

CHAPTER 5

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Article I. In General.

Sec. 5-1. Fire Limits.¹

The fire limits of the Town of Sullivan's Island hereby are declared to include all office commercial and general commercial districts, as defined in the Town's Zoning Ordinance. Within the fire limits structure shall be erected and maintained as required by Sections 5-25-1110 through 5-25-1160 of the Code of Laws of South Carolina, 1976, which hereby are adopted by reference as a part of this section. (1962 Code, S5-3)

Sec. 5-2. Prohibition of use of certain structures as living quarters.²

No camper, trailer, motor home, recreational or other vehicle, tent, shack, garage, barn, outbuilding, basement or temporary structure of any kind shall be occupied as living quarters on Sullivan's Island. (1962 Code, S5-4)

Sec. 5-3. Punishment of chapter violations.

Any person, firm, or corporation who erects, constructs, enlarges, alters, repairs, moves, improves, removes, converts, demolishes or occupies any building or structure on Sullivan's Island or causes the same to be done in violation of this chapter shall be punished as provided in Section 1-7 of this Code. The Town Council in addition thereto may enter upon the said premises by its lawful agents and remove structures or portions thereof erected in violation of this chapter. (12-18-61, S7; 4-22-74, S1)

Article II. Official Codes.

Division 1. Adoption and construction of technical codes.³

Sec. 5-4. Building, plumbing and electrical codes adopted.

It is the desire of the Town Council of the Town of Sullivan's Island to adopt, in all respects, the various Standard Codes relating to building, fire prevention, gas, electrical, housing, mechanical, plumbing and swimming pools.

It is also the desire of the Town Council to adopt, for the purpose of regulating the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area, or maintenance of buildings,

¹ For state law as to authority of Town to establish fire limits, see Code of Laws of South Carolina, 1976, SS5-7-30, 5-25-20 and 5-25-20 and 5-25-1110. As to fire protection generally, see Chapter 8 of this Code.

² As to specific tanks being prohibited, see S18-2 of this Code.

³ For authority of Town to adopt standard codes by reference, see S5-7-280 of Code of Laws of SC, 1976.

structures, or their appurtenances in the Town of Sullivan's Island the following certain standard or technical codes, except such portions thereof as conflict with or are deleted, modified or amended by this chapter or other ordinances of the Town.

The adoption of these Codes is done to facilitate proper inspection activities by the Town of Sullivan's Island, relating to construction and to maintenance of buildings within the corporate limits of said Town and relating to public safety, health and general welfare.

The following Codes are hereby adopted by reference as though they were copied herein fully:

- A. 2000 International Building Code
- B. 2000 International Plumbing Code
- C. 2000 International Mechanical Code.
- D. 2000 International Fuel Gas Code
- E. 2000 International Fire Code
- F. 1998 International Property Maintenance Code
- G. 1999 National Electrical Code
- H. 2000 International Energy Code
- I. International Residential Code.

Section 1. That certain documents, one (1) copy of which is on file in the office of the Building Official being marked and designated as *International Residential Code*, including Appendix Chapters A, B, C, D, E, F, G, H, J, K, and as may be subsequently revised by South Carolina Buildings Code Council as published by the International Code Council and is hereby adopted as the code of the Town of Sullivan's Island for regulating, the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of one- and two-family dwellings not more than three stories in height in the Town of Sullivan's Island and providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, conditions and terms of such *International Residential Code*, 2000 edition, published by the International Code Council on file in the office of the Building Official are hereby referred to, adopted and made a part hereof as if fully set out in this ordinance.

Section 2. The following section of the International Residential Code is hereby revised:

Table R301.2(1) - Roof snowload (5 lbs), windspeed (130 MPH), Seismic Design Category (D2), Weathering (Moderate), Termite (very heavy), Winter design temperature (28), Flood Hazard (March 18, 1991).

Section 3. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Town of Sullivan's Island hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsection, sentences, clauses and phrases be declared unconstitutional.

Section 4. That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect July 1, 2002 from and after the date of its final passage and ratification.

(12-19-95, 7-17-01, 7-18-02)

The Town Clerk shall maintain in the Town Hall for inspection and use by the interested public not less than one (1) copy of each of said Codes. Said Codes shall have the same force and effect as if fully set forth and adopted in the general Code of Laws of the Town, and all provisions thereof, except as deleted, modified or amended by this chapter or other ordinances of the Town shall apply to new construction or any repairs or renovations hereafter made.

Within said codes when reference is made to the duties of certain officials named therein that designated official in the Town of Sullivan's Island who has duties corresponding to those of the named official in said code shall be deemed to be the responsible official insofar as enforcing the provisions of said Code are concerned. (1-16-84; 11-7-89)

Sec. 5-5. Construction of certain terms in standard codes.

- A. Whenever the term "municipality" is used in codes adopted pursuant to this article, it shall be held to mean the Town of Sullivan's Island.
- B. Whenever the words "applicable governing body" or "chief appointing authority" are used in said codes, they shall be held to mean the Town Council of Sullivan's Island.
- C. Whenever the words "inspector" or "approving authority" are used in said codes, they shall be held to mean the Building Inspector and where zoning is involved, they also shall include the Zoning Administrator. (1962 Code, S5-6)

Division 2. Specific exceptions to codes.

Sec. 5-6. Electric installations: materials regulated.

The installation of aluminum wire, conductors or cables on Sullivan's Island is hereby declared unlawful. In all installations of wiring and circuitry hereafter copper wiring and cabling shall be used. (5-15-72)

Sec. 5-7. Fencing of pools required.

All pools, swimming or other, on Sullivan's Island shall henceforth be surrounded by a cyclone or equivalent substantial fence no less than four (4) feet in height, which fence shall be on or within the boundary line of the lot wherein the pool is located. Provided, however, that two or more sides of the pool may be surrounded by the walls of a building or buildings in lieu of a fence if the building is no less than eight (8) feet in height. (7-26-73, S1; 6-24-94)

Sec. 5-8. Non-conforming pools; exception.

Any existing pool which does not conform to this article at the time that this article becomes effective, but which heretofore has been approved by the Town Council or its predecessor, shall be considered lawful. Any other existing pool shall be lawful for ninety (90) days after the enactment of this article and shall thereafter be brought into compliance with this article. (7-26-73, S2)

Sec. 5-8.1. Regulation of Water to Air Heat Pumps.

Owners of water-to-air heat pumps shall be required to return discharged water to the Island's water table by means of a sprinkler system, a tile field, or a series of dry wells. It shall be unlawful for any person to discharge such water into the Town's drainage or sewer systems.

Article III. Building Permits Generally.

Sec. 5-9. Required.

It shall be unlawful to erect, construct, improve, alter or repair any building, sign, or other structure or any part thereof or alter any parcel of land in preparation of such erection, construction, improvement or repair without first having obtained from the Building Inspector a written permit for such erection, construction, improvement, alteration, or repair, pursuant to the provisions of this article. It shall likewise be unlawful to maintain any erection, construction, improvement, alteration or repair of any building, structure or part thereof or alter any parcel of land in preparation of such erection, construction, improvement or repair without first having obtained the written permit here required.

Sec. 5-10. Application.

Application for a building permit shall be made in writing to the Building Inspector or his designated representative at the Town Hall on a form or forms approved and furnished by said Inspector. For the convenience of the public and efficiency in administration, the Zoning Administrator may combine said building permit application form with application forms for zoning, use or other town permits, may provide spaces thereon for endorsement or approval by other town officers or officials, and may require two or more copies of said form to be filed by the applicant.

Plans and specifications adequately describing the proposed erection, construction, improvement, alteration or repair shall be submitted with the application which shall set forth the approximate cost, supported by bids or detailed estimates, if requested by the inspector. (4-6-38, S

For property that lies in whole or in part seaward of the SCCC 40-year setback line, plans submitted with the application for a building permit must show the location of the SCCC baseline, the SCCC 40-year setback line, and any other SCCC jurisdictional lines established in the field by SCCC staff. Any proposed erection, construction, improvement, alteration or repair seaward of the SCCC 40-year setback line must be in compliance with SCCC regulations. The applicant must include with the application written SCCC approval for the activity, where such approval is required by SCCC regulations. (1-21-92)

Sec. 5-11. New construction.

When the Town Clerk received an application in writing for a building permit, stating that a new building or structure is contemplated, she shall immediately forward the application to the Building Inspector and Zoning Administrator, together with a plot plan, to be furnished by the applicant, showing the location of the proposed structure on the lot and the floor plan and elevation of said structure, and full compliance with Section 21-28. (8-16-88)

Sec 5-12 Requirements for New Construction and Improvements.

The following are requirements for construction and improvements for which a permit and/or a business license are required. A signed copy of this document must accompany all applications for a business license.

- A. The contractor or owner acting as the contractor will be solely responsible for the enforcement of these guidelines among all workers and subcontractors on the jobsite and areas adjoining the jobsite. (10-19-04)
- B. CONSTRUCTION HOURS: Construction hours apply to all contractors, sub-contractors, landscapers, suppliers and vendors.

8:00 AM TO 6:00 PM Monday through Friday.

10:00 AM TO 4:00 PM Saturday.

No work will be allowed on Sundays and Holidays.

No work will be allowed outside of the hours and times stated above.

(Exception) Approval for performing emergency repairs may be granted for working outside of the hours as stated above. A home owner or members of their immediate family may perform maintenance or work on their own property at any time provided all other Sullivan's Island ordinances are being adhered to. (10-19-04)

C. Silt fencing must be installed on all property lines for new construction or substantial improvements. Only one break in the silt fencing will be allowed at the property access point. Access to the property must be limited to one access, maximum 16 feet in width, at the site of the proposed driveway. Adequate protection must be provided for the water meter and sewer cleanouts. Hose bibs must be located a minimum of 10 feet from the water meter. Hose bib must be mounted to a 4" X 4" minimum post, 3 feet in height above grade. (10-19-04)

D. Adequate litter receptacles (dumpsters) must be provided and used. Dumpsters must be delivered and picked up during normal construction hours as stated in 5-12 B. Timely disposal must be made. Jobsites must be policed daily and any loose debris must be placed in a receptacle to prevent debris from blowing onto the jobsite, neighboring properties or public property. (10-19-04)

E. Construction Materials, supplies, dumpsters and equipment must be placed on the building site. The SCDOT Right of way is for parking of vehicles only. Any other use of the right of way or road must be approved in advance by SCDOT and the Town of Sullivan's Island. The approval must be in writing and a copy of the approval must be available for inspection at the construction site. Any damage done to the road or right of ways will be the responsibility of the contractor and must be repaired before a certificate of occupancy or a certificate of completion is issued. (10-19-04)

F. Property corners must be clearly defined at all times during construction. The markers may only be removed after a certificate of occupancy is issued. Markers will extend a minimum of 12 inches above grade at all times during construction. (10-19-04)

G. Fires will not be permitted. (10-19-04)

H. Loud and/or offensive language or music is not permitted. (10-19-04)

I. Firearms are not allowed. (10-19-04)

J. Litter/construction material disposal at roadside is not permitted. Any construction site must dispose of all construction debris in an approved land fill. Disposal of hazardous materials must be coordinated with SCDHEC. The Town of Sullivan's Island must be notified immediately of the discovery of any hazardous materials. (10-19-04)

- K. Parking for all construction personnel must be on the job site. Adjoining properties may not be used for parking and/or access to the job site. Streets where parking is prohibited may not be used for parking of construction personnel or the storage of construction equipment or materials. (10-19-04)
- L. The contractor is responsible, at the contractor's expense, for the repair/replacement of any property damages, public or private, by construction equipment, personnel, subcontractors, suppliers or machinery- to include roadways, right of ways, water and sewer lines or meters and adjoining properties surrounding the construction site. Construction personnel or equipment must not block any street or impede the flow of traffic on any street at any time. (10-19-04)
- M. Portable toilets are required on all new construction or substantial improvement sites. Portable toilets or adequate toilet facilities will be required on site for all construction for which a permit is required. Portable toilets will be located in an inconspicuous location and away from adjoining homes. (10-19-04)
- N. Contractor is prohibited from enclosing any water meter, sewer tap cleanout or fire hydrant by erecting a fence, wall or other barrier (including vegetation) that would inhibit personnel from performing their duties. Clear access must be provided to water, sewer and fire personnel at all times. (10-19-04)
- O. Paint, cement, chemicals and silt are prohibited from entering any storm water drainage ditch, swale, culvert or inlet. No ditch, swale, culvert or inlet may be filled, blocked or destroyed without obtaining prior permission from SCDOT and the Town of Sullivan's Island. (10-19-04)
- P. Road right of way may be planted with grass only. Plants, shrubs, trees, landscape berms, landscape irrigation, etc. are strictly prohibited in the right of way. (10-19-04)
- Q. On all new construction or substantial improvement a sign stating the address of the site, the contractor of record and contact phone number must be erected so as to be visible from the street. The address must be displayed with 4 inch or larger letters. In addition to the sign board a permit board/box must be available for contractor permits and subcontractor permits. Permits must be protected from weather and must be readily accessible. Total sign square footage shall not exceed 32 sq. ft. for all signs on the property as stated in section 21-44. (10-19-04)
- R. Trees: Signs are not allowed to be affixed to any tree in any manner. Trees or limbs over 6 inches in diameter require a permit for removal. Trees over 16 inches in diameter and Palmettos are protected trees and must be treated as such. An adequate barrier must be installed and maintained to protect the canopy and root system. No equipment, materials or vehicles are allowed to be inside the barrier at any time. No fill will be allowed inside the barrier until a

certified arborist has been consulted and permission for fill is granted by the Zoning Administrator or his agent. (10-19-04)

Sec. 5-13. Fees for building and electrical permits.

At the time of securing a building or electrical permit, an applicant shall pay the fee for said permit, which has been established by the currently effective resolution of Town Council. (4-6-38, 12-15-75, 12-5-77)

Sec. 5-14. Display of permit.

A building permit, when issued shall be kept at the building or place where the erection, construction, improvement, alteration or repair is being done and, on demand, shall be produced by the person in charge of the work for inspection by any police officer or any Town Council member or officer. It shall be unlawful to continue work without producing a permit for inspection, when demanded. (4-6-38)

Sec. 5-15. Business license fee to accompany application.

Where the application is for the use of existing improved or unimproved property for commercial purposes the application shall be accompanied by the appropriate business license fee otherwise provided by Town ordinance and other reasonable information as the Town Council may require in the individual case. (12-18-61, S3)

Sec. 5-16. Inspection of filling and drainage of building lots as prerequisite to issuance of permit.

The Building Inspector shall not issue a building permit until he shall have inspected the lot upon which said building is proposed to be erected and has determined that said lot is filled above the level of the pavement and graded so as to be effectively drained. (9-20-65, S2)

- A. No fill will be allowed on any lot on Sullivan's Island without first having obtained a permit approved by the Building Official.
- B. The Building Official shall not issue a building permit until he shall have inspected the lot upon which said building is to be erected or proposed fill is to be placed.
- C. Prior to inspecting the lot:
 - (i) Existing topographic survey must be submitted to the Building official at time of permit application.

- (ii) Proposed topographic site plan must be submitted to the Building official at time of permit application. An as built will be required for new construction.
 - (iii) If a lot is below street grade and does not drain properly a drainage/fill plan must be submitted for approval by the building official. The building official may at his discretion require the plan be submitted by a licensed civil engineer to ensure the lot is effectively drained.
- D. Berms, Building pads or Fill increased more than one foot (1'0") above existing grade are prohibited. Existing defined as the date of original application for permit or date of existing topographic survey on file in the office of the Building Official.
- E. Fill on any lot may not be retained by retaining walls.
- F. Silt fencing is required to be placed on the property line of the lot being filled and must be maintained until fill has been stabilized to prevent fill from migrating to neighboring properties. Fill migration to other properties and/or SC DOT right of way is prohibited. (10/21/03)

Article IV. Sign Permits.

Sec. 5-17. Sign or signboard defined.

Whenever used and referred to in this article, "sign" or "signboard" shall mean any writing, letter, word, numeral, picture, illustration, emblem, symbol, trademark, flag, banner, pennant or other figure or similar character which:

- A. Is visible to public view from a public street or way.
- B. Is used to announce, direct attention or advertise.

(12-16-63, S1)

Sec. 5-18. Applicability of article.

No sign or signboard shall be constructed, erected, painted, altered, rebuilt, enlarged, expended or relocated except in conformity with the provisions of this article and other provisions of Chapter 21 and the Standard Building Code adopted by Section 5-4.

Sec. 5-19. Permit required to erect signs; prerequisite to issuance.

It shall be unlawful for any person to construct, erect, paint, alter, or relocate any sign or signboard, not specifically exempt by Section 5-20, without first obtaining a permit therefore from the Inspector and Zoning Administrator, which shall contain the following information:

- A. The name, address and telephone number of the owner or tenant and of the contractor.
- B. The location of the real estate to which such sign or signboard will attach and its relative position with respect to buildings or structure on the same lot.
- C. Such construction details shall clearly demonstrate compliance with the Building Code, the electrical code and any other applicable provisions of this Code and of state law. Such details shall include, but shall not be limited to, a drawing of the proposed sign or signboard, its dimensions and area, maintenance from which constructed, method of construction and attachment to real estate, character and method of illumination and the minimum vertical clearance above grade.
- D. The size, location and description of all other signs or signboards located on the same zoning lot. (12-16-63, S1)

Sec. 5-20. Exceptions to sign permit requirement.

- A. Signs permitted by Section 21-44 of the Zoning Ordinance shall not require a building permit, if they do not project into or above a public street, right-of-way or other public property.
- B. A permit shall not be required to repaint, repair or maintain a sign lawfully erected and currently in compliance with the law. (12-16-63, S1)

Article V. Dwellings and dwelling units unfit for human habitation.⁴

Division 1. Generally.

Sec. 5-21. Authority for enactment; remedies cumulative.

In accordance with the provisions of S5-7-30, et seq., Code of Laws of South Carolina,

⁴ This ordinance supplanted an ordinance on the same subject adopted 2-12-72.

1976, there are hereby established standards for dwelling units fit and unfit for human habitation, all as hereinafter provided. The remedies herein provided are cumulative to those provided in the Standard Building Code, heretofore adopted pursuant to the Code of Laws of South Carolina, 1976, as amended. (5-19-75, S5-1.0)

Sec. 5-22. Legislative findings as to unfit dwellings; declaration of intent to repair, close or demolish such buildings.

The Town Council of Sullivan's Island hereby finds that there exists within the town dwellings which are unfit for human habitation due to dilapidation, defects increasing the hazards of fire, accidents or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety or morals, or otherwise inimical to the welfare of the residents of the town. The Town Council declares its intent to exercise its police powers to repair, close or demolish such dwellings. (5-29-75, S1.1)

Sec. 5-23. Definitions.

The following words and terms wherever used and referred to in this article shall have the following respective meanings for the purpose of the article, unless a different meaning clearly appears in the context:

Board of Health. The term "board of health" shall be taken to mean the County Board of Health of Charleston County, South Carolina.

Dwelling. The word "dwelling" shall be taken to mean any building, or structure, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

Dwelling Unit. The term "dwelling unit" shall be taken to mean any separate aggregation of rooms within any building or structure used and occupied for human habitation or intended to be so used and includes any part thereof and outhouses and appurtenances belonging thereto or usually enjoyed therewith.

Governing body. The term "governing body" shall mean the Town Council of Sullivan's Island.

Living room. The term "living room" shall be taken to mean a room or enclosed floor space used or intended to be used for living, sleeping or cooking purposes, excluding bathroom, toiletroom, laundries, pantries, foyers or community corridors, closets and storage spaces.

Municipality. The word "municipality" shall be taken to mean the Town of Sullivan's Island.

Multiple dwelling. The term "multiple dwelling" shall be taken to mean a

dwelling designed or occupied other than as a one-family or two-family dwelling. The term "multiple dwelling" shall be understood to include apartment houses, tenement houses and all other family dwellings of similar character, except row houses and town houses, where apartments or suites are occupied and used as separate complete housekeeping units, but not to include hotels or apartment hotels. The term also includes boarding houses, rooming houses and any other dwelling or dwelling unit occupied by three or more persons who are not related by blood or marriage.

Occupant. The word "occupant" shall be taken to mean any persons living and sleeping, either or both, in a dwelling or rooming unit.

Operator. The word "operator" shall be taken to mean any person who has charge, care or control of a building or part thereof in which dwelling unit and/or rooming units are let.

Owner. The word "owner" shall be taken to mean the holder of the title in fee simple and every mortgagee on record.

Parties in interest. The term "parties in interest" shall be taken to mean all individuals, associations, corporations, and others who have interest of record in a dwelling and any who are in possession thereof.

Public authority. The term "public authority" shall be taken to mean any housing authority or any officer who is in charge of any department or branch of the government of the Town or the State relating to health, fire, building regulations, or to other activities concerning dwellings in the Town.

Public Safety and Housing Officer. The term "Public Safety and Housing Officer" shall be taken to mean the Fire Chief who is authorized by this article to exercise the powers prescribed in this article. (11-21-83)

Rooming house. The term "rooming house" shall be taken to mean any dwelling or that part of any dwelling containing three or more rooming units in which space is let by the owner or operator to three or more persons who are not husband or wife, son or daughter, mother or father, or sister or brother of the owner or operator.

Rooming unit. The term "rooming unit" shall be taken to mean any room or group of rooms forming a single unit used or intended to be used for living and sleeping, but not for cooking or eating purposes. (5-19-75, S5-1.2)

Sec. 5-24. Creation and appointment of Public Safety and Housing Officer.

The Fire Chief of Sullivan's Island shall be the Public Safety and Housing Officer and shall perform the duties outlined in this article. (11-21-83)

Sec. 5-25. Funds for examination and investigation; examinations, investigations and enforcement; appropriations, grants and donations.

The Town Council shall, as soon as possible after the ratification of this article, prepare an estimate of the annual expenses or costs to provide the equipment, personnel and supplies necessary for periodic examinations and investigations of the dwellings in the Town for the purpose of determining the fitness of such dwellings for human habitation, and for the enforcement and administration of its ordinances.

The Town Council is authorized to make such appropriations from its revenues as it may deem necessary for this purpose and may accept and apply grants or donations to assist it in carrying out the provisions of this article. (5-19-75, S5-1.4)

Sec. 5-26. Construction of article generally.

Nothing in this article shall be construed to abrogate or impair the powers of the court or of any department of the Town to enforce any provisions of its character or its ordinances or regulations, nor to prevent or to punish violations thereof; and the powers authorized by this article shall be in addition and supplemental to the powers conferred by any other ordinance or law. (5-19-75, S1,5)

Sec. 5-27. Failure to comply with authorized notice to order.

It shall be unlawful for the owner of any dwelling or dwelling unit unfit for human habitation under the provisions of this article to fail to comply with any notice or order to repair, vacate or demolish such dwelling unit issued by any person authorized by his article to issue such notice or order. 95-19-75m S5-1.6)

Sec. 5-28. Injuring, etc., posted notices.

It shall be unlawful for any person to remove or deface any notice posted on any dwelling or dwelling unit by any authorized officer under the term of this article. (5-19-75, S5-1.7)

Sec. 5-29. Receipt of rentals after expiration of time limit in notice or order.

It shall be unlawful for any person, individually or as the representative of any person, firm or corporation, to receive rentals after the expiration of the time limit set forth in any notice or order issued by the public safety and housing officer. (5-19-75, S5-1.8)

Sec. 5-30. Interference with enforcement of article.

It shall be unlawful for any person, individually or as the representative of any person,

firm or corporation to interfere in any way with the enforcement of any of the terms or provision of this article. (5-19-75, S5-1.9)

Sec. 5-31. Damaging, etc., facilities in dwelling units.

It shall be unlawful for any persons, individually or as the representative of any person, firm or corporation, to damage, mutilate or remove, or cause to be damaged, mutilated or removed, any of the facilities in a dwelling unit, as referred to in S5-41 through S5-58. (5-19-75, S5-1.10)

Sec. 5-32. Violation of article.

It shall be unlawful for any person, individually or as the representative of any person, firm or corporation, to violate any of the terms or provisions of this article. (5-19-75, S5-1.11)

Division 2. Procedure, Powers and Duties of Public Safety and Housing Officer.

Sec. 5-33. Complaint of dwelling unfit for human habitation, notice of hearing thereon; right to answer to complaint; rules of evidence.

Whenever a petition is filed with the Public Safety and Housing Officer by a public authority or by at least five residents of the Town charging that any dwelling is unfit for human habitation or whenever it appears to the Public Safety and Housing Officer, on his own motion, that any dwelling is unfit for human habitation, the Public Safety and Housing Officer shall, if his preliminary investigation disclosed a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such dwelling, a complaint stating the charges in that respect and containing a notice that a hearing will be held before the Public Safety and Housing Office, or his designated agent, a place therein fixed not less than ten days nor more than thirty days after the serving of such complaint; that the owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Public Safety and Housing Office. (5-19-75, S5-2.0)

Sec. 5-34. Order for repair, alteration, improvement or demolition of building upon determination of unfitness for human habitation.

If, after notice and hearing, as provided for in S5-33, the Public Safety and Housing Officer determines that the dwelling under consideration is unfit for human habitation, he shall state in writing his findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof and order,

- A. If the repair, alteration or improvement of the dwelling can be made at a

reasonable cost in relation to the value of the dwelling, requiring the owner, within the time specified in the order, to repair, alter, or improve such dwelling to render it fit for human habitation or to vacate and close the dwelling as a human habitation, or

B. If the repair, alteration or improvement of the said dwelling cannot be made at a reasonable cost in relation to the value of the dwelling, requiring the owner, within the time specified in the order, to remove or demolish such dwelling. (5-19-75, S5-2.1)

Sec. 5-35. Repair, etc., or vacation and closing of building; posting of placard indicating that building is closed.

If the owner fails to comply with an order to repair, alter or improve or to vacate and close the dwelling, as provided in S5-2.1, the Public Safety and Housing Officer may cause such dwelling to be repaired, altered, or improved or to be vacated and closed; and the Public Safety and Housing Officer may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human habitation; the use and occupation of this building for human habitation is prohibited and unlawful." (5-19-75, S5-2.2)

Sec. 5-36. Removal or demolition of building when owner fails to comply with order.

If the owner fails to comply with an order to remove or demolish the dwelling, as provided in S5-34, the Public Safety and Housing Officer may cause such dwelling to be removed or demolished. (5-19-75, S5-2.3)

Sec. 5-37. Cost of repairs or demotion as lien; sale of materials and distribution of proceeds when dwelling is removed or demolished by public officer; powers of Council as to nuisance.

The amount of the cost of repairs, alterations or improvements, or vacating and closing, or removal and demolition by the Public Safety and Housing Officer under Sections 5-35 and 5-36 shall be a lien against the real property upon which such cost was incurred. If the dwelling is removed or demolished by the Public Safety and Housing Officer, he shall sell the materials of such dwelling and shall credit the proceeds of such sale against the cost of removal and demolition and any balance remaining shall be deposited in the Circuit Court by the Public Safety and Housing Officer, shall be secured in such manner as may be directed by such Court, and shall be disbursed by such Court to the person found to be entitled thereto by final Order of Decree of such Court; provided, however, that nothing in this division shall be construed to impair or limit in any way the power of the Town Council to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. (5-19-75, S5-2.4)

Sec. 5-38. Service of complaints and orders; posting of copy of complaint or order; copy of complaint or order to be filed with Town Clerk; effect of such filing as lis pendens.

Complaints or Orders issued by the Public Safety and Housing Officer pursuant to this article shall be served upon persons either personally or by registered mail, but if the whereabouts of such persons is unknown and the same cannot be ascertained by the Public Safety and Housing Office in the exercise of reasonable diligence, and the Public Safety and Housing Officer in the exercise of reasonable diligence, and the Public Safety and Hosing Officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two consecutive weeks in a newspaper of general circulation in the Town. A copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order. A copy of such compliant or order shall also be filed with the clerk of the county and such filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law. (5-19-75, Ord. 5-2.5)

Sec. 5-39. Appeals to the Town Council.

A. Whenever it is claimed that the true intent and meaning of this article, as amended, or any of the regulations thereunder, have been misconstrued or wrongly interpreted, the owner or the duly authorized agent may appeal from the decision of the Public Safety and Housing Officer to the Town Council. Notice of appeal shall be in writing and filed within thirty (30) days after the Public Safety and Housing Officer renders his decision.

B. Whenever, in the opinion of the Public Safety and Housing Officer, a building or structure is unsafe or dangerous, he may in his order limit the time for appeal to a period less than thirty (30) days but not less than seven (7) days.

C. Appeals hereunder shall be on forms provided by the Public Safety and Housing Officer.

D. The Town Council, when so appealed to and after a hearing, may vary the application of any provision of this article in any particular case whenever the literal enforcement thereof would do manifest injustice or would be contrary to the public interest. In the event the Town Council should modify the decision of the Public Safety and Housing Officer, it shall specify the particulars wherein such decision has been modified. Whenever the Town Council shall reverse the decision of the Public Safety and Housing Officer, its decision need not specify any particulars.

E. Every decision of the Town Council on any appeal from any decision of the Public Safety and Housing Officer shall be final subject only to the right of any party aggrieved by such decision of the Town Council to appeal to, or seek certiorari from the court of common pleas for Charleston County. The term "party aggrieved" shall include the Public Safety and Housing Officer as well as the owner, agent or occupant of the affected premises. (5-19-75, S5-2.6)

Sec. 5-40. Powers and duties of public officer generally.

The Public Safety and Housing Officer is hereby authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this article, including the following powers in addition to others hereinbefore and hereinafter granted:

- A. To investigate the dwelling conditions of the Town in order to determine which dwellings therein are unfit for human habitation;
- B. To administer oaths, affirmations, examine witnesses and receive evidence;
- C. To enter upon premises for the purpose of making examinations, provided that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession;
- D. To fix the duties of such agents and employees as he deems necessary to carry out the purposes of this article; and
- E. To delegate any of his functions and powers under this article to such officers and agents as he may designate. (5-19-75, S5-2.7)

Division 3. Standards for Dwelling or Dwelling Units Fit for Human Habitation.

Subdivision 1. Generally.

Sec. 5-41. Essential conditions.

Except as otherwise provided in this division, the conditions set out in this division are hereby declared essential to make a dwelling unit fit for human habitation. (5-19-75, S5-3.0)

Sec. 5-42. Sink, toilet, etc., connected to water, sewer, etc.

There shall be repaired inside running water connected to a kitchen sink and to a lavatory or laundry sink and to a bathtub or shower and to a toilet, all connected to a public sewer. (5-19-75, S5-3.1)

Sec. 5-43. Panes.

In the event that doors or windows shall have a transparent opening or openings, panes of glass, safety glass, or other suitable material as approved by applicable statutes and regulations shall be required for use in such doors or windows. (5-19-75, S5-3.2)

Sec. 5-44. Fireplaces, etc., for heating.

Fireplaces, flues or other provisions for heating shall be required to afford reasonable comfort. (5-19-75, S5-3.3)

Sec. 5-45. Windows.

A window shall be required in each living room and bedroom which window opens and can be effectively opened and closed as a means of ventilation and shall provide fire egress with an opening of no less than 5.7 square feet with a minimum net clear height opening of 24 inches and a net clear width opening of 20 inches. (5-19-75, S5-3.4; 8-16-88)

Sec. 5-46. Electrical wiring system.

The electrical wiring system shall be connected and installed in accordance with Sections 5-4 and 5-6 of this Code. (5-19-75, S5-3.5)

Sec. 5-47. Privacy and ventilation for toilet, etc.

Privacy for toilet and tub or shower shall be provided and the toilet and tub or shower shall be effectively ventilated. (5-19-75, S5-3.6)

Sec. 5-48. Roof, exterior walls, etc. to be weathertight, etc.

The roof, flashing, exterior walls, basement walls, floors and all doors and windows exposed to the weather shall be constructed and maintained so as to be reasonable weathertight and watertight, and sound and safe, and capable of affording privacy. (5-19-75, S5-3.7)

Sec. 5-49. Condition of dwelling.

The entire dwelling shall be in a safe and sanitary condition. (5-19-75, S5-3.8)

Sec. 5-50. Minimum of living room floor space.

There shall be a minimum of seventy-two (72) square feet of living room floor space for a single occupant or if more than a single occupant, at least fifty (50) square feet for each occupant over twelve (12) years old and thirty-six (36) square feet for each occupant under twelve (12) years old. (5-19-75, S5-3.9)

Sec. 5-51. Use of sleeping room for preparation, etc., of food.

Where more than two (2) persons over one year of age occupy the same dwelling unit, the preparation and cooking of food shall not take place in any room used for sleeping purposes. (5-19-75, S5-3.10)

Subdivision II. Multiple Dwellings.

Sec. 5-52. Additional essential conditions.

In addition to those conditions set forth in Sections 5-41 through 5-51, the conditions set out in this subdivision are hereby declared essential to make a multiple dwelling fit for human habitation. (5-19-75, S5-4.0)

Sec. 5-53. Access of occupied stories of first floor.

There shall be a safe, adequate and unobstructed exitway to serve every occupied story above the first floor. (5-19-75, S5-4.1)

Sec. 5-54. Lighting in public hallways, etc.

An adequate lighting system shall be provided in every public hallway and stairway. (5-19-75, S5-4.2)

Subdivision III. Rooming Houses.

Sec. 5-55. Additional essential conditions.

In addition to those conditions set forth in Sections 5-41 through 5-51, 5-53 and 5-54, the conditions set out in this subdivision are hereby declared essential to make a rooming house fit for human habitation. As used herein, the term "rooming house" includes a boarding house, a fraternity or sorority house and any dwelling unit occupied by three or more persons not related by blood or marriage. (5-19-75, S5-4.31)

Sec. 5-56. Toilet, etc., connected to water, sewer, etc.

There shall be inside running water properly connected to at least one toilet, lavatory, and bathtub or shower for each eight persons or fraction thereof or for each three rooming units or fraction thereof, whichever is more restrictive, including the dwelling unit of the operator's family. Where rooms are let only to males, flush urinals may be substituted for not more than one-half of the required number of toilets. All fixtures shall be connected to the public sewer. (5-19-75, S5-4.32)

Sec. 5-57. Accessibility of bath and toilet rooms.

All required bath and toilet rooms shall be directly accessible from a common hall or passageway within the dwelling. (5-19-75, S5-4.33)

Sec. 5-58. Water heating facilities.

Adequate installed water hearing facilities in working condition connected to all required lavatories and tubs or showers shall be provided. (5-19-75, S4.34)

Division 4. Applicability.

Sec. 5-59. Matters covered.

The provisions of this article shall apply to all structures used for human habitation which are now or which may hereafter become substandard with respect to structure, fire hazards, inadequate equipment or maintenance, inadequate provisions for light and air, lack of power heating, inadequate water or sewerage, unsanitary conditions or overcrowding. (5-19-75, S5.4.41)

Sec. 5-60. Existing buildings.

This article establishes minimum requirements for the initial and continued occupancy of all buildings used or intended to be used for human habitation and does not replace or modify requirements otherwise established for the construction, repair, alteration or use of buildings, equipment, or facilities. (5-19-75, S5-4.42)

Division 5. Penalties.

Sec. 5-61. Each day of certain violations to constitute a separate offense.

Every day of failure or refusal to comply with any order of the Public Safety and Housing Officer issued pursuant to S5-34 of this article, on and after the effective date of such order (except when such order has been stayed by an appeal to Town Council under the provisions of S5-39 of this article) and every day of failure or refusal to comply with any order of the Town Council issued pursuant to S5-39 of this article (except when such order has been stayed by appeal to or certiorari from the Court of Common Pleas for Charleston County) shall constitute a separate violation and each such separate violation shall be punishable by imprisonment for not more than thirty (30) days, or a fine of not more than Five Hundred (\$500) Dollars. (5-19-75, S5-4.51 & 9-23-97)

Sec. 5-62. Other violations.

Every other violation of this article or any part thereof shall be punishable by imprisonment of not more than thirty (30) days or a fine of not more than Five Hundred (\$500) Dollars. (5-19-75, S5.4.52 & 9-23-97)

ARTICLE IV. FLOOD DAMAGE PREVENTION ORDINANCE

DIVISION 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE
AND OBJECTIVES.

Sec. 5-63. Statutory Authorization.

The Legislature of the State of South Carolina has delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Town Council, of the Town of Sullivan's Island, South Carolina, does ordain as follows:

Sec. 5-64. Findings of Fact.

- A. The flood hazard areas of the Town of Sullivan's Island are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- B. 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.

Sec. 5-65. Statement of purposes.

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
- D. Control filing, grading, dredging and other development which may increase erosion or flood damage, and;
- E. Prevent or regulate the construction of flood barriers which will

unnaturally divert flood waters or which may increase flood hazards to other lands.

Sec. 5-66. Objectives.

The objectives of this ordinance are:

- A. To protect human life and health;
- B. To minimize expenditure of public money for costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- F. 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,
- G. To insure that potential home buyers are notified that property is in a flood area.

Division 2. Definitions.

Sec. 5-67. Definitions.

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

"Addition (to an existing building)" means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

"Appeal" means a request for a review of the Zoning Administrator's interpretation of any provision of this ordinance or a request for a variance.

"Area of shallow flooding" means a designated AO or VO Zone on a community's Flood

Insurance Rate Map (FIRM) with base flood depths from 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" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

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

"Basement" means that portion of a building having its floor subgrade (below ground level) on all sides.

"Breakaway wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

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

"Coastal High Hazard Area" means the area subject to high velocity waters caused by, but not limited to, hurricane wave wash. The area is designated on a FIRM as Zone V1 - 30, VE or V.

"Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials or equipment.

"Elevated building" means 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 (posts or piers), shear walls, or breakaway walls.

"Existing Construction" means any structure for which the "start of construction" commenced before 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. (12-5-77)

"Existing manufactured home park or subdivision" means 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 the effective date of the floodplain in management regulations adopted by a community (before the effective date of the first floodplain management code,

ordinance, or standard based upon specific technical base flood elevation date which established the area of special flood hazard. (12-5-77)

"Expansion to an existing manufactured home park or subdivision" means 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 pads).

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters;
- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Hazard Boundary Map (FHBM)" means 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)" means 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" is 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.

"Floodway" means 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.

"Floor" means 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 the floor of a garage used solely for parking vehicles.

"Functionally dependent facility" means 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" means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a building.

"Historic Structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (A listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register:
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district:
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the interior; or
4. Individually listed on a state inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior, or
 - b. Directly by the Secretary of the Interior in states without approved programs.

"Lowest Floor" means 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 built so as to render the structure in violation of other provisions of this ordinance (8/21/07).

"Manufactured home" means a building, 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 also includes park trailers, travel trailers, and similar transportable structures placed on a site approximately 6 months and intended to be improved property.

"Manufactured Home Park or Subdivision" means a parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or sale (8/21/07).

"Mean Sea Level" means 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 ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD).

"National Geodetic Vertical Datum (NGVD)" as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

"New construction" Any 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 date which establishes the area of special flood hazard. (12-5-77) The term also includes any subsequent improvements to such structure.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which 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 on or after the effective date of floodplain management regulations adopted by a community.

"Recreational vehicle" means a vehicle which is:

1. built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. designed to be self-propelled or permanently towable by a light duty truck;
and
4. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

"Sand dunes" means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

"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, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab 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 filing; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, 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 building. (10/18/88) For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

"Substantial damage" means 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.

"Substantial improvement" means any combination of repairs, reconstruction, alteration, or improvements to a building, taking place during a three year period, in which the cumulative cost equals or exceeds fifty percent of the market value of the building. The market value of the building should be (1) the appraised value of the building prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the building prior to the damage occurring. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the Code Enforcement Official and which are solely necessary to assure safe living conditions. (2-21-95)

"Substantially improved existing manufactured home parks or subdivisions" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceed 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

"Variance" is a grant of relief from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

"Violation" means the failure of a structure or other development to be fully compliant with these regulations (8/21/07).

DIVISION 3. GENERAL PROVISIONS.

Sec. 5-68. Lands to which this Ordinance applies.

This ordinance shall apply to all areas of special flood hazard within the jurisdiction of the Town of Sullivan's Island.

Sec. 5-69. Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Insurance Rate Map, dated November 17, 2004, with accompanying maps and other supporting data are adopted by reference and declared to be a part of this ordinance. (8/21/07)

Sec. 5-70. Establishment of Building Permit.

A Building permit shall be required in conformance with the provision of this ordinance prior to the commencement of any development activities.

Sec. 5-71. Compliance.

No structure or land shall hereafter be located, extended, converted, or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

Sec. 5-72. Abrogation and greater restrictions.

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another section of the Code conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Sec. 5-73. Interpretation.

In the interpretation and application of this ordinance all provisions shall be (1) considered as minimum requirements; (2) liberally construed in favor of the governing body, and; (3) deemed neither to limit nor repeal any other powers granted under state statutes.

Sec. 5-74. Warning and disclaimer of liability.

The degree of flood protection required by this ordinance 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 man-made or natural causes. This ordinance 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 ordinance shall not create liability on the part of the Town of Sullivan's Island or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

Sec. 5-75. Penalties for violation.

Violation of the provisions of this ordinance or failure to comply with grants of

variance or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500.00 or imprisoned for not more than 30 days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Sullivan's Island from taking such other lawful actions as is necessary to prevent or remedy any violation. (9-23-97)

DIVISION 4. ADMINISTRATION

Sec. 5-76. Designation of Zoning Administrator.

The Zoning Administrator is hereby appointed to administer and implement the provisions of this ordinance.

Sec. 5-77. Permit procedures.

Application for a Building Permit shall be made to the Building Inspector/Zoning Administrator on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

A. Application Stage.

1. Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all buildings;
2. Elevation in relation to mean sea level to which any non-residential building will be flood-proofed;
3. Certificate from a registered professional engineer or architect that the non-residential flood-proofed building will meet the flood-proofing criteria in Div. 5, Section 5-81 (B);
4. Description of the extent to which any watercourse will be altered or relocated as result of proposed development and;

B. Construction stage.

Provide a floor elevation or flood-proofing certification after the lowest floor is completed, or instances where the building is subject to the regulations applicable to Coastal High Hazard Areas, after placement of the horizontal structural members of the lowest floor. Upon placement of the lowest floor, or flood-proofing by whatever

construction means, or upon placement of the horizontal structural members of the lowest floor, whichever is applicable, it shall be the duty of the permit holder to submit to the Zoning Administrator a certification of the elevation of the lowest floor, flood-proofed elevation, or the elevation of the lowest portion of the horizontal structural members of the lowest floor, 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 same. When flood-proofing is utilized for a particular building, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Zoning Administrator shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. 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.

Sec. 5-78. Duties and responsibilities of the Zoning Administrator.

Duties of the Zoning Administrator shall include, but not be limited to:

- A. Review all building permit applications to assure that the permit requirements of this ordinance have been satisfied;
- B. Advise permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit.
- C. Notify adjacent communities and the S. C. Water Resources Commission prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- D. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- E. Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved buildings, in accordance with Div. 4, Section 5-77 (B).
- F. Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved buildings have been flood-proofed, in accordance with Div. 4, Section 5-77 (B).
- G. In Coastal Hazard Areas, certification shall be obtained from a registered professional engineer or architect that the building is designed and securely anchored to adequately anchored pilings or columns in order to withstand velocity

waters and hurricane wave wash.

H. In Coastal High Hazard Areas, the Zoning Administrator shall review plans for adequacy of breakaway walls in accordance with Div. 5, Section 5-81 (E) (8).

I. When flood-proofing is utilized for a particular building, the Zoning Administrator shall obtain certification from a registered professional engineer or architect, in accordance with Div. 5, Section 5-81 (B).

J. 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) the Zoning Administrator shall 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 article.

K. When base flood elevation data or floodway data have not been provided in accordance with Division 3, Section 5-69, then the Zoning Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer the provisions of Div. 5.

L. All records pertaining to the provisions of this ordinance shall be maintained in the office of the Town Hall of Sullivan's Island and shall be open for public inspection.

Sec. 5-79. Variance Procedures.

A. The Zoning Board of Adjustments as established by the Town of Sullivan's Island shall hear and decide appeals and requests for variances from the requirements of this ordinance.

B. The Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the local administrator in the enforcement or administration of this ordinance.

C. Any person aggrieved by the decision of the Board or any taxpayer, or officer, department, board or bureau of the municipality may appeal such decision to a court of record, as provided in Section 5-23-150, of the State Statutes.

D. Variances may be issued for the repair or rehabilitation of historic structures (see definition) upon a 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 to preserve the historic character and design of the structure.

E. In passing upon such applications, the Board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, 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;
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 of the facility to a waterfront location, in the case of a functionally dependent facility;
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;
8. the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. the safety of access to the property in times of flood for ordinary and emergency vehicles;
10. the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site, and
11. 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.

F. Upon consideration of the factors listed above, and the purposes of this ordinance, the Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

G. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

H. Conditions for Variances:

1. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and in the instance of a historical building, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building;
2. Variances shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship, and; (iii) 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.
3. Any application 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 building is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
4. The Zoning Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

DIVISION 5. PROVISIONS FOR FLOOD HAZARD REDUCTION.

Sec. 5-80. General standards.

In all areas of special flood hazard the following provisions are required;

- A. New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- B. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.

- C. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- D. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
- E. Electrical, heating, ventilation, plumbing, air conditioning equipment, 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 flooding.
- F. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- G. News and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- H. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding, and
- I. Any alteration, repair, reconstruction or improvements to a building which is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance.
- J. Any alteration, repair, reconstruction or improvements to a building which is not in compliance with the provisions of this ordinance, shall be undertaken only if said non-conformity is not furthered, extended, or replaced.
- K. Any alteration, repair, reconstruction or improvements to a building seaward of the SCCC 40-year setback line shall satisfy SCCC regulations governing such activities. (1-21-92)

Sec. 5-81. Specific Standards.

In all areas of special flood hazard where base flood elevation data have been provided, as set forth in Div. 3, Section 5-69, or Div. 4, Section 5-78 (K), the following provisions are required:

- A. Residential Construction. New construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement elevated no lower than the minimum base flood elevation requirement.
 - 1. In A-Zones an enclosed storage area not to exceed two hundred (200)

square feet in area is allowed below the base flood elevation, provided the walls forming the enclosure is certified by a registered professional engineer or architect as breakaway construction and contain vents to equalize hydrostatic flood forces as described in Division 5, Section 5-81 (A) (B) and (C).

2. All other space below the regulatory flood elevation shall be open so as not to impede the flow of water. Open latticework or mesh screening may be permitted for aesthetic purposes only and must be designed to wash away without causing any damage to the structural support of the building.

B. Non-residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential building (or manufactured home) shall have the lowest floor, including basement, elevated no lower than the minimum level of the base flood elevation. Buildings located in all A-zones may be floodproofed in lieu of being elevated provided that all areas of the building below the required elevation are water tight with walls substantially impermeable to the passage of water, and use 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 certification shall be provided to the official as set forth in Div. 4, Section 5-78 (I).

C. Elevated Buildings. New construction of elevated buildings shall meet the requirements as set forth in Div. 5, Section 5-81 (A). Substantial improvements of elevated buildings that include existing fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwater to automatically equalize hydrostatic flood forces on exterior walls.

1. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

a. Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding:

b. The bottom of all openings shall be no higher than one foot above grade; and,

c. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both directions.

2. 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); and,
3. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

D. Standards for Manufactured Homes and Recreational Vehicles.

1. All manufactured homes placed, or substantially improved, on individual lots or parcels, must meet all the requirements for new construction, including elevation and anchoring.
 - a. The lowest floor of the manufactured home is elevated no lower than the base flood elevation, or
 - b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength, of no less than 36 inches in height above grade.
 - c. The manufactured home must be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement.
 - d. When existing manufactured home has incurred "substantial damage" as the result of a flood, any manufactured home placed or substantially improved must meet the standards of Div. 5, Section 5-81 (D) (2) (a) and (c) above.
2. All recreational vehicles placed on sites must either:
 - a. Be fully licensed and ready for highway use, or
 - b. The recreational vehicle must meet all the requirements for new construction, including anchoring and elevation requirements of Div. 5, Section 5-81 (D)(1) or (2), above.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached structures.

E. Coastal High Hazard Areas (V Zones). Located within the areas of special flood hazard established in Div. 3, Section 5-69, are areas designated as Coastal High Hazard areas. These areas have special flood hazards associated with wave wash, therefore, the following provisions shall apply:

1. All buildings shall be located landward of the reach of the mean high tide;
2. All buildings shall be elevated so that the bottom of the lowest supporting horizontal member (excluding pilings or columns) is located no lower than the base flood elevation level. An enclosed storage area not to exceed two hundred (200) square feet in area is allowed below the base flood elevation, provided the walls forming the enclosure are certified by a registered professional engineer or architect as breakaway construction and contain vents to equalize hydrostatic flood forces as described in Division 5, Section 5-81 (C). Further enclosure consisting of 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 Div. 5, Section 5-81 (E) (8);
3. All buildings or structures shall be securely anchored on pilings or columns;
4. All pile and column foundations and structures attached thereto shall be anchored to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components. Water loading values shall equal or exceed the base flood. Wind loading values shall be in accordance with the most current edition of Standard Building Code.
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 Div. 5, Section 5-81 (E)(2),(3) and (4) of this ordinance.
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 from obstruction) prior to generating excessive loading forces, ramping effects, or wave deflection. The Zoning Administrator shall approve design plans for landscaping/aesthetic fill only after the applicant has provided a analysis by an engineer, architect, and/or soil scientist,

which 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 defection to adjacent properties; and
 - c. Slope of fill will not cause wave run-off or ramping.
7. There shall be no alteration of sand dunes which would increase potential flood damage.
8. In addition to the enclosed storage area mentioned in 5-81 (E) 2 above, open lattice work or mesh screening shall be allowed below the base flood elevation provided they are not part of the structural support of the building and are designed 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 additional solid walls shall be allowed, and,
 - (b) Material shall consist of lattice or mesh screening only.
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.
10. Prior to construction, plans for any buildings that will have lattice work or decorative screening must be submitted to the Zoning Administrator for approval.
11. 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 Div. 5, Section 5-81 (E)(8) and (9).
12. Prohibit the placement of manufactured homes (mobile homes), except in an existing manufactured homes (mobile homes) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided

the anchoring standards of Div. 5, Section 5-81 (E)(5), and the elevation standards of Div. 5, Section B (E)(2) are met.

Sec. 5-82. Standards for Subdivision Proposals.

- A. All subdivision proposals shall be consistent with the need to minimize flood damage;
- 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 hazards, and;
- D. Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which is greater than the lesser of fifty lots or five acres

DIVISION 6. SEVERABILITY OF PARTS

Sec. 5-83. Severability.

If any section, clause, provision or portion of this article is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this article shall remain in effect. 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 grant 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 than five hundred (\$500.00) dollars or imprisoned for not more than thirty (30) days, and in addition shall pay all costs and expenses involved in the case. Each day such violations continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Sullivan's Island from taking such other lawful action as it is necessary to prevent or remedy any violation. (10-4-76, S12; 12-5-77, S12; 9-23-91)