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PREPARED BY

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CITY ATTORNEYS OFFICE

AN ORDINANCE AMENDING CHAPTER 10, BUILDINGS AND BUILDING REGULATIONS, OF THE CODE OF THE CITY OF ROCK HILL CONCERNING THE INTERNATIONAL PROPERTY MAINTENANCE CODE AND THE INTERNATIONAL EXISTING BUILDING CODE

BE IT ORDAINED by the Governing Body of the City of Rock Hill in Council assembled:

SECTION 1. That this ordinance is being adopted in order to effect proper compliance with the provisions of the Home Rule Act of 1975, now South Carolina Code of Laws for 1976, Section 5-7-30 and Section 5-7-260 and Section 2-48 and Section 2-96 of the Code of the City of Rock Hill.

SECTION 2. That this Ordinance was adopted by the Rock Hill City Council by a majority vote and applicable public hearing requirements.

SECTION 3. That the Proposed Amendment to **Chapter 10, Buildings and Building Regulations**, be and the same is hereby amended by deleting in its entirety, **Article V. Housing, Division 1 and Division 2.**

SECTION 4. That the Proposed Amendment to **Chapter 10, Buildings and Building Regulations, Article III. Building and Technical Codes**, be and the same is hereby amended by adding **Sections 10-202 and Section 10-203** as follows:

See Exhibit A attached hereto.

SECTION 5. That the Proposed Amendment to **Chapter 10, Buildings and Building Regulations, Article III. Building and Technical Codes, Section 10-193,** be and the same is hereby amended by deleting the current language and inserting in lieu thereof the following:

See Exhibit B attached hereto.

SECTION 6. That the Proposed Amendment to **Appendix A, Fee Schedule, Chapter 10. Buildings and Building Regulations,** be and the same is hereby amended by deleting the current language and inserting in lieu thereof the following:

See Exhibit C attached hereto.

SECTION 7. That all ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 8. That this Ordinance shall be and become finally binding after receiving first and second readings given in the manner required by law.

DONE AND RATIFIED in Council assembled on this the ____ day of _____, 2009.

A. Douglas Echols, Jr., Mayor

Kevin H. Sutton, Mayor Pro Tempore

John P. Gettys, Jr., Councilmember

Susie B. Hinton, Councilmember

Kathy S. Pender, Councilmember

James C. Reno, Jr., Councilmember

Osbey Roddey, Councilmember

ATTEST:

David B. Vehaun
Municipal Clerk

EXHIBIT A

Sec. 10-202. International Property Maintenance Code

The International Property Maintenance Code, including appendices thereto, adopted and promulgated by the International Code Council, Inc., with its headquarters located at 5203 Leesburg Pike, Suite 600, Falls Church, Virginia 22041-3401, as such code is now in force, shall constitute and become an ordinance of the city, and is hereby adopted, incorporated in, and made a part of this article as fully as though they were set out at length herein, except as amended by this article. The 2006 edition amendments and modifications and succeeding editions of this code or succeeding amendments or modifications to this code, shall become effective within the City of Rock Hill on the date specified as the effective date by the State of South Carolina. Prior to such effective date, the existing code standard shall remain in full force and effect. Further after the effective date of each updated version, all laws, code standards, and versions so updated shall be treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution or appeal existing as of the effective date of the update and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended version. The code adopted by this section and amended by this article shall be known as and may be cited as "the property maintenance code".

The City of Rock Hill also hereby specifically adopts all provisions of the property maintenance code which concern the qualification, removal, dismissal, duties, responsibilities of, and the administrative procedures for all building officials, deputy building officials, chief inspectors, other inspectors and assistants. In addition, the City adopts additional administrative provisions relating to Property Maintenance as set forth in Section 10-203.

Section 10-203. Amendments to International Property Maintenance Code.

(a) The International Property Maintenance Code adopted in section 10-202 is amended as follows:

(1) Section 103.5. Fees. For fees, see Appendix A of the Code of the City of Rock Hill.

(2) Section 302.4. Weeds. Insert "12 inches" in the first sentence. This section shall be amended by adding the following

sentence at the end of this section: "An owner is permitted one notice per calendar year with an opportunity to abate the weed violation within the time parameters set forth in the notice without further penalty. Each subsequent violation within the calendar year will be subject to an automatic court summons and fine."

(3) Section 304.14. Insect Screens insert "April 1 to October 31" in the first sentence.

(4) Section 602.2. Residential occupancies shall be amended by adding the following after the first sentence in this section: "Said heating facilities shall be permanent in nature and shall be installed in compliance with the provisions of the ICC International Residential Code and ICC International Mechanical Code. All heating facilities shall be maintained in a safe working condition and shall be capable of performing the intended function as outlined in Section 602."

(5) Section 602.3. Heat supply insert "October 31 to May 31" in the first sentence.

(6) Section 602.4. Occupiable workspaces insert "October 31 to May 31" in the first sentence.

(b) The International Property Maintenance Code adopted in section 10-202 is amended by adding the following section:

SECTION 112: Maintenance of Vacant and Boarded Structures

112.1 Vacant Structures

If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

112.2 Enforcement and Remedies for Violation

A structure that is boarded or vacant in violation of this section is a public nuisance. In addition to the provisions in this section the City is authorized to use the remedies set forth in Section 106 of this code, state law and the City of Rock Hill Code of Ordinances. The remedies, procedures and penalties provided by this

section are cumulative to each other and to any others available under state law or other city ordinances.

112.3 Owner Responsibilities.

No person shall allow a structure to stand vacant for more than thirty (30) days unless the owner establishes by substantial evidence to the reasonable satisfaction of the code official one of the following applies.

112.3.1 Permits. The structure is the subject of an active building permit for repair or rehabilitation and the owner is progressing diligently to complete the repair or rehabilitation.

112.3.2 Sale or Lease. The structure meets all applicable codes, does not contribute to blight, is ready for occupancy and is actively being offered for sale, lease or rent.

112.3.3 Maintained. The structure does not contribute to and is not likely to contribute to blight because the owner is actively maintaining and monitoring the structure so that it does not contribute to blight. Active maintenance and monitoring shall include:

1. Maintenance of landscaping and plant material in good condition.
2. Maintenance of the exterior of the structure including but not limited to paint and finishes in good condition.
3. Prompt and regular removal of all exterior trash, debris and graffiti.
4. Maintenance of the structure in continuing compliance with all applicable codes and regulations.
5. Prevention of criminal activity on the premises including but not limited to use and sale of controlled substances, prostitution, criminal street gang activity, loitering, or trespassing.

112.3.4 Natural Disasters. If the structure is vacant due to fire, flood, earthquake, or other form of natural disaster and the owner is actively pursuing assistance for demolition, rehabilitation, or restoration of the structure and/or premises from local, state or federal assistance programs or from insurance agencies.

112.4 Rehabilitation.

The owner of any boarded structure whether boarded by voluntary action of the owner or as a result of enforcement activity by the city shall cause the boarded structure to be rehabilitated for occupancy within six (6) months after the building is boarded and shall comply with Section 112.3.

112.5 Boarded-Up Structures.

The owner of any boarded structure whether boarded by voluntary action of the owner or as a result of enforcement activity by the city shall ensure that the structure is boarded to board-up standards provided in Section 112.6. In no case shall a structure remain boarded for a period more than six (6) months.

Exception: Commercial structures when the City determines that it is in the public interest and the owner provides substantial evidence to the reasonable satisfaction of the code official that the structure complies with Section 112.3.

112.6 Standards for Boarding a Vacant Structure.

The boarding of a vacant structure shall be according to the specifications approved by the code official.

112.6.1 Structures Abated by City. If the City boards the vacant structure, the structure may be boarded in a manner which is determined to adequately prevent unauthorized entry or vandalism. All costs of boarding shall be recovered pursuant to the procedures in Section 108.2.

112.7 Notice Procedures for Vacant, Unsecured, or Boarded Structures.

Whenever the code official determines that a vacant, unsecured, or boarded structure exists, a notice shall be sent to the owner or responsible party in accordance with Section 107.

112.7.1 Trespass Notice. The code official may also require the owner of the property to post "No Trespassing" signs on the property and sign a letter with the City of Rock Hill Police Department authorizing the department to enforce no trespassing on the premises.

112.8 Continuing Nuisance.

When the owner of a boarded or vacant structure fails to maintain the property in accordance with this section or when repeated violations of this section occur for the same property, the code official may seek other remedies as provided by this code, local ordinances or state law including but not limited to demolition of the structure.

112.9. Emergency Hazard Abatement.

When any open structure constitutes such an imminent threat to life, limb or property such that it must be secured, closed or barricaded and compliance with other provisions of this Code becomes infeasible as determined by the code official, the code official may summarily secure, close, or barricade the structure without prior notice to the property owner. All costs of boarding shall be recovered pursuant to the procedures in Section 108.2.

Secs. 10-204 - 10-210. Reserved.

Exhibit B

Sec. 10-193. International Existing Building Code adopted.

The International Existing Building Code, 2006 edition, including appendices thereto, adopted and promulgated by the International Code Council, Inc., with its headquarters located at 5203 Leesburg Pike, Suite 600, Falls Church, Virginia 22041-3401, as such code is now in force, and in as far as such code can have application within the city as fully as set out herein, or except as the same may be inconsistent with and modified by the provisions of state law, or except as follows: All persons within the city affected thereby shall comply strictly with all regulations and requirements imposed by the International Existing Building Code and by this code, when so applicable. The 2006 edition amendments and modifications and succeeding editions of this code or succeeding amendments or modifications to this code, shall become effective within the City of Rock Hill on the date specified as the effective date by the State of South Carolina. Such code shall be cited as "the existing building code." Substitute pages received for incorporation in the International Building Code, correcting errors, such as grammar, punctuation, section reference, etc., which do not amend the intent of any section as now written are also amended hereby.

Upon resolution by the city council, the building official for the city may submit variations and modifications to the South Carolina Building Codes Council as authorized by the South Carolina Code (as amended). Upon the approval of the South Carolina Building Codes Council, submitted variations and modifications shall become amendments to this section.

Exhibit C

Appendix A - Fee Schedule

Chapter 10. Buildings and Building Regulations

Permit fees for proposed construction:

<i>Total Valuation</i>	<i>Fee</i>
\$1,000.00 and less	\$35.00
\$1,001.00 to \$200,000.00	\$35.00 for the first \$1,000.00 plus \$5.00 for each additional \$1,000.00 or portion thereof, to and including \$200,000.00
\$201,000.00 and above or portion thereof	\$1,035.00 for the first \$200,000.00 plus \$3.50 for each additional \$1,000.00

Appeal fee 15.00

Plan checking fee. When the valuation of the proposed construction exceeds \$1,000.00 and a plan is required to be submitted, a plan checking fee shall be paid equal to one-half of the building fee as determined by the city fee schedule. One and two family dwellings are exempt from this fee.

Moving fee 100.00

Demolition fee:

<i>Total Valuation</i>	<i>Fee</i>
0 to 100,000 cubic feet	\$50.00
Over 100,000 cubic feet	\$.50 per \$1,000 cubic feet

Penalty for working without a permit. Where work for which a permit is required by the International Building Code is commenced before obtaining a permit therefore, the Building Official shall charge a double fee before issuance of the required permit. Payment of the extra charge and any delay in the issuance of the permit shall not affect the imposition of any penalty provided by law for violation of the International Building Code.

Examination and renewal card fees for plumbers:

Appeal fee	15.00
Examination fees	
Master plumber	50.00
Journeyman plumber	25.00
Annual renewal cards:	
Master plumber	5.00
Journeyman plumber	2.50

Qualification and examination fees for mechanics:

Master mechanic:	
Initial	50.00
Renewal	5.00
Journeyman mechanic:	
Initial	25.00
Renewal	2.50

Grading Permits.

<i>Disturbed Area</i>	<i>Fee</i>
Type A - Single residential lots and minor subdivisions:	
New subdivision	15.00
In fill	15.00
Type B - Commercial/industrial/major residential:	
Subdivisions:	
Less than 1.0 acre	250.00
1.0 acre and greater	250.00 per dist. acres