

ARTICLE II. TECHNICAL CODES¹

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or any rights acquired or liability incurred, or any cause of action accrued or existing under any act or ordinance repealed hereby, nor shall any right or remedy of any character be lost, impaired or affected by this article.

Secs. 6-35—6-50. Reserved.

¹State law reference(s)—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; ENFORCEMENT; APPEALS²

Sec. 6-51. Technical codes adopted by reference.

- (a) The following codes promulgated by the International Code Council, as adopted and amended by the state's department of labor, licensing, and regulation, which must be mandatorily adopted by the county, shall constitute and become an ordinance of the county, and are hereby adopted as fully as though set out at length herein, excluding the appendices and including Chapter One, except as further provided herein. Provided, however, that the provisions of the codes which concern the qualification, removal, dismissal, duties, and responsibilities of all building officials, deputy building officials, chief inspectors, and other inspectors and assistants are not adopted herein.
- (b) The regulations of the following standards codes recommended and published in book form and hereby adopted as the regulations governing the construction of buildings and other structures in the county with effective dates established by the South Carolina Building Code Council; and it shall be unlawful to erect or construct any building or structure in the county in violation of, or without complying with, these regulations:
 - (1) National Electrical Code, 2020 Edition with South Carolina Building Code modifications.
 - (2) International Building Code, 2021 Edition published by the International Code Council, Inc., with South Carolina Building Code modifications and Appendix H is hereby adopted so that hereafter all building construction, reconstruction, alteration and repairs and all materials and appliances used in connection with building work shall conform thereto; provided however, that Section 105.2(9) to read "Prefab pools that are 4 foot or greater in height."
 - (3) International Plumbing Code, 2021 Edition published by the International Code Council, Inc. with South Carolina Building Code modifications is hereby adopted so that hereafter all plumbing construction and repair, all materials and appliances used in connection with plumbing work, and the operation of all apparatus shall conform thereto.
 - (4) International Mechanical Code, 2021, Edition published by the International Code Council, Inc. with South Carolina Building Code modifications is hereby adopted, so that hereafter all mechanical construction and all materials and appliances used in connection with mechanical work and the operation of all mechanical apparatus within the town shall conform thereto.
 - (5) International Fire Code, 2021 Edition with South Carolina Building Code modifications is hereby adopted except insofar as in conflict with the laws of the state and the ordinances of the town, the International Fire Code, 2018 Edition, published by the International Code Council, Inc.
 - (6) International Fuel Gas Code, 2021 Edition published by the International Code Council, Inc. with South Carolina Building Code modification is hereby adopted so that hereafter all gas piping, gas appliances and gas construction installed, replaced, maintained, repaired, when used in connection with gas in the operation of gas apparatus within the town shall conform thereto.

²Editor's note(s)—Ord. No. 2017-18, § 1, adopted September 5, 2017, amended division 3, §§ 6-51—6-57, to read as set out herein. Former division 3 pertained to Codes Adopted and derived from Ord. No. 29-00, § 1, adopted January 2, 2001.

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- (7) International Residential Code, 2021 Edition published by the International Code Council, Inc. with South Carolina Building Code modifications and Appendix is hereby adopted so that hereafter all building construction, reconstruction, alteration and repairs and all materials and appliances used in connection with building work shall conform thereto; provided however, that Section 105.2(7) to read "Prefab pools that are 4 foot or greater in height."
 - (8) International Energy Conservation Code, 2009 Edition with South Carolina Building Code modifications.
 - (9) International Property Maintenance Code, 2021 Edition.
 - (10) ICC/ANSI A11 7.1 Accessible and Usable Buildings and Facilities Code, 2017 Edition with South Carolina Building Code modifications.
 - (11) International Existing Building Code, 2021 Edition.
 - (12) International Swimming Pool and Spa Code, 2018 Edition.
- (c) The standards contained in the above building codes shall be controlling in the use, maintenance, and occupancy of all structures located within the unincorporated areas of the county.
 - (d) The Jasper County Building Services Department shall have the authority to review and enforce the standards contained in the building codes. The department shall also review and enforce those references to the building codes as contained in the Fire Code pertaining to plan review and new construction. The county fire chief and/or his designee shall have continued authority to review and enforce all other maintenance and compliance items contained in the Fire Code.
 - (e) Height limit for weeds - For purposes of Section 302.4 of the International Property Maintenance Code regarding maintenance of weeds, all premises and exterior property shall be maintained free from weeds or plant growth, as described therein, in excess of 12 inches in height. This limitation on weed height shall only apply to tracts of land with a total area of less than ten acres.

Sec. 6-52. Responsibility for enforcement.

Within the codes adopted by this article, when reference is made to the duties of certain officials and/or boards named therein, that designated official and/or board of the county that has duties corresponding to those of the named official and/or board in such code shall be deemed to be the responsible official insofar as enforcing the provisions of such code(s) are concerned.

Sec. 6-53. Appeals board membership; powers and duties.

- (a) The Jasper County Board of Zoning Appeals created pursuant to article IV, division 5 of chapter 2 of the Code of Ordinances (sections 2-181 through 2-189) shall serve as the construction board of adjustments and appeals.
- (b) Whenever a code adopted by the county in accordance with division 2 of this article II 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 board of zoning appeals. The construction board of adjustment and appeals shall hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of the international codes for building, residential, gas, plumbing, mechanical, and fire standards, as well as to hear and decide appeals of orders, decisions or determinations made by the county engineer regarding all storm-water/MS projects and storm water assessments, fees, and penalties. 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 brought. The decision of the board is final.

Secs. 6-54—6-60. Reserved.

DIVISION 3. PERMITS, INSPECTIONS AND FEES

Sec. 6-61. Accompanying documents.

Construction documents and civil documents shall accompany all permit applications and shall contain all information required by the relevant code(s) and ordinances.

A copy(s) of the recorded plat, DHEC construction permit or water and sanitation approval letters, FEMA elevation certificates, if applicable, and other documents as requested by engineering, planning and zoning, building and codes and permitting as stated on the applicable application(s).

A certificate of occupancy will not be issued until the permitting department receives the water and sewer tap receipts and/or final DHEC approval for septic, all applicable FEMA elevation certificates, and verification that all fees have been paid.

Sec. 6-62. No electrical connection without building permit.

It shall be unlawful for any public utility company or rural electric cooperative to make a new connection of electrical energy to a building or mobile or manufactured home requiring a permit under this article, until such permit is acquired for the construction or improvement of the building or for the occupancy of a mobile or manufactured home; or in the instance of a re-connection to an existing service location, panel and meter, a release for power suppliers to re-connect confirming there has been only a visual inspection by Jasper County of the exterior panel and meter with an acknowledgment of such by the applicant/property owner is obtained from the building codes department. Any company or cooperative receiving a request for a connection where the owner does not have a permit will report such request to the building official. No company or cooperative shall be required to determine the cost or value of the building being constructed or improved.

Sec. 6-63. Addressing.

All buildings shall have permanent affixed numbers and must comply with the requirements of the streets, roads and other public property ordinance(s). See also sections 25-128 through 25-134 of the Jasper County Code of Ordinances.

Sec. 6-64. Permit required; posting of permit card.

No work relating to the codes adopted by this article shall commence until a valid permit for such work has been issued by the permitting department. Work requiring a permit shall not commence until the permit holder, or his/her agent, has posted the building permit card in a visible location on the premises visible in plain sight from the adjacent right of way or access drive. The permit card must be protected from the weather and maintained on site throughout construction.

Sec. 6-65. Fee when work has begun without a permit.

For work commencing prior to obtaining proper permit(s), all administrative and permit fees specified herein shall be doubled. The payment of such doubled fees shall not relieve any persons from fully complying with the requirements of this chapter or codes in the execution of work or from any other penalties prescribed herein.

Sec. 6-66. Suspension or revocation of permit.

The chief building official is authorized to suspend or revoke an approved permit(s) issued under the provisions of this chapter whenever the permit is issued in error; on the basis of incorrect, inaccurate, or incomplete information; or in violation of any ordinance, regulation, or any state or federal laws.

Sec. 6-67. Separate permits required per building or structure.

A separate permit(s) must be applied for each separate building or structure being constructed.

Sec. 6-68. Payment of fees; valuation tables.

The permit applicant, prior to the issuance of said permits, shall pay all fees and/or any inspection services, which are prescribed under the applicable codes. Such fees shall be based on the most recent square foot construction costs building valuation tables as recommended by the International Code Council (I.C.C.). These valuation tables will be automatically updated annually on July 1, the beginning of Jasper County's fiscal year. The chief building official shall set the final building permit valuation.

The fees suggested by the building valuation data table are for the "total cost of construction". Per section 40-11-20 of the General and Mechanical Contracting Act, #23, "total cost of construction" means the actual cost incurred by the owner, all contractors, subcontractors, and other parties for labor, material, equipment, profit and incidental expenses for the entire project. This does not include the cost of design services unless those services are included in a construction contract. Section 40-11-300 (A) of the General and Mechanical Contracting Act states that "the total cost of construction must be used to determine the appropriate license group for a project."

Sec. 6-69. Administrative fee(s).

A nonrefundable administrative fee of \$25.00 shall be paid by the applicant for each permit requested, at the time of application.

Sec. 6-70. Reserved.

Sec. 6-71. Licensed contractors; purchase of permits.

All persons requesting to apply or purchase permits within the unincorporated areas of Jasper County, must comply with South Carolinas' Labor and Licensing Regulations regarding proper licensing as outlined in the Residential Builders Commission Licensed Law and/or the General and Mechanical Contracting Act.

Sec. 6-72. Owner/builder disclosure statement.

State law requires residential construction to be done by licensed residential builders and/or specialty contractors. Under an exemption to this law, an owner of their property may build or improve a one-family or two-family residence. It must be for their use and occupancy and may not be built for sale or rent. The owner of record must first file, as a matter of public record with the register of deeds, an owner/builder disclosure statement provided by the permitting department. Further, this exemption shall not be available to an owner of property to build on another property for two years after issuance of the certificate of occupancy, unless the first home was actually granted the owner-occupied special ad valorem tax assessment.

Sec. 6-73. Inspection only fees.

A fee of \$50.00 shall be paid by the applicant for each inspection service which is required under the codes or is otherwise required by the building official, which is not otherwise addressed in this chapter.

Sec. 6-74. Reinspection fees.

In addition to any fees listed herein, the re-inspection fees listed below shall apply and be paid by the permit holder or his/her agent for each reinspection due to any of the following violations:

- (1) Upon notification by the permit holder or his/her agent that work is ready for inspection, inspector arrives at site and finds work has not been completed or is otherwise not ready for inspection; or
- (2) Noncompliance with code requirements; or
- (3) Wrong address or no address on the structure; or
- (4) Failure to post an approved and valid "permit" card in a conspicuous place on the premises; or
- (5) Failure to have proper documentation at job site, i.e., approved site and/or construction plans, etc.

First reinspection fee is \$50.00;

Second reinspection fee for the same violation is \$100.00;

Third reinspection fee for the same violation is \$150.00; and

For each reinspection thereafter for the same violation, the fees will continue to increase in \$50.00 increments.

Sec. 6-75. Fees for modular construction.

Fees for modular construction as defined by the South Carolina Modular Construction Act shall be based upon the same fee schedule as residential or commercial building permits. Separate electrical, mechanical, plumbing and gas permits will be required along with site specific foundation and building plans meeting wind and seismic loads, from a South Carolina licensed design professional.

Secs. 6-76, 6-78. Reserved.

Sec. 6-79. Plans review fees.

A plans review fee will be charged for all permits that require a review by the building and/or planning department(s). This fee will be assessed as follows:

- (1) *Commercial plans review fee:* One-half the cost of the building permit fee.
- (2) *Residential plans review fee:* \$125.00

Sec. 6-80. Refunds.

The applicant of any permit may request, in writing, a refund of all fees paid except, for services that have already been rendered, i.e., administrative fees, plan review fees, floodplain research fees, permit authorization cards, etc. Conditions of this refund request are as follows:

- (1) No work shall have commenced on the project for which the permit was issued.

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- (2) The permit must be cancelled by the owner or permit holder, within 90 days from the date of issuance.
 - (3) The owner, contractor, business, etc., of record, who actually paid for the permit, will receive the refund.
 - (4) An inspection of the proposed site will be made and a written verification submitted that no work covered by such permit had commenced.
 - (5) A refund will not be issued if a stop work order or notice of violation has been issued for work that has begun without a permit.
 - (6) All data will be recorded on a refund form for approval.
 - (7) The permit and all related documents shall be surrendered before a check will be issued.
 - (8) If all is found to be in order, a refund may be authorized.
 - (9) The surrendered permit will then be cancelled.

A refund will not be issued if a stop work order or notice of violation has been issued for work that has begun without a permit.

Sec. 6-81. Moving permits.

For the moving of any building or structure, with the exception of manufactured homes, the fee shall be \$150.00.

Buildings or structures, with the exception of manufactured homes, moved into or within the unincorporated areas of Jasper County shall obtain all applicable building, electrical, mechanical, plumbing and/or gas permits as required for new construction. Fees will be based on new construction as stated herein. (Refer to section 6-61 regarding accompanying document information.)

Sec. 6-82. Demolition permits.

For the demolition of any residential structure, the fee shall be \$100.00.

For the demolition of any commercial or multi-family structure, the fee shall be \$200.00.

All permit holders are responsible for obtaining proper approval(s) from DHEC/state agencies regarding the demolition and disposal of demolished building or structure.

Sec. 6-83. Sprinkler permits and fees.

The fee for sprinkler permits, whether included in the building permit or by itself, will be based on the contract price of a project/job.

Sec. 6-84. Fire alarm and permit fees.

Fire alarms shall be installed per the latest edition of the International Building Code and the latest edition of the International Fire Code. Permit fees shall be based on the signed contract price or proposal.

Sec. 6-85. Building permit fees.

Building permit fees are based on the cost of construction as previously addressed under section 6-68 of this chapter. The chief building official reserves the right to use the contract price of a project/job as an alternative means of determining the building permit fee. The fee schedule is as follows:

Total Valuation	Residential Building Permit Fee
\$0 - \$2,000.00	\$69.00
\$2,001.00 - \$40,000.00	\$69.00 for the first \$2,000.00, plus \$11.00 for each \$1,000.00 or fraction thereof, to and including \$40,000.00
\$40,001.00 - \$100,000.00	\$487.00 for the first \$40,000.00, plus \$9.00 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00
\$100,001.00 - \$500,000.00	\$1,027.00 for the first \$100,000.00, plus \$7.00 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00
\$500,001.00 - 1,000,000.00	\$3,827.00 for the first \$500,000.00, plus \$5.00 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00
\$1,000,001.00 - \$5,000,000.00	\$7,327.00 for the first \$1,000,000.00, plus \$3.00 for each additional \$1,000.00 or fraction thereof, to and including \$5,000,000.00
\$5,000,001.00 and over	\$20,327.00 for the first \$5,000,000.00, plus \$1.00 for each additional \$1,000.00 or fraction thereof
Commercial Building Permit Fees shall be 150% of the Residential Rate	

Sec. 6-86. Electrical permit/inspection fees.

The fees for electrical permits shall be based on the contract price or proposal of a project/job.

The fees in this section shall apply to any upgrading work undertaken, as well as new service.

A multi-permit may be issued for a building where it is necessary to issue several separate electrical permits, i.e. apartments, condos, dormitories, office rental spaces, strip malls, etc. The fees will be based on the number of separate permits that would have been issued separately. Example: One apartment building, ten separate apartments, ten separate electrical permits required. One electrical permit would be issued but ten administrative fees would be charged along with the ten electrical permit fees as stated above.

Sec. 6-87. Mechanical permit fees.

The fee for inspecting commercial heating, ventilating, ductwork, air conditioning and refrigeration systems shall be based on the contract price or proposal of a project/job.

A multi-permit may be issued for a building where it is necessary to issue several separate mechanical permits, i.e. apartments, condos, dormitories, office rental spaces, strip malls, etc. The fees will be based on the number of separate permits that would have been issued separately. Example: One apartment building, ten separate apartments, ten separate mechanical permits required. One mechanical permit would be issued but ten administrative fees would be charged along with the ten mechanical permit fees as stated above.

Sec. 6-88. Plumbing permit fees.

Reserved for future use.

Sec. 6-89. Gas permit fees.

Reserved for future use.

Sec. 6-90. Swimming pool permit fees.

Residential. A permit is required for aboveground swimming pools where the height of the pool is four feet or greater and all in-ground pools based on the contract price or proposal of a project/job. A plot plan will be required at the time of submission for plans review, indicating all set backs are met.

Commercial. An approval letter from DHEC is required when submitting for a commercial pool permit. The fees will be based on the cost of construction stated on the signed contract or proposal. Civil plans indicating drainage and impervious surface will be required to be submitted at the time of application for permit. A plot plan will be required at the time of submission for plans review, indicating all set backs are met.

Final inspections. Final inspections for residential and commercial pools shall require all barrier requirements to be met per the International Building Code prior to calling for an inspection.

Electrical permits. A separate electrical permit shall be required for pumps, lights, and receptacles.

Sec. 6-91. Sign permit fees.

Sign permit fees will be based on the signed contract amount provided by the contractor and sign owner. Design professional construction drawings and site plans shall be submitted as required by the sign control section of the zoning ordinance.

A separate electrical permit will be required for wiring of sign, if illuminated.

See also section 8-48 of the Code of Ordinances and the adopted Schedule of License Fees for Billboards and Off-Premise Signs.

Sec. 6-92. Tower permit fees.

Fees shall be based on the signed contract amount provided by the contractor and/or the owner. Design professional drawings and site plans shall be submitted at time of permit application.

Sec. 6-93. Construction trailers and shipping containers.

The fee for the construction trailers shall be \$100.00. This includes the plans review fee(s). This fee is to ensure the trailer or container meets proper setbacks and is properly secured to meet wind and seismic requirements. A plot plan will be required at the time of submission for plans review, indicating all setbacks are met.

Sec. 6-94. Fence permits and fees.

Fences constructed of masonry or metal seven feet in height or greater will require a permit. Fees shall be based on \$15.00 per linear foot of fence to determine cost of construction. At time of application for permit, design professional drawings will be required and must be designed to meet applicable wind and seismic loads.

The chief building official reserves to the right to use the contract price of a project/job as a means of determining the building permit fee.

Sec. 6-95. Elevator permits and fees.

The fee for elevator permits, commercial and residential, shall be based on the signed contract provided by the contractor and/or owner at the time of submission or request for the permit. All applicable local, state, and/or federal laws governing licensing will also apply. (Refer to section 6-61 regarding accompanying document information.)

Sec. 6-96. Manufactured Housing fees

The fee for a manufactured housing permit shall be \$200.00. This fee is in addition to zoning permit fees.

6-97. Reserved.

Sec. 6-98. Temporary use permits and fees.

Jasper County recognizes that there exists, certain special instances when a property owner requires temporary use of a residential structure. The following are the only instances a temporary residential use will be considered:

- (1) Allowing a residential structure to be built or placed on a parcel while an already existing residential structure is occupied.
 - a. This permit will expire 30 days from the issuance of a certificate of occupancy for the primary structure.
 - b. All other structures must be removed or demolished within this time.
- (2) Allowing use of an accessory structure (i.e. room over detached garage), built to residential standards, to be occupied while a primary residence is constructed.
- (3) Allowing the placement of a temporary accessory dwelling unit in accordance with section 11:7-38 of appendix A of the Jasper County Code of Ordinances.

The fee associated with this application is \$100.00 is nonrefundable.

Sec. 6-99. Underestimated contracts.

If in the opinion of the chief building official, the cost of construction is underestimated on any of the above applications, the permit shall be denied, unless the applicant can show detailed estimates to meet the chief building official's approval.

Sec. 6-100. Discretions of the chief building official.

The chief building official shall have the authority to render interpretations of this chapter and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in conformance with the intent purpose of this chapter.

It shall also be at the discretion of the chief building official to request disconnection of electricity and/or other utilities, to a building, home or any other structure, when it is in violation of this or any other Jasper County ordinance, any applicable state or federal law(s) or where necessary due to safety and/or hazardous conditions.

Sec. 6-101. Miscellaneous fees.

Note that other fees may apply to the permits contained herein, i.e., septic, sewer, aid to construction, fire, planning and zoning variances, etc. Contact the appropriate departments for a schedule of their fees.

Sec. 6-102. Insufficient funds/returned checks.

Where a check is returned for any reason, the permit(s) for which the check was written shall become null and void unless, within ten days, the check and any fees, is paid in full. The permitting department will follow all

Sec. 6-103. Treasurer's certificate.

Before any person shall be issued a building permit by the codes director, a certificate must be issued by the county treasurer verifying that all county taxes presently due have been paid in full by the applicant and on the real property. No building permit shall be issued without such certificate.

Secs. 6-104—6-120. Reserved.

DIVISION 4. GATE ACCESS PROGRAM³

Sec. 6-121. 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; Ord. No. 2017-18, § 1, 9-5-17)

Sec. 6-122. 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. 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; Ord. No. 2017-18, § 1, 9-5-17)

Sec. 6-123. 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; Ord. No. 2017-18, § 1, 9-5-17)

Sec. 6-124. 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; Ord. No. 2017-18, § 1, 9-5-17)

Sec. 6-125. 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.

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- 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; Ord. No. 2017-18, § 1, 9-5-17)

Sec. 6-126. 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; Ord. No. 2017-18, § 1, 9-5-17)

Secs. 6-127—6-130. Reserved.

ARTICLE III. MANUFACTURED/MOBILE HOME PROVISIONS⁴

Sec. 6-131. Repealed *May 15, 2023*

Sec. 6-132. Reserved.

Sec. 6-133. Repealed *May 15, 2023*

Secs. 6-134-6-140. Reserved.