Due to the unique design features of duplex housing, the following supplemental design requirements shall apply:

1. Such projects shall have a minimum of one acre and a maximum of ten acres in the residential, community commercial and general commercial zoning districts.

2. Such projects shall have a minimum of two acres and a maximum of ten acres in the rural preservation district.

3. For all units, the lot area, yard, and setbacks shall be as prescribed in section 7:3, Table 1.

4. Building orientation shall be representative of that exhibited by surrounding single-family development.

5. The size, bulk, height and scale of proposed structures shall reflect the characteristics of existing single-family structures in the area.

6. At least one duplex front door should be visible from the front of the structure.
7. Entrances should be visible and approaches to the front entrance of each dwelling unit should be clearly delineated by improved walkways and landscaping.
8. The site plan shall be designed in a way to complement the existing character of the surrounding area. The planning commission may impose such other requirements as it deems necessary to protect the established character of the neighborhood, where appropriate.

11:7.32. *Townhouses.* Due to the unique design features of townhouses, the following supplemented design requirements shall apply:

1. Such projects shall have a minimum of one and one-half acre.
2. Not more than eight or fewer than three townhouses may be joined together, with approximately the same front line (may be staggered).
3. Minimum distance between rows of buildings shall be not less than 20 feet.
4. For all units, the lot area, yard, and setbacks shall be as prescribed in section 7:3, Table 1.
5. Sidewalks not less than four feet in width shall be provided along the front property line of each project, building.
6. Not less than ten percent of the project site shall be diverted to contiguous common open space which is designed for use by the residents.
7. The site plan shall be designed in a way to complement the existing character of the surrounding area. The planning commission may impose such other requirements as it deems necessary to protect the established character of the neighborhood, where appropriate.

11:7.33. *Patio homes.* Due to the unique design features of patio homes, the following supplemental design requirements shall apply:

1. Such projects shall have a minimum of one acre and a maximum of ten acres.
2. For units in the applicable areas of the Levy-Limehouse Overlay District (LLOD) or where water and sewer service is provided in accordance with article 6 of the county land development regulations, the lot area, yard, and setbacks shall be as prescribed in section 8:4. For units not meeting these requirements, the minimum lot size shall be one-half acre and the yard, and setbacks shall be as prescribed in section 7:3, Table 1.
3. Not less than ten percent of the project site shall be diverted to contiguous common open space which is designed for use by the residents.
4. The site plan shall be designed in a way to complement the existing character of the surrounding area. The planning commission may impose such other requirements as it deems necessary to protect the established character of the neighborhood, where appropriate.

11:7.34. *Home occupation.* Home occupations, as defined by this ordinance, shall meet the following requirements, where conditionally permitted by Table 6.1.

1. The home occupation shall be carried on wholly within the principal building.
2. The floor area dedicated to such use shall not exceed 25 percent of the floor area of the principal building, up to 400 square feet.

3. No activity shall be conducted outside, nor shall there be any outdoor storage, display, or refuse area in the yard.
4. No signs shall be allowed.
5. No merchandise or articles shall be displayed so as to be visible from outside the building.
6. One person not residing in the residence shall be employed in the home occupation in addition to residents.
7. No traffic shall be generated in an amount above that normally expected in a residential neighborhood.
8. No parking is needed above that required by the principal residential use.
9. There is no alteration whatsoever of the residential character of the building(s) and/or premises.
10. The occupation, profession, or trade generates no noise, glare, heat, vibration, smoke, dust, or odor perceptible to adjacent uses.
11. The occupation shall not involve the retail sale of merchandise manufactured off the premises.

11:7.35. *Buildings, structures, lift stations, etc.*

1. Such uses shall be enclosed within a building or by a suitable fence providing protection and screening against light, noise, fumes, or unsightliness.
2. Open area on the premises shall be landscaped.

11:7.36. *Open storage.*

1. Such storage area does not occupy over 20 percent of the build-able area.
2. Shall not be located in any required setback area.
3. Must be screened from public view.

11:7.37. *Temporary uses.*

Type and location. The following temporary uses and no others may be permitted, subject to the conditions herein.

1. Tents or other temporary structures for the conduct of any use permitted in the GC and CC Districts for a period not to exceed 45 days.
2. Contractor's office and equipment shed, in any district, for a period covering construction phase of a project not to exceed one year unless re-permitted; provided that such office be placed on the property to which it is appurtenant.
3. Portable classrooms in any district for cultural or community facilities, educational facilities, or religious complexes, for an indefinite period provided all required setbacks for the district in which the structures are to be located shall be met and the portable structure shall be located on the same site as the principal structure.

4. Temporary office trailers in any commercial or industrial district where the principal building is being expanded, rebuilt, or remodeled for the conduct of business while the principal building is under construction.

Permit required.

1. No temporary use may be established without receiving such permit.
2. Temporary use permits may be renewed no more than twice within a 12-month period, provided that said use will not create traffic congestion or constitute a nuisance to surrounding uses.
3. Any temporary use that is determined to be creating a nuisance or disruption may have its temporary permit revoked by the DSR.
4. Temporary uses and structures from which temporary uses are operated shall be removed from the site after the temporary permit has expired.

11:7.38. *Temporary accessory dwelling unit.* A manufactured home as defined in article 4 of this ordinance may be permitted in any zoning district as a temporary accessory residential use which shall be clearly subordinate to a principal single-family detached dwelling or manufactured home, whether or not such principal use is conforming, subject to all of the requirements listed below. In authorizing the temporary accessory residential use, the DSR may impose such reasonable and additional stipulations, conditions, or safeguards that in the DSR's judgment will better fulfill the intent of this ordinance.

The DSR may authorize issuance of a permit for a temporary accessory residential use for a period not to exceed six months. At the end of that time, the DSR may, after a complete review of the request, grant an extension of the permit for a period not to exceed one year. The review procedure shall be the same as the original application procedure. It shall be the responsibility of the DSR to present to the council after each six-month period a status report of the conditions and to notify the applicant of the review.

The DSR may at any time terminate the authorization at the request of the initiating applicant or upon the finding that the extenuating conditions no longer exist. The temporary accessory residential use and any associated services shall be removed from the premises within 30 days after notice of termination.

The DSR shall determine that the following requirements have been satisfied:

1. The use shall be necessitated by the incapacity, infirmity, or extended illness of an individual who requires continuous nursing care. The attending physician shall certify the physical and/or mental condition of the person in question.
2. The use is intended only to meet a temporary need or hardship.
3. If the principal residential use is nonconforming, the provisions of section 9:3, Nonconforming uses and structures, shall be satisfied.
4. The temporary accessory residential use shall meet all of the requirements contained in this ordinance for accessory uses.

5. The temporary accessory residential use shall conform to all of the requirements for uses permitted by conditional use as set forth in subsection 6:2.6, Conditional uses.

6. No minimum lot area or lot width requirements shall be required for the temporary accessory residential use.

7. The temporary accessory residential use shall conform to the front, side, and rear yard requirements established for the district in which the use is located.

8. Off-street parking shall be provided in accordance with the provisions set forth in section 12:1, Off-street parking, for the principal residential dwelling only.

9. A manufactured home which is being utilized as a temporary accessory residential use may not be physically attached to or be a part of the principal structure located on the lot.

10. No permit to allow a temporary accessory residential use shall be issued until all applicable regulations of the county building department and other public agencies have been satisfied in regard to the adequate provision of water, sewer, access, electrical service, and fire protection. In seeking approval of the temporary accessory residential use, the applicant must demonstrate to the DSR that these facilities and services are adequately situated with respect to the lot in question.

11. The principal for whom the accessory use is requested must be a relative by blood or marriage or in a relationship created through adoption or through foster parental care.

12. To provide for adequate notification of the permit application to surrounding property owners, the applicant shall provide to the DSR signatures of the following:

    a. All property owners who own property abutting the subject property.

    b. All property owners of property located directly across a street from the subject property.

(Ord. No. 11-24, § 8, 9-6-11; Ord. No. 12-03, § 2, 3-5-12; Ord. No. 12-09, §§ 1, 2, 6-18-12; Ord. No. 12-16, § 2, 9-17-12)

ARTICLE 12. DEVELOPMENT STANDARDS

12:1. Off-street parking.

12:1.1. *General requirements.*

1. There shall be provided at the time of the erection of any building, or at the time any principal building is enlarged or increased in capacity by adding dwelling units, guest rooms, seats, or floor area; or before conversion from one type of use of occupancy to another, permanent off-street parking space in the amount specified by this section. Such parking space may be provided in a parking garage or properly graded and improved open space. All portions of the required space, which are paved, shall be marked in accordance with the standards contained herein. Lines shall be visibly marked with paint.

2. Where application of the requirements of Table 12.1 result in a fractional space requirement, the next larger requirement shall apply.

3. Wherever a building or use, constructed or established after the effective date of these regulations is changed or enlarged in floor area, number of dwelling units, seating capacity or other wise to create a need for an increase of ten percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.

4. Off-street parking areas provided to comply with the provisions of this ordinance shall not be reduced below the requirements of this ordinance.

5. Off-street parking areas shall be designed, developed and maintained in accordance with the requirements of this article. Where parking decks or garages are proposed to meet off-street parking requirements, such structures shall meet the minimum zoning requirements for the district in which it is located.

6. Required off-street parking must be provided on the same lot or parcel as the principal use for which it is required, unless it meets the requirements for subsections 12:1.3, 12:1.4.

7. In the event that the number of parking spaces required in Table 12.1, Minimum parking requirements, cannot be placed on the site in accordance with these regulations without the demolition of an existing structure or damage of significant trees on the site or in the public right-of-way to accommodate a parking area, or if written documentation that demonstrates that fewer spaces than required are needed because of the nature of the business, hours of operation, or availability of adjacent parking the BZA may authorize up to a 25 percent reduction in the total number of parking spaces required on the site.

Table 12:1 IPOD Minimum Parking Requirements

	NAICS	Required Off-Street Parking Space (a)
Sector 11: Agriculture, Forestry, Fishing and Hunting		
Agriculture, Forestry, Fishing and Hunting	11	NONE
Sector 21: Mining and Mine Operations (Sec. 6:2.14)		
Mining	212	NONE
Sector 22: Utilities		
Electric, Gas, and Sanitary Services	221	1.0 per 500 s.f. GFA
Sector 23: Construction		
Construction	23	1.0 per 1,000 s.f. GFA
Sector 31-33: Manufacturing		
Manufacturing	31-33	1.0 per 500 s.f. GFA
Sector 42: Wholesale Trade		
Wholesale Trade	42	1.0 per 5,000 s.f. GFA
Sector 44-45: Retail Trade		
Retail Trade	441-446	1.0 per 350 s.f. GFA
Gasoline Stations	447	1.0 per 600 s.f. GFA
Truck Stops	44719	1.0 per 600 s.f. GFA
Retail Trade	448-453	1.0 per 350 s.f. GFA
Flea Markets	4533	2 per stall

	NAICS	Required Off-Street Parking Space (a)
Manufactured Home Dealers	45393	1.0 per 600 s.f. GFA
Non-Store Retailers	454	1.0 per 350 s.f. GFA
Fuel Dealers	45431	1.0 per 500 s.f. GFA
Sector 48-49: Transportation and Warehousing		
Air Transportation	481	1.0 per 250 s.f. GFA
Transportation	482-488	1.0 per 500 s.f. GFA
U.S. Postal Service	491	1.0 per 350 s.f. GFA
Warehousing and Storage	493	1.0 per 1,000 s.f. GFA
Sector 51: Information		
Publishing Industries	511	1.0 per 500 s.f. GFA
Motion Pictures and Sound Industries	512	1.0 per 350 s.f. GFA
Motion Picture Theaters	512131	1.0 per 5 seats
Broadcasting and Telecommunications	513	1.0 per 350 s.f. GFA
Communication Towers and Ant.	5131	NONE
Information	514	1.0 per 350 s.f. GFA
Sector 52: Finance and Insurance		
Finance and Insurance	52	1.0 per 350 s.f. GFA
Sector 53: Real Estate and Rental and Leasing		
Real Estate	531	1.0 per 350 s.f. GFA
Mini-Warehouses	53113	1.0 per 12 storage units
Rental and Leasing Services	532	1.0 per 500 s.f. GFA
Video Tape Rental	53223	1.0 per 350 s.f. GFA
Sector 54: Professional, Scientific, and Technical Services		
Professional, Scientific, Technical Services	541	1.0 per 350 s.f. GFA
Display Advertising—Signs	54185	NONE
Veterinary Services	54194	1.0 per 350 s.f. GFA
Sector 55: Management of Companies and Enterprise		
Management of Companies and Enterprises	551	1.0 per 350 s.f. GFA
Sector 56: Administrative and Support and Waste Management and Remediation Services		
Administrative and Support Services	561	1.0 per 350 s.f. GFA
Landscape Services	56173	1.0 per 1,000 s.f. GFA
Waste Management Services	562	
Waste Collection	5621	1.0 per 1,000 s.f. GFA
Hazardous Waste Treatment and Disposal	562211	NA
Solid Waste Landfill	562212	1.0 per 1,000 s.f. GFA
Solid Waste Incinerators	562213	1.0 per 1,000 s.f. GFA
Material Recovery Facilities	562920	1.0 per 1,000 s.f. GFA
All Other Waste Management	56299	1.0 per 1,000 s.f. GFA
Sector 61: Educational Services		
Educational Services	611	

	NAICS	Required Off-Street Parking Space (a)
Elementary Schools	6111	2.0 per classroom, plus 5 admin. Spaces
Secondary Schools	6111	5.0 per classroom, plus 10 admin. spaces
Jr. Colleges, Colleges, Universities, Professional Schools	6112-3	5.0 per classroom, plus 2 per admin. Office
Business Schools, Computer, and Management Training	6114-5	5.0 per classroom, plus 2 per admin. office
Other Schools and Instruction	6116	5.0 per classroom, plus 2 per admin. Office
Educational Support Services	6117	1.0 per 200 s.f. GFA
Sector 62: Health Care and Social Assistance		
Ambulatory Health Care Services	621	1.0 per 150 s.f. GFA
Hospitals	622	0.7 per bed
Nursing and Residential Care Facilities	623	0.4 per bed
Nursing Care Facilities	6231	1.0 per 500 s.f. GFA
Community Care for Elderly	6233	0.4 per bed
Social Assistance	624	1.0 per 350 s.f. GFA
Day Care Services	6244	1.0 per 200 s.f. GFA
Sector 71: Arts, Entertainment, and Recreation		
Performing Arts, Spectator Sports and Related Industries	711	1.0 per 300 s.f. GFA
Museums, Historical Sites, and Similar Institutions	712	1.0 per 1,000 s.f. GFA
Amusement, Gambling, and Recreation	713	By individual review
Golf Courses and Country Clubs	71391	5.0 per hole
Marinas	71393	1.0 per slip
Gun Club and Skeet Ranges	71399	1.0 per 150 s.f. GFA
Sector 72: Accommodation and Food Services		
Accommodations	721	
Hotels and Motels	72111	1.5 per rental unit
Bed and Breakfast Inns	721191	1.5 per bedroom
Camps and Recreational Vehicle Parks	72121	Not applicable
Rooming and Boarding Houses, Dormitories, Group Housing	72131	1.0 per bedroom
Eating Places	7221-3	1.0 per 150 s.f. GFA
Fast Food Restaurants		1.0 per 150 s.f. GFA
Drinking Places	7224	1.0 per 150 s.f. GFA
Sector 81: Other Services (except Public Administration)		
Auto Repair and Maintenance	8111	
General Auto Repair	811111	1.0 per 500 s.f. GFA

	NAICS	Required Off-Street Parking Space (a)
Other Repair	8112-4	1.0 per 350 s.f. GFA
Personal and Laundry Services	812	
Personal Care Services	8121	2.5 per chair or basin
Funeral Homes and Services	81221	5.0, plus 1.0 per 2 seats main assembly
Cemeteries	81222	NONE
Crematories	81222	1.0 per 500 s.f. GFA
Laundry and Dry Cleaning Services	8123	1.0 per 500 s.f. GFA
Coin Operated Laundries/Dry Cleaning	81231	1.0 per 250 s.f. GFA
Pet Care	81291	1.0 per 1,000 s.f. GFA
Automotive Parking Lots and Garages	81293	NONE
Sexually Oriented Business	81299	1.0 per 350 s.f. GFA
All Other Personal Services	81299	1.0 per 300 s.f. GFA
Religious, Fraternal, Professional, Political, Civic, Business Organizations	813	
Religious organizations	81311	1.0 per 350 s.f. GFA
All Other organizations	8132-9	1.0 per 500 s.f. GFA
Sector 92: Public Administration (Article 11:5)		
Executive, Legislative, and General Government	921	1.0 per 350 s.f. GFA
Justice, Public Order and Safety	922	1.0 per 350 s.f. GFA
Correctional Institutions	92214	1.0 per jail cell, plus 10 per 250 s.f. GFA
Fire Protection	92216	4.0 per bay
Administration of Human Resources	923	1.0 per 350 s.f. GFA
Administration of Environmental Quality and Housing Program	924-5	1.0 per 350 s.f. GFA
Public Parks and Recreation	924120	By individual review
Administration of Housing, Planning, CD Programs	925	1.0 per 350 s.f. GFA
Administration of Economic Programs	926	1.0 per 350 s.f. GFA
Residential Uses		
Site Built Housing	NA	
Single-Family Detached	NA	NONE
Duplex	NA	2.0 spaces per unit
Multi-Family, Apartments	NA	1.5 spaces per unit
Townhouses	NA	2.0 spaces per unit
Patio Homes	NA	2.0 spaces per unit
Manufactured Housing (Article 12:9)	NA	
Residential Designed	NA	2.0 spaces per unit
Standard Designed	NA	2.0 spaces per unit

	NAICS	Required Off-Street Parking Space (a)
Accessory Uses to Residential Uses		
Accessory Uses to Residential Uses	NA	NONE
Accessory Uses to Non-Residential Uses		
Accessory Uses to Non-Residential Uses	NA	NONE
Temporary Uses		
All Temporary Uses	NA	NONE

12:1.2. *Site plan.* Each application for a building permit or certificate of use submitted to the DSR, shall include a plan showing the required space reserved for off-street parking and loading space and the means of ingress and egress to such space. This information shall be the responsibility of the owner/developer and shall be sufficient to enable the DSR to determine whether or not the requirements of this section are met.

12:1.3. *Shared parking.* Shared use of required nonresidential parking spaces may occur where two or more uses on the same or separate sites are able to share the same parking spaces because their parking demands occur at different times. Shared use of required nonresidential parking spaces is allowed if the following documentation is submitted in writing with the building and zoning permit application:

1. The names and addresses of the uses and of the owners or tenants that are sharing the parking;
2. The location and number of parking spaces that are being shared;
3. A legal instrument such as an easement or deed restriction that guarantees access to the parking for both uses.

12:1.4. *Remote parking space.* If the off-street parking space required by this ordinance cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within 400 feet of the principal use. Such space shall be deemed required space associated with the permitted use and shall not hereafter be reduced or encroached upon in any manner. It is further provided that the DSR may require a plat, deed, or other documentation necessary to show that remote parking space is controlled by and available to the applicant prior to the granting of a zoning certificate.

12:1.5. *Design of parking area.*

1. All off-street parking except off-street parking for single-family detached dwelling units, single-family attached dwelling units on adjoining individual lots, or two-family dwellings located on a residential service street, shall be designed so that all traffic related activities are confined to the site and vehicles can turn around within the area and enter the street, road, or highway in such a manner as to completely eliminate the necessity of backing into the street, road, or highway. Off-street parking for single-family detached dwelling units, single-family attached dwelling units on adjoining individual lots, or two-family dwelling units, which requires backing into a residential service street, shall be permitted provided that such movement can be made with reasonable safety and without interfering with other traffic.
2. Reserved.
3. Parking lots shall be designed so as not to drain into or across public sidewalks or on to adjacent property, except into a natural watercourse or a drainage easement. In developed areas where this

condition may be impossible to meet, and there are no adverse impacts to surrounding areas, the DSR may exempt the developer from this requirement, provided that adequate provision is made for drainage.

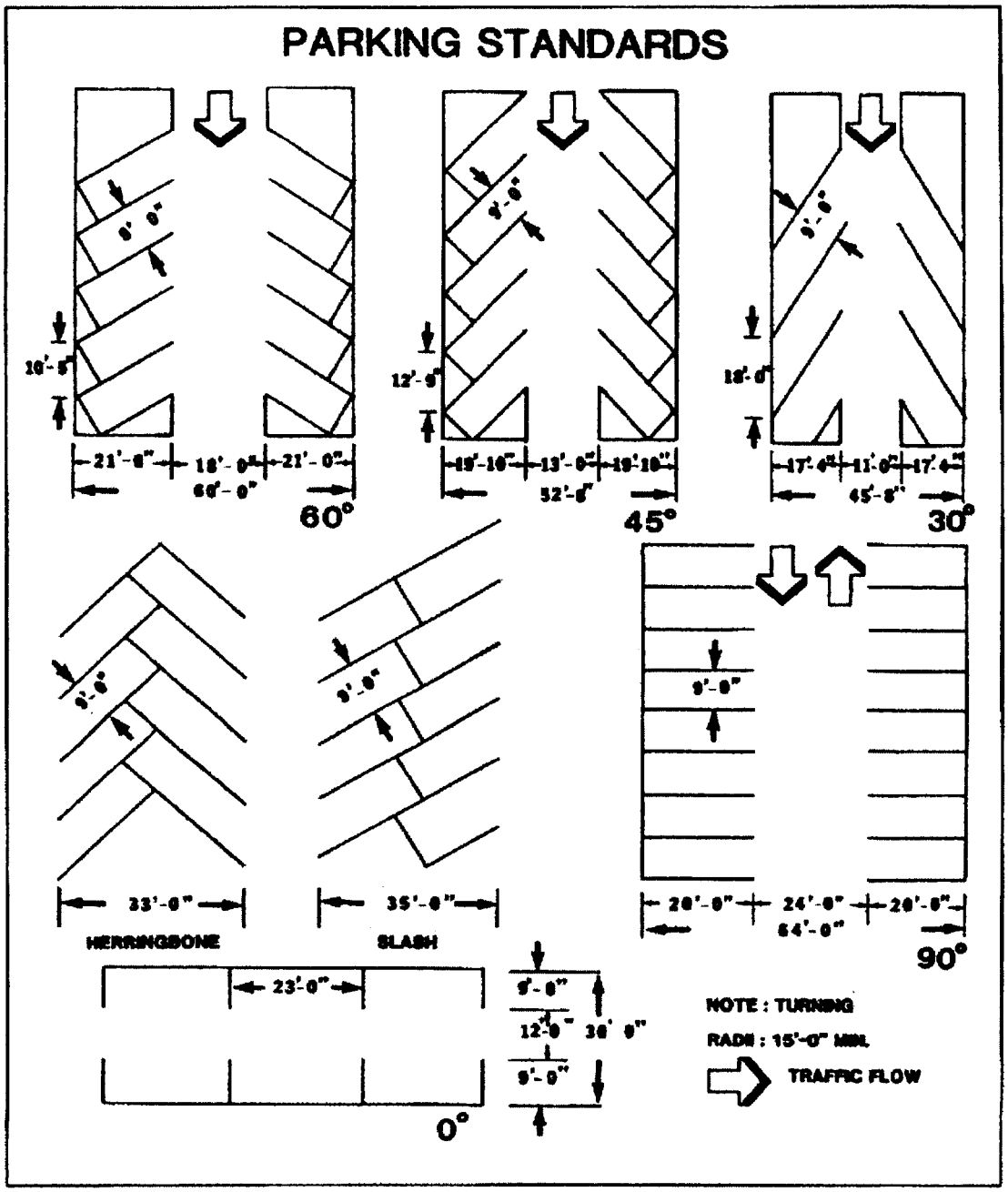
4. When necessary off-street parking spaces shall be separated from walkways, sidewalks, streets, or alleys, and required yards and buffer areas by a wall, fence, curbing, or other protective device approved by the DSR.

5. Landscaping, curbing, or other approved barriers shall be provided along boundaries to control entrance and exit of vehicles or pedestrians. All off-street parking areas shall be designed so that all movement onto a public street is in a forward motion. Entrance and exit driveways to public streets in the vicinity of street intersections must be located at least 75 feet, measured along the curb line, from the intersection of the nearest curb line.

6. Parking lots shall be marked by painted lines, curbs, or other means to indicate individual spaces. Signs or markers may be used as necessary to ensure efficient traffic operation of the lot. All pavement markings and traffic control signage shall be constructed and installed in accordance with the latest edition of the "Manual on Uniform Traffic Control Devices" (MUTCD).

7. Lighting and landscaping shall be provided in parking lots in accordance with the appropriate sections of this ordinance.

8. All off-street parking areas shall be maintained in a clean, orderly, dust-free, and weed-free condition at the expense of the owner or lessee and not used for the sale, repair, or dismantling or servicing of any vehicles or equipment, except for service and auto repair stations/garages.



12:1.6. *Mixed uses.* Where more than one principal use, whether with the same or different parking requirements occupy the same building or premises or in the case of joint use of a building or premises by more than one use having the same parking requirements, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

However, up to 50 percent of the parking spaces required for (1) theaters, public auditoriums, bowling alleys, dance halls, clubs, churches and religious institutions may be provided and used jointly by (2) financial institutions, offices, retail stores, repair shops, service establishments, and similar uses not normally open, used, or operated during the same hours as those listed in (1); provided however, that a signed, written agreement thereto is properly executed and filed with the county.

12:1.7. *Off-street parking space design standard.* See Parking Standards Diagram.

Table 12.2 Minimum Parking Requirements

Angle of Parking	*Width of Stall*	*Depth of Stall***	*Minimum Isle Width**	*Length of Curb Per Car*
0 (parallel)	9'	23'	12'	23'-0"
30	9'	17'-4"	11'	18'-0"
45	9'	19'-10"	13'	12'-9"
60	9'	21'-0"	18'	10'-5"
90	9'	20'-0"	24'	9'-0"

*Minimum isle widths shall be maintained to the point of intersection with the adjoining public or private right-of-way.

** In 90-degree parking stalls, the depth of the stall may be reduced to 18 feet where a grassed or landscaped median, with a minimum two feet width per row of parking stalls, has been provided for automobile overhang. Wheel-stops or curbing shall be provided to protect and delineate the median from the parking stalls.

At least one fire access lane must be provided and approved by the county emergency services department.

12:1.8. *Requirements for the physically disabled and/or handicapped.* When off-street parking is required for any building or use, except for single family, residential dwellings, parking for the physically disabled shall be provided in accordance with the latest ADA requirements.

12:1.9. *Storage and use of campers or recreational.* See section 9:5.1 of this ordinance.

12:1.10. *Parking, storage, and use of non-residential vehicles and equipment.* See subsection 9:5.2 of this ordinance.
(Ord. No. 08-11, §§ 9, 10, 5-5-08; Ord. No. 09-06, § 2, 2-2-09; Ord. No. 09-12, §§ 13, 14, 5-4-09; Ord. No. 11-22, § 21, 10-3-11; Ord. No. 11-24, § 9, 9-6-11)

12:2. Off-street loading.

12:2.1. *Requirements for industrial and wholesale buildings.* Every industrial and wholesale building hereafter erected shall provide space as indicated herein for loading and unloading of vehicles. The number of off-street loading berths required by this section shall be considered as the absolute minimum, and the developer shall evaluate his own needs to determine if they are greater than the minimum specified by this section. For purposes of this section, an off-street loading berth shall have minimum plan dimensions of 12 feet by 60 feet and 14 feet overhead clearance with adequate means for ingress and egress.

Table 12.3 Minimum Loading Requirements

Square Feet of Gross Floor Area in Structure	*Number of Berths*
0 - 25,000	1
25,000 - 40,000	2
40,000 - 100,000	3
100,000 - 160,000	4
160,000 - 240,000	5
240,000 - 320,000	6
320,000 - 400,000	7
Each 90,000 above 400,000	1

12:2.2. *Design of loading spaces.* Off-street loading spaces shall be designed so that vehicles can maneuver for loading and unloading entirely within the property lines of the premises of the structures they are intended to serve.

All uses shall provide off-street loading space sufficient for their requirements. Such space shall be arranged so that no vehicle being loaded or unloaded in connection with normal operations shall stand in or project into a public street or sidewalk.

12:2.3. *Requirements for commercial uses.* All retail uses and office buildings with a total floor area of 10,000 square feet shall have one off-street loading berth for each 10,000 square feet.

12:3. Parking lot landscaping.

All new off-street parking lots with ten or more spaces located adjacent to existing public right(s)-of-way shall establish roadside buffers. Roadside buffers shall be located outside of the rights-of-way of existing roads.

12:3.1. *Roadside buffers.*

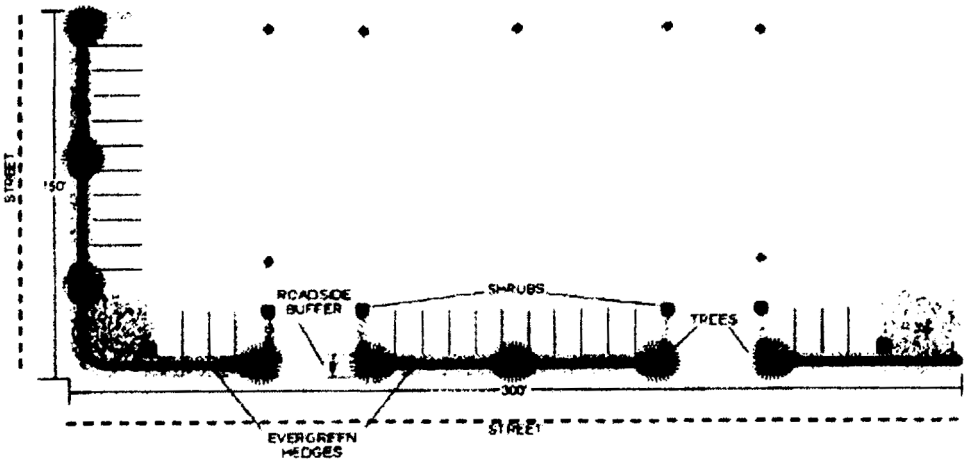
1. The minimum roadside buffer width shall have an average planting width of eight feet with the minimum width for any buffer yard being five feet. Buffers shall contain the following plant materials:

    a. An average of one tree for every 50 feet of linear road frontage.

    b. Shrubs spaced to provide a continuous evergreen screen within three years of installation.

2. Within the buffer yard, fences, walls, earthen berms or any combination thereof may be used to meet the requirements of this section so long as they are a minimum of 30 inches in height and provide a continuous opaque visual screen. Berms shall have a side slope no greater than 3:1.

3. Where existing overhead power utility lines preclude sufficient space for a shade tree to grow then two small trees shall be substituted for each required shade tree.



12:3.2. *Interior plantings.* In addition to all other landscaping requirements, all new off-street parking lots with 50 or more spaces shall provide and maintain landscaped planting areas within the interior of, and adjacent to, the parking lot.

Within the interior, peninsula or island type landscaped areas shall be provided for any open vehicular use area containing ten or more parking spaces. Landscaped areas shall be located in such a manner as to divide and break up the expanse of paving and strategic points to guide travel flow and direction. Elsewhere, landscaped areas shall be designed to soften and complement the building site and separate the building from the vehicular surface area.

1. Interior planting islands shall have a minimum planting area of five feet wide by 36 feet long.
2. In addition to the required trees and shrubs, planting areas shall be grassed, covered with mulch or decorative stone.
3. All planting areas shall be protected from vehicular intrusion by the installation of curbing or wheel stops.
4. Each landscaped planting area shall contain trees and shrubs at the rates listed below rounded upward to the next whole number:
   a. One tree for every 15 parking spaces.
   b. One shrub for every five parking spaces.
5. Interior planting areas shall be designed within or adjacent to the parking area(s) as:
   a. Islands, located at the end of parking bays;
   b. Islands, located between parallel rows of cars;
   c. Driveway medians, a minimum of five feet in width;
   d. Intermediate islands; or
   e. A combination of the above.

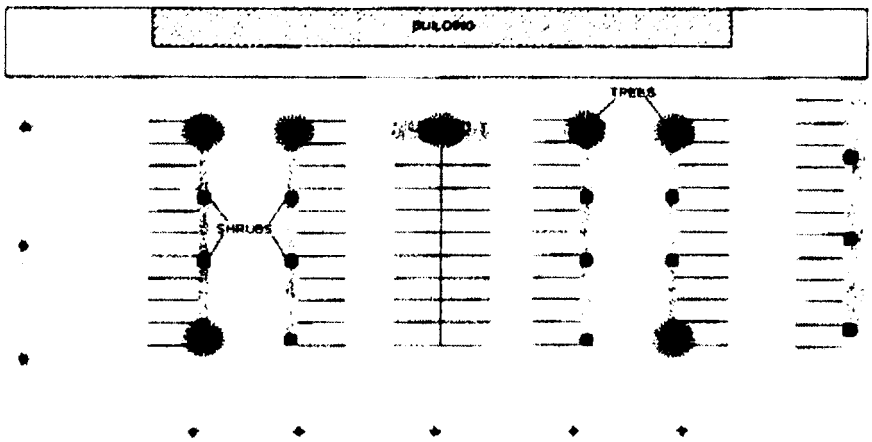
6. Trees and shrubs must be planted within 20 feet of the parking area to satisfy the interior planting requirements.

7. The design size and shape of the interior planting areas shall be at the discretion of the owner; however, no parking space shall be:

   a. Located farther than 90 feet from the trunk of a shade tree;

   b. Separated from a shade tree by a building or other structure.

8. Parking structures are excluded from interior landscape areas.



12:3.3. *Planting material specifications.*

1. A minimum of 75 percent of trees planted to meet this requirement shall be shade trees. (unless precluded by utilities)

2. Shade trees shall have a minimum planting size of two inches measured 18 inches above grade.

3. Small trees and multi-stem trees shall have a minimum planting height of six feet tall.

4. Evergreen shrubs shall have a minimum installed height of 12 inches and a minimum height of 30 inches within three years of installation. All shrubs inside the sight triangle at points of ingress and egress shall not exceed 30 inches in height.

12:3.4. *Existing trees.* It is encouraged to use existing trees to meet the requirements of this section. If existing trees are preserved to meet the roadside buffer or interior planting requirements then a reduction in the new planting requirements will be given. Existing trees will be credited towards meeting the requirements of this section as follows:

One tree (2 - 6 inches diameter at breast height) = 1 planted trees

One tree (6 - 10 inches diameter at breast height) = 2 planted trees

One tree (10 - 15 inches diameter at breast height) = 3 planted trees

One tree (15 inches diameter at breast height) = 4 planted trees

12:3.5. *Protection of existing trees.* Any trees preserved on a development tract to receive credit shall meet the following protection standards. A root protection zone shall be established around all trees to be preserved. The root protection zone shall be clearly shown on all grading and site plans.

1. *Root protection zone.* The land area around the base of a tree in which disturbances are prohibited in order to protect the roots of the tree and aid the tree's survival. The root protection zone shall be equal to one-foot radius for every inch of tree diameter measured at a point four and one-quarter feet above ground. Root protection zone measurements shall be rounded off to the nearest foot.
2. *Protective barrier.* A protective barrier shall be installed at the start of grading, and be located at the outer edge of the root protection zone. Protective barriers shall be posted as a "Tree Save Area." This procedure shall be incorporated as a note on the grading and erosion control plans. Protective barriers shall be constructed of a material resistant to degradation by sun, wind, and moisture and shall remain in place until all construction is complete.
3. No storage of materials, dumping of waste materials, fill, or parking of equipment shall be allowed within the root protection zone, and no trespassing shall be allowed within the boundary of the root protection zone. Utility easements and borings are permitted.

12:3.6. *Exceptions.*

1. Any lot used for the express purpose of sales and storage is exempt.
2. Parking Structures (multi-level).

12:3.7. *Owner responsibilities and maintenance.* The owner, his successors, or assigns, are responsible for maintaining all required plant material in good health. Any planted trees which die or become unhealthy and used to meet the provisions of this section must be replaced within one year with vegetation which conforms to the initial planting standards of this section.

12:3.8. *Plan submittal requirements.* Landscaping plan. Prior to the issuance of any occupancy permit, for any development with ten or more parking spaces, a specific landscape plan, at a scale of not less than one inch equals 50 feet, shall be submitted to the building and zoning division for approval and shall contain existing and proposed landscaping, including:

1. The location, botanical name and common name, size in diameter four and one-half feet above grade and height of new trees to be planted, which must comply with this code. A suggested tree planting list can be found in Article 13.
2. The location, botanical name and common name, size in diameter four and one-half feet above grade and estimated height of existing trees which are to be maintained or preserved for credit as per the requirements of this code.
3. The location and dimensions of parking lots, buffer areas and other planting areas.
4. The size, botanical name and common name and spacing of plant materials.
5. The location and design of any fence, wall or earthen berm indicating size, dimensions and materials.
6. The location and description of any barriers required to be erected to protect any existing vegetation from damage as required in this section.

7. Provisions for watering and other long-term maintenance to assure serviceability, soil stabilization and plant protection.

8. The use of existing natural buffers is strongly encouraged.

12:3.9. *Variances.* A variance may be granted by the board of zoning appeals pursuant to site hardships. Adequate engineering, landscaping, and arborist plans and specifications are required.

12:4. Relationship of buildings to lots.

There shall be not more than one principal building and its accessory buildings on one lot except as allowed in group residential and group commercial/office developments as provided in subsection 10:1, Provisions for Group Developments, of this ordinance.

12:5. Projections into public streets and street rights-of-way.

No commercial signs or other structures shall project beyond any right-of-way line of any street except in the case of a properly executed air rights agreement that meets the provisions of all applicable legislation regarding the use of air rights. No shrubbery shall project into any public street right-of-way.

12:6. Visibility at intersections.

On any corner lot on which a front and side yard is required, nothing shall be erected, placed, planted, or allowed to grow which obstructs vision between a height of 30 inches above the crown of the adjacent roadway and ten feet in a triangular area formed by measuring from the point of intersection of the front and exterior side lot lines a distance of 25 feet along the front and side lot lines and connecting the points so established to form a triangle on the area of the lot adjacent to the street intersection.

12:7. Height.

Federal Aviation Agency height regulations in the vicinity of an airport or the area governed by the Federal Aviation Agency regarding approach zones and protected areas shall take precedence over all other types of regulations.

12:8. Screening and buffering requirements.

12:8.1. *General requirements.*

1. Screening must be provided along side and rear exterior lot lines, where any non-residential use is adjacent to a residential use and/or district, for the purpose of screening non-residential activities from view. Unless otherwise required, the following landscaping and screening provisions will apply.

2. Where any non-residential use is adjacent to a residential district, a buffer shall be required. Screening requirements as set forth in this section can be provided within the buffer, and shall be the only permitted activity within the buffer area established by this section.

12:8.2. *Bufferyards.*

12:8.2-1. *Definition.* The bufferyard is a portion of the yard together with the planting, fences, walls, and other screening devices required thereon.

12:8.2-2. *Purpose.* The purpose of a bufferyard is to ameliorate any potential adverse impact between adjacent land uses and streets, and promote land use compatibility.

12:8.2-3. *Requirements.* Bufferyards shall be required for proposed new uses or substantially expanded uses (over 50 percent gross floor area) in accord with Table 4 below. Buffer requirements shall not apply to PDD's.

Table 12.4: Bufferyard Requirements

	Existing Use						
Proposed Use	*Agricultural*	*Single-Family Dwelling*	*All Other Residential Uses*	*Office/ Institutional*	*Commercial/ Non-Effluent Industry*	*Effluent Producing Industry*	*Street*
Office/Institutional	0	2	1	0	0	0	1
Multi-Family	0	2	0	1	2	3	1
Low Impact Commercial	0	2	1	0	0	0	1
Commercial	1	3	2	0	0	0	1
Non-Effluent Producing Industry	2	4	3	2	0	0	1
Effluent Producing Industry	3	6	5	3	2	0	3
Mining and Mine Operation	3	7A	7A	5	2	1	7B
Manufacturing Use in IPOD*	3	6*	5	3	2	0	3

*In the IPOD, bufferyards between manufacturing use and hospitality and accommodations shall be consistent with bufferyards required for single-family residential existing land use to best protect the tourism industry.

12:8.2-4. *Specifications and options.* From Table 4, match the abutting use with the proposed new or expanded use to determine the type of bufferyard required. Should a question arise as to the land use classification of a proposed or abutting use the DSR shall determine the classification. Refer to the Bufferyard Illustrations to determine the amount of bufferyard required. Several options of landscaping are available under each bufferyard. The requirements are given in 100-foot units as measured along the property line. Whenever a wall or fence is required, the location of the structure may be on either side of the required bufferyard.

The length of a bufferyard shall extend the length of the property line separating two uses, except for property lines in excess of 200 feet, where the bufferyard need only extend 100 feet beyond either end of the existing use to be buffered.

Bufferyard Illustrations

	Space Required	Plants Required
Bufferyard 1	100' × 5'	5 trees or 3 trees & 6 shrubs or 12 shrubs or 6' fence (wood-solid)
Bufferyard 2	10'	10 trees or 6 trees & 12 shrubs or 24 shrubs or 6' fence
Bufferyard 3	15'	15 trees or 8 trees & 24 shrubs or 48 shrubs or 6' fence & 20 shrubs or trees
Bufferyard 4	25'	25 trees & 30 shrubs or 12 trees & 60 shrubs or 8' fence & 10 trees or shrubs
Bufferyard 5A	50'	30 trees & 40 shrubs or 20 trees & 80 shrubs or 8' fence & 25 trees or shrubs
Bufferyard 5B	25'	6' masonry wall & 25 trees or shrubs
Bufferyard 5C	(Wall) 5'	8' masonry wall
Bufferyard 6B	25'	6' masonry wall & 25 trees or shrubs
Bufferyard 6A	50'	8' fence & 45 trees & 80 shrubs or 8' fence & 30 trees & 120 shrubs
Bufferyard 7A	50'	45 trees & 80 shrubs and 6' fence
Bufferyard 7B	50'	45 trees & 80 shrubs

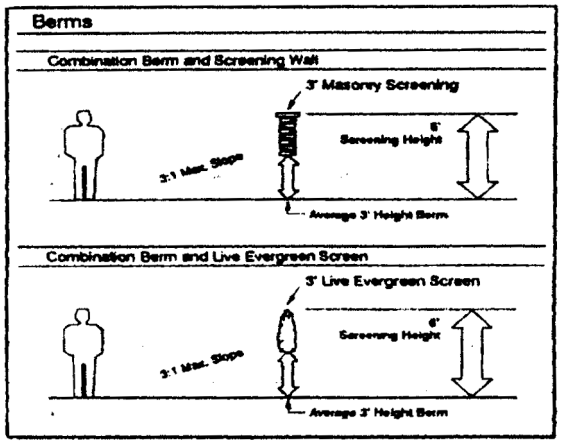
12:8.2-5. *Use of existing vegetation.* In no event shall a developer clear-cut the site of a required bufferyard. The developer shall conduct an existing tree inventory, identifying the location, species, and diameter (breast high) of all trees in the bufferyard, and complement the presence of such trees with appropriate shrubs and other vegetation to meet all requirements of this section.

12:8.2-6. *Materials.* To achieve the desired results, only coniferous (evergreen) plants, suitable for local conditions, shall be used. When structures are used, the materials shall be durable and suitable for screening.

12:8.2-7. *Plant size and caliper.* The minimum tree at planting shall be six feet in height and two and one-half inches in diameter at a height of four and one-half feet above the ground. The minimum shrub shall be three to five gallons in size. Both trees and shrubs shall be nursery stock with well-developed root systems unless plants found in place can be used. If the existing vegetation provides a screen equal to or greater than that which would be planted, no other plant material shall be required. In case of open woods, an additional planting of eye shrubs such as hemlock or pines may be needed to improve screening. Fencing requirements are not changed by a wooded site.

12:8.3. *Substitutions.* The following substitutions for opaque walls, fences, and plant materials may be made:

1. Berms (3H:1V Maximum slope) may be used to compensate for fences. An eight-foot high opaque structure can be a combination of berm and fence to total eight feet.



2. Chain link fences with evergreen hedge on the outbound side may be substituted for wooden fences of the same height. All plants must be sized and spaced to obscure the chain link fence within five years of planting.

3. Any existing plant material that otherwise satisfies the requirements of this section may be substituted and counted toward satisfying the requirements of this section.

12:8.4. *Fence and wall specifications.* All fences and walls used as part of the bufferyard requirement must have the finished side facing outward. Fences shall be wooden or other durable or opaque material approved by the DSR. Wooden fences shall be made of rot resistant material such as locust, cedar or

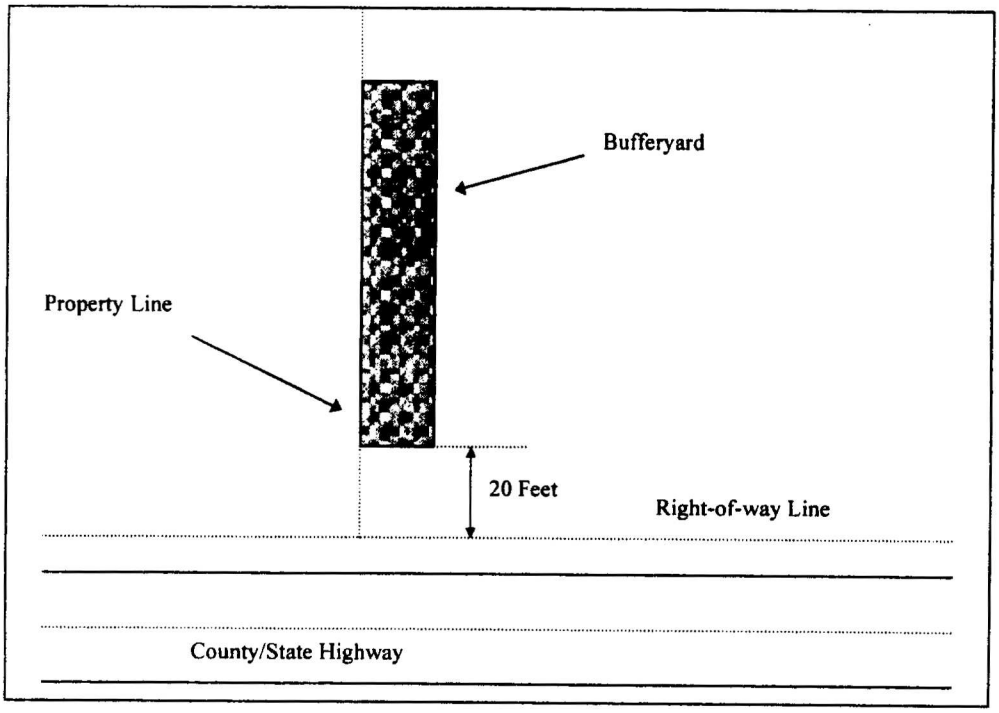
redwood. If made of pine, the post shall be rated for soil contact and the boards rated for outside use. Chain link fences with wood, plastic, or metal strips are expressly prohibited. However, a chain link fence with evergreen hedge is acceptable. Walls must be made of masonry materials including poured concrete, concrete block covered with stucco, and brick.

12:8.5. *Responsibility.* It shall be the responsibility of the proposed new use to provide the bufferyard where required by this ordinance, except that no new detached single-family dwelling or duplex shall be required to provide such bufferyard.

12:8.6. *Required maintenance.* The maintenance of required bufferyards shall be the responsibility of the property owner. All such areas shall be properly maintained so as to ensure continued buffering. All planted areas shall be provided with an irrigation system or a readily available water supply to ensure continuous healthy growth and development. Dead trees shall be removed; debris and litter shall be cleaned; and berms, fences, and walls shall be maintained at all times. Failure to do so is a violation of this Ordinance, and may be remedied in the manner prescribed for other violations.

12:8.7. *Use of bufferyards.* A bufferyard may be used for underground utilities or passive recreation and may be interrupted by access driveways not exceeding 16 feet in width (exceptions for uses requiring wide curb cuts may be approved by the DSR. All other uses, including off-street parking, are prohibited, including off-street parking.

12:8.8. *Sight clearance.* Bufferyards may not obscure a clear line of sight for vehicular traffic. Therefore, bufferyards should be placed a minimum distance of 20 feet from street/road right-of-way lines.



12:8.9. *Screening.*

12:8.9-1. *Definition.* Screening is a type of buffer that is designed to block or obscure a particular element or use from view.

12:8.9-2. *Purpose.* The purpose of screening is to minimize if not eliminate entirely the visual impact of potentially unsightly open storage areas and refuse disposal facilities.

12:8.9-3. *Requirements.*

1. Screening specified by this section shall be required of all open storage areas not devoted to retail sales visible from any public street, including open storage areas for shipping containers, building materials, appliances, trash containers of four or more cubic yards, salvage materials and similar unenclosed uses.

2. Screening shall be accomplished by an opaque divide not less than six feet in high or the height of the object to be screened, whichever is greater. Screening may be accomplished by the use of sight obscuring plant materials (generally evergreens), earth berms, walls, fences, proper siting of disruptive elements, building placement or other design techniques approved by the DSR.

12:8.10. *Landscaping.*

12:8.10-1. *Definition.* Landscaping is a type of open space permanently devoted and maintained for the growing of shrubbery, grass, other plants and decorative features to the land.

12:8.10-2. *Purpose.* The purpose of landscaping is to improve the appearance of vehicular use areas and development abutting public rights-of-way; to enhance environmental and visual characteristics, to promote the greening of development, and the reduction of noise pollution, storm water run off, air pollution, and artificial light glare, and to safeguard property values, protect public and private investments, and promote high-quality development.

12:8.10-3. *Requirements.*

1. No proposed commercial, institutional, industrial or other non-residential use, or multi-family project, shall hereafter be established or reestablished in an existing building or structure, and subsequently used unless landscaping is provided in accord with the provisions of this section. No existing building, structure, or vehicular use area shall be enlarged by 30 percent of more unless the minimum landscaping required by the provisions of this section is provided throughout the building site.

2. Required landscaping shall be provided along the outer perimeter of a lot or parcel, where required by the buffer area provisions of this article, to buffer and separate incompatible land uses. The amount specified shall be as prescribed by section 12:8.2

At a minimum, interior lot landscaping shall be provided in the following amounts:

Use	*% of Lot*
Institutional	15%

Use	*% of Lot*
Industrial/wholesale/storage	10%
Office	10%
Commercial-retail-service	5%
Multi-family Projects	10%

Landscaping along exterior building walls and structures is suggested to separate with greenery the building from the vehicular surface area.

12:8.10-4. *Landscaping plan.* A landscaping plan shall be submitted as part of the application for a zoning certificate. The plan shall:

(1) Designate areas to be reserved for landscaping. The specific design of landscaping shall be sensitive to the physical and design characteristics of the site.

(2) Indicate the location and dimensions of landscaped areas, plant materials, decorative features, etc.

12:8.10-5. *Landscaped areas.*

(1) All landscaped areas in or adjacent to parking areas shall be protected form vehicular damage by a raised concrete curb or an equivalent barrier of six inches in height. The barrier need not be continuous.

(2) Landscaped areas must be at least 25 square feet in size.

12:8.10-6. *Required maintenance.* The maintenance of required landscaped areas shall be the responsibility of the property owner. All such areas shall be properly maintained so as to assure their survival and aesthetic value, and shall be provided with an irrigation system or a readily available water supply. Failure to monitor such areas is a violation of this ordinance, and may be remedied in the manner prescribed for other violations.

12:8.11. *Common open space.*

12:8.11-1. *Description.* Common open space is land and/or approved water bodies used for recreation and amenities (to include parks, greenways, and pathway systems). It shall be freely accessible to all residents and property owners of a development, where required by this ordinance. No wetlands, right-of-ways, easements or other lands already subject to use restrictions shall be used to generate the percentage of open space reservation required for proposed uses/projects.

12:8.11-2. *Purpose.* The purpose of this section is to ensure adequate open space for high density residential development; to integrate recreation, landscaping, greenery, and/or natural areas into such projects; to promote the health and safety of residents of such projects; and to compensate for the loss of open space inherent in single-family residential projects.

12:8.11-3. *Requirements.* The following uses/projects consisting of seven or more units shall provide common open space in the amounts prescribed:

Common Open Space

Proposed Uses/Projects	*Ratio (% Lot)*
Institutional	2%
Commercial	5%
Townhouse Projects	15%
Multi-family Projects	15%
Industrial	2%
All other residential projects	10%

(1) *New sites:* No proposed development, building or structure in connection with the above shall hereafter be erected or used unless common open space is provided in accord with the provisions of this section.

(2) *Existing sites:* No existing development, building or structure in connection with the above shall be expanded or enlarged unless the minimum common open space required by the provisions of this section are provided to the extent of the alteration or expansion.

12:8.11-4. *Common open space plan.* Proposed uses/projects set forth in 12:8.11-3 shall submit an open space or landscaping plan as part of the application for a building permit. The plan shall:

(1) Designate areas to be reserved as open space. The specific design of open space shall be sensitive to the physical and design characteristics of the site.

(2) Designate the type of open space which will be provided, and indicate the location of plant materials, decorative features, recreational facilities, etc.

(3) Specify the manner in which common open space shall be perpetuated, maintained and administered.

12:8.11-5. *Types of common open space and required maintenance.* The types of common open space, which may be provided to satisfy the requirements of this ordinance together with the maintenance required for each, are as follows:

(1) Natural areas are areas of undisturbed vegetation or areas replanted with vegetation after construction. Woodlands and wetlands are specific types of natural areas. Maintenance is limited to removal of litter, dead trees, plant materials, and brush. Natural watercourses are to be maintained as free flowing and devoid of debris. Stream channels shall be maintained so as not to alter floodplain levels.

(2) Recreational areas are designed for specific active recreational uses such as tot lots, tennis courts, swimming pools, shall fields, and similar uses. Recreational areas shall be accessible to all residents of the development. Maintenance is limited to ensuring that there exist no hazards, nuisances, or unhealthy conditions.

(3) Greenways are linear green belts linking residential areas with other open space areas. These greenways may contain bicycle paths, footpaths, and bridle paths. Connecting greenways between residences and recreational areas are encouraged. Maintenance is limited to a minimum or removal and avoidance of hazards, nuisances, or unhealthy conditions.

(4) Landscaped areas, parks and required buffer areas, including creative landscaped areas with gravel and tile, so long as the tile does not occupy more than two percent of the required open space. Grassed areas, with or without trees and shrubs shall be watered regularly to ensure survival, and mowed regularly to ensure neatness. Landscaped areas shall be trimmed, cleaned, and weeded regularly.

12:8.11-6. *Preservation of open space.* Land designated as common open space may not be separately sold, subdivided or developed. Open space areas shall be maintained so that their use and enjoyment as open space are not diminished or destroyed. Open space areas may be owned, preserved and maintained as required by this section by any of the following mechanisms or combinations thereof:

(1) Common ownership of the open space by a homeowner's association which assumes full responsibility for its maintenance.

(2) Deed restricted, private ownership, which shall prevent development and/or subsequent subdivision of the open space land and provide the maintenance.

(3) Dedication of and acceptance by the county.

In the event that any private owner of open space fails to maintain same, the county may in accordance with the open space plan and following reasonable notice, demand that deficiency of maintenance be corrected, and enter the open space to maintain same. The cost of such maintenance shall be charged to those persons having the primary responsibility for maintenance of the open space.

(Ord. No. 08-11, § 11, 5-5-08; Ord. No. 09-12, §§ 15, 16, 5-4-09; Ord. No. 12-10, § 4, 6-18-12)

12:9. Manufactured housing.

12:9.1. *Setup.* Manufactured housing, where permitted by this ordinance, shall:

1. Be built according to the Federal Manufactured Housing Construction and Safety Standards Code (245 CFR 3280), enacted June 15, 1976. Manufactured housing built prior to the effective date of the Code shall not be permitted for reasons of safety. Relocation of existing structures is prohibited.

2. Be installed in accordance with the Manufacturer's Installation Manual. In the absence of such a manual, the home must be installed in accord with the requirements of Section 19-425.39 of the South Carolina Manufactured Housing Board Regulations.

3. Where the installation manual or housing board regulations allow, the structure shall be underpinned (skirted) with brick, masonry, vinyl or similar materials designed and manufactured for permanent outdoor installation.

4. Have installed or constructed and attached firmly to the home and anchored securely to the ground, permanent landing steps at each exterior doorway, in accord with applicable building codes.

5. When equipped with removable towing apparatus, the towing apparatus will be removed; otherwise all wheels, towing apparatus, and axles will be screened per subsection 3 above.

6. Be provided with sanitary sewer system approved by DHEC. Evidence of such approval shall accompany each and every permit request to install a manufactured home.

7. Be served by a separate electric meter. It shall be unlawful for any such home to receive electricity except by use of this separate meter. It shall be unlawful for any public utility or electrical supplier to connect power to any manufactured home in the absence of all approved permits.

8. Structures placed on lots shall meet all setbacks required by this ordinance and all other applicable agencies. Lots shall be designed so that the front doors of structures are oriented towards the street frontage.

12:9.2. *Habitability.* Manufactured housing, where proposed for permitting, shall meet the minimum habitable standards of this section, and shall be maintained in habitable condition.

The term "habitable" means that there is no defect, damage, or deterioration to the home that created a dangerous or unsafe situation or condition; that the plumbing, heating and electrical systems are in safe working order; that the walls, floor, and roof are free from any holds, breaks, loose or rotting boards and are structurally sound; and that all exterior doors and windows are in place. Further, the term habitable includes the provision of the following facilities:

1. *Sanitary facilities.* Every manufactured home shall contain not less than a kitchen sink, lavatory, tub or shower, and a water closet all in good working condition and properly connected to an approved water and sewer system. Every plumbing fixture and water and waste pipe shall be properly installed and free from defects, leaks, and obstructions.

2. *Hot and cold water supply.* Every manufactured home shall have connected to the kitchen sink, lavatory, and tub or shower cold and hot running water. All water shall be supplied through an approved distribution system connected to a potable water supply.

3. *Heating facilities.* Every manufactured home shall have heating facilities, which are properly installed and maintained in safe and good working conditions, and are capable of safely and adequately heating all habitable rooms and bathrooms. Where a central heating system is not provided, each home shall be provided with an alternative system, approved by the DSR.

4. *Cooking and heating equipment.* All cooking and heating equipment and facilities which are properly installed and maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms and bathrooms. Where a central heating system is not provided, each home shall be provided with an alternative system, approved by the DSR.

5. *Smoke detector.* Every manufactured home shall be equipped with an approved smoke detector, installed in accordance with full manufacturer's recommendations and listing.

6. The DSR may cause to be inspected periodically, existing manufactured homes for compliance with the provisions of this section.

ARTICLE 13. TREE PROTECTION

13:1. Purpose.

The purpose of this section is to protect and sustain the intrinsic value of trees and their ability to promote the public health, safety and general welfare, to lessen air pollution, to increase air filtration, to reduce noise,

heat and glare, to prevent soil erosion, to aid in surface drainage and minimize flooding, to beautify and enhance the environment, enhance wildlife habitat, moderate climate, and enhancement of real estate value.

13:2. Protected trees.

Within the area established as the bufferyard as defined by sections 12:8 and/or 16:3 of this ordinance neither Significant nor Landmark trees shall be removed, cut above ground or otherwise disturbed without a tree removal permit. Furthermore, within the area of the entire development site, no tree designated as a landmark tree shall be removed, cut or otherwise disturbed unless the development services representative (DSR) determines that the tree is hazardous, in decline, diseased, infectious; the removal of the tree is necessary to maintain the appearance, health or vigor of the remaining trees or no other practical alternatives for reasonable use of the property exist. If a determination is made that certain healthy, significant or landmark trees may be removed, they shall be replaced in accordance with the requirements of section 13:5 of this article.

Criteria for Significant and Landmark Trees

Significant Trees

Species	*Common Name*	*Minimum Diameter at Breast Height (DBH)*
Aesculus pavia	Red Buckeye	8"
Carya glabra	Pignut Hickory	8"
Carya illinoinensis	Pecan	8"
Carya ovata	Shagbark Hickory	8"
Carya tomentosa	Mockernut Hickory	8"
Cercis canadensis	Eastern Redbud	6"
Chionanthus virginicus	Fringe Tree	8"
Cornus florida	Flowering Dogwood	6"
Diospyros virginiana	Persimmon	8"
Fagus grandifolia	American Beech	8"
Fraxinus sp.	Ash	8"
Gordonia lasianthus	Loblolly Bay	6"
Ilex opaca	American Holly	8"
Juglans sp.	Walnut	8"
Juniperus virginiana	Eastern Red Cedar	8"
Liriodendron tulipifera	Yellow-poplar	8"
Magnolia grandiflora	Southern Magnolia	8"
Magnolia virginiana	Sweet Bay	6"
Nyssa aquatica	Tupelo	8"
Nyssa biflora	Black Gum	8"
Platanus occidentalis	American Sycamore	6"
Prunus caroliniana	Carolina Cherry Laurel	8"
Quercus alba	White Oak	8"

Species	*Common Name*	*Minimum Diameter at Breast Height (DBH)*
Quercus falcata	Southern Red Oak	8"
Quercus laurifolia	Laurel Oak	25"
Quercus stellata	Post Oak	8"
Quercus virginiana	Live Oak	8"
Sabal palmetto	Cabbage Palm	10"
Taxodium distichum	Baldcypress	8"
Ulmus american	Elm	8"

Landmark Trees

Species	*Common Name*	*DBH*
Quercus virginiana	Live Oak	25"
Magnolia grandiflora	Southern Magnolia	25"
Taxodium distichum	Bald Cypress	25"
Ilex opaca	American Holly	14"
Carya	Hickory and Pecan	25"

13:3. Exceptions.

Commercial timber, tree farms and nurseries, public utilities and agricultural operations are exempt from the protective requirements of this section. Property cleared under the exemptions of this section shall not be redeveloped and the county shall withhold any development permit for a period of seven years. If any tree is determined by the DSR to be diseased, injured or located in a manner that endangers the public health, safety or welfare, the DSR may authorize immediate removal.

13:4. Tree survey.

Prior to grading or clearing a lot or parcel for development and the issuance of a grading or building permit, the developer/owner applicant shall have conducted a tree survey by a registered professional (surveyor, arborist, or forester) identifying the location of all significant and landmark trees. Said trees shall be shown on a survey plat and physically marked with brightly colored tape or other markings.

13:5. Tree protection and replacement.

(1) *Prior to development.* Where a grading permit, building permit or subdivision approval has not been issued, the destruction of any significant or landmark tree, as defined by this Ordinance, without prior approval of the DSR, which approval shall not be unreasonably withheld, shall be prohibited.

(2) *During development.* During development, a minimum protective zone, marked by barriers, shall be established (erected) at the "drip line" as amended by subsection (3)c and maintained around all trees to be retained as required by this section. There shall be no construction, paving, grading, and operation of equipment or vehicles, or storage materials within this protected zone.

(3) *After development.* No person shall break, damage, remove, cut, kill or cause to be killed any significant trece, except for the following:

a) In the event that any tree shall be determined to endanger the public health, safety or welfare, including airport operations, and require removal, written authorization may be given by the DSR and the tree or parts thereof (i.e. dead limbs) removed.

b) During the period of an emergency, such as a hurricane, tornado, ice storm, flood or any other act of nature, the DSR may waive the requirements of this section.

c) Where due to unusual site conditions or circumstances, the requirements of this section pose a constraint to development and/or the use of a site or parcel, the DSR may adjust the requirements as necessary to moderate the constraint.

d) Trees involved in wetland mitigation.

e) Pine trees may be cut and removed from any site without regard to DBH dimensions (size).

f) Diseased (unhealthy) or nuisance trees, with approval of the DSR.

13:6. Significant and landmark trees removed without permits.

Where significant or landmark trees have been removed or where removal is necessitated at any time due to acts of negligence, or where sites were cleared of significant trees in violation of this section, replacement trees shall be planted in accord with a replacement schedule approved by the DSR, who shall specify the number, species, DBH, and location of replacement trees, using the following criteria:

(1) Three replacement trees are planted for each landmark tree removed and one replacement tree planted for each significant tree removed. At least one tree replaced shall be of the same species removed for a landmark tree.

(2) Individual replacement trees are a minimum of two-inch DBH.

(3) If a landmark tree is removed without permission from the zoning administrator, the county may seek retribution for the appraised value of the tree. Appraisal should be conducted by a certified arborist following the guidelines set forth in the Guide for Plant Appraisal 9th Edition.

ARTICLE 14. EXCAVATION*

14:1. Excavation.

14:1.1. *Purpose.*

1. The purpose of this section is to ameliorate the impact and improve the location of excavation activities, improve the operations of such activities the characteristics of which could adversely

***Editor's note—**Ord. No. 09-12, § 12, adopted May 4, 2009, amended article 14 in its entirety to read as herein set out. Formerly, article 14 pertained to mining, and derived from an ordinance adopted November 13, 2007.

affect surrounding property and environmental conditions. The standards imposed in this section are in addition to and supplement those regulations set forth elsewhere in this ordinance and those established by any federal or state agency.

2. This ordinance is not intended to regulate excavation activities related to normal construction practices for building, roadway or utility construction in which excavation is of a temporary nature.

3. This ordinance is not intended to duplicate review efforts and permitting processes for excavations permitted through major and minor site plan review; development plan review; major or minor subdivision review; or other applicable county review processes.

14:1.2. *Setbacks.*

1. Excavation, as defined in article 4, shall adhere to a 20-foot setback from the property line and shall also adhere to riparian buffer area requirements (section 7:4) if applicable. Excavation associated with mining and mine operation shall adhere to setbacks identified in subsection 6:2.14.

14:1.2. *Permit applications, generally.*

1. As part of the review of an excavation permit application the development services representative (DSR), may impose such reasonable and additional stipulations, conditions, or safeguards as, in the DSR's judgment, the information provided in the application does not adequately address the environmental effects and/or impacts of the project on adjoining properties and/or public facilities.

2. Every application for an excavation permit will be submitted in the name of and signed by the property owner and in addition, if the operator is not the property owner, by the proposed operator. Submission of an application to the development services representative will constitute acknowledgement of a copy of this section and consent to the terms thereof.

3. Excavation permits are required for mining, mine operations and excavations that exceed the thresholds included in the article 4 definition for "excavation."

14:1.3. *Permit applications for excavations up to two acres.* Application for excavation permits of up to two acres will be required to be submitted to the county for review and approval together with the following:

(a) The name and address of the operator of the proposed excavation activity or operation and the name and address of the property owner.

(b) Applications must be accompanied by a narrative which describes the proposed excavation operations along with a description of removal techniques, types of materials being excavated, hours of operation, dust monitoring and suppression, and sediment erosion and control measures.

(c) An excavation plan shall be submitted in accordance with article 3 of the county land development regulations to the development services representative. The excavation plan shall show the size of the proposed excavation, the relationship of the excavation(s) to the surrounding area, the tax map identification, all lot information, boundary survey, setbacks, required buffers, impervious areas and other such information as may be required by the planning commission or the development services representative.

(d) A drainage and sedimentation plan as required by the South Carolina Sediment Erosion Control Act and approved by the South Carolina Department of Health and Environmental Control.

(e) If the buffer required by section 12:8 is not forested at the time the application is filed, a buffer planting plan will be submitted for review as part of the permit application.

14:1.4. *Permit application for excavations of two acres or more.* Applications for excavations of two acres or more within a site will be submitted to the county for review and approval together with all of the submittals required by section 11:7.3, and the following:

(a) A truck and vehicle traffic management plan for both on and near site roadways. For purposes of section 11:7, "near site roadways" shall mean county maintained roadways located within one-quarter mile of any access to the excavation site. A traffic impact analysis including a truck routing plan will be included which demonstrates and ensures that truck traffic through existing residential areas is mitigated or avoided. The capacity of all near site roadways to carry the traffic from the site to arterial or collector roads will be revaluated by the county director of public works. The plan will provide for maintaining existing near site roadways within 300 feet of an access to the excavation site at like or better condition throughout the excavation activities and reclamation process.

(b) An impact study prepared by a properly licensed individual or company which certified that the proposed excavation activities and operations will be in compliance with all performance standards as outlined in article 16 of the county zoning ordinance shall be submitted. The study shall also address any associated off site activities which are a direct result of the excavation operations such as noise and dust related to truck traffic.

14:1.5. *Minimum conditions for excavation activities and operations.* All excavation activities and operations and proposed excavation activities and operations must meet the following conditions:

(a) Excavation activities and operations must comply with all applicable county development standards.

(b) Excavation activities and operations must be in substantial harmony with the character of the area in which it is to be located.

(c) Excavation activities and operations may not be injurious to or adversely impact adjoining property.

(d) All excavation sites which have entrances on county roads shall be provided with a concrete apron for the full width of the driveway entrance. The apron shall be designed to withstand the appropriate truck loadings and a detail shall be submitted for review and approval along with traffic management plan.

(e) The applicant shall provide written notification to the DSR at the time of advertising of the notice of intent to mine or substantial modification of a project in accordance with DHEC regulations.

14:1.6. *Fees.* Fees for permits provided in this section shall be determined by reference to the county fee schedule current at the time a completed application is filed.

14:1.7. *Access to site; inspection by county and compliance; violation a misdemeanor.*

1. The DSR is charged with the responsibility for enforcement of this ordinance.

2. The acceptance of a permit pursuant to this section shall constitute permission by the operator and property owner for county staff and/or their designated representatives to enter the property at any time after proper check-in with the on site facility management to monitor compliance with this ordinance consistent with all governing law.

3. Should any excavation be found to be in violation of this ordinance and/or its excavation permit, the county will provide written notice of such violation to the operator at the address indicated on the application or such other address as the operator may from time to time have designated. Violations shall be classified as:

   (a) "Critical violations" are those that may result in immediate danger to persons or adjoining property, improper, or dangerous operations, or potential environmental damage. Such violations will result in immediate closure of the excavation activity or operation.

   (b) "Non-critical violations" are all other violations. The operator shall have five consecutive calendar days to bring the excavation operation into compliance with this ordinance and/or the excavation permit. If the operator fails to comply within the five-day period then the excavation activity or operation will be closed until such time as compliance is obtained.

4. Violation of this ordinance shall constitute a misdemeanor. For continuous violations, each day shall constitute a separate offense.

(Ord. No. 09-12, § 12, 5-4-09)

ARTICLE 15. SIGN STANDARDS*

15:1. Purpose and effect.

15:1.1. *Purpose.* The purpose of this article is to allow signs to be erected, placed, established, painted, created, or maintained in the unincorporated areas of the county only in conformance with the standards, procedures, exemptions, and other requirements of this article so the county may:

1. Encourage the effective use of signs as a means of communication in the unincorporated areas of the county;

2. Maintain and enhance the aesthetic environment and the county's ability to attract sources of economic development and growth;

3. Ensure pedestrian and traffic safety;

4. Minimize the possible adverse effect of signs, such as distraction or nuisance, on nearby public and private property; and

5. Enable the fair and consistent enforcement of these sign restrictions.

***Editor's note—**Ord. No. 09-33, §§ 3, 6, adopted December 14, 2009, repealed and reenacted article 15 in its entirety to read as herein set out. Formerly, article 15, sections 15:1—15:6, pertained to similar subject matter, and derived from an ordinance adopted November 13, 2007.

15:1.2. *Effect.* The effect of this article as more specifically set forth herein, is to:

1. Establish a permit system to allow a variety of types of signs in commercial and industrial zones, and a limited variety of signs in other zones, subject to the standards and the permit procedures of this article;
2. Allow certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this article, but without a requirement for permits;
3. Provide for temporary signs without commercial messages in limited circumstances;
4. Prohibit all signs not expressly permitted in this article; and
5. Provide for the enforcement of the provisions of this article.

15:1.3. *Jurisdiction.* This article regulates signs, as defined in article 4 and described more thoroughly in this article, which are located on private property or on public property owned or controlled by public entities over which the county has land use regulatory authority.

The regulations in this article are supplemented by the requirements administered by the state department of transportation which regulates billboard signs on interstate and federal aid road systems. A permit from the state may contain some restrictions which are in addition to the requirements of this article.

The regulations in this article are minimum requirements. Whenever the requirements of these regulations differ from the requirements of any other lawfully adopted rules, regulations, or ordinances, the more restrictive, or that imposing the higher standards shall govern.

15:1.4. *Administration authority.* The DSR is authorized and assigned the duty of enforcing all provisions of this article.

15:1.5. *Compliance and permits.*

1. No person shall construct, erect, place, display or maintain any sign in violation of this article. To ensure compliance with this article, a sign permit shall be required for all signs, except as provided herein. A sign permit application must be filled out at the time of application for a new structure, subdivision, or PDD. All billboard sign permits must be renewed yearly. All sign permit fees, including billboard sign permit renewal fees will be included in the county's fee schedule ordinance.
2. A sign permit shall expire after six months from the date of its issuance unless the sign, and all items required by the permit, have been completed in compliance with the permit.
3. Any permitted sign, which complies with the provisions of this section, and any subsequent amendment hereto, is hereby deemed to be a legal sign. Any proposed alteration to or relocation of such sign shall require a new permit pursuant to this section, unless the proposed alteration is specifically exempt in section 15:3.
4. Any legal sign which does not comply with the provisions of this Section solely due to the enactment of an amendment shall, upon the effective date of such amendment, become a non-conforming sign and subject to the provisions of section 15:9.

5. Fees and tags for billboards are required annually:

   a. All billboard fees are due by January 1 of each year. Any fees not paid by February 1 will be subject to a late fee of one and one-half percent per month. Any sign fees not paid within 90 days will result in all permits being revoked and the owner will be given 60 days to remove the sign or the county will remove the sign at the owners' expense.

   b. All billboard will be considered business property and will be subject to property taxes of the sign company.

   c. All signs must have an approved county sign number tag applied in such manner as to be readily viewable from the adjacent roadway.

15:1.6. *Submission requirements.* The following information shall be submitted with an application for a sign permit:

1. An application form as published by the DSR and appropriate fee.

2. Scaled drawings of the proposed sign showing front and side elevations, materials and colors to be used;

3. For freestanding, billboard, monument and director signs, site plan sketch with dimensions (non-professionally drafted plan is acceptable) showing the location of the sign with respect to the property and right-of-way lines, building and setback lines, and buildings, parking areas, existing freestanding signs, and buffer areas.

4. Landscaping and lighting plan, or a written statement stating there will be none, and any existing site improvements;

5. For wall signs, a scaled drawing showing the entire wall or tenant space facade, the proposed sign location, and any existing wall signs;

6. Written certification from a registered South Carolina engineer or architect that the sign is structurally sound and safe, does not constitute a hazard to persons or property on the premises, on adjoining property, or in the vicinity, and that the sign is in compliance with all building or other construction codes and the requirements of this ordinance, for all freestanding, monument and directory signs exceeding 36 square feet;

7. Twelve copies of the complete application form and all attachments when the sign permit goes before the planning commission (billboards allowed through cap and replace provisions);

8. Identification of landowner and/or leaseholder of property on which the sign is to be erected, including street address (billboards allowed through cap and replace provisions).

15:1.7. *Action by DSR.* The DSR will approve, or approve with conditions, a permit if a sign application conforms to the standards of this article. The DSR will deny a permit if a sign application does not conform to the standards of this article.

15:1.8. *Approval by the planning commission.* The planning commission must approve, approve with conditions or deny all applications for new billboards, digital billboards or alterations to an existing digital billboard. A permit will be issued after the planning commission has approved the application. Section

15:7.2 includes the criteria planning commission will use for digital billboards and subsection 15:8.2 for new billboards through the cap and replace provision. The planning commission may require adjustments to the design and site location of proposed signs and reasonable conditions may be attached to an approval. (Ord. No. 09-33, § 6, 12-14-09)

15:2. General provisions—All signs.

15:2.1. *Construction standards.* All signs shall comply with the appropriate provisions of the county's building code, and shall maintain clearances from all overhead electrical conductors in accordance with the National Electric Code. In addition:

1. Signs shall be installed at least ten feet horizontally or vertically from any conductor;
2. All electric wiring associated with a freestanding or directory sign shall be installed underground;
3. Signs must be constructed of non-combustible materials;
4. Signs shall be designed and constructed in such a manner and of such materials do that they are able to withstand wind pressure of at least 20 pounds per square foot or 75 miles per hour;
5. Signs, including any cables, guy wires or supports shall be located at least four feet from any electric fixture, street light, or other utility pole or standard.

15:2.2. *Sign maintenance.* To insure that all signs are maintained in a safe and aesthetic manner, the following maintenance requirements shall apply:

1. No sign shall be allowed to have more than 20 percent of its sign face, reverse side, or structure covered with disfigured, chipped, cracked, ripped, or peeling paint or poster paper for a period of more than 30 successive days;
2. No sign shall be allowed to remain with a bent or broken sign face, broken supports, loose appendages or struts, or stand more than 15 degrees away from the perpendicular for a period or more than 30 successive days;
3. No sign shall be allowed to have weeds, trees, vines, or other wild vegetation growing upon it for a period of more than 30 successive days;
4. No indirect or internally illuminated sign shall be allowed to have only partial illumination for a period of more than 30 successive days; and
5. Reverse sides of signs shall be properly finished with no exposed electrical wires or protrusions and shall be of one color.
6. No sign may remain vacant for 180 days. Should such occur, all permits will be revoked and the sign owner will have 60 days to remove the sign, or the county will remove the sign at the owner's expense.
7. If the DSR determines that a sign does not meet the previous maintenance requirements or the sign was constructed or erected in violation of the regulations in the article, notice shall be given to the property owner and the business proprietor. If the violation is not corrected within 15 days after such written notice, such sign may be removed by the county at the expense of the owner.

8. The DSR may cause any sign which is an immediate peril to persons or property to be removed summarily and without any advance notice thereof to said application and at the expense said owner.

15:2.3. *Public right-of-way.* Only public entities with right-of-way may have signage on or over the right-of-way. Otherwise, no portion of any sign shall overhang or encroach upon any public right-of-way.

15:2.4. *Setbacks from right-of-way.* All freestanding signs shall be set back at least ten feet from the public right-of-way. Signs shall not be located within the vision clearance triangle at street intersections. The vision clearance triangle shall be determined by measuring back 15 feet from the intersecting rights-of-way and connecting the two points.

15:2.5. *Sexually oriented business signs.* Each sexually oriented business must display at least one sign, easily discernible prior to the entering of the establishment, which identifies it as such by using the word "Adult" (for example, adult bookstore, adult cabaret, adult entertainment, etc.). All signs must be in compliance with this article.
(Ord. No. 09-33, § 6, 12-14-09)

15:3. Signs not requiring a permit.

The following are allowed without permits under the following conditions:

1. Signs not exceeding one square foot in area and bearing only property numbers, post office box numbers, or names of occupants on premises not having commercial connotations;

2. Flags. A maximum of three flags per lot, the maximum size of each flag shall be 50 square feet;

3. Legal notices or identification, informational, and directional signs erected as required by governmental bodies;

4. Integral decorations or architectural features of buildings or grounds, except letters, trademarks, moving parts, or moving lights;

5. Signs not exceeding four square feet in area directing and guiding traffic on private property;

6. Wall identification signs and commemorative plaques not more than four square feet in area, memorial cornerstones or tablets providing information on building erection or commemorating a person or event;

7. Trademarks or product names which are displayed as part of vending machines, dispensing machines, automatic teller machines, and gasoline pumps;

8. Sandwich board signs. One sandwich board sign may be placed per lot for conforming or legal nonconforming business. The sign must be placed outdoors at the time of opening and removed prior to close of business. Sandwich board signs may not be placed in public right-of-way or obstruct sidewalks, pathways or walkways.

9. Non-commercial message sign. A political sign shall not exceed eight square feet per side and a total of 16 square feet in a residential district. A political sign shall not exceed 16 square feet per

side and a total of 32 square feet in a non-residential district. The maximum height of a political sign is six feet. The sign shall not be placed within a side yard setback area, as required under the zoning ordinance in the district in which the property is situated.

There shall be only one non-commercial message sign not pertaining to a specific event or election allowed per lot or parcel. If related to a specific event or election, the sign cannot be placed earlier than 60 days prior the event and must be removed within seven days of the event. The owner of the property or the person in charge thereof shall be responsible for the removal of the signs. Signs must be confined wholly to placement on private property, with permission of the property owner and non-illuminated.

Notwithstanding anything to the contrary in the foregoing, non-commercial message signs not exceeding four square feet in total area are permitted as window signs (i.e. as signs placed on the inside of windows of a structure so as to be visible from outside the structure).

Anything in this article to the contrary notwithstanding, a sign permitted in this article as an on-premises advertising sign may contain a lawful non-commercial message, except for traffic signs, railroad crossing signs, danger or other emergency signs, and directional signs.

10. Real estate and project signs shall be allowed without a permit provided the following restrictions for the type of sign used are met:

    a. For single-family residential lots or units, one real estate sign, not exceeding five square feet in sign area per face and ten square feet in total sign area, and if freestanding, not exceeding four feet in height, shall be permitted. Property with two or more street frontages shall be permitted one additional sign per frontage.

    b. For single-family subdivisions, multi-family, commercial, and industrial developments, one real estate or project sign not exceeding 48 square feet in sign area per face and 96 square feet in total sign area, and if freestanding, not exceeding eight feet in height, shall be permitted. Property with two or more street frontages shall be permitted one additional sign per frontage;

    c. Project signs shall not be erected prior to the issuance of a development permit and shall be removed prior to issuance of the final certificate of occupancy; and

    d. Real estate signs shall be removed within 15 days of the rent, sale, or lease of a property.

    e. Signs shall not be illuminated.

(Ord. No. 09-33, § 6, 12-14-09)

15:4. Prohibited signs.

The following signs are prohibited in unincorporated Jasper County:

1. Signs imitating traffic or emergency signals. No sign shall be permitted which imitates an official traffic sign or signal, or contains words or symbols displayed in a manner which might mislead or confuse drivers of vehicles, or which displays intermittent lights resembling the color, size, shape, or order of lights customarily used in traffic signal, on emergency vehicles, or on law enforcement vehicles, except as part of a permitted private or public traffic control sign;

2. Audible signs;
3. Flashing signs;
4. Searchlight display signs;
5. Moving signs;
6. Signs attached to or painted on selected features. No sign shall be permitted which is attached to a utility pole or street sign, or is attached to or painted on tree trunks, rocks, or other natural objects;
7. Discontinued use signs. Signs which advertise a discontinued product, place person, institution, or business shall be removed within 30 days form the date of termination;
8. Signs containing banners, pennants, spinners or other moveable parts, streamers, balloons or beacons; except if allowed as a temporary sign by the DSR in accordance with subsection 15:5.2;
9. Signs emitting odors, or visible matter such as smoke or vapor;
10. Bench signs;
11. Inflatable signs;
12. Snipe signs. Signs erected, painted, posted, or affixed in any manner on benches, bus shelters, waste receptacles, unregistered/abandoned vehicles, utility poles, fences, or natural features such as trees;
13. Any sign which exhibits statements, words, or pictures of an obscene or pornographic nature including but not limited to photographs, silhouettes, drawings, titles, graphic or pictorial representations in any manner of "nudity or state of nudity," "semi-nudity or state of semi-nudity," "specified sexual activities," or "specified anatomical areas";
14. Signs which obstructs free ingress/egress from a required door, window, fire escape, or other required exit way;
15. Signs and or sign structure which obstructs the view of, may be confused with, or purports to be a governmental or traffic direction/safety sign;
16. Except as otherwise provided, temporary or permanent signs within any street right-of-way, except when erected or constructed by a public agency or with the approval of the county and upon issuance of an encroachment permit;
17. Signs of any kind shall be erected or displayed in any salt marsh areas or on any land subject to periodic inundation by tidal salt water;
18. Digital signs and billboards, except billboards allowed by subsection 15:7.2 and approved by planning commission ([see subsection] 15:1.8);
19. Any sign not expressly permitted;
20. Any sign unlawfully installed, erected or maintained;
21. Signs mount on vehicles and parked to attract attention to the business or use;
22. String lights except when used for holiday decorations;
23. Roof signs;

24. Off-premise and off-site signs, except for billboards that are erected or constructed in accordance with subsection 15:7.2.

(Ord. No. 09-33, § 6, 12-14-09)

15:5. Temporary signs.

The following signs shall require the issuance of a temporary sign permit by the DSR prior to their erection. The permit shall cite the length of time any such sign may be displayed.

15:5.1. *Location.* All temporary signs must maintain at least a ten-foot setback from all property or right-of-way lines and the existing road right-of-way, unless otherwise specifically stated in this ordinance. However, no sign shall be allowed to violate any of the requirements of sight triangle clearance and sight visibility at intersections as provided in this ordinance and the land development regulations.

15:5.2. *Types of temporary signs.*

1. *Special event signs.* One portable sign or windblown sign shall be permitted in conjunction with special events in accordance with the following provisions: For the opening or closing of a business, special event or sale, promotional event, change of ownership or management events, such signs are permitted for a period not to exceed the timeframe and size limitation approved by the DSR. Unless otherwise approved by the DSR, such signs shall not be erected more than 14 days prior to the event and shall be removed within five days after the event.
2. *Temporary signs announcing a civic, philanthropic, educational, or religious event.* Such signs are permitted for a period not to exceed the timeframe and size limitation approved by the DSR. Unless otherwise approved by the DSR, such signs shall not be erected more than 14 days prior to the event and shall be removed within five days after the event.
3. *Portable signs.* One portable sign may be placed per non-residential lot. Portable signs must be secured properly and such signs are permitted for a period not to exceed the timeframe and size limitation approved by the DSR.
4. *Banner signs.* Temporary banner signs of cloth or similar material that celebrates an event, season, community, neighborhood, or district and is sponsored by a recognized community agency or organization may be permitted for a period not to exceed the timeframe and size limitation approved by the DSR.

(Ord. No. 09-33, § 6, 12-14-09)

15:6. Standards.

15:6.1. *[Computation of sign and height area.]* The following principles shall control the computation of sign area and height area:

1. *Measuring of sign area.* The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against

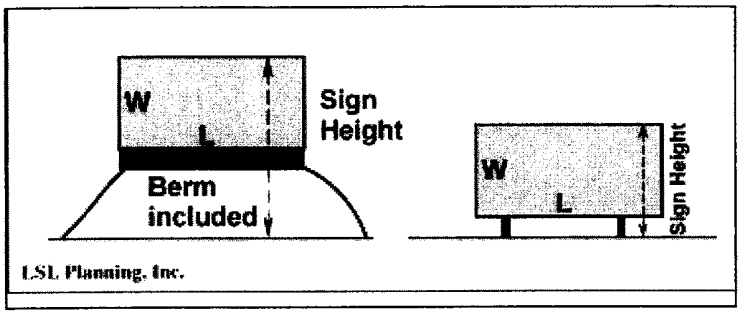
which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall other wise meets the county zoning ordinance regulations and is clearly incidental to the display itself;

2. *Measuring area of multi-faced signs.* The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces; and

3. *Measuring sign height.*

   a. The permitted height of all signs supported by the ground shall be measured from the level of the ground, finished surface, adjacent to the sign.

   b. The permitted height of signs shall not be measured from an area of the ground that has been built-up or constructed in a manner that would have the effect of allowing a higher sign height than permitted by these regulations (e.g. the height of signs erected on a berm shall be measured from the finished grade adjacent to the berm).



15:6.2. *Location.* Signs must be located at least ten feet from all property lines and the existing road right-of-way, unless otherwise specifically stated in this ordinance. Signs shall not be located within the vision clearance triangle at street intersections. The vision clearance triangle shall be determined by measuring back 15 feet from the intersecting rights-of-way and connecting the two points.

15:6.3. *Regulation for signs.*

Sign Regulation

Type	*Zoning District*	*Maximum Sign Area (square feet)*	*Maximum Height (feet)*	*Maximum Sign Width (feet)*	*# of Faces Allowed*
Freestanding Signs—Including Monument, Ground, Pedestal	RC, RP, RE, R	25 per face, 50 total	Monument 6, Freestanding 8	10	2 back to back
	CC	40 per face, 80 total	Monument 6, Freestanding 8	12	2 back to back
	GC, ID, PDD	55 per face, 110 total	Monument 6, Freestanding 8	16	2 back to back

Type	*Zoning District*	*Maximum Sign Area (square feet)*	*Maximum Height (feet)*	*Maximum Sign Width (feet)*	*# of Faces Allowed*
Freestanding Signs—Hanging Sign	GC, ID, CC, PDD	8 per face, 16 total	Top edge of sign face not to exceed 6 feet above ground level.	4	2 back to back
	RC, RP, RE, R	8 per face, 16 total	Top edge of sign face not to exceed 6 feet above ground level.	4	2 back to back
Wall Signs	GC, ID, CC, PDD	10% of wall. The total area of wall signs shall not occupy more than 10% of the area of the wall upon which they are placed.	80% of wall height.	80% of wall width.	One sign per tenant per side. Tenant signs must be located on the facade of the tenant space being identified.
	RC, RP, RE, R	X	X	X	X
Projecting Signs	GC, ID, CC, PDD	8 per face, 16 total	Bottom of sign must be at least 8 feet above ground level or sidewalk.	4	Two total faces. One sign allowed per business at business entrance.
	RC, RP, RE, R	X	X	X	X
Directory Signs	GC, ID, CC, PDD	25 per face	8		Four total faces. One sign is allowed per primary access.
	RC, RP, RE, R	X	X	X	X
Window Signs	GC, ID, CC, PDD	Not more than 25% of surface of window	n/a	n/a	n/a
	RC, RP, RE, R	X	X	X	X
Awnings and Canopies	GC, ID, CC, PDD	1/3 of canopy or awning	Bottom of awning or canopy must be at least 7 feet above ground level or sidewalk.	n/a	n/a
	RC, RP, RE, R	X	X	X	X

Additional Requirements from Table:

A. Freestanding signs. Freestanding signs shall be separated by a distance of no less than 500-foot intervals along each street frontage of the premises.

   a. Each lot of record shall be allowed one sign except a corner lot where a total of two signs may be permitted, one on each road frontage, provided that the total linear frontage is a minimum of 300 feet per side.

   b. Masonry bases must that match the associated building(s). Landscaping shall be planted to minimize the appearance of the poles or braces.

B. In lieu of a freestanding sign, a development may use signs on entrance structures such as fences or walls. The number of sign faces is limited to two per entrance, on either side of the entrance, and confined to the entrance area. The distance between sign faces shall not exceed 100 feet. Such signs are subject to the size limitations of this section.

15:6.4. *Automotive service station/convenience market signs.* The following sign standards apply to automotive service station and convenience markets:

1. *Freestanding and wall signs.* One freestanding sign and one wall sign shall be permitted. Such signs shall meet total height and area requirements as set forth in subsection 15:6.3, Freestanding signs, and subsection 15:6.4, Wall signs;
2. *Gasoline pump signs.* Signs on gasoline pumps must be an integral part of the pump structure;
3. *Product or service advertising.*
   a. No more than four product/service advertisements shall be allowed;
   b. Signs must be grouped on one sign structure per street frontage;
   c. Individual product/service advertisements shall not exceed four square feet in size;
   d. None of the allowable signs on the same structure shall be duplicates.
   e. Fuel price signs. One double-face sign per street frontage, not to exceed 12 square feet total area;
   f. Rack or cabinet signs. Includes those signs, which are an integral part of a rack or cabinet, such as display of oil, wiper blades, etc;
   g. Attention-getting advertising media. Banners, streamers, whirligigs, flashing, intermittent electrical or iridescent devices, and similar attention-getting advertising media are prohibited;
   h. Signs located on buffer wall. No sign for an automotive service station shall be placed, painted, or otherwise erected on any buffer wall; and
   i. Signs interfering with site distance. No sign or sign structure shall be positioned in such a manner that it interferes with any recognized vehicular sign, distance needs, or requirements.

(Ord. No. 09-33, § 6, 12-14-09)

15:7. Illumination.

15:7.1. *General lighting.*

1. Sign lighting shall be of low intensity with effective provisions made to minimize spillover of light beyond the actual sign face. Examples of permissible illumination methods would include, but not limited to, the use of appropriate cut-off style light fixtures, the use of down-light fixtures adjusted so as to avoid spillover and interference with the vision of motorists, and the use of muted internal illumination in accordance with subsection 15:7.4.
2. Use of glaring undiffused lights or bulbs shall be prohibited.
3. Use of exposed neon lighting, including neon banding, or exposed light bulbs is prohibited.
4. Lights shall be shaded so as not to project onto adjoining properties or thoroughfares.
5. Underground wiring shall be required for all illuminated signs not attached to a building.
6. All lighting fixtures or light sources for lighted signs shall be positioned and/or shaded so that the light source is not visible from normal pedestrian perspectives.

7. Lighting intensities for illuminated signs shall not exceed ten foot-candles, measured at four feet perpendicular to any surface.

8. External light sources used to illuminate a sign are not included in the measurement of a sign's area and/or height.

9. Colored lamps are not permitted except for electronic changeable copy signs as allowed under subsection 15:7.3.

10. Internal illumination. Internal illuminated signs are permitted within the community commercial, general commercial and industrial development zoning districts. Where permitted, internally illuminated signs shall be subject to the following regulations:

    a. *Display area.* Internally illuminated area of signs must be limited to 50 percent of the total allowed sign area.

    b. *Muted lighting.* Lamps within internally illuminated signs shall be muted so that individual lamps cannot be distinguished behind the sign face.

15:7.2. *Digital billboards.* Digital billboards are only permitted within the general commercial zoning district north of US 278 on SC 170. Digital billboards are subject to the cap and replace regulation, subsection 15:8.2, and can only be established through that section. Where permitted, digital signs shall be subject to the following regulations:

1. *Distance.* The digital structure may be located no closer than 1,000 feet to the residential, resource conservation or rural preservation zoning districts. Measurement shall be from the residential zoning district to the outermost portion of each sign.

2. *Spacing.* No digital sign may be closer than two miles to an existing digital billboard/off-premise advertising sign. Measurement shall be to the outermost portion of each sign.

3. *Message display intervals.* Each message appearing on a digital billboard face shall remain fixed for a minimum of eight seconds, and message changes shall be instantaneous and shall not contain such visual effects as fading or dissolving.

    a. *Dissolve.* A mode of message transition on an electronic message display accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second message.

    b. *Fade.* A mode of message transition on an electronic message display accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

    In no event shall revolving, flashing or intermittent illumination be allowed. Where allowed, a message shall be displayed a minimum of eight seconds. Transition from one message to the next shall be instantaneous and shall not contain such visual effects as fading dissolves, flashing, etc.

4. *Illumination.* Display brightness shall be adjusted as ambient light levels change and shall be subject to review and regulation as determined by the DSR.

5. *Malfunction display lock.* Digital billboards shall contain a default design that will freeze the sign in one position if a malfunction occurs or in the alternative shut down.

6. *Emergency information.* The operator of a digital billboard shall at the request of the county government make every effort to display emergency messages, such as Amber Alerts, road closures and evacuation information, as a public service and at no cost to requesting authority. Such messages shall be displayed in appropriate locations and with appropriate frequency until the emergency no longer exists or the authority requests termination.

15:7.3. *Electronic changeable copy sign.* Electronic changeable copy signs are permitted within the general commercial and industrial development zoning district. Where permitted, signs shall be subject to the following regulations:

1. *Display area.* Changeable copy signs area must be limited to 20 percent of the total allowed sign area.

2. *Display.* No "scrolling displays," or the vertical movement of a static message or display on an electronic changeable message sign. No "traveling displays" or the horizontal movement of a static message or display on an electronic changeable message sign.

3. *Content.* Signs shall only provide public information such as gas price signs, time and temperature signs, and "open or closed" status.

4. *Message display interval.* These signs are only allowed to change when the content information changes; meaning the sign must be set in a non-flashing and non-animated mode. The electronic message shall not change of more than once every eight hours and shall not use flashing or blinking characters. Information pertaining to gas prices, time and temperature, and "open or closed" status may change more frequently, but not more than once per eight seconds.

5. *Color.* Text is limited to one color.

(Ord. No. 09-33, § 6, 12-14-09)

15:8. Billboards.

15:8.1. *Location.* Billboards are prohibited in all areas except on interstate highways, expressways, and frontage roads where their right-of-way is contiguous to an interstate highway or expressway; these signs, however, must be located within 200 feet of the right-of-way of the interstate or frontage road, if applicable.

No off-premise sign located along an interstate may be erected within 500 feet of an interchange or rest area. The interchange or rest area is considered to begin or end at the point where the pavement widens for an entrance or exit ramp.

15:8.2. *Cap and replace.* No new billboards are allowed outside of areas noted in subsection 15:8.1 except through the cap and replace regulations. One new non-digital billboard can be placed in the GC or ID district if the advertising company removes three billboards from any other zoning district. One digital billboard can be placed in the GC or ID district if the advertising company removes four billboards from any other zoning district. Any new billboard must adhere to all the requirements of article 15. Any new digital billboard must adhere to all requirement of article 15 including subsection 15:7.2. All new billboards allowed through this regulation must be approved by the planning commission.

Sizes of digital billboards is limited to 75 percent of non-digital billboard size requirements.

15:8.3. *Maximum sign face.* The maximum sign face for any off-premise sign located along an interstate shall be 672 square feet plus a ten percent allowance for copy extensions. A copy extension is the part of the copy which extends beyond the edge or border of the sign, sometimes called a "cut-out" or "drop-out."

The sign face of off-premise signs on any other highway shall be 378 square feet plus ten percent allowance for copy extensions.

15:8.4. *Minimum spacing.* No off-premise sign located along an interstate shall be permitted to locate within 500 feet of another sign on the same side of the roadway. For non-interstate highways no off premise signs shall be permitted to locate within a 1,000-foot radius of another off premise sign.

15:8.5. *Maximum height.* Off-premise signs along interstate highways shall be permitted to a height of 150 feet above the elevation of the highest travel lane at the location of the sign. The maximum height of off-premise signs along other roadways shall not exceed 35 feet above the elevation of the roadway.

15:8.6. *Minimum height.* The minimum height of the display surface for off-premise signs located along interstate highways shall be 15 feet above the elevation of the highest travel lane at the location of the sign. The minimum height of the display surface of other off-premise signs shall be 15 feet above the elevation of the roadway, unless the Sign Face does not exceed 200 square feet and placement of the sign does not block visibility of an existing identification sign.

15:8.7. *South Carolina Code laws.* The sign regulations contained in this ordinance are supplemented by the requirements of the state department of transportation which regulates off-premise signs on interstate and federal aid road systems. A permit form the state may contain some restrictions which are in addition to the requirements of this ordinance. Issuance of a county zoning permit does not imply approval of, or constitute a privilege to violate, any other applicable state or local ordinances, codes, laws, or private restricted covenants. Applicants are specifically reminded of the County Code of Ordinances as it relates to initial and recurring annual fee for off-premise signs.
(Ord. No. 09-33, § 6, 12-14-09)

15:9. Non-conforming signs and billboards.

15:9.1. Non-conforming signs may continue in operation and maintenance, provided that non-conforming signs shall not be:

1. Changed to or replaced with another non-conforming sign. However, this provision shall not prohibit a change in copy or graphics on the sign face of the sign;

2. Replaced with a digital, LED, etc sign, except as allowed by subsection 15:8.2 and consistent with subsection 15:7.2;

3. Structurally altered so as to extend their useful life;

4. Expanded;

5. Relocated, except in compliance with this section; and

6. Reestablished after damage or destruction of more than 50 percent of the replacement value of the same type sign at the time of such damage or destruction unless by vandalism or a criminal act conducted by a party not associated with the advertising company, sign owner or property owner.

15:9.2. With the exception of subsection 15:9.D.1.e., this section shall not prevent repairing or restoring to a safe condition any part of a sign or sign structure, or normal maintenance operations performed on a sign or sign structure. The sign structure, or any of its members, may be replaced with only like or similar materials. Replacement may be made only on a pole for pole or member for member basis, and the original structure design may not be altered in any form. Lighting cannot be added to a non-illuminated sign.

15:9.3. When a sign is located on property which is condemned for right-of-way acquisition, one of the following standards shall apply:

1. A sign which is not located in, and does not overhang the new right-of-way, may remain in place.
2. When a sign located on a state or federal aid highway must be relocated off the new right-of-way, it shall, at a minimum, comply with state standards for such relocation; and
3. When a sign located on a county road must be relocated off the new right-of-way, it shall comply, as near as possible, with the setbacks established in this article.

(Ord. No. 09-33, § 6, 12-14-09)

15:10. Sign variances.

Any party who has been refused a sign permit for a proposed sign may file an appeal with in accordance with the zoning ordinance. In determining whether a variance is appropriate, the BZA shall study the sign proposal, giving consideration to any extraordinary circumstances, such as those listed below, that would cause practical difficulty in complying with the sign standards. The presence of any of the circumstances listed may be sufficient to justify granting a variance; however, the zoning BZA may decline to grant a variance even if certain of the circumstances are present.

In granting a variance, the BZA may attach such conditions regarding the location, character, and other features of the proposed sign as it may deem reasonable. In granting a variance, the BZA shall state the grounds and findings upon which it justifies granting the variance.

1. Permitted signage could not be easily seen by passing motorists due to the configuration of existing buildings, trees, or other obstructions.
2. Permitted signage could not be seen by passing motorists in sufficient time to permit safe deceleration and exit. In determining whether such circumstances exist, the zoning board of appeals shall consider the width of the road, the number of moving lanes, the volume of traffic, and speed limits.
3. Existing signs on nearby parcels would substantially reduce the visibility or advertising impact of a conforming sign on the subject parcel.
4. Construction of a conforming sign would require removal or severe alteration to natural features on the parcel, such as but not limited to: removal of trees, alteration of the natural topography, filling of wetlands, or obstruction of a natural drainage course.

5. Construction of a conforming sign would obstruct the vision of motorists or otherwise endanger the health or safety of passers-by.

6. Variance from certain sign regulations would be offset by increased building setback, increased landscaping, or other such enhancements, so that the net effect is an improvement in appearance of the parcel, compared to the result that would be otherwise achieved with construction of a conforming sign.

7. A sign which exceeds the permitted height or area standards of this article would be more appropriate in scale because of the large size or frontage of the parcel or building.

Adjustment in size, location. The BZA may, upon application by the property owner, make reasonable adjustment in the size and location requirements for any sign, where such action meets the following standards:

1. A variance is deemed in the public interest;

2. The variance would not adversely affect properties in the immediate vicinity of the proposed sign;

3. The alleged practical difficulty supporting the variance request results from conditions that do not generally exist throughout the county, and denial of a variance would preclude all reasonable use of the property;

4. Granting a variance would result in substantial justice being done, considering the public interests protected by the standards of this article, the individual hardships that would be suffered by denial of the variance and the rights of others throughout the county whose property may be affected by granting the variance;

5. The type of sign has been designed to make it compatible with the surrounding area.

(Ord. No. 09-33, § 6, 12-14-09)

ARTICLE 16. MANUFACTURING USE PERFORMANCE STANDARDS

The following performance standards are designed to ensure that all permitted manufacturing uses produce no injurious or obnoxious conditions related to the operation of such uses beyond the premises.

16:1. Vibration.

No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at any point beyond the lot line; nor shall any vibration produced exceed the following particle velocity levels, measured with a vibration monitor in inches per second at the nearest:

a) Residential property line:. 0.02

b) Non-residential property line: 0.10

Vibration emanating from construction activities between 7:00 a.m. and 9:00 p.m. shall be exempt from these regulations.

16:2. Noises.

All noise shall be muffled so as not to be objectionable due to intermittence, beat frequency or shrillness. In no event shall the sound pressure level of noise radiated continuously from a facility exceed at the lot line the values given in Table 3 in any octave band or frequency. Sound pressure level shall be measured with a sound meter and an octave band analyzer that conforms to specifications published by the American Standards Association. (See Table 3)

TABLE 3

Maximum permissible sound pressure levels at the lot line for noise radiated continuously from a facility between the hours of 9:00 p.m. and 7:00 a.m.

		Sound Pressure Levels (In Decibels)	
Frequency Band (In Cycles Per Second)		*At Non-Residential Lot Line*	*At Residential Lot Line*
20 -	75	79	65
75 -	150	60	50
150 -	300	56	43
300 -	600	51	38
600 -	1,200	42	33
1,200 -	2,400	40	30
2,400 -	4,800	38	28
4,800 -	10,000	35	20

Day time schedule. Maximum permissible sound pressure levels at the lot line for noise radiated from a facility between the hours of 7:00 a.m. and 9:00 p.m. shall not exceed the limits of the preceding table except as specified and corrected below.

Type of Operation in Character of Noise	*Correction in Decibel**
Daytime operation only	Plus 5
Noise source operates less than 20% of any one-hour period	Plus 5
Noise source operates less than 5% of any one-hour period	Plus 10
Noise source operates less than 1 & of any one-hour period	Plus 15
Noise of impulsive character (hammering, etc.)	Minus 5
Noise of periodic character (hum, speech, etc.)	Minus 5

* Apply to the preceding table one of these corrections only.

Noises emanating from construction activities between 7:00 a.m. and 9:00 p.m. shall be exempt from these requirements.

16:3. Air pollution.

The emission of visible smoke, dust, dirt, fly ash, particulate matter from any pipes, vents, or other openings, or from any other source into the air, shall comply with the regulations of the South Carolina Department of Health and Environmental Control.

16:4. Odors.

There shall be no emission of odorous gases or other odorous matter in such quantities as to be offensive at the property line. Any process, which may involve the creation or emission of any such odor, shall be provided with both a primary and a secondary safeguard system so that control may be maintained in the event of failure of the primary safeguard system.

Odorous matter: Solid, liquid or gaseous material which produces an olfactory response in a human being.

Odor threshold concentration: The lowest concentration of odorous matter which will produce an olfactory response in a human being. Odor thresholds shall be determined in accordance with American Society for Testing and Materials Test Method DI 391-57 (1967).

Emission of odorous matter: Odorous matter released from any operation or activity shall not exceed the odor threshold concentration across a protected property line measured at ground or habitable elevation.

16:5. Toxic matters and hazardous waste.

Toxic matter: Materials or substances which, either singly or in combination with other materials or substances, through synergistic action, poses a threat to the health of human beings, either acutely or chronically.

Hazardous waste: Materials or substances which are not biodegradable and which, due to such fact, pose a threat to living organisms through chemical contamination of the ecosystem.

Determination of material status. The determination that a material or substance is either toxic or poses a threat as a hazardous waste shall be based upon the listing published by the Environmental Protection Agency under the Toxic Substances Control Act of 1976, as amended, and the rules and regulations promulgated for identification of such by SCDHEC.

Compliance with existing statutes. Any facility proposing to locate within the jurisdiction of the ordinance which would utilize toxic matter or produce hazardous waste in the process of manufacturing, fabricating, assembling, packaging or any related activity, shall provide to the zoning administrator for Jasper County a certificate from either the Bureau of Solid and Industrial Waste Management for the Compliance and Enforcement Division of the NPDES Permits Administration of DHEC, or both, indicating compliance with the rules and regulations administered by those agencies. Only until such certification is received from SCHEC shall the facility be permitted for occupancy.

Nothing contained herein shall be intended to pre-empt or abrogate the requirement for a user of toxic matter or generator of hazardous waste to adhere to the administrative and procedural requirements of state or federal agencies with regard to environmental protection.

Special requirements. Notwithstanding the requirements of state and federal agencies charged with the administration of the rules and regulations governing the operation of facilities utilizing toxic matter or generating or storing hazardous waste, any facility involved in such identified material shall provide an on-site containment area for the material so that a leak or spill is contained entirely on the facility's property and thus prevented from entering the surface or subsurface drainage system, manmade or natural, within the county. The review of the containment structure as to its design and acceptability shall remain with the

zoning administrator who may rely upon the expertise provided by the county building Official or any other agency as necessary to ascertain satisfaction that the proposed structure will provide compliance with the intent of this section.

List of materials. Materials and substances considered as either toxic matter or hazardous waste shall be those contained within the listing published by the Environmental Protection Agency, as amended, under the provision of the Toxic Substances Control Act of 1976. A further listing of such materials is found in Regulation No. 61-79.1 of the Rules and Regulations for the State of South Carolina, appended to the 1976 Code of Laws, as amended.

16:6. Fire and explosive hazards.

Activities involving the storage, utilization, or manufacture of materials or products which are considered detonable (non-atomic), flammable, or ignitable shall be subject to the rules and regulations of the South Carolina Department of Health and Environmental Control (SCDHEC) for such.

Particular requirements for Jasper County. Vehicular fuels shall be stored in accordance with the following storage capacity limits:

	Adjacent Grandfathered Residential Use or Adjacent Restricted Development District	*Adjacent Intense Development District*
Underground Tank	80,000 gallons/acre	Unlimited
Above Ground Tank	40,000 gallons/acre	150,000 gallons/acre

Where above ground storage is proposed in excess of 100,000 gallons, a minimum distance of 500 feet shall be required from such storage to any property line.

16:7. Radioactive materials.

The manufacture, storage, or utilization of radioactive materials shall be in accordance with the requirements of the South Carolina Department of Health and Environmental Control. Reference is made to Regulations 61-63 and 61-83 appended to the South Carolina Code of Laws, 1976, as amended.

16:8. Light and glare.

Foot candle. A unit of illumination. Technically, the illumination at all points one foot distant from a uniform point source of one candlepower.

Glare. The disturbing quality of direct illumination which, although not necessarily providing a measurable amount of light from a given vantage point, nonetheless is an attractive nuisance to the eye to the point of causing discomfort when viewed.

Limitation of illumination. In all districts, any operation of activity producing light from a non-mobile source (cars, trucks and other vehicles traveling on highways, etc, are exempt) shall not cause illumination in excess of one foot candle when measured in a Restricted development district of across the protected property line of an adjacent grandfathered residential use.

Limitation of glare. In all districts, any activity producing light from a non-mobile source (cars, trucks, and other vehicles and crafts are exempt from these provisions) shall be so constructed so that glare is not directed into a restricted development district, across the protected property line of an adjacent grandfathered residential use, or into traffic lanes of public roads. Pole mounted lighting fixtures are encouraged to be located along the perimeter of the area to be illuminated so that the direction of the light may be inward away from the property lines. Certain fixtures must be shielded to mitigate the effects of glare.

Exterior illumination. All outdoor light fixtures shall be fully shielded and installed in such a way that no light is emitted above a horizontal plane running through the lowest part of the fixture. Use of high pressure sodium lighting is encouraged but not required. The pattern of light pooling from ach light source shall be carefully considered to avoid throwing light onto adjacent properties. Light sources visible in residential or medical areas shall not exceed 0.1-foot candles. Light sources visible in other areas shall not exceed 0.5-foot candles. Measurements shall be in a vented plane at the property line.

16:9. Electromagnetic interference.

In all districts, no operations or activities shall be conducted that cause electrical disturbances to be transmitted across protected property lines.

16:10. Smoke and particulate matter.

Activities which produce smoke or particulate matter shall abide by the regulations of the South Carolina Department of Health and Environmental Control under authority granted by the Pollution Control Act. (Reference Regulation 61-62 appended to the South Carolina Code of Laws of 1976, as amended).

16:11. Fumes and vapors.

There shall be no emission of any fumes or vapors of a noxious, toxic or corrosive nature, which can cause damage or irritation to health, animals, vegetation, or to any form of property.

16:12. Heat, cold, dampness or movement of air.

Activities which could product any adverse affect on the temperature, motion or humidity of the atmosphere beyond the lot line shall not be permitted.

16:13. Compliance guarantee.

The applicant of a permit for a manufacturing or processing plant which would produce any of the above "objectionable elements" shall acknowledge in writing his understanding of the performance standards applicable to the proposed use and shall submit with the permit application, an agreement to conform with such standards at all times. Any violation of the agreement shall constitute a violation of this Ordinance and shall be treated accordingly. Enforcement of this agreement shall be precipitated by complaint from any person allegedly aggravated by failure of the industrial use to comply with the provisions of this section. Where there is a potential problem in meeting any one of these performance criteria in this section, the applicant shall be required request a variance before the board of zoning appeals in accordance with the provisions of Article 3.

ARTICLE 17. SEXUALLY ORIENTED BUSINESSES

17:1. General provisions.

17:1.1. *Purpose.* Whereas the Jasper County Council is aware of studies done by other cities and counties throughout the United States which document the secondary effects that result from sexually oriented businesses, particularly when those businesses are concentrated together, it is the purpose of this ordinance to regulate sexually oriented businesses to safeguard the health, safety, morals, and general welfare of the citizens of the county, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the county. The provisions of this Ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials including sexually oriented materials. Similarly, it is not the intent of effect of this ordinance to deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent or effect of this Ordinance to condone or legitimize the distribution of obscene material nor to legalize any form of prohibited or illegal activities.

17:1.2. *Description of sexually oriented business.* Sexually oriented business(es) include, but are not limited to: adult arcade, adult bookstore/video store, adult cabaret/nightclub, adult escort service, adult model studio, adult motel, adult motion picture theater, adult peep show, adult sexual encounter center, adult theater, as defined herein; and any other establishment which contains activities characterized by the performance, depiction, or description of "nudity or state of nudity," "semi-nudity or state of semi-nudity," "specified sexual activities," or "specified anatomical areas." Each sexually oriented business is considered a separate business regardless of ownership and must meet separation requirements.

17:2. Regulations.

17:2.1. *Location.* Sexually oriented business shall be located in accordance with the following:

a. Only in the General Commercial (GC) District, provided the business also meets the location requirements for the principal activity to which it is assigned.

b. At least 1,000 feet from any residential use, church, day care center, public or private elementary or secondary education school, public park, public library, cemetery, or motion picture establishment which shows G-rated or PG-rated movies to the general public on a regular basis, regardless of jurisdiction.

c. At least 2,000 from any other sexually oriented business, regardless of jurisdiction. Each sexually oriented business is considered a separate business regardless of ownership.

d. Measurements of distance separation shall be in a straight line from the closest points of the buildings or outdoor areas in which the sexually oriented business activity takes place to either:

    1. The closest point of the building in which the residential use, public library, motion picture establishment or other sexually oriented business is located, or

    2. The closest point of the property line of a church, day care center, public or private elementary or secondary education school, public park, or cemetery.

17:2.2. *Reserved.*

17:2.3. *Permits.* Sexually oriented businesses shall be required to obtain the following permits:

a. Sexually oriented business zoning permits shall be required in addition to zoning permits issued for their principal activities.

b. Property owners where sexually oriented businesses are located may not sign a zoning waiver to relax any of the restrictions applicable to another sexually oriented business.

c. Representation of the sheriff's department, department of planning and development, department of public safety, or other county departments or agencies shall be allowed to inspect the premises of sexually oriented business for the purpose of ensuring compliance with the law, at any time it is occupied or open for business.

d. An application for a sexually oriented business zoning permit must be accompanied by a site plan drawn to designated scale or drawn with marked dimensions. The site plan need not be professionally prepared, but must be drawn to an accuracy of plus or minus six inches. The site plan must include information and exhibits as deemed necessary by the DSR in order to determine that the proposed use complies with this ordinance.

e. The fact that a person possesses other type of state or county permits and/or licenses does not exempt that person from the requirement of obtaining a sexually oriented business zoning permit.

17:2.4. *Nonconformity for sexually oriented business.* A nonconforming sexually oriented business shall be as follows:

a. Any sexually oriented business lawfully operating prior to the adoption date of this ordinance that is in violation of any requirements of this article shall be deemed a nonconforming use. The nonconforming use will be permitted to continue for a period not exceed five years, unless sooner terminated for any reason or voluntarily discontinued for a period of 30 days or more. Such nonconforming uses shall not be increased, enlarged, extended, or altered except that the use may be changed to conforming use. If two sexually oriented businesses are within 2,000 feet of one another and otherwise is a permissible location, the sexually oriented business which is currently in longest continuous operation at a particular location is considered to be the conforming use and the other business is considered to be the nonconforming use.

b. A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the issuance of it's sexually oriented business zoning permit, of a residential use, church, day care center, public or private elementary or secondary school, public park, public library, cemetery, or motion picture establishment within 1,000 feet of the sexually oriented business. This provision applies only to the initial issuance of a valid sexually oriented business zoning permit, and does not apply after a sexually oriented business zoning permit has been revoked.

c. All existing sexually oriented business must apply for a sexually oriented business zoning permit within six months of the enactment of this Ordinance, for the purpose of establishing the extent of any non conformity which must be corrected within five years as required in subsection a. The permit will note the degree of nonconformity, if any, as determined by the circumstances at the time

from which the sexually oriented business has been in continuous operation at that location. Sufficient information to make such a determination must be provided to the satisfaction of the DSR.

(Ord. No. 09-33, 5, 12-14-09)

ARTICLE 18. JUNKYARD REGULATIONS

18:1. Purpose.

Jasper County Council finds that junkyards:

(a) Are a visual blight and are patently offensive to the aesthetic quality of the environment in Jasper County;

(b) Pose a hazard to the health, safety and welfare of the citizens of Jasper County;

(c) Pose a fire hazard, and may cause soil and groundwater contamination;

(d) Pose a threat of injury to children or other individuals who may be attracted to the premises;

(e) Depreciate the value of surrounding properties and may inhibit future development of the area.

Because of the negative impacts that junkyards have on the community, Jasper County Council has provided a standard for the establishment, use, and maintenance of junkyards in Jasper County so as to protect the health, safety and general welfare of the citizens of Jasper County.

In order to fulfill the purposes for which this ordinance is adopted, the provisions of this ordinance shall apply to all junkyards located in the unincorporated areas of Jasper County, regardless of when such junkyards were established.

18:2. General provisions.

(a) *Junk.* The term "junk" shall include, but not be limited to abandoned barrels or drums, dismantled or inoperable industrial or commercial equipment or machinery being salvaged for parts, and the following old, scrap, or used items: metal; rope; rags; batteries; paper; cardboard; plastic; rubber; pallets; appliances; motors; industrial or commercial fixtures; rubbish; debris; wrecked, dismantled or disabled motor vehicles or parts thereof.

(b) *Junkyard.* The term "junkyard" shall mean any property which is used in part or in whole for storing, keeping, buying or selling of items defined as "Junk." For the purpose of this ordinance, properly licensed sanitary landfills are exempt.

(c) *Fencing and screening.* All junkyards shall be enclosed on all sides by a chain link fence with evergreen screening of an approved type, a chain link fence with vinyl, metal or wooden strips or slats woven into the fence fabric, a wooden privacy fence, or other type material which has been given approval by the DSR. All metal or wooden fence posts shall have at least one-third of their length below ground level

and shall be set in hard packed clay or concrete. All metal fence posts shall be treated with an anti-corrosive coating. All wooden posts shall be pressure treated or creosote coated lumber with at least a four-inch by four-inch nominal cross section.

i. The term "fence" shall mean an eight-foot tall chain link or wooden fence which forms a substantial physical barrier which is capable of withstanding the effects of the local climate and which completely surrounds the items defined as "Junk." Other fencing materials may be approved by the DSR.

ii. The term "Evergreen Screening" shall mean evergreen trees or shrubs with a minimum height of not less than eight feet when mature. Acceptable species include, but are not limited to, Ligustium, Euonymous, Leyland Cypress, White Pine, Cedar, Arborvitae, Hemlock, and upright varieties of Juniper, Holly and Yew. Other species may be approved by the DSR.

iii. The term "visual screen" shall mean a static barrier which shields the junkyard from view. The visual screen shall extend from the ground to a height of eight feet and shall completely enclose the junkyard. Not more than 25 percent of the vertical surface shall be open to allow the passage of air, but any such openings shall be designed to obscure visibility.

(d) *Location.* No junkyard shall be established within 500 feet of any existing church, school, cemetery or dwelling. No junkyard shall be established within 500 feet of any transportation corridor as listed in Article 16 of this ordinance.

18:3. Operation.

(a) All junkyard business shall be conducted entirely within the screened area of the property.

(b) No junk shall be stacked, stored or maintained at a height greater than eight feet above the adjacent grade.

(c) Adequate off-street customer parking must be provided, and must be graveled or paved in an acceptable manner.

(d) All junkyards shall comply with all applicable chapters in the "Standard Fire Prevention Code" and any other pertinent requirements.

(e) Scrap Metal Processors, while considered to be junkyards by definition, shall be exempt from the permit requirements of Section 8 herein. In addition, the eight-foot stacking requirement of subsection 7(b) shall not apply if the scrap metal processor is located substantially below the grade of the adjacent public road or is located more than 500 feet from any public road.

18:4. Permit requirements.

All junkyards shall, within 60 days after the effective date of this ordinance, obtain a "Junkyard Operation Permit" and a letter stating the junkyard complies with the requirements of this ordinance. Such permit and letter of compliance shall be valid until March 1 of the following calendar year. A written request for reinspection, accompanied by a re-inspection fee as provided in the Jasper County Fee Schedule, must be submitted to the office of the DSR no later than January 15 of each successive year. The DSR, or his

designee, shall then inspect the premises, notify the Junkyard operator of any corrections that need to be made, and issue the "Junkyard Operation Permit" and letter of compliance after completion of any required corrections.

No person shall establish, enlarge, or operate a junkyard after the effective date of this ordinance without first complying with the provisions set forth herein.

ARTICLE 19. VIOLATIONS, PENALTIES AND ENFORCEMENT

19:1. Zoning enforcement official and duties.

19:1.1. *Development services representative (DSR).* This ordinance shall be administered and enforced by the Jasper County DSR with the assistance of such other persons as the deputy county administrator of development services may direct.

19:1.2. *Duties of the DSR.* The duties of the DSR shall include the receiving and processing of staff level, planning commission and board of zoning appeals applications, inspecting premises, issuing certificates of use and occupancy for uses and structures that meet the requirements of this ordinance, endorsing building permit applications that meet the requirements of this ordinance, and other actions to assure conformance with this ordinance.

If the DSR shall find that any of the provisions of this ordinance are being violated, he or she shall notify in writing the person responsible for such violation indicating the nature of the violation and ordering the action necessary to correct it. He or she shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; take any other action authorized by this ordinance to ensure compliance with or prevent violation of its provisions.

19:2. Enforcement of violations.

19:2.1. *Complaints regarding violations.* Whenever a violation of this ordinance occurs or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis of the alleged violation shall be filed with the deputy county administrator for development services. He or she shall record the complaint, investigate, and take action as provided by this ordinance.

19:2.2. *Remedies.* In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this ordinance, the DSR and/or the building official, or any adjacent, nearby, or neighboring property owner who would be affected by such violation in addition to other remedies, may institute an injunction or any other appropriate action in proceeding to prevent the use of such building, structure, or land.

19:3. Penalties for violations.

Any person, firm, corporation or agent, who shall violate the provisions of this ordinance shall be guilty of a misdemeanor and shall be punished within the jurisdictional limits of magistrate's court. Each such

person, firm, corporation or agent shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this ordinance is committed, or continued.

The DSR or other appropriate county official may also seek injunctive relief or any other appropriate action in courts of competent jurisdiction to enforce the provisions of this ordinance.

ARTICLE 20. VESTED RIGHTS

20:1. General Limitations and conditions.

Except as hereinafter set forth, a vested right established by this Ordinance is subject to the limitations and conditions as set out in sections 6-29-1540 and 6-29-1550 of the Code of Laws of South Carolina, as enacted by Act 287 of 2004.

20:2. Definitions.

As used in this article:

1. *Approved* or *approval* means a final action by the DSR, zoning board of appeals, planning commission or county council in those matters committed to their respective authority or discretion in accordance with the permitting procedures of this ordinance, or an exhaustion of all administrative remedies/appeals that results in the authorization of a site specific development plan or a phased development plan.

2. *Building permit* means a written warrant or license issued by the building official or such other official as may be designated by the county administrator that authorized the construction or renovation of a building or structure at a specified location.

3. *Conditionally approved* or *conditional approval* means an interim action taken by the county or its designees in accordance with this ordinance and the S.C. Local Government Comprehensive Planning Act (the "Enabling Act") that provides authorization for a site specific development plan or a phased development plan but is subject to approval. These authorizations include, but are not limited to, concept plan planned development districts ("Concept PDD") pursuant to section 8:1.7, and a master plan planned development district ("Master Plan PDD") pursuant to section 8:1.11.

4. *Landowner* means an owner of a legal or equitable interest in real property including the heirs, devisees, successors, assigns, and personal representatives of the property pursuant to a contract with the owner to act as his agent or representative for purposes of submitting a proposed site specific development plan or a phased development plan pursuant to this article.

5. *Person* means an individual, corporation, business or land trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any legal entity as defined by South Carolina laws.

6. *Phased development plan* means a development plan submitted to the county by a landowner that shows the types and density or intensity of uses for a specific property or properties to be developed in phases, but which do not satisfy the requirements for a site specific development plan. These

include, but are not limited to, Concept PDD and Master Plan PDD plans as authorized by sections 8:1.7 and 8:1.11, respectively, and plans for properties for which only a portion of the whole property is designed and submitted as a site specific development, with the remainder reserved for future development.

7. *Real property* or *property* means all real property that is subject to the land use and development ordinances or regulations of a local governing body, and includes the earth, water, and air, above, below, or on the surface, and includes improvements or structures customarily regarded as a part of real property.

8. *Site specific development plan* means a development plan submitted to the county or its authorized boards, commissions or agents by a landowner describing with reasonable certainty the types and density or intensity of uses for a specific property or properties. These plans include planned development district (PDD) submissions pursuant to section 8:1, and subdivision or development plans, including conditional use plans, submitted pursuant to section 11.1, et seq. for proposals which comply with all of the required standards of the zoning district within which the property is located or have received a variance or special exception for which all appeals have been exhausted and the decision is final.

9. *Vested right* means the right to undertake and complete the development of property under the terms and conditions of a site specific development plan or a phased development plan as provided in this ordinance.

20:3. Two-year vested right established on approval of site specific development plan; process for renewal.

1. A vested right is triggered and established for two years upon the payment of all applicable fees and final approval of a site specific development plan which authorizes the landowner to proceed with grading, installation of utilities, streets and other infrastructure, and to undertake other significant expenditures necessary to apply for a building permit or such other permit as may be required by the county.

2. A vested right for an approved site specific development plans expires two years after the date of final approval by the final official or body authorized to approve a site specific development plan.

3. No sooner than six months, or no later than 45 days prior to the expiration of the vested rights for a site specific development plan, the landowner of real property with a site specific vested right may apply to the DSR for an annual extension of the vested right. The DSR must approve applications for at least five annual extensions of the vested right, unless an amendment to the land development ordinances or regulations has been adopted that prohibits approval, such as a rezoning, zoning or comprehensive plan text amendment, or implementation of a health, safety, environmental or other general welfare provision applicable to the development or subdivision.

4. A vested site specific development plan may be amended if the amendment conforms to, or does not cause a greater nonconformity with the then current provisions of the municipal zoning, planning, or land development ordinances, code sections, or regulations. Approval of an amendment does not re-set or re-start the expiration period of a vested right.

5. Decisions of whether to grant the renewal or not by the DSR are appealable to the county council by an interested party having standing as is generally applied in appeals in other zoning or planning matters. Within 60 days of the filing of the appeal with the clerk to council, the county council shall hear the appeal upon the materials submitted to the DSR, the arguments of the landowner and staff, any additional material as the council may deem relevant and material which was not available to the DSR at the time the decision was made submitted by either the landowner or DSR, and such public comment as may be allowed. The county council may grant or deny the renewal on appeal, or grant the renewal upon conditions. The county council may defer its decision on the appeal until a date certain, for up to two meetings, and may re-open the hearing for additional fact finding in its sole discretion if such a deferral was made and either the landowner, the DSR, or a Council Member so requests.

20:4. Two-year vested right established on approval of conditionally approved site specific development plan; process for renewal.

1. The county may, in its sole discretion, and upon such conditions as it may see fit, provide for the establishment of a two-year vested right in the ordinance creating a Concept PDD, Master Plan PDD, or other conditionally approved site specific development plan. Such vested right may be terminated by the County in accordance with section 6-29-1540(4), if after notice and public hearing, the county determines the landowner has failed to meet the terms of the conditional approval.

2. The county may in its sole discretion, and upon such conditions as it may see fit, provide for the establishment of up to a five-year vested right in the ordinance creating a Concept PDD, Master Plan PDD, or an approved or conditionally approved phased development plan. Such vested right may be terminated by the County in accordance with section 6-29-1540(4), if after notice and public hearing, the county determines the landowner has failed to meet the terms of the conditional approval.

(a) Phased development plans shall submit site specific development plans for each phase, which shall conform to the requirements and regulations in effect at the time of the submission of the site specific plan. Such site specific plans shall thereafter be vested in accordance with the provisions of section 8.300.

3. The county may, in its sole discretion, provide for a renewal of the vested right granted in accordance with either 1 or 2 above, either in the ordinance creating or authorizing the Concept PDD, Master Plan PDD, conditionally approved site specific plan, or the approved or conditionally approved phased development plan.

20.5. Conditions and limitations.

In addition to the terms, condition and requirements above:

1. Upon expiration of a vested right, a building permit may be issued for development only in accordance with applicable land development ordinances or regulations;

2. A vested site specific development plan or vested phased development plan may be amended if approved by the local governing body pursuant to the provisions of the land development ordinances or regulations, subject to the limitations of subsection 20.3(4) above;

3. A validity issued building permit does not expire or is not revoked upon expiration of a vested right, except for public safety reasons or as prescribed by the applicable building code;

4. A vested right to a site specific development plan or phased development plan is subject to revocation by the county upon its determination, after notice and public hearing, that there was a material misrepresentation by landowner or substantial noncompliance with the terms and conditions of the original or amended approval;

5. A vested site specific development plan or vested phased development plan is subject to later enacted federal, state, or local laws adopted to protect public health, safety, and welfare including, but not limited to, building, fire, plumbing, electrical, and mechanical codes and nonconforming structure and use regulations which do not provide for the grandfathering of the vested right. The issuance of a building permit vests the specific construction project authorized by the building permit to the building, fire, plumbing, electrical, and mechanical codes in force at the time of the issuance of the building permit;

6. A vested site specific development plan or vested phased development plan is subject to later County overlay zoning that imposes site plan-related requirements but does not affect allowable types, height as it affects density or intensity of uses, or density or intensity of uses;

7. A change in the zoning district designation or land-use regulations made subsequent to vesting that affect real property under a vested site specific development plan or vested phased development plan without consent of the landowner;

8. If real property having a vested site specific development plan or vested phased development plan is annexed, the county must determine after notice and public hearing in which the landowner is allowed to present evidence, if the vested right is effective after the annexation;

9. The county may not require a landowner to waive his vested rights as a condition of approval or conditional approval of a site specific development plan or a phased development plan.

20:6. Vested right attaches to real property; applicability of laws relating to public health, safety and welfare.

1. Invested right pursuant to this Article 20 is not a personal right, but attaches to and runs with the applicable real property.

2. The landowner and all successors to the landowner who secure a vested right pursuant to this article may rely upon and exercise the vested right for its duration subject to applicable federal, state, and local laws adopted to protect public health, safety, and welfare including but not limited to, building, fire, plumbing, electrical, and mechanical codes and nonconforming structure and use regulations which do not provide for the grandfathering of the vested right.

3. This article does not preclude judicial determination that a vested right exists pursuant to other statutory provisions.

4. This article does not affect the provisions of a development agreement executed pursuant to the South Carolina Local Government Development Agreement Act in Chapter 31 of Title 6.

ARTICLE 21. MOBILE HOME PARKS

21:1. Purpose.

The purpose of this article is to address the unique needs of mobile home parks, in order that they may be considered a safe and healthy residential option to the residents of Jasper County.

21:2. Jurisdiction.

The regulations set forth herein shall apply to any property located within the jurisdiction of this ordinance that is now or is proposed to be developed as a mobile home park.

21:3. Definitions.

Mobile homes: Are transportable dwellings intended for permanent residential occupancy. They may be contained in either one unit or multiple units designed to be joined together into one integral unit, arrive at a site complete and ready for occupancy except for minor and incidental assembly operations, and are constructed so that they may be used without a permanent foundation. This activity shall not include modular residential construction, as defined within the South Carolina Modular Buildings Construction Act of 1976. Modular residential construction shall be included in the Residential Detached or Residential Attached activity types, as appropriate.

Mobile home parks (Limited): Three or more mobile homes, exclusive of a mobile home occupied by the property owner that are operated as a single entity and located within the vicinity of one another. The park may be located on a single parcel, or multiple parcels in the same or different ownership. The minimum size of an individual mobile home space in this type of development is 20,000 square feet.

21:4. Application of regulations.

Upon the effective date of these regulations, mobile home parks can be developed or expanded only in accordance with the applicable restrictions contained herein. Legally nonconforming mobile home parks are subject to the provisions found in article 9:3.10.

21:5. Conditional use review.

1. A request for a permit for a mobile home park will require approval from the DSR. The bases for such approval is a demonstration by the applicant that the owner/operator can operate the mobile home park in a manner that addresses the unique conditions that are created by rental habitation. It will be the responsibility of the applicant to make evident to the Board that the following criteria can be met.:

a. As demonstration that the day-to-day operations of the mobile home park addresses the unique conditions of a rental community, the applicant must demonstrate the ability to effectively manage the park;

b. As demonstration that the mobile home park community will be harmonious with the surrounding properties, the appropriate buffering restrictions, general requirements and performance standards will be provided, if applicable; and

c. As assistance to the traveling public and public safety response agencies, adequate identification of the mobile home park will be provided.

2. For the DSR to rule on a mobile home park conditional use request based on these criteria, the following information must be submitted for consideration with the application:

a. One way to demonstrate the ability to manage the park is to submit a management plan. Such a plan could address such things as group gatherings, parking, care and control of household animals, traffic controls, disposal of household and other waste, grounds keeping, and mobile home maintenance.

b. A detailed site plan showing the buffering restrictions, parking, driveways, spacing and density shall be required, drawn in accordance with the LDR; and

c. A plan for mobile home park identification signage and identification of the individual mobile homes in accordance with the Addressing and Road Naming Ordinance will be required.

21:6. Zoning permit.

New mobile home parks are only allowed in a district in which it is a permitted use. It shall be the sole responsibility of a mobile home park that fails to comply with the requirements of this ordinance to establish and operate a mobile home park in accordance with the regulations as set forth in this article. The use and occupancy permit shall be issued on the basis of compliance with both these regulations and the regulations that are contained within South Carolina DHEC Regulation 61.40, and is considered a "permit to operate" by Jasper County. In Jasper County, South Carolina DHEC Regulation 61.40 shall also apply to all Mobile Home Parks, as defined in the text of this ordinance.

21:7. Site plan.

All existing mobile home parks must have an appropriately prepared site plan that includes but is not limited to spaces, driveways, space numbers and/or addresses, parking and spacing between homes and boundaries of the park, submitted by January 1, 2003, to assist in the issuance of permits and to aid park owners in achieving future compliance with section 9:3.10.

21:8. Enforcement.

The DSR, upon six months notice, may withdraw a use and occupancy permit issued to the mobile home park that fails to comply with the requirements of this ordinance and require the park to cease operation. Other enforcement procedures are found elsewhere in this ordinance.

21:9. Adherences to existing regulations and guidelines.

All new or expanding mobile home parks must adhere to any applicable federal, state, or county regulations or guidelines, including but not limited to DHEC regulations, the Addressing and Road Naming Ordinances, the Standard Building Code, and the Assessor's Mobile Home Registration process.

21:10. Driveways.

All driveways which provide access to any activities within a mobile home park shall adhere to the following guidelines:

1. Driveways shall be a minimum of 18 feet in width, exclusive of parking.

2. All driveways shall be constructed in the following manner:

   a. All unpaved driveways shall meet the minimum road design criteria as stated in the private road policy adopted by the Jasper County Planning Commission. If the unpaved driveway connects to a paved road, a paved apron of 50 feet in length measured from the existing pavement and with the appropriate intersection radii width must be provided. A maximum of 25 mobile home spaces may access one unpaved driveway.

   b. Paved driveways shall meet all the applicable paved road design standards established by Jasper County, with the exception of roadway width.

21:11. Densities and design standards.

The density of any mobile home park permitted or enlarged subsequent to the enactment of this ordinance shall comply with section 7:3 and the design standards of this article.

21:12. Mobile home spaces.

A mobile home space is the leaseable area provided to an individual tenant. In a mobile home park each space shall have a minimum area of 20,000 square feet, and shall also be a minimum average width of 75 feet. The mobile home space shall be exclusive of the prescribed buffer area, and all mobile home spaces shall be clearly delineated by fencing, vegetation, or other substantial means. The delineation of the spaces may be waived by the DSR if the park owner can demonstrate that maintenance and upkeep of the park will not suffer for lack of this measure. Even if the space delineation is waived, the prescribed buffer area must still be delineated to protect the required inactive charter of that area.

21:13. Spacing.

There shall be a minimum of 30 feet between any two mobile homes, or any mobile home and a common building (laundry, etc.). All mobile homes are to orient the front door to the street, the minimum setback may be ten feet from the mobile home space delineation line. Accessory structures for individual mobile homes shall be located a minimum of six feet from any adjoining mobile home.

21:14. Parking.

A minimum of two parking spaces, exclusive of the common mobile home park driveway(s), shall be provided per mobile home space. Parking of recreational vehicles and craft must be exclusive of the minimum two parking spaces for the mobile home and may not encroach the driveway area for the mobile home park.

21:15. Operational requirements.

All grounds and common buildings located within mobile home parks are expected to be maintained in a clean, sanitary and safe manner, the mobile home spaces kept clear of refuse, debris and unnecessary clutter, and all refuse shall be stored, collected and disposed of in such a manner as not to create a nuisance, vector attractant, breeding or harborage problem, in accordance with South Carolina DHEC Regulation 61.40. The S.C. Department of Health and Environmental Control will be the enforcement agency for these operational requirements.

21:16. Buffering restrictions.

Each mobile home park shall adhere to the buffering restrictions covering height regulations, buffers, setbacks, and screening as outlined in article 12.

Appendix B

LAND DEVELOPMENT REGULATIONS*

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***Editor's note—**Ord. No. 07-47, adopted November 13, 2007, repealed Appendix B, §§ 1.1—10.70, and enacted a new Appendix B, §§ 1.1—11.6, to read as set out herein. Former Appendix B, §§ 1.1—10.70, pertained to similar subject matter. For a complete history of former Appendix B, §§ 1.1—10.70, see the Code Comparative Table.

Cross references—Planning and development, ch. 20 et seq.; zoning, App. A.

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ARTICLE 1. GENERAL PROVISIONS

1.1. Intent.

The public health, safety, economy, good order, appearance, convenience, morals, and general welfare require the harmonious, orderly, and progressive development of land within the municipalities and counties of the State of South Carolina. In furtherance of this general intent, the regulation of land development by counties is authorized for the following purposes, among others:

A. To encourage the development of economically sound and stable counties;

B. To assure the timely provision of required streets, utilities, and other facilities and services to new land developments;

C. To assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in and through new land developments;

D. To assure the provision of needed public open spaces and building sites in new land developments through the dedication or reservation of land for recreational, educational, transportation, and other public purposes; and

E. To assure, in general, the wise and timely development of new areas, and redevelopment of previously developed areas in harmony with the comprehensive plan.

1.2. Authority.

Pursuant to the authority granted to it under Title 6, Chapter 29, as amended of the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, the Jasper County Council does hereby adopt land development regulations to provide for the harmonious development of the county; coordination of streets within subdivisions with other existing or planned streets or with other features of the comprehensive development plan; adequate open spaces for traffic, recreation, light, and air; and for a distribution of population and traffic which will tend to create conditions favorable to the health, safety, and welfare of the general public.

Hereafter, no plat of a subdivision of land within the area shall be filed or recorded until it has been submitted to and is approved by the Jasper County Development Services Representatives (DSR) and/or the Planning Commission and such approval is entered in writing on the plat by the DSR or planning commission chairman. The provisions of these regulations shall not apply to subdivision plat maps which, prior to the adoption of regulations governing the subdivision of lands, were recorded in the office of the Jasper County Register of Deeds.

1.3. Jurisdiction.

The land development regulations adopted by the Jasper County Council shall apply to all new subdivisions located in all unincorporated areas of the county as shown on the official zoning map on file in the office of the DSR.

1.4. Definitions.

For a list of definitions refer to Article 4 of the Jasper County Zoning Ordinance.

1.5. Submission of land development or subdivision application.

The deadline for the submission of any land development application to the DSR for review and approval or denial shall be in accordance with the schedule of submittal dates as designated by the planning commission. Any submission meeting this deadline, and containing the required completeness elements as set forth in this ordinance, shall be processed in accordance with the applicable development review section of this ordinance.

A. Any action or decision designated to the DSR pursuant to the South Carolina Local Government Comprehensive Planning Enabling Act of 1994 shall be reviewed and approved or denied within 60 days of the application being deemed complete by the DSR. Failure by the DSR to take action or make a decision within 60 days shall constitute approval of the application. The 60 day time limit may be extended by mutual agreement by the dsr or the planning commission and the applicant.

B. Failure by the planning commission to act upon any complete application within 60 days of receipt shall constitute approval of the application. The 60 day time limit may be extended by mutual agreement between the planning commission and the applicant.

C. Upon denial of any application submitted to the DSR and/or planning commission, a letter outlining the action taken and procedures for appeal or reconsideration, if applicable, shall be issued to the applicant.

1.6. Administration.

A. *Development services representative (DSR).* the DSR is hereby appointed to administer, implement and enforce the provisions of the LDR as the legal representative of the county. The DSR shall have the following powers and authority:

1. To review and approve with conditions, or disapprove applications for approval of land development applications.
2. To render interpretations of this ordinance.
3. To establish application requirements and schedules for submittal and review of applications and appeals.
4. To provide expertise and technical assistance and to contract with third party experienced planning and engineering consulting firms to provide such expertise and assistance the DSR may require.
5. To take such additional actions as may be delegated to the DSR.

B. *Coordination with other agencies.* The DSR may coordinate the county's activities with other federal, state, and local agencies which manage and perform functions relating to stormwater management or the development of land.

C. *Cooperation with other agencies.* The county may enter into agreements with other governmental and private entities to carry out the purposes of this LDR. These agreements may include, but are not limited to enforcement, resolution of disputes, monitoring, management of stormwater systems, and implementation of the county stormwater management design manual.
(Ord. No. 11-22, § 2, 10-3-11)

1.7. Review fees.

The DSR may require the services of various professional consultants for the review and preparation of recommendations for the application at his/her own discretion. In these instances, the applicant shall submit a review fee in accordance with the current Jasper County Fee Schedule in order to cover these review costs regardless of whether or not the application is heard before the planning commission.

At the time of submitting an application to the DSR for site plan or subdivision review, the applicant shall be required to make a deposit as hereinafter provided and execute a review fee account to cover necessary and reasonable costs incurred for technical and professional review by the DSR. The amounts specified for the review are estimates of fees. Fees must be paid to the DSR, if so required, prior to the start of the application review process and the application being deemed complete. The payment of the fee in and of itself shall not be deemed to make the application complete. When the aforesaid review fee account becomes less than 25 percent of the initial required amount, the DSR may request that the applicant submit additional funds to the account to cover subsequent professional review(s). The failure of the applicant to submit the additional funds within 14 days may result in the DSR taking no further action until such time as the fees have been deposited. In the event that the amounts required to be deposited by this section are insufficient to cover the professional charges to the county, the DSR is authorized to request additional funds as necessary.

Upon written request by the applicant to the DSR, any remaining balance of the review fee shall be returned to the applicant.

1.8. Construction.

Prior to the start of construction associated with any land development or subdivision application the developer must pay any outstanding professional review fees which may remain from the application process and obtain the necessary county permit(s) in accordance with the following requirements:

A. *Performance guarantee.* A performance guarantee in the form of a performance bond, irrevocable letter of credit and agreement or other financial security acceptable to the county must be posted for all approved site improvements and infrastructure within the rights-of-way, easements, open space and/or any other common areas of all residential, commercial and industrial subdivisions (including but not limited to streets, grading, pavement, gutters, curbs, sidewalks, street lighting, shade trees, surveyor's monuments, water mains, culverts, storm sewers, sanitary sewers or other means of sewage disposal, drainage structures, landscaping, lighting, erosion control and sedimentation control devices, public improvements of open space and other improvements). The developer shall provide the county with an itemized engineer's estimate of the proposed site improvements for approval. Once the estimate has been approved, the developer shall submit a bond or other approved instrument in form acceptable to the county for the total amount of 125 percent of the estimated cost of the improvements.

B. *[Site restoration guarantee.]* A site restoration guarantee in the form of a bond, irrevocable letter of credit and agreement or other financial security acceptable to the county must be posted for all approved commercial and industrial site plans. The restoration guarantee shall insure the satisfactory grading, seeding and stabilization of the site in case of default by the developer and/or if the developer does not install the required site improvements in a timely fashion as determined

by the DSR. The developer shall provide the county with an itemized engineer's estimate of the approved site improvements and infrastructure within the rights-of-way, easements, open space and/or any other common areas (including but not limited to streets, grading, pavement, gutters, curbs, sidewalks, street lighting, shade trees, surveyor's monuments, water mains, culverts, storm sewers, sanitary sewers or other means of sewage disposal, drainage structures, landscaping, lighting, erosion control and sedimentation control devices, public improvements of open space and other improvements). Once the estimate has been approved, the developer shall submit a bond or other approved means for ten percent of the total amount of the improvements.

C. *Inspection fee.* The developer shall submit an inspection fee to the DSR prior to the start of construction of site improvements associated with all approved PDD, subdivision or land development applications to cover inspection costs associated with their construction in order to ensure compliance with the approved plans, permits(s) and/or certificates. The fee shall be in the amount of three percent of the total estimated improvement cost calculated for the performance guarantee. Should inspection services above and beyond those which are considered normal for the various types of construction be necessary due to the contractor neglect, lack of proper notification for inspection, substandard performance, field revision requests, etc. the developer shall be required to provide sufficient funds to cover cost(s) of same.

D. *Preconstruction conference.* The developer shall arrange for a pre-construction conference with the county and any other interested party in order to discuss pertinent construction related issues, i.e. schedule, emergency contacts, hours of operation, staging areas, site maintenance, security, traffic control, etc.

(Ord. No. 09-05, § 1, 1-20-09)

1.9. Project close-out.

Following the completion of all site improvements and prior to the release of the performance guarantee the developer shall provide the following:

A. *Final inspection.* The developer shall provide written notification to the DSR that construction and/or installation of all approved site improvements are complete. The DSR shall have 30 days from the receipt of notification to perform a final inspection of the site and provide the developer with a punch-list which enumerates any deficient and/or omitted construction items as per the approved plans. The developer shall again notify the county in writing upon the completion of the deficiency list items. The county shall have 30 days from the receipt of notification to review the items. This procedure shall continue until the developer has satisfactorily addressed all of the items on the deficiency list at which time the county shall provide written notice to the developer that all items have been satisfactorily constructed and/or installed.

B. *Maintenance guarantee.* A maintenance guarantee in a form acceptable to the county must be submitted for all approved site improvements and infrastructure within the rights-of-way, easements, open space and/or any other common areas of all residential, commercial and industrial subdivisions. The guarantee shall be in the amount of 15 percent of the total estimated improvement cost calculated for the performance guarantee. The maintenance guarantee shall be for a period of two years commencing from the date of final acceptance by the county.

(Ord. No. 09-05, § 2, 1-20-09)

1.10. Financial security for completion of site improvements.

In circumstances where the land development regulations require the installation and approval of site improvements prior to approval of the land development plan or subdivision plat for recording in the office of the register of deeds, the developer may be permitted to post financial security pursuant to the provisions of these regulations.

1.11. Enforcement.

A. *Notice of violations.* Upon determination that a violation of any of the provisions of the LDR has occurred, the DSR may give timely notice at the property where the violation has occurred, at the address of the responsible party or owner, or by written correspondence.

Before taking any enforcement actions or imposing any penalties, the DSR shall first notify the owner, applicant or other responsible person in writing of its intended action and shall provide a reasonable opportunity to correct the violation (except in the event the violation constitutes an immediate danger to public health or safety).

This notice will specify: the nature of the violation, the potential administrative, civil and/or criminal penalty, and the amount of time in which to correct deficiencies. It shall be sufficient notification to hand-deliver or email the notice to the person to whom it is addressed (the owner, applicant or other responsible person), or to deposit a copy of such in the United States Mail postage paid, to the address of the owner of the subject property used for tax purposes or such other address in the possession of the DSR.

B. *Violations.* A notice of violation shall be issued by the county if, as determined by the DSR; one or more of the following violations have been committed:

1. Any person who proceeds with any work which requires land development permitting hereunder without first submitting a plan and/or obtaining an approval.
2. Violation of the conditions of plan approval.
3. Construction not in accordance with the intent of the approved plans.
4. The existence of immediate danger in a downstream or adjacent area in the judgment of the DSR.
5. A condition that causes significant damage to off-site property or structures.
6. A condition that causes a public nuisance.
7. Illicit discharges.

C. *Corrective action and penalties.* In the event a violation has not been corrected within the applicable time period noted by the DSR in the notice of violation, the county shall implement corrective action and penalties. In the event that the remedial measures described in the notice of violation have not been completed by the date set forth for completion in the notice of violation, any one or more of the following actions or penalties may be taken against the person or entity to whom the notice of violation was issued. In the case of a continuing violation, each day may be considered a separate violation by the county.

1. *Administrative penalties.*

   i. *Stop work order.* The county may issue a stop work order that shall be served on the owner, applicant or other responsible person. The stop work order shall remain in effect until the

owner, applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise corrected the violation or violations described therein. The stop work order may temporarily be withdrawn or modified by the county to enable the applicant or other responsible person to take the remedial measure necessary to correct such violation or violations.

ii. *Withhold certificate of occupancy.* The county may refuse to issue a certificate of occupancy for the building or other structure constructed or being constructed on the development site until the owner, applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise corrected the violation or violations described therein.

iii. *Suspension, revocation, or modification of approval.* The county may suspend, revoke or modify the approval authorizing the development project. A suspended, revoked or modified approval may be reinstated after the owner, applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise corrected the violation or violations described therein. The approval may be modified by the county to enable the owner, applicant or other responsible person to take the remedial measures necessary to correct such violation or violations.

2. *Civil remedies.* The DSR, in conjunction with the county attorney may pursue any and all appropriate civil remedies, included but not limited to specific performance, injunction, declaratory judgment, abatement of nuisance, use of breach of contract remedies, action for bond forfeiture or forfeiture of other securities.

3. *Criminal penalties.* For violations of the LDR, the county may issue a citation to the owner, applicant or other responsible person, requiring appearance in magistrate court to answer to criminal charges for such violation. Conviction shall be punishable by a fine as provided in County Code section 1-8. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

(Ord. No. 11-22, § 3, 10-3-11)

Editor's note—Ord. No. 11-22, § 3, adopted October 3, 2011, changed the title of section 1.11 from "Violations and penalties" to "Enforcement."

1.12. Conflict with other laws, ordinances, or regulations.

Wherever the requirements made under authority of these regulations impose higher standards than are required in any other statute, local ordinance, or regulations, the provisions of these regulations shall govern. Wherever the provisions of any other statute, local ordinance, or regulations impose higher standards than are required by these regulations, the provisions of such statute, local ordinance, or regulations shall apply.

1.13. Appeals.

Any authorized action or decision made by the DSR may be appealed to the Jasper County Planning Commission within 45 days. Any appeals will be scheduled for the next available planning commission meeting for consideration.

An appeal from the decision of the planning commission may be made pursuant to the provisions of Title 6, Chapter 29 and taken to Circuit Court within 30 days after actual notice of the decision.

Any person aggrieved by a decision of the commission rendered after the hearing may within 30 days after notice thereof file an appeal in Circuit Court for a review of the decision of the commission pursuant to Section 6-29-1150 of the South Carolina Local Government Comprehensive Planning Enabling Act of 1994.

1.14. Waivers.

A. Whenever, in the opinion of the DSR and/or planning commission, the strict application of the requirements contained in these regulations would result in substantial or excessive difficulties, hardships, or injustices, the DSR and/or planning commission may modify such requirements so that the owner is allowed to develop his property in a reasonable manner. The public interests of the county and its citizens are to be protected and the general intent and spirit of these regulations will be preserved.

B. Persons seeking a waiver in connection with standards and requirements of the LDR may submit to the DSR a request for a waiver from the requirements of the LDR if exceptional circumstances applicable to a site exist such that adherence to the provisions of the LDR, or part thereof, will result in unnecessary hardship and will not fulfill the intent of the LDR. Applicants seeking potential waivers should discuss the waiver requests at the pre-application conference. If a waiver is requested and granted, the development permit or subdivision approval will constitute the granting of a waiver.

C. A written request for a waiver is required and shall state the specific waiver sought and the reasons, with supporting data, a waiver should be granted. The request shall include all information necessary to evaluate the proposed waiver. The applicant will address the three areas of consideration for waiver approval as follows:

1. What exceptional circumstances to the site are evident?

2. What unnecessary hardship is being caused?

3. How will denial of the waiver be inconsistent with the intent of the LDR?

The DSR reserves the right to review the waiver with current data such as updated TMDLs, 303d list, etc. The granting of a particular waiver shall not set a precedent for separate waiver requests. Each waiver request will be evaluated on its own merits, and in the case of stormwater, pollutant loading levels of surrounding waters at the time. Cost implications shall not be considered a valid hardship. Any person aggrieved by the decision of the DSR concerning a waiver request may appeal such decision in accordance with the LDR.
(Ord. No. 11-22, § 4, 10-3-11)

1.15. Amendments.

The adoption of any amendment to these regulations shall be conducted in accordance with all applicable Jasper County regulations.

1.16. Interpretation.

In interpreting the regulations expressed in this document, they shall be considered as the minimum provisions for the protection of the health, safety, and welfare of the general public.

1.17. Severability.

If any section, paragraph, subdivision, or provision of these regulations shall be judged invalid, such judgment shall apply only to that particular section, paragraph, subdivision, or provision and the remaining sections of these regulations shall remain valid and effective.

1.18. Right of entry and inspections.

A. The DSR, or his designated representative, may enter upon real property subject to the LDR. The DSR shall be provided immediate access to the necessary portion of the real property for the purposes of inspecting, monitoring, sampling, inventorying, examining and copying of records, and performing any other duties necessary to determine compliance with the LDR.

B. Where the property owner or operator has security measures in place requiring proper identification and consent before entry upon the real property, the property owner, operator, or other responsible person shall make the necessary arrangements with the necessary parties so that the DSR will be permitted to enter on to the property without delay for the purposes of performing such responsibilities identified above.

C. Site development and stormwater inspections. The county retains the right to inspect any site development and all stormwater management systems within its jurisdiction as outlined below:

1. An inspector or other delegate designated by the DSR, bearing proper credentials and identification, may enter and inspect all properties for regular inspections, periodic investigations, monitoring, observation measurement, enforcement, sampling and testing, to ensure compliance with the provisions of the LDR.

2. In the event that the DSR reasonably believes that discharges from the property into a stormwater system or receiving waters may cause an imminent and substantial threat to human health or the environment, the inspection may take place at any time after an initial attempt to notify the owner of the property or a representative on site.

(Ord. No. 11-22, § 5, 10-3-11)

ARTICLE 2. APPLICATIONS TO DEVELOP OR ALTER THE USE OF LAND

2.1. General provisions.

This section lists the criteria by which land development applications are reviewed which includes all land use and development activity covered by this ordinance. Permitted uses must be in conformance with the zoning district requirements.

All land development applications with the exception of planned development districts (PDD) or major subdivisions meeting the requirements of this section shall be reviewed by the DSR prior to the issuing of permits. All land development review approvals are valid for two years, where upon if no permit has been issued; a new land development review will be required.

All applications for development along with applicable fees shall be made to the DSR. The DSR shall review all land development applications with the exception of planned development districts (PDD) or major subdivisions. In the case of a discrepancy between the DSR and applicant or at the discretion of the DSR, the application shall be forwarded to the planning commission for action. In this case, the DSR shall submit a written review and recommendation of the application to the planning commission. The planning commission will evaluate the DSR's recommendation in its consideration of the application. The planning commission may impose additional or more restrictive requirements if it is determined that it is within the best public interest.

Before the DSR makes a recommendation to the planning commission, it shall determine, at a minimum, the following:

A. That the intent of the zoning district shall not be violated.

B. That the proposed development will harmonize with existing developments.

C. That the proposed development will be a desirable addition to the physical pattern of the neighborhood.

D. That the design be such that additional traffic will not be a burden on existing streets.

E. That no adverse environmental impacts will be created by the proposed development.

Applications to develop or alter the use of land are classified for administrative purpose into six categories as follows:

1. *Exempt subdivision.* An exempt subdivision is one which meets one of the following definitions and are included only for the purpose of requiring that the DSR be informed and have a record of the subdivision:

   (a) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of this ordinance; or

   (b) The division of a tract of land wherein each lot created is greater than five acres in size and is equal to the standards of the South Carolina Department of Health and Environmental Control (SCDHEC) regarding the use of individual wells and septic tanks; provided, that out of any single tract of land, no more than three such parcels are created; or a division of land so ordered by a court of jurisdiction for division of an estate among heirs.

   (c) The combination or recombination of entire lots of record where no new street or change in existing streets is involved.

2. *Minor subdivision.* Is a subdivision of land that involves the division of a tract of land into not more than ten separate lots or parcels including the remainder of the original parcel, within a five-year period. All such lots or parcels shall meet the following requirements:

   (a) Proposed lots are not in conflict with the Jasper County Zoning Ordinance and Map, Land Development Regulations and Comprehensive Plan.

   (b) Proposed lots front on an existing street which is sufficiently improved such that a building permit can be issued to construct a building on each lot.

   (c) No new streets or roads are created.

   (d) The resulting lots are suitable for their intended purpose without the necessity of making unusual and/or extreme changes to the existing lot grading. Nor shall the lots produce a drainage problem or result in the need for the installation of major drainage improvements.

   (e) The creation of said lots will not adversely affect the uniform and comprehensive development of any remaining parcel or adjoining land related to future road access and utility service installations.

3. *Major subdivision.* Is any subdivision other than an exempt or minor subdivision.

4. *Minor site plan.* Any land development, excluding single family or duplex residential construction, of one parcel for the purpose of expanding an existing conforming use or constructing a new structure for an approved use including a small business, multiple occupancy building, commercial building and other approved development as defined by this ordinance. All such developments shall meet the following requirements:

   (a) Proposed development is not in conflict with the Jasper County Zoning Ordinance and Map, Land Development Regulations and Comprehensive Plan.

   (b) Total new building and/or addition construction must be less than 2,000 square feet of total floor area.

   (c) Total new impervious site coverage, not including building coverage, must be less than 2,000 square feet.

   (d) No new streets or roads are created and there is no need for additional off-street parking, lighting or drainage improvements.

5. *Major site plan.* Includes any type of land development which does not meet the definition of a minor site plan.

6. *Planned development district (PDD).* Includes any parcel or tract of land greater than 25 acres in size where the owner is required to submit an application, or any parcel or tract of land between ten and 25 acres in size where the owner may be required by the planning commission to submit an application with the dsr for pdd recommendation by the planning commission.

2.2. Application procedures for subdivision and land development projects.

No building permits will be issued for any major subdivision without first obtaining subdivision approval from the planning commission.

The application process consists of three phases as follows:

1. Pre-application conference — Major land developments.
2. Completeness.
3. Application review.

2.3. Pre-application conference.

For the purpose of securing advice in the formative stages of major development design, expediting applications, and reducing development costs, the applicant shall arrange a pre-application conference with the DSR prior to the submission of a formal application package. The DSR shall arrange a pre-application conference to discuss requirements of this Ordinance, land development practices, proposed plans of the applicant, applicable provisions of the comprehensive plan, land management ordinance, and related matters. The DSR may invite to the conference, or consult with other department heads and affected agencies.

2.4. Completeness.

All land development applications must be submitted directly to the DSR. Applications required legible under this ordinance shall be reviewed for completeness using standard best engineering practices only if they are submitted in the required format, include all mandatory information and are accompanied by the appropriate fees. Upon the receipt any land development application, the DSR shall make a record of the date of receipt and stamp the date of receipt on the application and all supporting documentation. The DSR shall examine the application for completeness and either deem the application complete and continue the appropriate review process, or deem the application incomplete.

During the completeness review the DSR may, at the request of the applicant, waive any of the checklist completeness items at his/her discretion. For each waiver request the applicant shall provide a written explanation as to the reasonableness of the request.

Any application that is determined to be incomplete shall, within 30 days of its submittal, be returned to the applicant along with an explanation of the application's deficiencies. Fees shall not be refunded. No further processing of the application shall occur until the deficiencies are corrected. Once the deficiencies are corrected, the application may be resubmitted without the payment of additional fees, provided that it is resubmitted by the application deadline date within 90 days of the date that the application was initially submitted by the applicant. Once the application has been deemed complete, the DSR shall notify the applicant in writing.

The applicant shall submit, at a minimum, the following information as part of the application package to the DSR:

1. Appropriate Jasper County Land Development Application along with completed checklist.
2. Appropriate application fee and review fee in accordance with the current approved fee schedules as amended from time to time.
3. Certification from the tax assessors office which indicates that all taxes have been paid and are current for all parcels in question.

4. All required permits from state and local agencies.

5. Current "will serve" letters from all utility companies providing service to the site.

6. Stormwater management plan (if applicable).

(Ord. No. 11-22, § 6, 10-3-11)

2.5. Application review.

The DSR shall evaluate the application within 30 days of the receipt of the application being deemed complete. The following is a general overview of the design and improvement criteria that will be evaluated:

1. Ingress and egress to the project site shall be designed to maximize automotive and pedestrian safety and facilitate traffic flow.

2. Off-street parking, off-street loading, refuse, and service areas shall be designed to minimize their visual and physical impact on neighboring property.

3. Street right-of-way and pavement construction shall be adequate to accommodate the type and volume of traffic anticipated.

4. The project shall be designed in harmony with its physical surroundings and in such a manner as to ensure land use compatibility.

5. Where the project will create a need for off-site improvements, including improvements to streets, drainage systems, sidewalks, and curbs, the DSR (minor subdivision application) or planning commission (PDD or major subdivision application) may require the installation of such improvements as a condition of approval.

6. The project shall be designed in compliance with article 10, stormwater management, and the county stormwater management design manual.

During the course of the review process, the DSR and/or planning commission may require the applicant to submit any information or supporting documentation it deems necessary in order to make an informed decision on any proposed land development application in order to protect the health, safety and welfare of the general public.

Applications will be assigned to one of the following six categories, exempt subdivision, minor subdivision, major subdivision, minor site plan, major site plan and planned development districts, as determined by the DSR in accordance with the appropriate land development classifications as previously defined in this section.

(Ord. No. 11-22, § 7, 10-3-11)

2.6. Exempt subdivision.

The DSR shall, at the time an exempt plat is submitted for recording, review said plat to determine if in fact it is exempt from the requirements of this ordinance and, if so, stamp each copy of the plat for recording as follows: "This plat is exempt from the requirements of the Jasper County Land Development Regulations".

The subdivision plat shall be drawn to the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina. An electronic copy of the plat shall be submitted in accordance with section 4.13 of the land development regulations.

If the plat is found not to be exempt from the requirements of this ordinance, the applicant shall be instructed to submit the required application and supporting documentation for processing.

2.7. Minor subdivision.

Applicants requesting approval of a proposed minor subdivision as defined by this ordinance and LDR shall submit to the DSR a completed minor subdivision application, checklist and appropriate fees along with four copies of the proposed subdivision plat, drawn to the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina. An electronic copy of the plat shall be submitted in accordance with section 4.13 of the land development regulations.

The DSR shall review the application for completeness in accordance with section 2.4 and compliance with the requirements of this ordinance, and if found to be in compliance, will instruct the applicant to prepare a final plat, including surveyor certification. The DSR shall have 30 days from the time the application is deemed complete to render a decision.

Should during the course of review the DSR determine that additional information is required to make a decision on the application; the applicant will be informed in writing as to the nature of the additional information which needs to be submitted. The applicant shall have 30 days in which to submit the additional information as may be required, at the end of which time a new application package will be necessary, unless the applicant provides written notification to the DSR requesting an extension of time along with an explanation for the request.

Action on the final plat shall be taken by the dsr and so noted for recording and providing monthly updates to the planning commission.

2.8. Major subdivision.

Applicants requesting approval of a proposed major subdivision as defined by this ordinance shall submit to the dsr a preliminary and final major subdivision application in accordance with the following procedures:

PRELIMINARY MAJOR SUBDIVISION PLAT APPROVAL

The applicant shall submit to the DSR four copies of the preliminary plat, four copies of land development plans, fees and all materials stipulated in the preliminary major subdivision application checklist.

The DSR shall review the plans for completeness in accordance with the requirements of section 2.4 of this ordinance, and if deemed complete submit copies to all affected county agencies for review and comment.

The planning commission shall act upon the application within 60 days from the time it has been deemed complete unless an extension of time is granted by the applicant.

If the planning commission approves the preliminary major subdivision application, the applicant shall submit four final sets of construction plans for execution by the planning commission, one copy of which shall be forwarded to the applicant.

Preliminary major subdivision plat approval shall confer upon the applicant the following rights for one year from the date of the approval, unless extended by the county to proceed under the supervision of the county, with the installation of site improvements.

Preliminary major subdivision plat approval shall not authorize the applicant to sell or otherwise transfer lots or parcels within the platted subdivision.

No construction shall begin on the site until the planning commission chairman has signed the construction plans and the developer has posted the appropriate performance bond(s), letter-of-credit, or other financial security acceptable to the county for the proposed site improvements along with the appropriate inspection fee.

FINAL SUBDIVISION PLAT APPROVAL

An applicant requesting final subdivision plat approval must first satisfy all outstanding issues in conjunction with the preliminary subdivision approval. Four sets of revised as-built plans, fees and all documentation as stipulated in the final major subdivision application checklist shall be submitted to the DSR along with four originals of the final subdivision plat for execution by the county.

Final subdivision plat approval shall be approved or denied by the planning commission within 60 days after submission of a complete application to the DSR or within such further time as may be consented by the applicant.

An applicant requesting final plat approval shall submit to the DSR four copies of the material specified in this ordinance, which shall show all streets and utilities in exact location, identifying those portions already installed and, where approved by the DSR and/or planning commission, those to be installed and/or certified in the amount of improvement guarantees required to assure completion of those improvements not yet installed.

No subdivision or land development plat, portion, or phase thereof shall be accepted for filing by the office of clerk of court until it has been signed by the planning commission chairman. No such signature shall be affixed to the plat until the developer has completed all required improvements or has posted the appropriate performance bond(s), letter-of-credit, or other financial security acceptable to the county and a letter from the DSR has been issued. This plat, marked as "Final Plat with Security Bond", may be recorded in the Jasper County Court of Clerk's office upon the approval of the bond.

An applicant/developer who wishes to acquire building permits or sell lots before final plat approval may do so through bonding, an irrevocable letter-of-credit and agreement, or other financial security acceptable to the planning commission. The developer shall provide the county with an itemized estimate of the improvements in the subdivision (i.e. roads, water, sewer, etc.). If a portion of the improvements have been installed, the itemized estimate will be for the improvements from that point to completion of the subdivision. Once the estimates have been approved by the county, the developer then presents the county with a bond or other acceptable means for the total of the improvements plus 25 percent in a form acceptable to the county.

Final plat approval shall confer upon the applicant the right to record the plat with the county clerk of court and to proceed with the sale and/or transfer of lots and parcels in accordance with the approved and recorded plat. An electronic copy of the plat shall be submitted in accordance with section 4.13 of the land development regulations.

2.9. Minor site plan.

Applicants requesting approval of a proposed minor site plan as defined by this ordinance shall submit to the dsr a completed minor site plan application, checklist and appropriate fees along with four copies of the proposed site plan, drawn to the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina. An electronic copy of the plat shall be submitted in accordance with section 4.13 of the land development regulations.

The DSR shall review the application for completeness in accordance with section 2.4 and compliance with the requirements of this ordinance, and if found to be in compliance, will instruct the applicant to submit four signed and sealed originals of the site plan for final execution by the county. The DSR shall have 30 days from the time the application is deemed complete to render a decision.

Should during the course of review the DSR determine that additional information is required to make a decision on the application; the applicant will be informed in writing as to the nature of the additional information which needs to be submitted. The applicant shall have 30 days in which to submit the additional information as may be required, at the end of which time a new application package will be necessary, unless the applicant provides written notification to the DSR requesting an extension of time along with an explanation for the request.

Action on the site plan shall be taken by the DSR and so noted for recording and providing updates to the planning commission.

No construction shall begin on the site until the DSR has signed the site plan and the developer has posted the appropriate performance bond(s), letter-of-credit, or other financial security acceptable to the county for the proposed site improvements along with the appropriate inspection fee.

2.10. Major site plan.

Applicants requesting approval of a proposed major site plan as defined by this ordinance shall submit to the DSR a completed major site plan application, checklist and appropriate fees along with four copies of the proposed site plan, drawn to the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina. An electronic copy of the plat shall be submitted in accordance with section 4.13 of the land development regulations.

The DSR shall review the application for completeness in accordance with section 2.4 and compliance with the requirements of this ordinance, and if found to be in compliance, will instruct the applicant to submit four signed and sealed originals of the site plan for final execution by the county. The DSR shall have 30 days from the time the application is deemed complete to render a decision.

Should during the course of review the DSR determine that additional information is required to make a decision on the application; the applicant will be informed in writing as to the nature of the additional information which needs to be submitted. The applicant shall have 30 days in which to submit the additional

information as may be required, at the end of which time a new application package will be necessary, unless the applicant provides written notification to the DSR requesting an extension of time along with an explanation for the request.

Action on the site plan shall be taken by the DSR(s) and so noted for recording. No construction shall begin on the site until the DSR(s) has signed the site plan and the developer has posted the appropriate performance bond(s), letter-of-credit, or other financial security acceptable to the county for the proposed site improvements along with the appropriate inspection fee.

2.11. Planned development district (PDD).

All PDD applications shall be submitted in accordance with Article 8:1 of this ordinance.

2.12. Court ordered subdivisions of certain property.

1. The limitations on subdivisions and procedures required in this article do not apply to partitions in king of property (a) held by tenants in common, (b) at least 80 percent of whom are related by blood or marriage, and (c) ordered by a court of competent jurisdiction.

2. The Jasper County Clerk of Court will forward to the county attorney a copy of any complaint or petition seeking partition in kind of property in Jasper County.

3. The Jasper County Attorney in consultation with the county administrator will intervene in appropriate cases to bring to the attention of the court the requirements of this ordinance.

4. Notwithstanding any other provisions of this ordinance, the unappealed decision of a court of competent jurisdiction to partition property in Jasper County shall be honored by the county in accordance with its terms.

ARTICLE 3. SITE PLAN REQUIREMENTS

3.1. Compliance required; exception.

Site plan review and approval shall be required as a condition for the issuance of a permit for any development, except that individual lot applications for detached one-or two-dwelling-unit buildings which are part of a minor subdivision shall be exempt from site plan approval. Site plan applications shall be in accordance with Article 2 of the Jasper County Land Development Regulations (LDR) and Zoning Ordinance (ZO).

All site plans shall provide adequate on-site parking in accordance with Article 12.1.2 of the Jasper County Zoning Ordinance.

3.2. Development staging.

In the case of a site plan for a development which proposes construction over a period of years, the developer shall plan proposed stages so as to protect the interests of the public and of the residents, occupants and owners of the proposed development during the total completion of the development.

Site plan applications for Group Developments shall be in accordance with the LDR and Article 10.2 of the Jasper County Zoning Ordinance.

3.3. Common application requirements.

The following documents shall be submitted with all applications for approval:

A. Proof from the Jasper County Tax Collector or other designated official that no taxes or assessments for local improvements are due or delinquent on the property for which the site plan application is made.

B. Where the applicant is a corporation or partnership it shall submit the following:

(1) A list of all stockholders or individual partners owning at least ten percent of its stock or at least ten percent of the interest in the partnership, as the case may be.

(2) Where the ten percent or more of the ownership disclosed is by a corporation or partnership the applicant shall provide a list of all stockholders of individual partners owning at least ten percent of the stock or partnership interest in a corporation or partnership owner subject to disclosure.

3.4. Submission of minor site plan.

A. Minor site plan shall be submitted for the development of a single lot which does not involve planned development, any new street or extension of any off-tract improvements as defined in Article 2.1.2. A Minor Site Plan application shall include the following information:

1. North arrow, scale, date of plan preparation and any revisions thereto.
2. Scale.
3. Tax sheet and parcel number(s) for the existing lot(s) in question.
4. Subdivision name and name of preparer.
5. Names of owners and block and lot numbers of properties within 200 feet of the tract with key map of appropriate scale.
6. Boundary survey signed by a licensed South Carolina land surveyor, except that for minor site plans where there are no building additions or new accessory buildings or structures. The boundary may be based upon tax map, deed or other reasonably accurate base with appropriate scale.
7. Existing topography on and within 50 feet of the tract including roads, driveways, parking areas, loading areas, curbs, sidewalks, fences, retaining walls, buildings, structures, wooded areas, streams, drainage facilities, utility lines, wells and septic systems. The DSR may waive this item or require more accurate contours or additional grading information if deemed necessary to adequately review the application.
8. Distances measured along right of way lines of existing streets adjoining the property to the nearest intersection with other streets.
9. A schedule of required and provided zone district requirements including lot area, width, depth, yard setbacks, coverage, etc.

10. Setback dimensions of existing structures and required building setback lines.

11. Location of one-hundred-year floodplain and wetlands with source of information.

12. Existing and proposed rights-of-way, easements, deed restrictions or covenants affecting the property.

13. Gross and net building area of any existing structure as well as any proposed buildings and/or additions.

14. Location, type and size of proposed utility services, including but not limited to gas, electric, water, sewer and cable television: location of proposed wells and septic systems where public sewer and water are not available.

15. Will serve letters for water, sewer and any other proposed utilities.

16. Location and floor elevations of all proposed buildings and structures and the approximate location of proposed driveways.

17. Location of existing and proposed signs and details of their size, lighting and type of construction.

18. The location, type and size of any proposed curbs, sidewalks, driveways, fences, landscaping, retaining walls, etc.

19. A narrative indicating the proposed use of the property and anticipated impacts upon traffic circulation, parking, lighting, stormwater runoff and sewage disposal.

20. Stormwater management plan (if applicable).

(Ord. No. 11-22, § 8, 10-3-11)

3.5. Submission of concept plan.

A. Prior to the submission of a major preliminary site plan the applicant is required to submit a concept plan showing the proposed site development. The DSR shall grant an informal review of a concept plan from which the applicant intents to prepare and submit an application for development. The concept plan shall be in sufficient detail to allow the DSR to make an informal decision on the merits of the proposal.

B. If the project requires a stormwater management plan, the applicant shall demonstrate the consideration of better site planning, better site design and low impact development practices as outlined in the county stormwater management design manual.

Neither the applicant nor the DSR shall be bound by any concept plan review.

(Ord. No. 11-22, § 9, 10-3-11)

3.6. Submission of preliminary site plan.

A. The applicant shall submit five black-on-white prints of the preliminary plan, together with three completed application forms for preliminary approval to the DSR. The applicant shall also submit a certification from the tax collector that all taxes and assessments on the property have been paid to date. At the time of filing, a fee shall be paid of the County as specified in the current fee schedule.

B. The DSR shall act on the preliminary plan within the time limits set forth in the Jasper County LDR and the applicant shall be notified of the action of the DSR within the time limits set forth. If the DSR acts favorably on a preliminary plan, the DSR shall affix his signature to the plan with a notation that it has received preliminary approval and return it to the applicant for compliance with final approval requirements. Preliminary approval shall be valid for a two-year period from the date of approval; provided that the general terms and conditions under which the preliminary approval has been granted will not be changed.

3.7. Submission of final site plan.

A. The final plan shall be submitted to the DSR for final approval within two years from the date of the preliminary approval of the plan. The DSR shall act upon the final plan within the time limits set forth in the Jasper County LDR. This provision shall not prohibit submission of a final site plan for non-complex projects concurrently with the preliminary submittal.

B. The applicant shall submit five black-on-white prints of the final plan together with three completed application forms for final approval to the DSR. The applicant shall also submit a certification from the tax collector that all taxes and assessments on the property have been paid to date. At the time of filing, a fee shall be paid to the county as specified in the current fee schedule.

C. Prior to final approval, the DSR shall receive a letter containing a list of all items to be covered by a performance guaranty (cash or certified check) pursuant to the requirements in the Jasper County LDR, the quantities of each item, the cost of each item and the total amount of all items.

D. The DSR shall act on the final plan within the time set forth in the Jasper County LDR, or within a mutually agreed upon extension of time. Failure to act within the allotted time shall constitute approval, and the DSR shall issue a certificate to that effect.

E. After final approval, five sets of signed and sealed drawings shall be submitted for final execution by the county.

3.8. Submission of plans.

A. Site plans shall be submitted in accordance with the following schedules:

(1) The sizes of all maps and plans submitted in compliance with this chapter shall be one of the following sizes:

(a) Fifteen by twenty-one (15 × 21) inches.

(b) Twenty-four by thirty-six (24 × 36) inches.

(2) The title block shall include the following information:

(a) The name of the site plan.

(b) The name, address, membership or license of the professional person who prepared the drawings.

(c) The term "concept site plan," "preliminary site plan" or "final site plan," as applicable.

(d) The date of the drawing.

(e) The drawing reference number.

(f) The section number of the section being submitted, if applicable.

(g) The scale of the drawing.

(3) Drawings shall also include the following:

(a) North arrow and reference meridian.

(b) Date of the original drawing and date and nature of all subsequent revisions.

B. Applicants are required to submit preliminary sketches, reports and/or proposals for development to the DSR for all major site plan applications. The following of such informal procedure shall not prejudice the developer's right to proceed subsequently as an applicant otherwise pursuant to the requirements of this chapter. The applicant shall be required to submit any fees for such an informal review in an amount equal to 25 percent of the required fees for preliminary plan submittal. The applicant shall not be bound by any concept plan for which review is requested, and the DSR shall not be bound by any such review.

C. *Preliminary site plan requirements.*

(1) The preliminary site plan shall be drawn at a scale in accordance with the following table:

Area of Site (acres)	*Scale-Not to be less than*
Less than 10	1 inch equals 30 feet
10—40	1 inch equals 40 feet
Over 40	1 Inch equals 50 feet

(2) The plan shall include the following data:

(a) The name and address of the developer and the owner and the name, including address and title of the person preparing the plan and maps, including appropriate map titles and accompanying data.

(b) The acreage, county tax map identification numbers, tax sheet numbers of the lot or lots, and names of all adjacent property owners.

(c) A key location map showing the site and its relationship to surrounding areas and zone boundaries within a minimum of one-fourth mile.

(d) A date, graphic scale, North arrow, and reference meridian on any map.

(e) An affidavit from the owner and other parties in interest that the site plan is submitted with their knowledge and consent.

(f) All existing, proposed and minimum required setback dimensions.

(g) Landscaped areas, fencing and trees over four inches in diameter, except that where trees are in mass, only the limits thereof if proposed to remain need be shown, or if proposed for removal, only trees over nine inches in diameter need be shown.

(h) All existing and proposed signs, utility poles and their size, type of construction and location.

(i) The existing and proposed principal building or structures and all accessory buildings or structures, if any, approximate floor areas of said buildings and approximate finished grade elevations at all corners of said buildings.

(j) The location of all existing buildings, drainage and parking areas within 200 feet of the lot.

(k) Existing topography depicted by contours at one foot intervals based upon an approved South Carolina Geodetic Control Survey datum for the site and areas within 100 feet of the site.

(l) The approximate location and size of all existing and proposed storm drainage facilities, plus all required preliminary design data supporting the adequacy of the existing or proposed facility to handle future storm flows and analysis of the capacity of the facility into which the stormwater will flow.

(m) An analysis of all existing and proposed utilities and an analysis of the capacity of the existing utilities to accept the proposed facility.

(n) The location of all existing and proposed sidewalks, driveways, fences, retaining walls, parking space areas and the layouts thereof, and all off-street loading areas, together with the dimensions of all the foregoing on the site in question and within 100 feet of said site.

(o) The estimated average number of automobiles and number and size or type of trucks or buses that will enter and leave the site each day and during the peak hours, including an analysis of the ability of the existing road system to accept the additional traffic volumes.

(p) The location, size and nature of all existing and proposed rights-of-way, easements and other encumbrances which may affect the lot or lots in question, and the location, size and description of any lands to be dedicated to the township or to the county.

(q) The location, size and nature of the entire lot or lots in question, and any contiguous lots owned by the developer or in which the developer has a direct or indirect interest, even though only a portion of the entire property is involved in the site plan for which approval is sought; provided, however, that where it is physically impossible to show such entire lot or lots contiguous lots on one map, a key map thereof shall be submitted.

(r) Plans and profiles of streets adjoining the property for a distance of 500 feet in either direction, including the location of driveways and intersecting streets and an indication of the maximum available sight distance.

(s) General nature and extent of proposed site lighting.

(t) The method of sewage disposal and water supply and corresponding "will serve" letters.

(u) Proposed stages or development sections, if any, and the approximate schedule for implementing each stage or section.

(v) Tax Identification numbers and names of owners of all properties within 200 feet of the site.

(3) The plans shall be prepared by a properly licensed professional registered in the state of South Carolina.

(4) The preliminary site plan shall be accompanied by an environmental impact statement.

(5) The preliminary site plan shall be accompanied by a community facilities analysis.

(6) Stormwater management plan (if applicable).

D. *Final site plan requirements.*

(1) An application for final site plan shall be substantially the same as the approved preliminary site plan or a stage or section thereof; however, it shall show final detailed design and engineering which shall be designed in accordance with the review and design guidelines herein above.

(2) The site plan shall be drawn at a scale not less than one inch equals 50 feet and not greater than one inch equals ten feet; except that for land development plans that will require more than one sheet at this scale, a key map shall be included to show the entire tract and the detail sheet which allows each segment thereof.

(3) The plan shall include or be accompanied by the following data:

(a) The name and address of the developer and the owner and the name, address and the title of the person preparing the plan or maps, including appropriate map and titles and accompanying data.

(b) The acreage, county tax map identification numbers, tax sheet numbers of the lots or lots, and names of all adjacent property owners.

(c) A key location map showing the site and its relationship to surrounding areas and zone boundaries within a minimum of one-fourth mile.

(d) A date, graphic scale, North arrow and reference meridian on any map.

(e) An affidavit of the owner and other parties in the interest that the site plan is submitted with their knowledge and consent.

(f) The zone district in which the lot or lots are located, together with a delineation of the yard setback lines required in the zone district.

(g) An accurate boundary survey prepared and certified by a South Carolina licensed land surveyor. The survey shall be based on a field traverse with an error of closure not less than one part in 10,000.

(h) The existing and proposed principal building or structures and all accessory buildings or structures, if any, and finished grade elevations of all first floors and roofs, including roof structures.

(i) Architectural floor plans for each floor of the building or structure and elevations from all entry/exit points of all buildings or structures on the site; with the name, address and registration number of the licensed architect preparing the plans.

(j) Existing topography based upon approved South Carolina Survey datum, for the site and areas within 100 feet of the site, and proposed grading, both at one contour intervals.

(k) All setback dimensions and minimum setback lines, fences and landscaped areas and trees as required by the zoning ordinance.

(l) A landscape and planting plan which, as a minimum, shall spot the location of all existing plantings to be retained and all plantings to be established and shall contain a schedule, keyed

to the plantings shown, calling out the type (common name and botanical name), size (height, spread and trunk diameter) at time of planting and at maturity and quantity of all plantings shown on the plan.

(m) All existing and proposed signs and lighting standards, including design calculation and indications of size, type of construction and location.

(n) The location, type and size of all existing and proposed catch basins and storm drainage facilities with profiles thereof, including design calculations, plus all required design data supporting the adequacy of all existing facilities to accept additional stormwater runoff.

(o) The location, type and size of all existing and proposed curbs, sidewalks, driveways, fences, retaining walls, parking space areas and the layouts thereof, and all off-street loading areas, together with the dimensions of all the foregoing on the site in question and within 100 feet of said site.

(p) The location, size and nature of all existing and proposed rights-of-way, easements and other encumbrances which may affect the lot or lots in question and the location, size and description of any lands to be dedicated to the county or other agency.

(q) The location and size of all sanitary sewer lines.

(r) Location, size and type of all proposed utility lines and structures, including but not limited to telephone, electric, water, sanitary sewer, gas and CATV, and letters from each that the facilities are adequate to serve the site development.

(s) The location, size and nature of remaining lands or contiguous lots in which the developer has a direct interest.

(t) All proposed easements and public community access.

(u) The location, size and type of all proposed off-site improvements.

(v) All points of vehicular ingress and egress for the site, indicating the size of driveways and sight triangles.

(w) Provision for refuse and garbage disposal.

(x) Location of all points in pedestrian access, including internal circulation patterns.

(y) Location and design of all fire prevention measures, including emergency lanes, hydrants, sprinkler and siamese connections and fire zones.

(z) The present and proposed number of units and number of tenants, employees, customers or occupants of each unit and a summary of the total number of each expected to be on the site each day.

(aa) The location of any other feature directly on the property and beyond the property, if such feature has an effort on the use of said property.

(bb) Construction details of all proposed site improvements.

(cc) Such information or data as may be required by the DSR in order to determine that the details of the site plan are in accordance with the standards of the county ordinances.

(dd) A complete list of the site improvements, except principal and accessory buildings, by item, and the quantities thereof to be constructed.

(ee) Copies of all applicable local, state and federal permits that may be required for the development.

(4) The plans shall be prepared by a properly licensed professional registered in the State of South Carolina.

(5) Stormwater management plan (if applicable).

(Ord. No. 11-22, § 10, 10-3-11)

3.9. Design guidelines.

A. *General design considerations.* The following shall constitute the general design considerations for site plans which shall be adhered to by the applicant in preparation of site plans:

(1) *Preservation of landscape.* Landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal and any grade changes shall be in keeping with the general appearance of the neighboring developed areas. Adequate shade trees shall be provided.

(2) *Relation of proposed buildings to environment.* The proposed structure shall be related harmoniously to the land form (either natural or man-made) and to existing buildings in the vicinity that have a visual relationship to the proposed buildings. The achievement of such relationship may include the enclosure of space in conjunction with other buildings or other proposed buildings and the creation of focal points with respect to avenues of approach, terrain features or other buildings.

(3) *Drives, parking and circulation.* With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to location and number of access point to the public streets, width of interior drives and access points, general interior circulation, separation of vehicular and pedestrian traffic and arrangement of parking areas that are safe and convenient and, insofar as practicable, do not detract from the design of proposed buildings and structures and the neighboring properties. Streets shall be of sufficient width and suitable grade and suitably located to accommodate prospective traffic and to provide access for fire-fighting and emergency equipment to buildings and coordinated so as to compose a convenient system consistent with the circulation element of the comprehensive plan.

(4) *Surface water drainage.* Refer to article 10 and the county stormwater management design manual.

(5) *Utility service.* All electric, telephone, cable television and utility lines shall be underground. Adequate water supply, sewerage facilities and other utilities necessary for essential services to residents and occupants shall be provided.

(6) *Advertising features.* The size, location, lighting and materials of all permanent signs and outdoor advertising structures or features shall not detract from the design of proposed buildings and structures and the surrounding properties.

(7) *Special features.* Exposed storage tank areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures and similar accessory areas and structures shall be

subject to such setbacks, screen planting or other screening methods as shall reasonably be required to prevent their being incongruous with the existing and contemplated site design and the surrounding properties.

(8) *Open space.* Open space for planned developments shall be provided in accordance with the provisions of this ordinance.

(9) *Application of design standards.* The standards of review outlines above shall also apply to all accessory buildings, structures, freestanding signs and other site features.

B. *Design standards.* The following minimum design standards shall be required for all site improvements.

(1) *Public streets.*

(a) Improvement of the public street upon which the site fronts shall be required for the portion of the site to be developed. These improvements shall be as required by the Jasper County Land Development Ordinance.

(b) Sight triangles shall be provided at the intersection of all drives leading to and exiting from the site in accordance with the Jasper County LDR. The site triangle shall be clear of all obstructions from 20 inches above center-line grade to a point 120 inches above the center line, except that utility poles and street trees shall be permitted, provided that they do not create a safety hazard. An easement dedication to the owner of the intersecting roadway incorporating the entire sight triangle within the site but outside the right-of-way line shall be made.

(2) *On-site improvements.*

(a) Site lighting.

[1] Site lighting shall be provided all areas accessible to the public in accordance with the following table:

Area	*Average Maintained Footcandles*
Parking Lots	—
Shopping Center	1.5—5
Retail businesses	1.0—4.0
Industrial	0.5—1.0
Shopping centers	2.0—3.0
Retail businesses	1.0—3.0
Industrial	1.0—3.0
Park area and pedestrianways	0.4
Sidewalks	0.5
Intersections	2.0—5
Other areas	As determined by individual study

[2] In general, the areas most frequently utilized shall be more intensely lit, with lighting levels decreasing as usage decreases.

[3] All lighting shall be designed to meet the following minimum criteria.

[a] All lighting from fixtures shall be cut off at property lines adjoining residential areas and zones.

[b] Fixtures shall provide cutoff so that the lamp or refractor is not visible from adjoining roadways or residential areas.

[c] Sky glow effects are prohibited.

[d] Maximum desirable luminaire mounting heights shall be 30 feet.

(b) *Storm drainage.* Refer to article 10 and the county stormwater management design manual.

(c) *Parking lot layout.* Parking lots providing in excess of 50 parking spaces shall meet the following requirements.

[1] Driveways shall be separated from parking stalls and aisles by raised curbed islands which shall be a minimum of five feet wide.

[2] In every fifth row of parking, the opposing stalls shall be separated by raised curbed islands, which shall be a minimum of four feet wide.

[3] Trees shall be planted within each island required herein.

[4] All islands required herein shall be landscaped and grassed.

(d) *Landscaping.* A buffer zone shall be provided as required by the zoning ordinance.

(e) *Pedestrian access.* In parking areas in excess of 100 parking stalls, sidewalks shall be constructed along all driveways and roadways as necessary to accommodate pedestrian travel parallel to the flow of traffic thereon.

(f) *Grading.*

[1] *Driveways.* Driveways and roadways shall be a minimum of one-half percent and shall not exceed a maximum grade of five percent. They shall not exceed a grade of four percent within 100 feet at the gutterline of an intersecting street.

[2] *Parking areas.* Parking areas shall be a minimum of three quarter percent and shall not exceed a maximum grade of five percent. They shall be graded so that stormwater does not cross drives or roadway in a concentrated flow.

[3] *Earthen slopes.* Slopes shall not exceed a ratio of two horizontal to one vertical unless a slope stability analysis indicates to the contrary, provided that slopes which are in excess of two to one shall have a fence or protective vegetative screen. Minimum slopes in grass areas shall be one and one-half percent unless within swales.

[4] All nonpaved areas shall be permanently stabilized to prevent erosion.

(3) *Standards for construction.* All work shall be done in conformance with the current construction standards of the LDR or, the current edition of the South Carolina Department of Transportation Standard Specifications, whichever is more restrictive.

(Ord. No. 11-22, § 11, 10-3-11)

3.10. Guaranties.

A. As a condition of final site plan approval, the DSR shall require and accept in accordance with the standards of this chapter for the purpose of assuring the installation and maintenance of improvements a performance guarantee in favor of the county in an amount equal to 125 percent of the cost of installation for all approved site improvements and infrastructure within the rights-of-way, easements, open space and/or any other common areas of all residential, commercial and industrial subdivisions. The form and amount of the guarantee shall be as approved by the DSR in accordance with section 1.8 of these land development regulations.

B. Upon substantial completion of all required appurtenant utility improvements and the connection to the same to the public system, the obligor may notify the DSR in writing, of the completion or substantial completion of said improvements. Thereupon, the DSR, or his/her designee shall inspect all the improvements and shall file a written report, indicating approval, partial approval or rejection of such improvements, with a statement of reasons for any rejection.

C. The DSR shall notify the obligor, in writing, of the contents of said report not later than 65 days after receipt of notice from the obligor of the completion of the improvements. Where partial approval is granted, obligor shall be released from all liability pursuant to its performance guaranty, except for that portion adequately sufficient to secure provision of the improvements not yet approved, provided that 30 percent of the amount of the performance guaranty posted may be retained to ensure completion of all improvements. Failure of the governing body to send or provide such notification to the obligor within 65 days shall be deemed to constitute approval of the improvements, and the obligor and surety, if any, shall be released from liability pursuant to such performance guaranty for such improvements.

D. If any portion of the required improvements are rejected, the approving authority may be require the obligor to complete such improvements, and, upon completion, the same procedure of notification, as set forth in subsections B and C above, shall be followed.
(Ord. No. 09-05, § 3, 1-20-09)

3.11. Noncompliance.

Failure to comply with any of the conditions of site plan approval subsequent to the receipt of a zoning permit, construction permit or certificate of occupancy, as the case may be, shall be construed to be a violation of this chapter and shall be grounds for the revocation of any zoning permit, construction permit or certificate of occupancy, as the case may be. If the DSR and/or construction code official finds that any conditions of site plan approval have not been met, the DSR shall give the applicant ten days written notice to comply with said conditions, and failure to comply within this ten-day period shall result in revocation of the zoning permit, construction permit, certificate of occupancy or certificate of temporary occupancy, as the case may be.

3.12. Filing of site plans.

A. All site plans shall be filed with the Jasper County Registrar of Deeds within 30 days of final approval. Section 49-460 of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina contains the list that the registrar's office required for filing plats. The applicant/owner shall contact the registrar for proper filing procedures.

B. *Submittal requirements.*

1. All sheets shall be drawn at a suitable scale on either 11" × 17" or 24" × 36" paper.
2. Two originals shall be submitted for each sheet on good, white paper stock. Vellum is not permitted.
3. All plats shall contain both the existing (parent) parcel number (PIN, TMS, TMP, etc.) and proposed numbers for each lot or parcel.

ARTICLE 4. SUBDIVISION PLAT REQUIREMENTS

4.1. Compliance required; exception.

Subdivision plat review and approval shall be required as a condition for the issuance of a permit for any development, except when the subdivision is deemed as exempt by the DSR. Subdivision applications shall be in accordance with Article 2 of the Jasper County Land Development Regulations (LDR) and Zoning Ordinance (ZO).

4.2. Development staging.

In the case of a subdivision for a development which proposes construction over a period of years, the developer shall plan proposed stages so as to protect the interests of the public and residents, occupants and owners of the proposed development during the total completion of the project.

4.3. Subdivision classifications

All subdivision applications shall be classified based on the definitions as provided in section 2.1 as one of the following:

A. Exempt

B. Minor

C. Major

The applicant is encouraged to contact the county DSR in order to discuss the appropriate classification for any proposed application to be brought forward for review.

If the parcel has dual or split lot zoning, then any subdivision that occurs must follow the lines of such a split.

4.4. Exempt subdivisions.

Any request for a proposed subdivision to be considered exempt shall be submitted in writing to the DSR. The request shall include a narrative which includes a description of the proposed subdivision along with a statement as to how the subdivision meets the definition of an exempt subdivision as provided in section 2.1.1. The DSR may require the applicant to provide any additional information deemed necessary in order to render a decision on the request. The DSR shall have 30 days from the submittal date of the request in order to make a determination in accordance with section 2.6.

4.5. Minor subdivision plat.

Minor subdivision plat applications for minor subdivision approval shall be submitted in accordance with section 2.7.

4.6. Preliminary major subdivision procedure.

A. Application for preliminary approval of a major subdivision plat shall be submitted to the Jasper County DSR in accordance with section 2.8 of the Jasper County Zoning Ordinance and meeting the minimum requirements contained herein. Upon receipt of the proposed subdivision, the DSR shall review the application for completeness in accordance with Ordinance requirements. After the application has been deemed complete, the DSR or his/her representatives shall begin review of the application. During the course of the review the DSR may consult any outside agencies, as well as others as the DSR deems necessary for the review and recommendations concerning the application.

B. In addition, the DSR may require the services of various professional consultants for the review and preparation of recommendations for the application at his/her own discretion. In these instances, the applicant shall submit a review fee in accordance with the current fee schedule.

C. The planning commission shall act on the preliminary plat within 60 days and, if approved, shall indicate in writing the conditions of such approval, if any, or if disapproved, shall express in writing its disapproval and its reasons therefore. An appeal from the decision of the planning commission must be taken to the circuit court within 30 days after the actual notice of the decision. The action of the planning commission shall be recorded in the minutes of the commission meeting.

D. On authorization by the planning commission, preliminary approval of the subdivision plat shall be noted on the plat and certified by the chairman of the planning commission. Also noted shall be the date on which the planning commission granted preliminary approval.

E. Upon approval of the preliminary major subdivision, the subdivider may proceed to comply with the specific requirements of these regulations and the preparation of the final subdivision plat. Approval of a preliminary subdivision plat shall not constitute approval of the final subdivision plat. Preliminary approval shall constitute approval of the proposed widths and alignments of streets and dimensions and shapes of lots. The final plat may not be recorded until reviewed and approved by the planning commission in accordance with the requirements of this ordinance. The final plat will be considered eligible for approval only after the requirements for final plat approval, as specified herein, have been fulfilled and after all other specific conditions of the DSR and/or planning commission have been met. A paper copy of the proposed final plat is to be submitted to the DSR at least ten working days prior to recording so that the appropriate County agencies may review the proposed final plat. Final plats shall not be filed until review approvals of the construction plans are completed and notice is given by the DSR.

F. To help offset the cost to the county of processing a subdivision plat, administration fees shall be paid with the initial submission of the application for preliminary plat approval in accordance with the current fee schedule. Contact the DSR for the most recent Jasper County Fee Schedule.

G. All preliminary approvals granted by the planning commission shall be valid for a period of time not to exceed two years unless an extension of time is applied for and granted by the approving authority. If the developer does not apply for and receive an extension, the preliminary approval shall be null and void two years from the initial date of approval. The DSR may authorize one extension of a preliminary plat approval. All subsequent extensions must be approved by the planning commission.

4.7. Preliminary plat requirements.

A preliminary plat shall be submitted to the DSR for approval in a scale of no smaller than one inch to 100 feet on a sheet size as approved by the DSR, and shall include the following information:

A. A vicinity map in a scale no smaller than one inch to 1,000 feet which indicates the exact location of the site within the county.

B. A preliminary lot layout and an accurate boundary survey of the property of the proposed subdivision showing bearings and distances prepared, signed and sealed by a registered land surveyor licensed to practice in the State of South Carolina.

C. The name of the subdivision and roadway(s); the owner or owners and current address; the name of the engineer, surveyor, landscape architect or land planner who prepared the plan; proposed street names; the names of the adjoining subdivisions or property owners; and location of the proposed subdivision.

D. The location of all structures, right-of-way widths, and names of all streets and roads adjacent to any property proposed for subdivision and whether they are public or private.

E. A Location Plan showing the relationship of the property submitted for approval with adjoining property and to all streets, roads, watercourses, live streams, marshes, floodplains, floodways, wooded areas, water impoundments, and any other significant features on the land existing within 500 feet of any part of the property to be approved. In addition, the property will be located on this sketch from at least one highway or well-known road or intersection by indicating the mileage to the nearest tenth to the property.

F. The location and size of sanitary and storm sewers, location and size of water mains, and other utilities immediately adjacent to the tract along with the names of the owners of the utilities. If water mains and sewers are not on or adjacent to the tract, indicate the direction, distance to, and size of nearest accessible mains.

G. Topographic contours at one foot intervals shall be provided.

H. The location, size and width of all street rights-of-way, easements, common areas, centerline road radii, and other areas proposed to be dedicated to the public or intended for public use along with proposed lot lines and approximate lot dimensions.

I. Scale, north arrow, and date.

J. Total area stated in acres of the existing parcel(s) and land proposed for subdivision along with a table showing the existing and proposed lot numbers, approximate area and zoning setback criteria for each proposed lot.

K. If public sewage facilities are proven infeasible, the developer shall contact the SCDHEC for septic tank approval information. Approval of the preliminary plat may not be granted until such time as the subdivision has successfully completed any SCDHEC posting requirements for the creation of a subdivision utilizing septic tanks.

L. All preliminary subdivision plans shall show the existing zoning classification for the area being platted and all abutting property. The Preliminary plat plan shall comply with the requirements of the zoning ordinance in effect in the area proposed for the subdivision. If the area or any part being platted will not meet the minimum requirements of the zoning ordinance, and the developer's design requires the area to be rezoned, the developer must make an application for a zoning change with the DSR(s) in accordance the appropriate section of the zoning ordinance.

M. In order to prevent safety problems associated with multiple entrances to existing county and state maintained roads, to the greatest extent possible, preliminary plats shall provide internal access to newly created proposed new lots.

N. Submit a stormwater management plan (if applicable).

O. A road centerline plan and profile for each street shall be prepared with the plan immediately above the profile. The horizontal scale should be no greater than one inch = 50 feet and vertical scale no greater than one inch = five feet. The roadway centerline plan and profile shall include alignment information, existing and proposed centerline elevations at no less than 50-foot stations, high and low points clearly labeled, location of street intersections, pipe profiles, drainage structure locations, horizontal and vertical curve design data and any other supporting documentation deemed necessary by the DSR.

P. An environmental impact assessment must be provided for the site. In addition to any outside agency requirements regarding environmental issues for the proposed improvements, a report which addresses any potential environmental impacts to the site and/or adjacent properties shall be submitted. The report shall take into account findings and recommendations as outlined in the Jasper County Natural Resources Report on file with the DSR.

Q. Reserved.

R. Detailed plans of any proposed entrance islands and any proposed cul-de-sac islands shall be submitted. These plans must include any proposed plant materials.

S. A geotechnical report shall be submitted. The report shall be prepared by a South Carolina Professional Engineer or Certified Soil Scientist and shall include sufficient information to verify proposed drainage and roadway design criteria throughout the site. The report shall include depth(s) to seasonal high ground water.

T. A traffic report shall be submitted for any land development application which generates more than 75 peak hour trips per day. The report shall include an impact analysis of the existing roadway network which surrounds the proposed development. The analysis should encompass all roadways, intersections and other significant traffic generators which may be impacted by the proposed development and include existing and projected traffic counts, existing and proposed levels of service (LOS), average daily and peak hour trip generations, traffic distributions, etc. in order to

facilitate the review of potential transportation impacts based on the development. The study should be prepared in accordance with the practices recommended in "Traffic Access and Impact Studies for Site Development", published by ITE.

In addition, if necessary, a mitigation plan which provides recommendations and cost estimates for proposed improvements required as part of the off-tract impact assessments shall be included. The plan should also include any anticipated right-of-way dedications and/or purchases that may be necessary to construct the proposed improvements.

(Ord. No. 11-22, § 12, 10-3-11)

4.8. Final major subdivision procedure.

The subdivider shall prepare a final plat of the major subdivision upon fulfillment of the requirements of these regulations and the conditions of preliminary approval, if any. The final plan map is the map prepared for recordation and is referred to as the final plat. The planning commission chairman shall be empowered to certify for recording final plats of subdivisions.

No major subdivision shall be given final approval until all improvements have been installed and accepted by the DSR. No subdivision containing public roads shall be granted final acceptance until the DSR receives an affidavit from the donor(s) of the roads and the contractor(s) who constructed the roads stating that all construction costs have been paid and that the road is free of all encumbrances. The subdivision owner or his authorized agent may also submit security of the type prescribed by these land development regulations. No final plat shall be given final approval unless assurances have been made or certificates of acceptability and affidavits of payment have been received by the DSR. No subdivision shall be granted final approval until the DSR has received a copy of the dedication of private easements to the appropriate agencies, if applicable.

The chairman of the planning commission shall be authorized to sign the final plat upon compliance with all conditions and requirements of these regulations. The final plat must be recorded by the subdivider or his authorized agent in the office of the Jasper County Register of Deeds within seven days of the date of final approval by the planning commission or such approval shall be void.

A subdivision owner or the authorized agent may request final approval of a portion or portions of the subdivision provided that such a request is in compliance with an approved preliminary plan and that the requirements of these regulations are met.

4.9. Final plat requirements.

Four copies of the final plat shall be submitted at a scale of at least one inch to 100 feet. The final plat shall be submitted on a sheet size approved by the DSR. If the final plat is drawn in two or more sections, each section shall be accompanied by a key map showing the location of each section, and shall include the following information.

A. The title of each map shall contain the following information: subdivision name, name of owner and his address, location as to county and state, the date or dates the survey was made, scale in feet per inch in words or figures, and graphic scale, name, address, registration number, and crimped with the seal of the registered land surveyor who prepared the plat.

Final plat(s) shall be accompanied by digital files submitted in accordance with the provisions in this article referenced as General Survey Standards.

B. There shall appear on each plat a certificate by the person making the survey stating the origin of the information shown on the map including deeds and any recorded data shown thereon or written notice that no survey was made. If a complete survey was made, the error of closure as calculated by latitudes and departures must be shown. The maximum allowable error of linear closure shall not be in excess of 1:10,000. Any lines on the map that were not actually surveyed must be clearly indicated and a statement included revealing the source of information.

C. If the area of land parcels is shown, the method of computation used by the surveyor must be shown. Area "by estimation" or copied from another source is not acceptable.

D. Every plat shall contain the following specific information:

1. Accurately positioned north arrow coordinated with any bearings shown on the plat. Indication shall be made as to whether the north index is true, magnetic, or grid.

2. The final plat shall show sufficient data to determine readily and reproduce accurately on the ground the location, bearing, and length of every street and alley line, lot line, easement boundary line, and other property boundaries including the tangent and/or radius and other data for curved property lines to an appropriate accuracy and in conformance with good surveying practice.

3. The names of adjacent landowners and lot, block, and subdivision designations shall be shown where they have been determined and verified by the surveyor.

4. All visible and apparent rights-of-way, watercourses, utilities, roadways, and other such improvements shall be accurately located and appropriately sized easements provided.

5. Steel or iron pipe survey markers at least 24 inches long and one-half inch in diameter shall be set at all lot corners and at all other survey points not marked by monuments.

6. The Final Plat shall present the full plan of development for the subject land, delineating by solid lines areas to be dedicated to the public for street, highway, park, and other public purposes. Easements for public or private uses (with such uses clearly noted) and building setback lines shall be indicated by broken lines. Plats accomplishing a re-subdivision of land previously divided into streets and lots shall show existing property boundaries and lot designations in broken lines and proposed property boundaries and lot designations in solid lines.

7. If applicable, provide a statement dedicating an appurtenant utility easement to the appropriate agencies by the developer or owners' association in a horizontal property regime, planned unit development, or similar development.

8. Where applicable, final plats shall indicate that roads are private and will not be maintained by the county.

9. The final plat shall show the existing zoning classification. The plat shall indicate all applicable yard requirements and other dimensional requirements contained in the zoning ordinance.

10. If applicable, deed restrictions or restrictive covenants shall be recorded with the final plat. No deed restriction shall stipulate lower standards than the minimum standards required herein.

11. If applicable, the base flood elevation (BFE) must be shown on the final plat prior to recording, along with a finished floor elevation chart.

4.10. Revisions.

If it should become necessary to revise a final plat that has been recorded, the subdivider shall have the registered engineer or land surveyor submit a revised final plat under the provisions of sections 4.1 and 4.13 of the Jasper County Land Development Regulations. A filing fee in accordance with the current fee schedule must be paid at the time of recording. Revisions must be accompanied by digital files submitted in accordance with the provisions in this article referenced as general survey standards.

4.11. Maintenance of common areas.

Membership rights and obligations related to common areas in a PDD shall be described in covenants running with the land. All common areas shall be maintained by the property owners association within the subdivision.

4.12. Standards for deed restrictions or restrictive covenants.

A. The developer shall restrict the use of residential property within the PDD, requiring a minimum building floor area, control the use of fencing or landscaping, or in other ways control the development of and the use of lots created by recording covenants or deed restrictions applicable to every lot within the PDD and shall clearly address maintenance of streets, drainage, and common areas with in the development.

B. Covenants or restrictions shall not violate any law existing with the county or the State of South Carolina.

C. Covenants or restrictions shall be recorded before or after recording of the final plat of the PDD, or if the PDD is bonded, at the time of the acceptance of the bond by the county a recorded copy of the final covenants and restrictions and any alterations, along with the final plat shall be filed with the DSR who shall maintain a file of such covenants or restrictions.

D. The building department shall not issue a building permit without a statement from the property owners association or their designated representative indicating compliance of proposed plans with the requirements of recorded covenants.

4.13. General survey standards.

In order to maintain and improve county land records general survey standards must be followed. Land parcels subject to the requirements specified herein, are required to be referenced by South Carolina State Plane Coordinates, as defined in the S.C. Code of Laws, (The South Carolina Coordinate Act, as amended), either by Global Positioning System (GPS) Surveys or Terrestrial Surveys. Additionally, digital files shall

be submitted in a standard format, in addition to standard printed documents required by this article. These files consist of a copy of the CAD drawing containing all applicable layers and an ASCII text file describing the technical parameters and contact information for the CAD file (metadata).

A. *Surveys requiring first order of the state plane coordinate reference.* The following surveys require a state plane coordinate reference.

1. Any subdivision of eight or more lots total aggregate including all phases and sections severed from parent parcel, at the time of this ordinance.

2. Boundary surveys of 25 or more acres total aggregate, unless exempted in subsection B below.

B. *Surveys exempt from geodetic control monument tie.* The county considers it very desirable for surveyors to tie all surveys, whenever possible, to the state plane coordinate system. Nothing in these exemptions is intended to discourage surveyors from tying surveys to the state plane coordinate system.

The following surveys are exempted from state plane coordinate reference:

1. Re-tracement surveys of property in existing, platted subdivisions already recorded in the Jasper County Register of Deeds Office.

2. Any boundary survey more than one mile in distance as measured along public roads from a published geodetic monument.

3. Any survey not specified in section A.

C. *Survey requirements.* Survey requirements specified in this document are only for referencing land parcels to state plane coordinates. Boundary surveys shall be performed in accordance with the state minimum standards published by the state board of registration for professional engineers and land surveyors unless more stringent requirements are specified herein. In so far as possible, control surveys between geodetic monuments and property boundaries shall be extended from the nearest geodetic control monument(s).

The GIS is primarily a foundation of geographic information to support and improve county operations and community decision-making. As such, this information is a representation of geographic features that comprise Jasper County. These data are not intended to represent legal boundaries of any kind and are for information purposes only. The signed and sealed plat of record shall be referenced for all legal matters.

The specifications for horizontal control are as follows:

1. *Global Positioning System (GPS) Surveys:* GPS procedures shall be followed to ensure survey grade compatibility with the nearest geodetic control monuments. Survey grade GPS receivers shall be used with a manufacturers stated accuracy of at least plus/minus five centimeters plus/minus two ppm. It is realized that the nearest station may not always be suitable for occupation by GPS because of obstructions, property owner permission or other reasons. The intent here is to make ties to network stations within six miles of the project and to establish new coordinates on property corners to a spatial accuracy of 0.2 feet.

2. Terrestrial Survey monument ties shall meet South Carolina Class B Standards.

3. Plat requirements:

   a) All directions shall be referenced to South Carolina Grid.

   b) Distances shall be ground distances (not grid distances).

D. *Electronic submission applicability and content.*

1. All plats subject to the requirements specified herein and submitted for recording, shall be accompanied by an electronic copy, as specified by the electronic submission standards and procedures described below.

2. The only use of the electronic information submitted will be for the anonymous inclusion into the Jasper County GIS system. Disclaimers and limiting statements may be placed in electronic submissions, provided such disclaimers do not direct liability to the county or create indemnification by the county to the party submitting electronic files.

3. Submitted files shall contain, at a minimum, parcels, rights-of-way, ground control points, street centerlines, easements, lot numbers, lot dimensions, road names, and easement types if these elements are shown on the submitted, printed document.

E. *Electronic submission standards and procedures.*

1. Plats and drawings shall be submitted as a drawing file in DWG or DXF on standard storage media approved by Jasper County. Such media include CD-ROM disks. The use of alternate media requires County approval prior to submission.

2. The submitted media shall be legibly labeled with the drawing or plat name, filename, drawing type (preliminary, final, as-built, etc.), project contact information (name, affiliation, phone number, and e-mail address), and submittal and file creation dates.

3. Coordinate datum shall be the current South Carolina State Plane Coordinate System as specified in the South Carolina Code of Laws. All drawing files shall be oriented to True North in model space.

4. South Carolina State Plane Coordinates shall be inherent to the submitted drawing file. That is, the submitted drawing file shall contain South Carolina State Plane coordinates, not local grid or paper space coordinates.

5. To the extent possible, the submitted drawing file will be named the same as the hardcopy plat. File names must not exceed 27 characters. Long subdivision or plat file names may be abbreviated as long as there is a clear relationship to the name of the hardcopy plat.

6. Drawing files shall be compatible with the system currently in use at the time of the electronic submission.

7. The submitted drawing file will include features and text classified by the standard layer and naming convention shown in Appendix F. Drawing features and associated text shall not be combined in one layer. Text included in drawing files will use standard fonts that can be read without third-party software.

8. Closure is critical in converting CAD features to GIS features. All linear and polygon features must be snapped closed, when applicable, and free of symbols (circles at property corners) that break line continuity.

9. Submitted drawing files shall contain only complete parcel polygon features in the PARCEL 1 layer (Appendix F). Incomplete parcel boundaries, provided for reference, may be included in an open layer, not shown in Appendix F.

10. A metadata text file with the same name as the drawing file (<drawing_file_name>.txt) is required with each electronic submission. This text file will provide technical parameters and contact information for the survey as specified in Appendix F.

F. *Penalty for nonconformance.* Jasper County will not record plats for surveys that do not meet the Surveying requirements contained herein. Failure to comply with the electronic submission requirements will result in a recording fee in accordance with the current fee schedule. A completed metadata sheet, as specified in Appendix F, must accompany non-electronic plat submissions.

4.14. Filing of subdivision plats.

A. All site plans shall be filed with the Jasper County Registrar of Deeds within 30 days of final approval. Section 49-460 of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina contains the list that the registrar's office requires for filing plats. The applicant/owner shall contact the registrar for proper filing procedures.

B. *Submittal requirements.*

1. All sheets shall be drawn at a suitable scale on either 11 inches × 17 inches or 24 inches × 36 inches paper.

2. Two originals shall be submitted for each sheet on good, white paper stock. Vellum is not permitted.

3. All plats shall contain both the existing (parent) parcel number (PIN, TMS, TMP, etc.) and proposed numbers for each lot or parcel.

ARTICLE 5. FINANCIAL SECURITY REQUIREMENTS

5.1. Financial security.

A. Financial security is required for all development projects. The developer through his engineer of record shall submit to the DSR or his/her authorized representative for review cost estimates for the proposed site improvements. These estimates shall cover the full cost of all approved site improvements and infrastructure within the rights-of-way, easements, open space and/or any other common areas of all residential, commercial and industrial subdivisions. The financial security amount shall be determined in accordance with section 1.8 of these land development regulations.

B. For purposes of these regulations, and this article "Financial security" shall refer to a county approved instrument and arrangement undertaken by and at the expense of the developer, established to provide a financial guarantee in favor of the county. In the event of default or failure by the developer, the financial security shall be applied so as to provide funds for the completion of all required infrastructure and common area improvements.

C. A developer may choose either of the following two methods as outlined in below to execute said financial security:

1. A developer submitting a subdivision plat for final approval (whether an individual, partnership, or corporation) may execute his own financial security if it is accompanied by an irrevocable letter of credit from an FDIC accredited bank or institution, cash, or a certified check deposited in a County escrow account properly securing the amount of the financial security.

2. All subdivisions will be developed in accordance with the rules and regulations enacted by Jasper County Council. In order to proceed with the development and to assure that minimum County specifications will be met, a developer may request the DSR to accept an assignment to secure completion of infrastructure improvements. This assignment shall be certified by the lending institution and states that said developer has secured a development loan, from a lending institution, and that a specified amount of this loan, as verified by actual cost estimates submitted by contractors, will be held by the issuing institution until all improvements required by the Jasper County Land Development Regulations are complete and accepted by the DSR.

D. All initial financial security requests set forth in subsection A and B above shall be accompanied by a fee in accordance with the fee schedule. For the purpose of this subsection, appropriate lending instruments shall be limited to a FDIC accredited bank or institution. Letters of credit must be issued by a financial institution with a full service branch located within the State of South Carolina, at which the letter of credit may be presented for payment. The letters themselves may be processed from the bank's main office located in another city or state. All instruments and agreements used under this Article are subject to the approval by the DSR or his/her authorized representative.
(Ord. No. 09-05, § 4, 1-20-09)

5.2. Financial security period.

All financial security instruments shall be posted with the DSR or his/her authorized representative for and on behalf of the County of Jasper. The financial security will be in effect within a period specified by the DSR or planning commission and expressed in the bond until final acceptance of the project by the DSR.

5.3. Financial security reductions.

A. Developers may apply in writing to the DSR for a reduction in the amount of the financial security posted pursuant to section 5.1 based on completed infrastructure improvements. In order to qualify for credit for completed work, a minimum of 50 percent of any one of the following items must be installed in accordance with the approved plans: storm drainage; base; asphalt; curb and gutter; or sidewalk.

B. Jasper County permits only one reduction in the amount of the financial security posted pursuant to the section. Upon the DSR's receipt of a written request for reduction by the developer, a site visit will be scheduled by the DSR or his/her authorized representative in order to verify completed work certified by the developer or the developer's engineer of record. The request shall be accompanied by the proposed reduction calculations along with as-built plans for the installed improvements as prepared by the developer's engineer-of-record. Developers should be advised that they must ensure relevant work is complete and in accordance with the approved construction plans prior to making the recalculation request.

C. In no case may the result of the reduction allow the total financial security to go below 30 percent of the original posted amount.

5.4. Constructing required improvements.

After the planning commission has approved a preliminary subdivision plat and accepted financial security to ensure completion of required improvements, the developer shall complete such improvements. When constructing the required improvements for the subdivision, the following procedures shall apply:

A. Prior to construction, a set of construction plans will be submitted for review to the DSR bearing a certificate by a registered engineer that the plans comply with this ordinance.

B. During construction, inspections will be conducted in accordance with article 11.

C. After completing each phase of road and drainage improvements, the developer shall notify the DSR that the improvements are ready for inspection. Upon such notification, the DSR shall perform inspections of all required improvements. Upon completion of the improvements, "Record Drawings" shall be submitted with certification that the subdivision's design and construction are in compliance with the County's Land Development Regulations. Certifications are to be made by a registered professional engineer licensed in South Carolina.

D. After completing all public water and sewer improvements, the developer shall notify the DSR in writing. A final acceptance letter must be submitted by the appropriate water and/or sewer authority along with approval by the Environmental Quality Control Office of the South Carolina Department of Health and Environmental Control (SCDHEC). The environmental quality control officers of SCDHEC shall issue a permit to operate for water and sewer before systems are placed into service.

5.5. Notification to the county.

When the required improvements have been installed and accepted by the proper authority, that agency shall notify the DSR by letter. At any time prior to the anticipated completion date, if the improvements are not completed or progressing in accordance with county requirements, the proper authority shall notify the DSR and recommend that the developer be notified to complete the required work within a specified period of time.

5.6. Release of financial security.

Following proper notification to the county pursuant to section 5.5, the planning commission shall then either release the financial security instrument, or in the event that the financial security instrument is not released, proceed to enforce collection on the financial security instrument and call for completion of the required improvements within a specified period of time, or if requested by the developer, the planning commission may, extend the financial security for a maximum of one year. Prior to granting an extension, the DSR, shall review actual cost estimates and work to be completed to ensure that the extended security is adequate to cover the remaining work. All financial security extension requests shall be accompanied by a fee in accordance with the approved Fee Schedule.

5.7. Financial security administration.

The developer is responsible for maintaining adequate financial securities and is required to update the DSR on any status changes.

5.8. Dedications.

The county or other public authority shall not accept, lay out, open, improve, grade, pave, or light any street; or authorize the laying of water mains, sewers, connections, stormwater utilities or other facilities or utilities in any street within the unincorporated area of Jasper County unless such street has been accepted, opened, or has received the legal status of a public street.

No subdivision shall be granted final (record) approval until the DSR has received a statement duly acknowledged before some officer authorized to take acknowledgment of deeds and signed by each owner of the property to the effect that: (1) the subdivision plan shown on the preliminary plan is made with his or their free consent and in accordance with their desires; (2) the dedication of streets or roads shown on the plat and the road dedication form is freely offered; (3) the property shown on the plat is not encumbered by a recorded deed of trust or mortgage or by a judgment rendered by any court.

ARTICLE 6. WATER SUPPLY/SEWAGE DISPOSAL REQUIREMENTS

6.1. Required improvements.

Except as provided in Article 5, Financial Security Requirements, the following improvements shall have been completed and approved in accordance with the general standards specified below before any final plat of a subdivision shall be eligible for final approval by the planning commission.

6.2. Water supply and sewage disposal systems.

1. The developer shall be required to install water supply, including fire protection, in accordance with the standards, procedures, and policies of the governing authority appropriate water service provider and applicable fire code provisions, unless documented by the water service provider that the existing line size will not permit. The extension/upgrading of water lines, as well as the location and spacing of fire hydrants to be installed within a new subdivision will be determined by the water service provider and/or fire district.

2. The developer shall be required to provide public sewage disposal systems in accordance with the standards, procedures, and policies of the appropriate sewer district, unless documented by the sewer treatment authority providing waste treatment, that sewer service and/or sewer treatment is not available.

3. The applicant shall provide the DSR with approved means of water supply and sewage disposal systems by the appropriate agencies prior to preliminary subdivision approval.

6.3. Public water and sewer systems.

1. All extensions of public water and sewer systems, including fire protection systems, shall have the approval of the appropriate agency involved and shall be constructed according to their specifications and under their supervision.

2. Should public water systems prove unfeasible; a statement of approval for individual wells shall be obtained from the SCDHEC.

3. Should public sewer systems prove unfeasible, a statement of approval for individual septic tank usage shall be obtained from the SCDHEC. Individual permits shall be obtained from the SCDHEC at the time of development of each lot.

6.4. Private water and sewer systems.

A. *Water.* Prior to construction, all community (private) water systems shall obtain a "construction permit" from the environmental quality control office of the SCDHEC. The agency which issues the construction permit should be contacted when construction begins so they can make inspections. Upon completion and prior to placing the water system into service, Environmental quality control will make a final inspection and issue a copy of their "Permit to Operate" to the DSR. Should community (private) water systems prove unfeasible; a statement of approval for individual wells shall be obtained from the SCDHEC.

B. *Sewer.* Prior to construction, all community (private) sewer systems shall obtain a "construction permit" from the environmental quality control office of the SCDHEC. In order to make construction inspections, the environmental quality control office will be contacted when construction begins. Upon completion and prior to placing the sewer system into service, environmental quality control will make a final inspection and issue a copy of their "permit to operate" to the DSR.

Prior to abandonment all community (private) sewer systems shall be closed in accordance with all State (SCDHEC) and county regulations.

6.5. Water or sewer systems not connected to service systems.

If a water and/or sewer system is not connected to a municipal or district system and serves an area inside Jasper County, the responsibility for the operation and maintenance of the total facility must be approved by the environmental quality control office of the SCDHEC and the appropriate agency. This instrument must be recorded in the office of the Jasper County Register of Deeds as required by the SCDHEC. Builders of systems which lie within the boundary of any legally constituted governmental jurisdiction such as a municipality or water and/or sewer district must submit written evidence to the environmental quality control office of the SCDHEC that the facility is under the control of the municipality or district and that the municipality or district accepts responsibility for the operation and maintenance of the facility.

ARTICLE 7. ROAD CLASSIFICATION AND DESIGN STANDARDS

7.1. Roadway classifications.

Before any final plat of a subdivision shall be eligible for final approval, all street improvements shall have been completed and approved in accordance with the design standards as set forth in this section and in accordance with SCDOT and AASHTO guidelines. Such approval shall be set forth in writing by the DSR stating that said improvements are located within the corporate limits of a municipality and were completed in accordance with standards and specifications.

For the purpose of this ordinance, all streets within the land development regulations area shall be classified based upon the projected traffic volume on the street. These classifications and the required Design Standards for each are included in table below and further detailed in following descriptions.

Classification	*Pavement Width (feet)*	*Maximum Design Speed*	*Vehicles Per Day*	*Minimum Pavement Section*	*Minimum Right-of-Way*
Arterial					120
Minor Arterial					120
Major Collector			>4,000		100
Minor Collector	26	40 mph	1,250 — 4,000	1.5" Top 2.5" Base 6" Stone Sub base	80
Residential Sub-collector	24	35 mph	400 — 1,250	1.5" Top 2.5" Base 6" Stone Sub base	50
Residential Local	24	25 mph	<400	1.5" Top 2.5" Base 6" Stone Sub Base	50
Nonresidential zoned Commercial or Industrial	28	40 mph	N/A	2" Top 4" Base 6" Stone Sub Base	80
Private Responsibility of Landowner, Developer or HOA	24	AS DESIGNED	N/A	2" Top 6" Stone Sub Base or 8" Stone	50

7.2. Roadway design standards.

Street and road design shall comply with the following design standards as reviewed and approved by the DSR or his/her authorized representative, local fire district and emergency personnel based on the most recently adopted edition of the International Fire Code by the S. C. Building Codes Council, and those appendices that have been adopted by Jasper County Council. To ascertain standards applying to any specific classification, refer to the design standards chart. In all instances where reference is made to a section of the South Carolina Department of Transportation (SCDOT) specifications for highway construction (SCDOT specifications), it is the most recent edition.

A. *Right-of-way and roadway cross section* A proposed right-of-way shall be of sufficient width to accommodate the required street cross section, but in no case shall the right-of-way be less than that

required in the design standards chart. In instances where construction or maintenance may necessitate going beyond the normal right-of-way, a temporary right-of-way will be required to be given by easement.

Pavement width shall be sufficient to serve the projected traffic on and use of the street, but in no instance shall the pavement width be less than that required in the design standards chart.

B. *Grades.* The minimum vertical tangent grade on any proposed curbed street shall not be less than one-half percent and the maximum grade shall not exceed five percent.

All proposed street grades when intersecting an existing street or highway shall be constructed as to meet the same horizontal grade of the existing intersection and shall have a maximum approach grade of four percent for a distance of 100 feet from the gutter line elevation of the existing street to which the proposed connection is being.

C. *K factors/vertical curves.* All vertical curve design shall be in accordance with the most current AASHTO Policy of Geometric Design and SCDOT standards.

D. *Horizontal curves.* Where a deflection angle in the alignment of the street occurs, the right-of-way shall be curved. The minimum horizontal radius of curvature at the centerline of proposed street rights-of-way in all areas shall be designed in accordance with the most current AASHTO Policy of Geometric Design and SCDOT standards.

At subdivision entrances there should be a minimum of 50 feet tangent prior to the start of any horizontal curve.

E. *Signs.* All signs and speed limit designations shall be in accordance with the most current Manual of Uniform Traffic Control Devices (MUTCD).

F. *Reverse curves.* Reverse curves in the street rights-of-way shall be connected by tangents of not less than 100 feet for all roadway classifications with the exception on non-residential which shall be a minimum of 150 feet.

G. *Intersecting streets.* Minor collector, residential sub collector, residential local and nonresidential streets shall be laid out so as to intersect other streets at right angles whenever possible. No street shall intersect any other street at an angle less than 75 degrees.

H. *Street offsets.* Where there is an offset in the alignment of a street across an intersection, the minimum offset of the centerline shall be as shown in the following chart:

SPEED LIMIT ON MAIN THROUGH STREET	*OFFSET IN FEET*
25 MILES PER HOUR	125 FEET
35 MILES PER HOUR	150 FEET
45 MILES PER HOUR	175 FEET
55 MILES PER HOUR	200 FEET

I. *Easements.* A ten-foot drainage and utility easement is required on each side of all interior side and rear lot lines. A ten feet drainage and utility easement is required along all exterior rear lot lines. If an adjoining subdivision has already dedicated a rear five-foot easement, the ten-foot requirement is reduced to five feet.

An easement acts as a reciprocal agreement between the subdivision property owners. Each property owner is responsible for maintaining such easement on the property. Drainage and utility easements are intended to be reciprocal easements among the subdivision property owners and not a dedication to the county.

J. *Cul-de-sac streets.* Cul-de-sac streets are defined as those streets designed to be terminated. Cul-de-sacs shall have a minimum length of 125 feet and a maximum length of 1,200 feet.

A cul-de-sac shall be terminated by a circular right-of-way and a circular paved surface for turning. Minimum cul-de-sac radii shall be 50 feet for the paved surface. Minimum right-of-way around cul-de-sacs shall be ten feet.

In phased subdivisions, temporary cul-de-sacs shall be required. Wherever practical, the design engineer shall design the temporary cul-de-sac beyond the limits of the lots. Developers and their engineers may want to coordinate utility location along these areas at the mandatory pre-construction meeting.

7.3. Private roads.

Private roads shall be limited to residential streets constructed as a cul-de-sac, loop street, or combinations thereof provided that the private road or road network does not allow through access between/among adjoining public roads.

All liability, maintenance, and upkeep of the travel surface, and all incidental structures shall be the responsibility of the landowners, developer or Homeowners (property owners) Association. Installation and maintenance of driveway pipe, drainage features, street name signs and traffic control signs shall be the responsibility of the landowners, developer, or homeowners association. The final subdivision plat on which a private road is established must contain the following statement:

Property owner rights and responsibilities regarding roads and other common areas shall be specified within the home owner's association documentation.

ARTICLE 8. GENERAL SUBDIVISION DESIGN STANDARDS

In addition to the other development standards set forth in this section, the following general subdivision design standards shall apply:

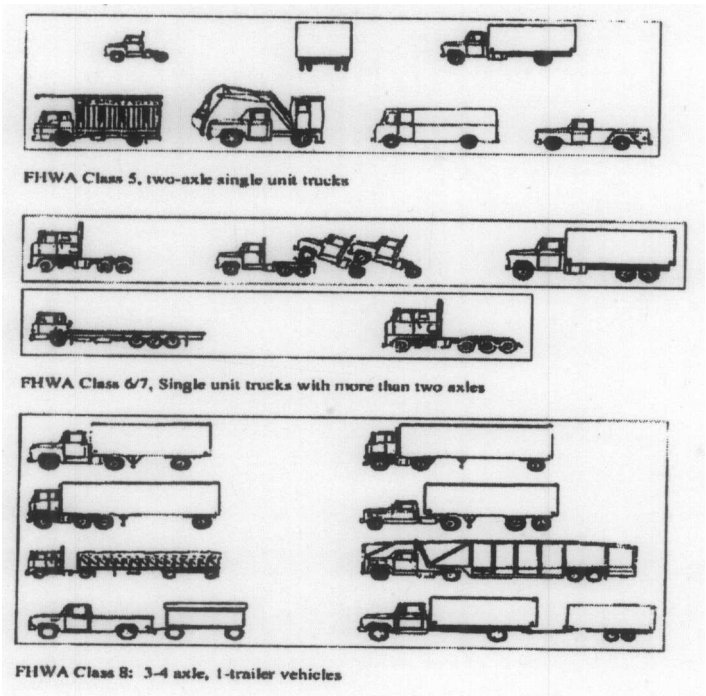
8.1. Sight triangles.

The property lines at all intersections shall have a 25-foot setback from the point of intersection (PI) to the point of tangent (PT). Each point of tangent will be connected to the point of intersection (PI) with a straight line. There will be no radius placed on property lines at any intersection. The triangles will allow for unobstructed lines of sight. The planting of trees or other plantings, or the location of structures

exceeding 30 inches in height that would obstruct the clear sight across the area is prohibited. The county has the right to remove any object, material or otherwise, that obstructs the clear sight at any intersection.

8.2. Clear sight distance.

A minimum corner sight distance is required to permit drivers entering the higher-order street to see approaching traffic from a long enough distance to allow the driver to decide when to enter the higher-order street, turn onto the higher-order street, and accelerate in advance of the approaching traffic. The entire area of the clear sight triangle shall be designed to provide the driver of the entering vehicle with an unobstructed view to all points 3.5 feet above the roadway along the centerline from point A to point B. The sight distance in feet is determined using the chart below (taken from the SCDOT Highway Design Manual):



Design Speed (Vmajor) (mph)	*ISD (ft)*		
	Passenger Cars	*Single-Unit Trucks*	*Tractor/Semitrailers*
15	170	210	255
20	225	280	340
25	280	350	425
30	335	420	510
35	390	490	595
40	445	560	680
45	500	630	765
50	555	700	850

Design Speed (Vmajor) (mph)	*ISD (ft)*		
	Passenger Cars	*Single-Unit Trucks*	*Tractor/Semitrailers*
55	610	770	930
60	665	840	1015
65	720	910	1100
70	775	980	1185
75	830	1050	1270
80	885	1115	1350

Note: These ISD values assume a minor road approach grade less than or equal to three percent. For grades greater than three percent, increase the ISD value by ten percent.

8.3. County roads with prescriptive right-of-way.

Any subdivision accessing a County road and/or having lots adjacent to county roads shall be provided with a 40-foot half width right-of-way from the centerline of the county roadway for future projects, regardless of existing right-of-way.

8.4. Drainage and utility easements.

The width, length, and location of all easements for drainage and utilities shall as indicated in this ordinance and be as established by the appropriate agency involved. In no instance shall any easements be less than ten feet wide unless specifically allowed by the DSR and/or planning commission. All easements shall be shown on the final plat with corresponding descriptions and total lot areas.

8.5. Half streets.

New half streets shall be prohibited. Whenever an existing half street is adjacent to a tract of land to be subdivided, the other half of the street shall be platted within such tract and the total right-of-width provided shall be as required in the design standards chart in Article 7 based on the proposed road classification.

8.6. Traffic calming requirements.

Every effort shall be made to produce a design which will encourage appropriate residential speeds. On roads on which there is a combination of expected high traffic volume, length, straight alignment, and/or a design hardship, traffic calming devices may be required. Acceptable traffic calming devices include but are not limited to raised crosswalks, neckdowns, chicanes, traffic circles, raised intersections, and median islands. All traffic calming devices shall be designed in accordance with standard engineering guidelines as established by the Institute of Transportation Engineers (ITE) and SCDOT.

8.7. Island standards.

A detailed design plan for proposed roadway islands must be shown on the road plan and profile and shall adhere to the following standards:

A. *Roadways surrounding islands.*

1. *Entrance islands.*

a. The county strongly encourages the use of multiple entrances and interconnectivity between land development tracts, when available, in order to promote sound traffic patterns and reduce congestion in the area.

b. Minimum pavement width for single lane entrances and exists shall be 16.

c. Curb radius at the intersection shall be no less than 35 feet.

d. Pavement width beyond the end of the island shall be tapered at a rate of 8:1 to the typical pavement width.

e. No taper shall be allowed across the width of intersecting roadways. Road widths across intersections must be equal.

f. No driveway curb cuts shall be allowed within the tapered section and in no instance within 25 feet of the end (rear) of the entrance island. All driveway curb cuts shall be designed in accordance with AASHTO and SCDOT standards.

g. There shall be 100 feet of tangent roadway separating the entrance from a curve in the roadway.

h. The width of the road at SCDOT right-of-way shall be determined by Table 3-8 of the SCDOT Access and Roadside Management Standards. From that point the street may taper at a minimum of 8:1 to the beginning of the island if island width necessitates. A double yellow centerline shall be provided when the island is more than five feet from the right-of-way.

2. *Cul-de-sac islands.*

a. Pavement widths shall be in accordance with the most current AASHTO and SCDOT Policy on Geometric Design of Highways and Streets standards for WB-40 vehicles. A minimum width of 25 feet of paved surface shall surround the island.

b. The cul-de-sac bulb shall be designed in accordance with Section 7:2J.

c. Except in the case of offset cul-de-sac pavements, all cul-de-sac islands shall be directly centered in the right-of-way.

B. *Island design requirements.*

1. *Entrance islands.*

a. The island shall be curbed with the ends rounded.

b. Reserved.

c. The minimum width of islands shall be four feet measured from the outside face of the curb to the direct opposite outside face of the curb.

d. The minimum length shall be 20 feet measured from the outside face of the curb. The maximum length shall be 50 feet measured from the outside face of the curb.

C. *Plant materials and structures within islands in roadways to be dedicated for county maintenance.*

1. A detailed landscape plan for all roadway island(s) shall be submitted as follows:

a. The plant materials in the entrance island shall be maintained to provide a sight tunnel between the height of 30 inches and 72 inches above the adjacent roadway surface for a minimum distance of 35 feet from the intersecting right-of-way. Taller items may be placed in the entrance island beyond the point of 35 feet.

b. In cul-de-sac islands, eyebrow islands, and any island except entrance islands, no plant material with a mature height in excess of one foot will be allowed within five feet of the face of curbing.

c. A sight tunnel between the height of 30 inches and 72 inches above the roadway elevation also shall be required for all plant materials located in islands within traffic control islands, cul-de-sacs and eyebrows.

d. Signs within entrance islands may be allowed upon review by the DSR or his/her authorized representative. Entrance island signs shall be placed at least three feet from the edge of curbs paralleling the travel lanes. No structures shall be permitted in the last five feet of the entrance island.

e. No structures, such as retaining walls, raised planter beds or water features and/or fountains, are allowed in any island or within right-of-way of a public road. Structures such as lighting and flagpoles may be allowed if placed in accordance with the requirements published above.

f. Trees within islands or the public road right-of-way will be allowed only upon approval of the DSR or his/her authorized representative.

g. Any nonconforming structure or plant within any island may be removed at the discretion of the DSR or his/her authorized representative.

h. A detailed landscape plan for all roadway island(s) shall be submitted to the DSR for review.

i. At no time may the plant material or structure(s) restrict the entrance of emergency vehicles into or along the roadway. If any plant material or structure(s) restricts the passage of emergency vehicles into or along the roadway, it will be removed by the developer or home owners association within 30 days of receipt of notification from the DSR.

j. The maintenance of plant material and structures within islands in private roads is the responsibility of the homeowners' association or covered by the restrictive covenants.

D. *Island ownership and maintenance.* Ownership and maintenance of all islands shall remain with the developer until such time as ownership is conveyed to a homeowner's (property owners) association and/or the responsibility for maintenance is addressed in restrictive covenants. The surveyor or engineer will include a statement on the final plat addressing ownership and maintenance of the island(s).

E. *Maintenance.* Maintenance shall continue as long as the island(s) exist. If the maintenance is not continued, and the plant material or structures such as lighting or flagpoles becomes a hazard to the passage of traffic or roadway maintenance, the County reserves the right to remove any plant material, at the discretion of the DSR or his/her authorized representative.

F. *Channelization island.* When required, a detailed channelization island plan shall be submitted for review. Channelization island design will be reviewed on a case-by-case basis due to differing roadway and traffic characteristics.

(Ord. No. 11-22, § 13, 10-3-11)

8.8. Reserved.

Editor's note—Ord. No. 11-02, § 1, adopted January 18, 2011, repealed the former section 8.8 in its entirety, which pertained to street names and street markers, and derived from Ord. No. 07-47, adopted November 13, 2007.

For current provisions pertaining to similar subject matter, the user's attention is directed to chapter 25, article III of this Code.

8.9. Sidewalks.

The DSR shall determine the need for providing sidewalks in all residential subdivisions or commercial areas. If the DSR has recommended that a sidewalk is necessary for the safety of the residents within any subdivision and the planning commission has approved, the subdivision developer shall construct a sidewalk on at least one side of all residential streets within the proposed development. In general, sidewalks will be required within one mile of a school.

In making a determination, the DSR shall consider the following:

A. Whether the residential subdivision is to contain amenity areas (pools, tennis courts, playground areas).

B. Whether the residential subdivision is to be located within one-half of a mile of a shopping/office area, library, public/county park, or other facility to which people might reasonably be expected to walk.

C. Whether the residential subdivision is to provide access to roads where sidewalks or bicycle paths exist or are planned.

D. Whether the residential subdivision will connect with another subdivision which already has, or plans to have, sidewalks.

E. Whether the residential subdivision is to be part of a Planned Development District.

F. Whether the residential subdivision is a mixed use subdivision (e.g. single-family and multifamily).

All sidewalks shall be constructed within the road right-of-way as follows:

A. Minimum width of five feet.

B. A two-foot minimum grass strip shall be provided between the sidewalk and edge of pavement and/or concrete curb.

C. Concrete curb ramps shall be provided at street intersections in accordance with the latest SCDOT and ADA standards.

D. Mailboxes shall be placed within grass strips in accordance with U.S. Postal Service Guidelines.

E. Construction materials and placement techniques shall be in accordance with this ordinance and the latest SCDOT standards.

8.10. Access to community facilities.

A. Streets shall be designed or pedestrian walkway easements provided to assure convenient access to parks, playgrounds, schools, and other community facilities.

B. Walkway easements shall not be less than ten feet in width.

C. Walkways or accesses to community facilities shall be shown on the final subdivision plat; accordingly such must be delineated both with signage and with on-site physical means such as concrete, gravel, asphalt, planted screenings or other appropriate delineators.

8.11. Lots.

A. All subdivision lots shall have a minimum of 50 feet of access to and frontage on a public street or on a private road constructed to the appropriate road standards.

B. Newly created through lots, having frontage on newly created subdivision roads as well as having frontage on existing county or state maintained roads, must be provided access from the newly created road(s) only. Through access between newly created roads and existing roads is not permitted across newly created lots.

C. All lots located shall conform to the zoning requirements in their respective districts. The size, shape and orientation of every lot shall be subject to approval of the DSR and/or planning commission with consideration of the type of development and use contemplated.

D. Flag lots are prohibited.

E. Each lot shall contain only one principal structure except as permitted in Appendix A, subsection 6:2.23.

F. Each lot shall contain only one principle use, unless it is designated as a commercial center or PDD.

G. Any subdivision submission must comply with article 10 and the stormwater management design manual.
(Ord. No. 09-28, § 3, 10-5-09; Ord. No. 11-22, § 14, 10-3-11)

8.12. Subdivision screening.

In subdivisions approved after the effective date of this Ordinance, a landscape screen at least six feet in height will be provided along all existing road frontages adjoining the subdivision, unless it interferes with traffic safety. The landscaping may be comprised of evergreens at least six feet in height, planted five feet on center. The required height of the landscape material may be reduced if it is placed on a landscaped

earthen berm resulting in a combination of berm and plant material at least six feet in height. This landscape screen may also be a combination of fence, berms, landscaping, or other similar materials. The purpose of the berm is to obscure the structures in the subdivision from view from the adjoining roadways.

ARTICLE 9. CONSTRUCTION STANDARDS

In addition to all the design standards previously listed, the following construction standards are required:

9.1. Clearing and grubbing.

All work shall be required to conform to requirements and standards as set forth in the "Clearing and Grubbing" section of the most recent edition of SCDOT Specifications.

9.2. Subgrade.

Subgrade shall be constructed as specified in the "Subgrade" section of the SCDOT Specifications, or sound, undisturbed residual soils. In fill areas, all subgrade soils shall be compacted in accordance with the "Construction Requirements" section of the SCDOT Specifications.

9.3. Base courses.

A. *Granular base courses.* The granular base course shall be one of the following types, compacted and tested in accordance with the "compaction and testing requirements" section of this ordinance. The minimum compacted thickness requirements are given in the design standards chart in article 7.

1. Soil-aggregate base course as specified in SCDOT Specifications.
2. Macadam base course as specified in SCDOT Specifications.
3. Stabilized aggregate base course as specified in SCDOT Specifications.
4. Cement stabilized base course as specified in SCDOT Specifications.

B. *Asphaltic base courses.* An asphaltic base may be used in place of or in conjunction with granular bases. The asphalt base is to be one of the following types, constructed in accordance with the requirements set forth in the appropriate sections of the most current edition of the SCDOT Specifications. The minimum compacted thickness requirements are given in the design standards chart in article 7.

1. Hot laid asphalt aggregate base course as specified in SCDOT Specifications.
2. Hot laid asphalt concrete binder course as specified in SCDOT Specifications.

9.4. Surface course.

The surface course is to be one of the following types while adhering to general specifications set forth in the SCDOT specifications for bituminous pavement and for rigid pavement.

A. Hot laid asphaltic concrete surface course, Type 3 or latest equivalent approved by the SCDOT. Types 1, 2, and 4 or latest equivalent approved by the SCDOT may be used with the prior authorization of the DSR or his/her authorized representative. The required compacted thickness requirements are given in the design standards chart article 7.

B. *Portland Cement Concrete*. As specified in the SCDOT Specifications, with a minimum thickness of six inches for residential streets and eight inches for commercial/industrial streets. Welded wire reinforcing fabric must be used in all instances.

9.5. Site specific paving designs.

At the discretion of the DSR, the applicant may provide the county with a pavement design report from a geotechnical engineer recommending the pavement thickness(es) for each road in the subdivision based on appropriate CBR values and anticipated traffic volumes. This report should include enough samples to provide a true representation of the soil type variations throughout the subdivision, with special attention to the appropriate pavement design in areas of fill.

9.6. Restrictions on asphalt paving work.

A. No surface asphalt paving shall be installed on a wet surface, when the temperature is below 40 degrees Fahrenheit in the shade, or when the weather conditions are otherwise unfavorable. Temperatures must be 35 degrees Fahrenheit and rising for binder placement.

B. The asphalt shall be delivered and placed in accordance with the SCDOT Specifications.

C. The asphalt shall be delivered to the spreader at a temperature between 250 degrees Fahrenheit and 325 degrees Fahrenheit and within 20 degrees Fahrenheit of the temperature set at the plant.

D. *Equipment size requirements:*

Steel Wheel Roller — 5 to 8 ton

Back Roller — 5 to 8 ton

Rubber Tire Roller — 9-wheel rubber tire

Paving Train — self-propelled asphalt pavers w/vibratory screed capability and standard ten-foot screed.

9.7. Roadway cross section.

All street cross sections shall have a minimum cross slope of two percent. Super elevation is required for curves in accordance with AASHTO Policy on Geometric Design.

9.8—9.10. Reserved.

Editor's note—Ord. No. 11-22, § 15, adopted October 3, 2011, repealed the former sections 9.8—9.10 in their entirety, which pertained to storm drainage, subsurface drainage, and miscellaneous drainage requirements, respectively, and derived from Ord. No. 07-47, adopted November 13, 2007.

9.11. Bridges.

A. All bridges, tunnels, and underpasses intended for vehicular traffic shall have a minimum length of 20 feet and a clean width of 28 feet. Jasper County reserves the right to request greater widths based on the street classification. All bridge designs shall be subject to the prior approval of the DSR.

B. All bridges, tunnels, and underpasses intended for vehicular traffic shall be designed in accordance with the most current edition of the AASHTO "Standard Specifications for Highway Bridges", including any interim specifications and the alternate military loading.
(Ord. No. 11-22, § 15, 10-3-11)

9.12. Construction standards.

A. *Sidewalks and curbing.* All proposed street connections to existing streets or highways having existing sidewalks shall be constructed by removal of the sidewalk to the new proposed curb radii.

All sidewalks and curbs shall conform to the following regulations.

1. The concrete shall be batched and mixed in accordance with the provisions in the "Portland Cement Concrete for Structures" Section of the SCDOT specifications.
2. Curbs and gutters shall be constructed in uniform sections of ten feet in length except where shorter sections are necessary for closure, but none less than four feet in length.
3. Forms shall not be displaced during concrete pouring and the concrete shall be spaded or vibrated throughout the entire volume especially against forms and joints. The surface of the concrete shall be floated, trowled, broomed, corners edged and finished to the typical cross-section used, i.e. crown sections and/or super elevation.
4. *Rolled curb or stand up curb and gutter.* Curb must provide a six-inch face against the pavement and the cross sectional shape is approved by the DSR. When slip forms are used, the aggregate size, amount of cement, and proportions of all materials for the concrete may vary from previous requirements as necessary to provide a workable and satisfactory mix. Expansion and contraction joints shall be constructed at the same locations as required with formed construction. These joints, spaced at ten-foot intervals, shall be made by cutting the concrete by an acceptable method. The manner of construction of all joints shall meet the approval of the DSR or his/her authorized representative and shall present a workmanlike finish.
5. No obstructions shall be allowed within the limits of the sidewalk area.
6. *Joints.*
    a. *Expansion joints.* Performed expansion joints three-quarter inch thick, extending the full depth of the concrete, shall be constructed at the locations indicated on the plans and at other locations as follows:
        i. Whenever a sidewalk is constructed between an adjoining substantial structure on one side and a curbing on the other side, an expansion joint shall be formed adjacent to the curbing.
        ii. An expansion joint shall be placed between the sidewalk and the radius curbing at street intersections.
        iii. When sidewalks are constructed adjacent to existing or new pavements or structures, expansion joints shall be places to match these existing joints.
        iv. Transverse expansion joints shall be placed at intervals of not more than 20 feet in all concrete shapes.

b. *Contraction joints.* The concrete slabs in sidewalks between expansion joints shall be divided into blocks ten feet in length by scoring transversely after floating operations are complete. Whenever the sidewalk slabs are more than ten feet in width, they shall be scored longitudinally in the center. All scoring shall extend for a depth of one inch and shall not be less than one-quarter inch nor more than one-half inch in width. All scoring shall be edged and finished smooth and true to line.

B. The following requirements and procedures shall apply for all base failure, binder, and full-depth repairs:

1. For full-depth repairs of finished pavement:

   a. Saw cut pavement 12 inches beyond the extent of distresses to provide clean, unbroken edges.

   b. Patches will be cut to have a straight and vertical edge. The sides of the existing asphalt pavement will be clean and thoroughly tacked. The patch will tie into the existing pavement to ensure a smooth transition and ride as well as positive drainage.

2. For all repairs including binder patching:

   a. For patched areas in excess of six inches deep, backfill with stone is acceptable.

   b. Depths of patches over four inches will be performed in two separate lifts.

   c. Thickness of binder course must be at least three inches.

   d. In the case of failures in the repaired area, the DSR may require a geotechnical firm to inspect and report recommendations to the developer/contractor in the repaired areas.

ARTICLE 10. STORMWATER MANAGEMENT*

10.1. General provisions.

A. Purpose and intent. The purpose of this article is to protect, maintain, and enhance the public health, safety, and general welfare by establishing requirements and procedures to control the adverse effects of increased stormwater runoff associated with future development, re-development, and existing developed land. The intent of this article is to:

1. Ensure a balance between sustainable economic development and environmental protection.

2. Ensure a functional drainage system that reduces local flooding thereby minimizing damage to public and private property.

3. Reduce the effects of development on land and stream channel erosion.

4. Attain and maintain water quality standards.

5. Enhance the local environment associated with the drainage system.

***Editor's note—**Ord. No. 11-22, § 16, adopted October 3, 2011, amended article 10 in its entirety to read as herein set out. Formerly, article 10, sections 10.1—10.3, pertained to drainage system design standards, and derived from Ord. No. 07-47, adopted November 13, 2007.

6. Reduce pollutant loading to the maximum extent practical.

7. Maintain pre-development runoff characteristics to the maximum extent practical.

8. Encourage prudent site planning, preservation of natural drainage ways and buffers, on-site stormwater retention and infiltration, effective and efficient stormwater management, and the use of structural and non-structural stormwater best management practices (BMPs).

9. Provide a mechanism for the review, approval, and inspection of the approach to be used for the management and control of stormwater for development or redevelopment.

B. This article specifically authorizes and enables the county at a minimum to:

1. Prohibit illicit discharges to a stormwater system and receiving waters.

2. Define procedures for site plan review, inspection, and enforcement relative to stormwater management.

3. Control the discharge of spills, dumping or disposal of materials other than stormwater to the stormwater system and receiving waters.

4. Address specific categories of non-storm water discharges and similar other incidental non-storm water discharges.

5. Require temporary erosion and sediment controls to protect water quality to the maximum extent practicable during construction activities, in accordance with current state and county regulations.

6. Define procedures for receipt and consideration of information submitted by the public.

7. Address runoff, including but not limited to volume, rate, and quality through site planning and the control and treatment of stormwater with stormwater management facilities and/or BMPs.

8. Develop post-construction stormwater quantity and quality performance standards, through enforcement of minimum design standards.

9. Ensure effective long-term operation and maintenance of stormwater management infrastructure, including BMPs.

10. Carry out all inspection, surveillance, monitoring, and enforcement procedures necessary to determine compliance or noncompliance with this article.

11. Enforce maintenance and/or cause maintenance of any stormwater management facility, either privately or publicly owned.

(Ord. No. 11-22, § 16, 10-3-11)

10.2. Applicability and exemptions.

A. The stormwater management regulations presented within shall be applied to any new development or redevelopment activity that meets one or more of the following criteria:

1. New development that involves the creation of 5,000 square feet or more of impervious cover that otherwise did not exist on site previously or that involves other land disturbing activities of one-half acre or more.

2. Redevelopment that involves the addition of 5,000 square feet or more of impervious cover that otherwise did not exist on site previously or that involves other land disturbing activities of one-half acre or more.

3. New development or redevelopment, regardless of size, that is part of a larger common plan of development, even though multiple, separate and distinct land disturbing activities may take place at different times and on different schedules.

4. Residential major subdivision shall design for full site buildout to ensure quantity, quality and volume best management practices are in place.

5. Commercial major subdivisions may design for full site buildout to ensure quantity, quality and volume best management practices are in place or on a parcel by parcel basis at the discretion of the applicant. Regardless, all major commercial subdivision infrastructure shall meet the quantity, quality and volume requirements of this article.

B. The following activities are exempt from sections 10.4, 10.5, 10.6, and 10.7. Exempt activities remain subject to the remaining articles herein and to section 3 of the county stormwater management design manual.

1. New development that involves the creation of less than 5,000 square feet of impervious cover and less than ten percent total site impervious area or that involves less than one-half acre of total land disturbing activities.

2. Redevelopment that involves the addition of less than 5,000 square feet of impervious cover and less than ten percent total site impervious area or that involves less than one-half acre of total land disturbing activities.

3. New development or redevelopment activities on individual residential lots that are not part of a larger common plan of development and do not meet any of the applicability criteria listed above.

4. New development of commercial sites located in a major subdivision that was previously approved and for which the stormwater infrastructure has been constructed.

5. Additions or modifications to existing single-family homes that do not meet any of the applicability criteria listed above. However, soil erosion best management practices shall be used.

6. Land disturbing activities that are undertaken exclusively for agricultural purposes within areas zoned for agricultural land use. Not exempt is the construction of an agricultural structure that creates 5,000 square feet or more of impervious cover or that involves other land disturbing activities of one-half acre or more shall be subject to this article.

7. Land disturbing actives that are undertaken exclusively for silviculture purposes within areas approved for silviculture land use. Federal and state silviculture best management practice must be followed.

8. Maintenance and repairs of stormwater management practices deemed necessary by the DSR.

(Ord. No. 11-22, § 16, 10-3-11)

10.3. Stormwater design manual.

To assist in the design and evaluation of stormwater management facilities, the Jasper County Stormwater Management Design Manual has been adopted for use in the county. Design procedures and criteria are presented for conducting hydrologic and hydraulic evaluations and evaluation of best management practices (BMPs). Although the intention of the manual is to establish uniform design practices, it neither replaces the need for engineering judgment nor precludes the use of information not presented. Other accepted engineering procedures may be used to conduct hydrologic and hydraulic studies and evaluation of BMPs if approved by the DSR. The DSR shall use the county stormwater management design manual as the basis for decisions delegated to him/her in this article. The county stormwater management design manual may be reviewed by the DSR and recommended changes may be adopted by county council after recommendation by the DSR and the planning commission.
(Ord. No. 11-22, § 16, 10-3-11)

Note—The stormwater management design manual is not set out at length in this Code, but may be found in the offices of the county.

10.4. Stormwater management plans.

A. A stormwater management plan shall be submitted through the county's land development application submittal process as further defined in the county land development regulations. A stormwater management plan shall be deemed complete only when submittal contains all elements of a complete submittal pursuant the county stormwater management design manual. The stormwater management plan is required as a minimum requirement for development application submittal as noted in LDR section 2.4, when applicable. Stormwater management plans shall be reviewed as a component of the land development application review process by the DSR.

B. A stormwater management plan review and approval shall be required for the design, installation, and construction of stormwater management and control practices, including structural BMPs and elements of site design for stormwater management other than structural BMPs. Application contents and form may be set forth in the stormwater design manual. The DSR shall establish requirements for the content and form of all applications and may amend and update those requirements from time to time.

C. As part of county submittal requirements, the stormwater management plan shall detail how the development will control and manage the stormwater runoff to meet the requirements of this article.
(Ord. No. 11-22, § 16, 10-3-11)

10.5. Inspection and maintenance agreement and plan.

A. Prior to the issuance of a permit for any new development or redevelopment activity, unless the stormwater management system is dedicated to and accepted by a local division of government, the applicant and owner of the development site, if different, must execute an inspection and maintenance agreement and plan that shall be in form recordable with the county register of deeds and binding on all subsequent owners of the site and upon approval by the county be recorded in the office of the county register of deeds. Modifications to the inspection and maintenance agreement and plan must be in writing and are only effective after written approval by DSR via a legally binding document which shall be recorded in the office of the county register of deeds.

B. The inspection and maintenance agreement and plan shall include the following provisions:

1. A legal description of the property.

2. Responsible party and successors in interest will be responsible for all maintenance and appropriate function of all permanent green infrastructure practices and stormwater management practices implemented on the subject property.

3. Responsible party and successors in interest must agree to allow the county access of the project site at reasonable times, in a reasonable manner, for the purposes of inspections of all green infrastructure, stormwater management practices and stormwater systems.

4. Responsible party and successors in interest must agree to allow the county access to the project site when the jurisdiction has reason to believe there is a violation of an approved stormwater management system inspection, maintenance agreement and/or plan has occurred within the project site.

5. Responsible party and successors in interest must agree to allow the county access to the project site when necessary for abatement of a public nuisance, correction of a violation of county ordinances or an approved stormwater management system inspection, maintenance agreement and/or plan.

6. Responsible party and successors in interest must agree to correct and repair deficiencies of the permanent green infrastructure practices and stormwater management practices implemented on the subject property found to be in violation by the county within the specified time of written notification from the county.

7. Responsible party and successors in interest must acknowledge the county stormwater management article and all provisions thereof by incorporation into the agreement by reference and must acknowledge that the terms and conditions thereof are enforceable to the fullest extent allowed by law.

8. Responsible party and successors in interest must acknowledge the county has the legal right to enforce the provisions for ongoing inspections and maintenance.

9. The agreement must include a maintenance schedule stating when and how often routine inspection and maintenance will occur to ensure proper function of the stormwater management system.

10. The agreement must include plans for annual inspections to ensure proper performance of the stormwater management system between scheduled maintenance activities.

11. The agreement must include plans for record keeping or acknowledgment of recording keeping requirement by all future owners.

The inspection and maintenance agreement and plan shall be approved by the DSR prior to approval of the stormwater management plan and recorded upon approval. In addition to enforcing the terms of the inspection and maintenance agreement and plan, the DSR may also enforce all of the provisions for ongoing inspection and maintenance contained in this ordinance. A copy of the recorded inspection and maintenance agreement shall be given to the DSR within 14 days following its recordation and prior to certificate of project closeout.

C. If the responsible party named in the recorded inspection and maintenance agreement and plan is a homeowner's association or other owner's association, such as a unit owner's association, the inspection or maintenance agreement must also provide:

1. That stormwater management practices are part of the common elements of the development site and shall be subject to the requirements of the stormwater management system inspection and maintenance agreement and plan.
2. That membership in the association shall be mandatory and automatic for all homeowners or unit owners of the development site and their successors.
3. That the association shall have lien authority to ensure the collection of dues from all members.
4. That the requirements of the inspection and maintenance agreement and plan shall receive the highest priority for expenditures by the association except for any other expenditures that are required by law to have higher priority.
5. That a separate fund shall be maintained by the association for the routing maintenance, reconstruction and repair of stormwater management practices, and kept in an account insured by the Federal Deposit Insurance Corporation (FDIC) or by another entity acceptable to the DSR.
6. That the routine maintenance, reconstruction and repair fund shall contain at all times the dollar amount reasonably determined from time to time by the DSR to be adequate to pay for the probably reconstruction and repair cost (but not routine maintenance cost) of the stormwater management system for a three-year period.
7. That, to the extent permitted by law, the association shall not enter into voluntary dissolution unless responsibility for the stormwater management practices is transferred to an appropriate successor.

D. In the case of a subdivision, the inspection and maintenance agreement must be approved by the DSR prior to recordation, it shall be referenced on the final plat and in covenants and it shall be recorded with the county register of deeds upon final plat approval.

E. In case of single lot development where no subdivision plat is recorded for the site, then the operations and maintenance agreement shall be recorded with the county register of deeds to appear in the chain of title of all subsequent purchasers under generally accepted searching principles.
(Ord. No. 11-22, § 16, 10-3-11)

10.6. Standards.

A. *General requirements.*

1. Use site planning, design, construction, and maintenance strategies to maintain, to the maximum extent practicable, the pre-development hydrology of the property with regard to the temperature, rate, volume, and duration of flow.
2. All development shall disconnect impervious surfaces with vegetative surfaces to the maximum extent practicable.
3. Storm water runoff shall be controlled in a manner that:
   a. Promotes positive drainage from structures resulting from development.

b. Causes no adverse impact to downstream and upstream properties.

c. Includes the use of vegetated conveyances, such as swales and existing natural channels to promote infiltration.

d. Promotes low runoff velocities and maintains sheet flow condition to prevent erosion and promote infiltration.

e. Limits its interaction with potential pollutant sources that may become water-borne and create non-point source pollution.

B. *Stormwater design requirements for development.*

1. Control the post-development peak runoff discharge rate for the two-, ten-, and 25-year, 24-hour design storm events to pre-development discharge rates. The 100-year, 24-hour storm event shall be accommodated through the development without causing damage to on-site and offsite structures.

2. Engineered stormwater collection, conveyance, and storage systems shall be designed using criteria established in the county stormwater management design manual.

C. *Water quality requirements for development.*

1. *Storm water runoff volume.* The design of stormwater management facilities shall be based upon soil conditions. Information documenting the permeability of soils as well as the groundwater table elevations shall be provided as part of the design of stormwater management systems.

a. The development shall maintain the pre-development hydrology of the site for the 85th percentile storm event.

b. A stormwater management system is presumed to comply with this criteria if:

i. It includes practices that provide for the interception, evapotranspiration, infiltration or capture and reuse of stormwater runoff, that have been selected, designed, constructed and maintained in accordance with the stormwater design manual, sound engineering practice, and other information as approved by the DSR; and

ii. It is designed to provide the amount of stormwater runoff reduction specified in the latest edition of the stormwater design manual.

2. *Storm water runoff quality.* Post-construction stormwater runoff shall be adequately treated before it is discharged from a development site.

a. A stormwater management system is assumed to meet the stormwater runoff quality criteria by satisfying the stormwater runoff volume criteria above.

b. If any of the required stormwater runoff volume as defined above and in the stormwater design manual cannot be reduced on the site (due to impractical site characteristics or constraints and provided a waiver is granted), it shall be intercepted and treated in one or more stormwater management practices. These practices shall provide at least an 80 percent reduction in total suspended solids loads, 30 percent reduction of total nitrogen load, and 60 percent reduction in bacteria load.

c. A stormwater management system is presumed to comply with this criteria if:

i. It intercepts and treats stormwater runoff in stormwater management practices that have been selected, designed, constructed and maintained in accordance with the stormwater design manual;

ii. It provides documentation to show that total suspended solids, nitrogen and bacteria removal were considered during the selection of the stormwater management practices that will be used to intercept and treat stormwater runoff on the development site; and

iii. It is designed to provide the amount of stormwater load reduction specified in the latest edition of the stormwater design manual.

(Ord. No. 11-22, § 16, 10-3-11)

10.7. Maintenance.

A. *Maintenance responsibility.* The responsible party shall maintain in good condition and promptly correct, repair and restore all stormwater management practices, maintenance access routes and appurtenances, including, but not limited to surfaces, walls, drains, dams, structures, vegetation, erosion and sediment control practices and other devices. Such repairs and restoration and maintenance activities shall be performed in accordance with an approved inspection and maintenance agreement and plan.

B. *Maintenance inspections.* Annual inspections of the stormwater management practices shown on an approved stormwater management design plan, and subject to the terms and conditions of an approved inspection and maintenance agreement and plan, shall be conducted by a registered professional engineer or landscape architect to document repair and maintenance needs and ensure compliance with the requirements of the approved inspection and maintenance agreement and plan and provisions of this article. All inspections must be documented in written reports that contain the following information:

1. The date and location of the inspection;

2. The name of the inspector;

3. The condition of:

a. Vegetation and filter media;

b. Fences and other safety devices;

c. Spillways, valves and other hydraulic control structures;

d. Embankments, slopes and safety benches;

e. Reservoirs and permanent pools;

f. Inlet and outlet channels and structures;

g. Underground drainage structures;

h. Sediment and debris accumulation in storage and forebay areas;

i. Any other item that could affect the proper function of the stormwater management system; and

4. A description of repair, restoration and maintenance needs.

5. Photographs of major BMPs, outfalls and vegetated areas.

If any repair, restoration or maintenance needs are found, the responsible party named in the recorded stormwater management system inspection and maintenance agreement and plan shall be notified in writing about the repair, restoration or maintenance needs and the remedial measures that are required to bring the stormwater management system into compliance with the approved stormwater management system inspection and maintenance agreement and plan.

C. *Records of maintenance activities.* The responsible party shall make and maintain records of all inspections, maintenance and repairs, and shall retain the records for a minimum of five years. These records shall be made available to the DSR during inspections and at other reasonable times upon request of the DSR.

D. *Nuisance.* The owner of each stormwater BMP shall maintain it so as not to create or result in a nuisance condition, such as but not limited to flooding, erosion, excessive algal growth, overgrown vegetation, mosquito breeding habitat, existence of debris, or other impairments to public safety and health.

E. *Failure to maintain.* If the responsible party fails or refuses to meet the terms and conditions of an approved stormwater management system inspection and maintenance agreement and plan and/or the requirements of this article, the DSR, after 30 days written notice (except, that in the event the violation constitutes an immediate danger to public health or safety, 24 hours' notice shall be sufficient), may correct a violation by performing the work necessary to place the stormwater management practice in proper working condition.
(Ord. No. 11-22, § 16, 10-3-11)

10.8. Illicit discharges and connections.

A. *Illicit discharges.* No person shall cause or allow the discharge, emission, disposal, pouring, or pumping directly or indirectly to any stormwater conveyance, receiving water, or upon the land in manner and amount that the substance is likely to reach a stormwater conveyance or the receiving waters, any liquid, solid, gas, or other substance, other than stormwater or allowable non-storm water discharges listed in subsection B. Prohibited substances include but are not limited to: oil, anti-freeze, chemicals, animal waste, paints, garbage, and litter.

B. *Non-storm water discharges.* Non-storm water discharges associated with the following activities are allowed provided that acceptable BMPs are followed and a nuisance is not created:

1. Water line flushing;
2. Landscape irrigation;
3. Diverted stream flows;
4. Rising ground waters;
5. Uncontaminated ground water infiltration;
6. Uncontaminated pumped ground water;
7. Discharges from potable water sources;
8. Foundation drains;

9. Air conditioning condensation;

10. Reuse water;

11. Springs;

12. Water from crawl space pumps;

13. Footing drains;

14. Individual residential car washing;

15. Flows from riparian habitats and wetlands;

16. Dechlorinated swimming pool discharges;

17. Street wash water; and

18. Other non-storm water discharges for which a valid NPDES discharge permit has been approved and issued by the State of South Carolina.

C. *Illicit connections.* Connections to a receiving water and/or stormwater conveyance system that allow the discharge of substances prohibited by subsection B. are prohibited. Prohibited connections include, but are not limited to floor drains, waste water from washing machines or sanitary sewers, wash water from commercial vehicle washing or steam cleaning, and waste water from septic systems.

Where such connections exist in violation of this article and said connections were made prior to the adoption of this article or any other article prohibiting such connections, the property owner or the person using said connection shall remove the connection and remedy the violation.

D. *Spills.* Spills or leaks of polluting substances released, discharged to, or having the potential to released or discharged to receiving water or the stormwater conveyance system, shall be contained, controlled, collected, and properly disposed. All affected areas shall be restored to their preexisting condition.

Persons in control of the polluting substances shall immediately report the release or discharge to persons owning the property on which the substances were released or discharged, shall within two hours of such an event notify county emergency services division (or other appropriate emergency response agency). Notification shall not relieve any person of any expenses related to the restoration, loss, damage, or any other liability which may be incurred as a result of said spill or leak, nor shall such notification relieve any person from other liability which may be imposed by state or other law.

E. *Nuisance.* Illicit discharges and illicit connections which exist within the county limits are hereby found, deemed, and declared to be dangerous and prejudicial to the public health, and welfare, and are found, deemed, and declared to be public nuisances. Such public nuisances shall be abated in accordance with the procedures set forth in this article.
(Ord. No. 11-22, § 16, 10-3-11)

ARTICLE 11. TESTING AND INSPECTIONS

11.1. Description.

Prior to site development a pre-construction meeting shall be held on-site to ensure appropriate sediment and erosion controls are established ahead of time and to discuss pertinent details of construction. The applicant, design engineer and contractor, or representative(s) acceptable to the DSR, shall attend. The following topics shall be covered in the pre-construction meeting:

A. Emergency contacts.

B. Timeframe and hours of operation.

C. Key inspections and meetings.

D. Process for final approval and close-out.

Testing shall include proof rolling, compaction, and density testing of in-situ base soils, roadway fill areas, backfill within utility trenches, stone base courses, and/or asphalt pavement, but may include other material tests as required by the DSR or his/her authorized representative.

Inspections shall consist of periodic field visits during various phases of construction for the purposes of investigating present site conditions and activities, and documenting all substandard methods, materials, or conditions. Periodic (key) inspections by the developer's engineer-of-record shall be required during the course of the project, and shall be conducted jointly with the county representative at critical stages of construction.
(Ord. No. 11-22, § 17, 10-3-11)

11.2. Testing requirements.

A. *Proof rolling.* The proof roll is good for 24 hours. The proof rolling shall be performed using a fully loaded tandem dump truck weighing not less than 30 tons gross, or equivalent. Any areas which show visible deflection will be required to be repaired, and a second proof roll may be required prior to verify the repairs. Compaction tests by a geotechnical engineering firm may also be required in problem areas as directed by the DSR or his/her authorized representative.

B. *Compaction testing.*

1. *Applicability.* The grading contractor and utility installation contractor shall be responsible for providing compaction testing and reporting as described below. The design engineer or geotechnical testing firm shall determine the location for tests, and shall obtain prior approval from the DSR. Additional testing in problem areas may be required as directed by the DSR or his/her authorized representative.

2. *Compaction requirements.* Testing by a geotechnical engineering company shall be performed for all backfill over utility installations and fill areas in the road right-of-way. The minimum required compaction shall be 95 percent standard proctor for all trench and fill areas within the right-of-way.

3. *Location and frequency of tests.* Compaction tests shall be taken at random locations and at random depths at each location to provide a range of sampling depths. The required frequency of testing shall be as follows:

   a. *Sanitary sewer.* Test along the line at 300-foot intervals, and randomly at service connections at the rate of one test per eight services and at manholes at the rate of one test for every three manholes.

   b. *Water mains.* Test along the line at 300-foot intervals, and randomly at valve and blowoff locations in the roadway at the rate of one for every three valve and blowoff locations in the roadway. Test randomly at service connections at the rate of one test per eight services and at manholes at the rate of one test for every three manholes.

   c. *Storm drains.* Test along the line at 300-foot intervals, and at all cross lines.

   d. *Other utilities.* Test along the line at 300-foot intervals, and at all road crossings (excluding borings).

   e. *Fill areas.* Fill should be placed, compacted and tested at no more than 18-inch intervals. The test shall be performed at 150-foot intervals, staggered on the left and right sides of the roadway. If bridging in the fill is required, a geotechnical engineer will provide a report for recommendations to be submitted to the DSR or his/her authorized representative.

4. *Reporting.* The results of all compaction tests shall be reviewed by the design engineer and forwarded to the DSR or his/her authorized representative with comments as necessary. A copy of the overall site plan or the appropriate road plan sheets, showing the test locations and depth below subgrade elevation, shall be submitted with the test results. No roadways shall be paved until the DSR or his/her authorized representative has reviewed and approved the compaction tests results for the section of roadway to be paved.

C. *Asphalt quality control.*

1. During pavement application, the Contractor shall achieve the required density for the asphalt by suitable rolling equipment and methods. The contractor will use a highway class paver exceeding 30,000 pounds, a steel wheel front roller of five to eight tons or more, nine-wheel rubber tire intermediate roller, and a five to eight ton steel wheel back roller or equipment the DSR deems equal or better. If proper compaction of the asphalt is questionable, the DSR may require the Contractor to conduct a series of density tests to verify proper compaction of the asphalt.

2. Extraction and gradation testing may also be required at the contractor's expense to determine mix composition and verify compliance with SCDOT specifications. All asphalt shall be in accordance with SCDOT standards.

11.3. Inspection procedures.

A. *Inspections by the design engineer.*

1. *Key inspections.* The following key inspections shall be performed by the design engineer during the course of construction:

   a. *Inspection #1.* At completion of clearing and grubbing operations. The design engineer will meet the DSR on site in order to verify that all organic materials (i.e. stumps, logs, and brush)

have been removed from the roadway area. The design engineer will also document any unsuitable soil conditions in the right-of-way. The DSR shall receive copies of all material and testing certifications.

b. *Inspection #2.* At completion of rough grading. The design engineer will inspect the roadway, especially any fill areas and slopes, to identify unsuitable soil conditions. The design engineer will review the compaction test results in the fill areas to verify that the required compaction has been achieved.

c. *Inspection #3.* At completion of subgrade and after major utility installation. The design engineer will verify that all major utilities are installed and trenches are backfilled and compacted. If unsuitable material is encountered, then the engineer of record will document the location of deficiencies, specific correction outlined to the contractor, and material used for correction. This information should be provided to the DSR as a part of the reports needed for final acceptance. The design engineer will check the road subgrade for proper elevations, grades, and crown, and will check the catch basin locations and configurations to identify any possible deviations from the plans. The design engineer will review all compaction test reports and verify the necessary number and location of tests and the required compaction at each location. The DSR or designated representative shall be on site periodically in order to observe the installation of the subgrade, drainage system and utilities where necessary.

d. *Inspection #4.* Proof roll. The DSR shall meet the design engineer on-site to conduct the proof roll prior to binder or stone base installation. If any problems are encountered, the contractor will make the necessary repairs at the direction of the design engineer and/or the DSR or his/her authorized representative.

e. *Inspection #5.* During binder/surface combination or stone base installation. The design engineer, his/her representative, or SCDOT Level 2 Asphalt inspector will periodically monitor the paving application in order to provide direction and document the binder or stone base installation. The DSR will plan to be on-site, but the county's presence will not relieve the design engineer or Level 2 inspector of his/her duty to document and certify proper installation.

f. *Inspection #6.* Binder punch-list inspection. The design engineer and DSR shall conduct a thorough punch-list inspection of the roadway, including curbs and catch basins, to identify base failures, broken curbs, broken CB aprons, water valve and/or manhole cover problems, etc. In the inspection report, the design engineer will detail the items to be corrected and the tentative schedule for repair.

g. *Inspection #7.* Follow-up inspection prior to final surface installation. The design engineer shall meet the DSR on-site to go over the repairs to the binder, curbs, and/or catch basins. If all repairs are satisfactory, the contractor will be given the permission to install the final surface.

h. *Inspection #8.* During final surface installation. The design engineer, his/her representative, or SCDOT Level 2 inspector will periodically monitor the paving application on-site to

provide direction and document the final surface installation. The DSR will plan to be on-site, but the county's presence will not relieve the design engineer or other representative of his/her duty to document and certify proper installation of the final surface.

i. *Inspection #9.* Final punch-list inspection. The design engineer, developer, contractor, DSR or his/her authorized representative shall meet on the site to go over the project. In the inspection report, the design engineer will detail the results of the meeting, any items to be corrected, and the tentative schedule for repair. If repairs are not substantially complete within 45 calendar days, a new punch list may be required.

j. *Inspection #10.* Final acceptance. The design engineer will meet the DSR or his/her authorized representative on-site to go over the finished punch-list items. If all items are complete, the DSR or his/her authorized representative will proceed to issue the notice of acceptance.

2. *Follow-up and repeat inspections.* The design engineer will be expected to conduct follow-up or repeat inspections as needed to resolve problems or provide the county with complete information and documentation as required above.

B. *Inspections by the county.* It is the owner's responsibility to ensure that the DSR or authorized representative be kept apprized of all construction activities throughout the duration of the project. The DSR and planning commission reserve the right to periodically observe the construction and/or installation of any of the site improvements to the extent necessary to be satisfied that the improvements are in substantial conformance with the approved plans. At a minimum the county shall require the following:

1. *Start up or pre-construction meeting.* At the direction of the DSR or his/her authorized representative, a start up or pre-construction meeting will be required to discuss construction issues prior to beginning work. The design engineer, contractor, utility providers and DSR or his/her authorized representative will attend the meeting, preferably on-site.

2. *Proof rolls.* The DSR or his/her authorized representative, or county approved third party geotechnical engineer must be on site for the proof roll, and any follow-up proof rolls as required. The DSR or his/her authorized representative shall review all compaction test results submitted by the design engineer and must approve the reports before the contractor installs the binder.

3. *Storm drainage inspection.* After installation of the storm drain system and prior to the binder installation, the DSR or his/her authorized representative will perform an inspection of the storm drainage system. All lids and covers will be required to be removed for the inspection. The contractor shall provide the DSR with video for the storm drainage system per SCDOT post installation inspection guidelines and provide deflection testing as needed.

4. *Binder punch-list and follow-up.* The DSR or his/her authorized representative shall meet the design engineer to inspect and punch-out the binder, curbs, and catch basins prior to installing the final surface. A follow-up meeting will be held as necessary to review and approve any required repairs.

5. *Final punch-list and follow-up.* The DSR or his/her authorized representative shall meet the design engineer and others to inspect all aspects of the roadway and drainage system and prepare the final punch list prior to acceptance. A follow-up meeting will be held as necessary to review and approve any required repairs.

6. *Paving.* The DSR and design engineer will plan to be on-site during paving installations, but will ultimately rely on the design engineer's inspection report and certification of the paving operation.

7. *Follow-up inspections.* The DSR will make additional inspections of the site as needed to meet with the design engineer, review and approve repairs, or address other problems.

8. *Thirty-six hours notice.* The county shall be provided a minimum of 36 hours advance notice prior to any of the above key inspections. Failure to provide the 36 hours advance notice may result in scheduling conflicts, delay of the County's inspection, and possible disruption of the project schedule.

11.4. Miscellaneous paving requirements.

A. *One month binder waiting period.* In order to identify and repair possible base failures prior to final paving, the final surface may not be applied for a minimum of one months after the binder application. The DSR shall inspect the binder after the one month waiting period, and shall reserve the right to extend the waiting period an additional three months if failures are observed.

11.5. Notice of approval.

A. The DSR shall conduct an inspection of the project or project phase to determine if it is substantially complete. If site improvements and stabilization are completed to the satisfaction of the DSR, prior to the written notice of approval through certificate of project close out, the applicant shall provide a complete set of as-built/record drawings (including field changes to the plans) certified by a professional land surveyor and/or engineer in the State of South Carolina as well as a statement that the development was built in accordance with the approved construction and stormwater management plans, signed and sealed by the design engineer (professional engineer in the State of South Carolina).

B. At final inspection, seeding for stabilization must have at least 70 percent density of uniform vegetative coverage. If stabilization and seeding efforts have occurred per plans but are not yet at 70 percent density of uniform vegetative coverage, the project may be issued a certificate of project close out as long as the site restoration guarantee remains valid and acceptable to the DSR. When the site is at least at 70 percent density of uniform vegetative coverage and there are no signs of significant scouring, washout and erosion, only then shall the DSR release the site restoration guarantee.
(Ord. No. 11-22, § 18, 10-3-11)

Editor's note—Ord. No. 11-22, § 18, adopted October 3, 2011, changed the title of section 11.5 from "Acceptance" to "Notice of approval."

11.6. Warranty for general subdivision infrastructure.

A. As a condition of the certification of project close out, the subdivider, either an individual, partnership, corporation, or other legal entity, will enter into an agreement with the county wherein (s)he agrees that (s)he will repair, upon written notification by the county and at his/her own expense, all defects

in material and workmanship which occur with the infrastructure approved by the county pursuant to the granting of such acceptance for a period of two years from the date such work is accepted by the county.

B. The two-year warranty period shall begin immediately after acceptance and shall cover all defects in materials, installation, and workmanship for the roadway pavement, storm drainage system, drainage outfall channels, curbs, sidewalks, and grassing/erosion control. Any significant problems, failures or defects observed during the warranty period shall be repaired by the developer at his/her expense, as deemed necessary by the DSR.

(Ord. No. 11-22, § 19, 10-3-11)

Editor's note—Ord. No. 11-22, § 19, adopted October 3, 2011, changed the title of section 11.6 from "Warranty" to "Warranty for general subdivision infrastructure."

APPENDIX A MINOR SUBDIVISION PLAT CHECKLIST

JASPER COUNTY

Minor Subdivision Plat Checklist (1)

Yes	*No*	*Waiver (2)*	*Section*	*Requirement*
			2.4B	(1) North Arrow, Scale, Date of Drawing
			2.4B	(2) Scale
				(3) Tax Sheet and Parcel Number
				(4) Subdivision Name and Name of Preparer
				(5) Owners Within 200 Feet
				(6) Boundary Survey
				(7) Topographic Conditions
				(8) Location of Existing Streets
				(9) Zoning Criteria
				(10) Setback Dimensions
				(11) 100-Year Floodplain and Wetlands
				(12) Location of Right-of-Ways
				(13) Building Areas
				(14) Utilities
				(15) Utility Letters
				(16) Building Locations and Floor Elevations
				(17) Signs
				(18) Site Improvements
				(19) Narrative

NOTES:

1. The checklist item descriptions are not all-inclusive. The applicant is directed to refer to the Jasper County Land Development Regulations for more specific detail on requirements for completeness.

2. Specific reasons for consideration must be submitted in writing for each waiver requested.

APPENDIX B MAJOR SUBDIVISION PRELIMINARY PLAT CHECKLIST

JASPER COUNTY
;Major Subdivision Preliminary Plat Checklist (1)

Yes	*No*	*Waiver (2)*	*Section*	*Requirement*
			3.2	Sheet Size
			3.2	Scale
				(a) Vicinity Map
				(b) Lot Layout
				(c) Name of Subdivision
				(d) Location of Roads
				(e) Location Plan
				(f) Utilities
				(g) Topography
				(h) Right-of-Ways
				(i) Scale, North Arrow, Date
				(j) Areas and Zoning Criteria
				(k) Sewage Facilities
				(l) Zoning Information
				(m) Site Access
				(n) Drainage Report
				(o) Road Design
				(p) Environmental Impact Assessment
				(q) Water Bodies
				(r) Entrance Islands and Cul-de-sacs
				(s) Geotechnical Report
				(t) Traffic Report

NOTES:

1. The checklist item descriptions are not all-inclusive. The applicant is directed to refer to the Jasper County Land Development Regulations for more specific detail on requirements for completeness.

2. Specific reasons for consideration must be submitted in writing for each waiver requested.

APPENDIX C MAJOR SUBDIVISION FINAL PLAT CHECKLIST

JASPER COUNTY
Major Subdivision Final Plat Checklist (1)

Yes	*No*	*Waiver (2)*	*Section*	*Requirement*
			4.2	Submission of Plats
			4.2A	Subdivision Name, Scale, Date, etc.
			4.2B	Surveyor Certification
			4.2D	Map Information
				(1) North Arrow
				(2) Boundary Information
				(3) Adjacent Land Owners
				(4) Right-of-Ways
				(5) Monumentation
				(6) Streets and Easements
				(7) Easement Dedication
				(8) Road Dedication
				(9) Zoning Classification
				(10) Deed Restrictions
				(11) Flood Elevation

NOTES:

1. The checklist item descriptions are not all-inclusive. The applicant is directed to refer to the Jasper County Land Development Regulations for more specific detail on requirements for completeness.
2. Specific reasons for consideration must be submitted in writing for each waiver requested.

APPENDIX D MINOR SITE PLAN CHECKLIST

JASPER COUNTY
Minor Site Plan Checklist (1)

Yes	*No*	*Waiver (2)*	*Section*	*Requirement*
			2.3A	Taxes and Assessments
			2.3B	Corporate Ownership Disclosure
			2.6	Submission of Plan and Fees
			2.6	5 Copies of Application
			2.6	3 Copies of Plans
			2.8A(1)	Sheet Size
			2.8A(2)	Title Block Information
			2.8A(3)	North Arrow, Date, Revisions
			2.8C(1)	Scale
			2.8C(2)	Information
				(a) Names, Address and Titles
				(b) Tax Map Information
				(c) Key Map
				(d) Date, Graphic Scale and North Arrow
				(e) Owners Affidavit
				(f) Setback Requirements
				(g) Landscaping, Fencing, Trees, etc.
				(h) Signs and Utility Poles
				(i) Principal and accessory structure data
				(j) Buildings, Drainage and Parking
				(k) Topography
				(l) Storm Drainage Facilities, Design & Analysis
				(m) Utility Analysis
				(n) Parking, Drives, Sidewalks, etc.

NOTES:

1. The checklist item descriptions are not all-inclusive. The applicant is directed to refer to the Jasper County Land Development Regulations for more specific detail on requirements for completeness.
2. Specific reasons for consideration must be submitted in writing for each waiver requested.

APPENDIX E PRELIMINARY MAJOR SITE PLAN CHECKLIST

JASPER COUNTY
Preliminary Major Site Plan Checklist (1)

Yes	*No*	*Waiver (2)*	*Section*	*Requirements*
			2.3A	Taxes and Assessments
			2.3B	Corporate Ownership Disclosure
			2.6	Submission of Plan and Fees
			2.6	5 Copies of Application
			2.6	3 Copies of Plans
			2.8A(1)	Sheet Size
			2.8A(2)	Title Block Information
			2.8A(3)	North Arrow, Date, Revisions
			2.8C(1)	Scale
			2.8C(2)	Information
				(a) Names, Address and Titles
				(b) Tax Map Information
				(c) Key Map
				(d) Date, Graphic Scale and North Arrow
				(e) Owners Affidavit
				(f) Setback Requirements
				(g) Landscaping, Fencing, Trees, etc.
				(h) Signs and Utility Poles
				(i) Principal and accessory structure data
				(j) Buildings, Drainage and Parking
				(k) Topography
				(l) Storm Drainage Facilities, Design & Analysis
				(m) Utility Analysis
				(n) Parking, Drives, Sidewalks, etc.
				(o) Estimate and Analysis of Traffic
				(p) Rights-of-Way and Easement
				(q) Contiguously Owned Lands
				(r) Plans & Profiles of Adjoining Streets
				(s) Site Lighting
				(t) Sanitary Sewage Disposal System
				(u) Stages of Development
				(v) Owners within 200 Feet
			2.8C(3)	Plan Preparer Credentials
			2.8C(4)	Environmental Impact Statement
			2.8C(5)	Community Services Impact Statement

NOTES:

1. The checklist item descriptions are not all-inclusive. The applicant is directed to refer to the Jasper County Land Development Regulations for more specific detail on requirements for completeness.
2. Specific reasons for consideration must be submitted in writing for each waiver requested.

APPENDIX F FINAL MAJOR SITE PLAN CHECKLIST

JASPER COUNTY
Final Major Site Plan Checklist (1)

Yes	*No*	*Waiver (2)*	*Section*	*Requirement*
			2.3A	Taxes and Assessments
			2.3B	Corporate Ownership Disclosure
			2.6	Submission of Plan and Fees
			2.6	5 Copies of Application
			2.6	5 Copies of Plans
			2.8A(1)	Sheet Size
			2.8A(2)	Title Block Information
			2.8A(3)	North Arrow, Date, Revisions
			2.8D(2)	Scale
			2.8D(3)	Information
				(a) Names, Address and Titles
				(b) Tax Map Information and Adjacent Owners
				(c) Key Map
				(d) Date, Graphic Scale and North Arrow
				(e) Affidavit of Owner's Consent
				(f) Zone District and Bulk Requirements
				(g) Boundary Survey and Certification
				(h) Principal and Accessory Structure Data
				(i) Architectural Drawings
				(j) Topographic Conditions and Grades
				(k) Setbacks, Fences, Landscaping, Trees
				(l) Landscape and Planting Plan and Schedule
				(m) Signs and Lighting, Design and Details
				(n) Storm Drainage Design and Details
				(o) Curbs, Sidewalks, Drives, Parking, etc.
				(p) Rights-of-Ways and Easements
				(q) Sanitary Sewer Linesands
				(r) Utilities
				(s) Nature of Remaining Lands
				(t) Public Access

Yes	*No*	*Waiver (2)*	*Section*	*Requirement*
				(u) Off-Site and Off-Tract Improvements
				(v) Vehicular Ingress and Egress
				(w) Provisions for Garbage Disposal
				(x) Internal Circulation Patterns
				(y) Fire Prevention Measures
				(z) Estimate of Site Usage
				(aa) Other Features Affecting the Property
				(bb) Construction Details
				(cc) Other Data Required by the DSR
				(dd) Estimate of Construction Quantities
				(ee) Copies of All Permits and Approvals
			2.8D(4)	Plan Preparer Credentials

NOTES:

1. The checklist item descriptions are not all-inclusive. The applicant is directed to refer to the Jasper County Land Development Regulations for more specific detail on requirements for completeness.
2. Specific reasons for consideration must be submitted in writing for each waiver requested.

APPENDIX G ELECTRONIC SURVEY SUBMISSION STANDARDS

JASPER COUNTY
Electronic Survey Submission Standards

Drawing File (DWG/DXF) Specifications

Layer Number	*Layer Name*	*Feature Type*	*Layer Description*
2	PARCEL 1	Line	Parcel/lot boundaries
4	ROW1	Line	Rights of way delineating private/public land boundary
6	GCP1	Point	Ground control points for drawing file
17	CNTRLIN1	Line	Street/road centerlines (paved and unpaved)
26	EAS	Line	Utilities, wildlife, transportation, storm drainage, etc.
51	LONTUM1	Text	Proposed parcel lot number
52	LOTDIM1	Text	Bearings, distances, acreage, and x/y of POB
54	RDNAME1	Text	Street/road name
55	RDNAME2	Text	Road number (Federal, State, County highways, etc.)
59	EASTYPE	Text	Type of easement (utility, wildlife, storm, etc.)

NOTE: Only layers applicable to a given plat need to be submitted.

Submission Checklist:

1. Metadata Text File (<drawing_file_name>.txt') Specifications

2. Plat/Subdivision Name:
3. Drawing/File Name:
4. Type of Drawing (Preliminary, Final, As-Built, etc.):
5. Submittal Date:
6. County:
7. City:
8. Parent Parcel #:
9. Number of Lots:
10. Type of Survey (GPS or Terrestrial):
11. Referenced Monument Names/Numbers:
12. Plat Tie Point Description:
13. Grid Bearing and Grid Distance to Monuments:
14. State Plane Coordinates of the Plat Tie Point:
15. GPS Unit Type (Manufacturer and Model):
16. Elevation Reference:
17. Prepared by/Firm Name:
18. Contact Information including Street Address, City, State Zip Code, Phone Number and E-mail:
19. Software/Version Used:

CODE COMPARATIVE TABLE

ORDINANCES AND RESOLUTIONS

This is a chronological listing of the ordinances and resolutions of the county used in this Code. Repealed or superseded laws at the time of the codification and any omitted materials are not reflected in this table.

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7-18-77(Ord.)	V	6-71
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2-11-80(Ord.)	1—3	26-36—26-38
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	17.9.1(2)		App. A, § 13.5
2- 6-95		Added	App. A, §§ 18.0—18.11
2- 6-95	1	Added	App. A, § 19.0
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2- 6-95		Added	App. A, App. B—Chs. 1.0—4.0
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6- 5-95(2)(Ord.)	1, 2	Added	18-26, 18-27
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9- 5-95	I—III	Added	24-26—24-38
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10- 2-95(2)(Ord.)		Added	App. A, § 13.33
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8- 5-96(2)(Ord.)	1—4	Added	3-3
2-27-97		Dltd	App. A, Art. XIII
		Added	App. A, §§ 20.0—20.10
3- 3-97	1	Dltd	App. A, § 13.0—13.2
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10- 6-97	1, 2		App. A, § 20.9(1), (2)
3- 2-98	1	Added	App. A, § 6.12
	2		App. A, Art. XV
4-20-98	1	Added	6-73
5- 4-98	1		App. A, Art. XV
	2		App. A, §§ 17.8, 17.9
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5- 3-99	1	Rpld	8-31—8-49, 8-101—8-107, 8-141, 8-156—8-169
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4-17-00	6.00—10.70	Added	App. A, §§ 21.1—21.35

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02-02	3-18-02	1	Added	App. A, §§ 11.00—11.60, 12.00—12.10, 21.00—21.30, 22.00—22.30, 23.00—23.40, 24.00—24.90, 25.00—25.60, 26.00—26.170, 27.00—27.80, 31.00—31.50, 32.00—32.30, 41.00—41.20, 42.00—42.30, 51.00—51.40, 61.00—61.30, 62.00—62.60, 71.00—71.80, 72.00—72.60, App. A, Art. 8, 91.00—91.20, 92.00—92.30, 101.00—101.40, 102.00—102.60, 103.00—103.30, 104.00—104.40, 111.00—111.30, 112.00—112.100, 113.00—113.40, 114.00—114.20, 115.00—115.20,
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			Added	App. B, § 4.50
04-16	8-16-04		Added	2-33

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05-07	5- 2-05		Added	8-171
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		5		App. A, § 112.0
05-18	8-15-05			App. A, § 21.31
06-01	1-17-06	1		App. A, § 111.10
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		6	Added	App. A, § 6:2.2A
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		5	Rpld	App. A, § 17:2.2
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11-11	5-16-11	1	Added	Ch. 6, Art. II, Div. 4, § 6-68
11-14	6- 6-11	1	Added	Ch. 4, §§ 4-1, 4-2

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		9		App. B, § 3.5
		10	Added	App. B, § 3.8 C.(6), D.(5)
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			Rpld	App. B, § 4.7 Q.
		13	Rpld	App. B, § 8.7 B.1.b.
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