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If any section, subsection or clause of this ordinance is held to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

**Section 4. Conflicting provisions.**

To the extent this ordinance contains provisions that conflict with provisions contained elsewhere in the Lancaster County Code or other County ordinances, orders and resolutions, the provisions contained in this ordinance supersede all other provisions and this ordinance is controlling.

**Section 5. Effective date.**

This ordinance is effective upon 3<sup>rd</sup> and final approval of the ordinance.

AND IT IS SO ORDAINED

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

LANCASTER COUNTY, SOUTH CAROLINA

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Steve Harper, Chair, County Council

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Billy Mosteller, Secretary, County Council

Attest:

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Sherrie Simpson, Clerk to Council

First Reading: August 12, 2024  
Second Reading: August 26, 2024  
Public Hearing: September 9, 2024  
Third Reading: September 9, 2024

Approved as to form:

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Virginia Merck-Dupont, County Attorney

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### **1<sup>st</sup> Reading:**

~~Indicates Matter Stricken~~

Indicates New Matter

### **2<sup>nd</sup> Reading:**

**Indicates New Matter Added Since 1<sup>st</sup> reading**

**Indicates Deletions from the 1<sup>st</sup> Reading version**

*Indicates notes for clarity that will not be in the final ordinance.*

## **Chapter 7 BUILDINGS AND CONSTRUCTION<sup>1</sup>**

### **ARTICLE I. IN GENERAL**

#### **Sec. 7-1. Standard codes adopted.**

The following codes, as promulgated by the International Code Council and in the version most recently adopted by the State of South Carolina's Department of Labor, Licensing and Regulation, 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 other than Appendices H, J, and Q as adopted by the SC Building Codes Council, and including Chapter One, except as further provided herein. Provided, however, that the provisions of the codes which concern the qualification, removal, dismissal, for all building officials, deputy building officials, chief inspectors, and other inspectors and assistants are not adopted herein.

Amendments to these codes shall become effective in the county on the effective date specified by the state.

#### **2021 Editions:**

- International Building Code, with South Carolina amendments;
- International Residential Code, with South Carolina amendments;
- International Mechanical Code, including Chapter One, with South Carolina amendments;
- International Plumbing Code, including Chapter One, with South Carolina amendments;
- International Fire Code, with South Carolina amendments;
- International Fuel Gas Code, with South Carolina amendments;

#### **2020 Edition:**

- National Electric Code, with South Carolina amendments;

#### **2017 Edition:**

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<sup>1</sup>Editor's note(s)—Ord. No. 234, § 7, adopted May 23, 1994, created a building and zoning department for the county, The duties of said department have been set out in section 25-61 of this Code and include issuing permits, performing inspections and administering building codes and related regulations.

Cross reference(s)—Construction board of adjustment and appeals, App. B, § 8.6.

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ICC ANSI 117.1 Accessible and Usable Buildings and Facilities;

2009 Edition:

International Energy Conservation Code.

(Ord. No. 259, 12-5-94; Ord. No. 298, 8-19-97; Ord. No. 437, 4-30-01; Ord. No. 548, 6-30-03; Ord. No. 847, 9-10-07; Ord. No. 1171, § 1, 10-8-2012; Ord. No. 1320, § 1, 2-9-2015; Ord. No. 1400, § 2, 6-27-2016; Ord. No. 1630, § 1, 12-9-2019; Ord. No. 1830, § 2, 11-28-2022)

Cross reference(s)—Adoption of technical codes, § 2-64; building and zoning department to enforce building and construction codes, § 25-61.

### **Sec. 7-2. Optional codes adopted.**

The following permissive codes, as promulgated by the International Code Council and in the version most recently adopted by the State of South Carolina's Department of Labor, Licensing and Regulation, 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, responsibilities of, and administrative procedures for all building officials, deputy building officials, chief inspectors, and other inspectors and assistants are not adopted herein.

Amendments to these codes shall become effective in the county on the effective date specified by the state.

2021 Editions:

International Existing Building Code.

International Property Maintenance Code.

International Swimming Pool and Spa Code.

International Performance Code for Buildings and Facilities.

(Ord. No. 847, 9-10-07; Ord. No. 1320, § 1, 2-9-2015; Ord. No. 1400, § 2, 6-27-2016; Ord. No. 2019-1630, § 2, 12-9-2019; Ord. No. 1830, § 2, 11-28-2022)

### **Secs. 7-3—7-20. Reserved.**

## **ARTICLE II. BUILDING AND ~~MOBILE-MANUFACTURED~~ HOME PERMITS<sup>2</sup>**

### **Sec. 7-21. Title.**

The provisions included in the following sections of this article shall constitute and may be cited as the Lancaster County Building and ~~Mobile-Manufactured~~ Home Permit Ordinance, hereinafter referred to as "this ordinance."

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<sup>2</sup>Editor's note(s)—Ord. No. 129, adopted Mar. 25, 1986, did not specifically amend the Code; hence, inclusion of §§ 1-6 as Art. II, §§ 7-21-7-26 was at the editor's discretion.

Cross reference(s)—Administration, Ch. 2; environmental protection and Sanitation, Ch. 12; planning and development, Ch. 25; roads, bridges and public ways, Ch. 26; taxation. Ch. 28; water and sewers, Ch. 29.



### **Sec. 7-22. Scope.**

- (a) The provisions of this ordinance shall apply to the construction, alteration, renovation, relocation, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.
- (b) The provisions of this ordinance shall further apply to the placement and/or movement to, from or within Lancaster County of any mobile-manufactured home, except movement from an authorized mobile manufactured home dealership.
- (c) The provisions of this ordinance shall not apply within any incorporated municipality which has adopted and is enforcing a building permit ordinance.
- (d) The provisions of this ordinance will not apply to ordinary repairs to buildings, structures, mobile manufactured homes, and related appurtenances. Such ordinary repair would include such items as reroofing replacing siding or trim, repainting, replacing gutters, replacing a worn out heating unit replacing of lamps, or replacing windows (like for like, where no structural changes are required), or replacing deteriorated structural components. The designated enforcement official for this ordinance shall determine, on a case by case basis, any question as to work constituting an ordinary repair or an improvement requiring a permit, which determination shall be final and binding.
- (e) Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official.
- (f) A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution, metering, or other related equipment that is under the ownership and control of public service agencies by established right.

### **Sec. 7-23. Administration and enforcement.**

- (a) Permits required by this chapter shall be issued in compliance with the provisions hereof by the building official who shall also collect and properly administer all fees established under section 7-25 of this chapter.
- (b) The county building official is hereby designated as the enforcement official of this chapter, which designation also includes county employees authorized by the building official as his representative.
- (c) Sworn law enforcement personnel of the county shall assist the building official in the enforcement of this chapter upon request.
- (d) Upon notice from the building official, work on any building or structure or activity underway being done contrary to the provisions of this chapter shall be immediately stopped. Such notice shall be in writing and shall be transmitted to the owner of the property, or his agent, or the person performing work, and shall state the conditions under which work may be resumed. Such written notice shall be sufficient if mailed to the last recorded address of the owner, hand delivered, or affixed to the affected improvement or mobile manufactured home.
- (e) It shall be unlawful for any public utility, rural electric cooperative, or any agency furnishing electric current to connect electrical energy to any building, structure, or mobile-manufactured home or premises where a permit is required under this chapter prior to the issuance thereof or to maintain any such connection upon notice by the building official that such connection was made in violation of the provisions of this chapter. This connection restriction includes temporary connection for construction purposes.

## Sec. 7-24. Permit administration.

- (a) It shall be unlawful for any person to engage in activity included under section 7-22 of this chapter unless an application has been filed and a permit granted by the building official. Each application for a building or ~~mobile-manufactured~~ home permit shall be made in a form required by the building official. Building permit applications shall include, but not be limited to, all information mandated under S.C. Tax Commission Rule Number 117-~~118-1740~~ entitled "General Requirements for Building Permits." The building official shall certify each application as a condition precedent to permit issuance.
- (b) The building official shall make every reasonable effort to assist an applicant in completing the building or ~~mobile-manufactured~~ home permit application form; however, the applicant for such permit is wholly responsible for obtaining and entering complete and accurate information on the permit application form. If the permit application is deemed incomplete, inaccurate or nonconforming to the provisions of this {chapter} or other pertinent ordinances or laws, the building official shall reject said application in writing, indicating what action the applicant must take to conform.
- (c) The building or ~~mobile-manufactured~~ home application shall require the applicant to identify any public utility, electric co-op, or agency that will supply electric power to the affected improvement and the building official shall supply a copy of the building permit to any entity so identified. The building official shall transmit permit copies to identified power supply entities at ~~least once each week at the time of electrical inspection approval-~~
- (d) Upon approval of a ~~mobile-manufactured~~ home permit application involving placement, the building official shall ~~issue a placement decal~~ provide a copy of the moving permit, which ~~decal~~ shall be ~~permanently affixed~~ conspicuously displayed on the rear of ~~to~~ said ~~mobile-manufactured~~ home by the owner thereof and/or moving company, and shall be displayed there for the entire time the home is being moved. ~~Upon approval of a mobile home permit involving movement of same within or from Lancaster County, the building official shall issue a moving permit card, which card shall be conspicuously displayed on the rear of said mobile home while same is being moved.~~
- (e) Applications for building permits shall follow the guidance in the most recently adopted International Building Code, International Residential Code, and all other current adopted code series under "Application for Permit." A copy of any building permit issued by the building official shall be displayed at the affected premises in a conspicuous place and protected from the weather. No work shall begin prior to posting of the permit and posting shall be maintained until work for which the permit was issued is complete and ready for occupancy or use.

*NOTE: This edit was missed in the first draft and was requested by the Building Official to ensure that the reader understands that there are other codes, such as the Fire or Electrical code, that apply as well.*

- (f) If, in the opinion of the building official, the applicant's valuation of any improvement on a building permit application appears to be underestimated, the application shall be rejected unless the applicant can show detailed estimated cost to meet the building official's approval. Should the tax assessor, upon his establishment of market value for taxing purposes, determine that said market value exceeds the value entered upon the building permit application for the affected improvement by a factor greater than ten (10) percent, the tax assessor shall bill the owner of said improvement and the owner shall pay any additional permit fee that would have been payable based on proper valuation at the time of permit issuance.
- (g) Any building permit issued shall become invalid unless work authorized is commenced within six (6) months of its issuance or after commencement is discontinued for a period of six (6) months. The building official is authorized to suspend or revoke a permit issued per the guidance in the administration section of the



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~~adopted code series~~ under the provisions of this code wherever the permit is issued in error or on the basis of incorrect, inaccurate, or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code, the unified development ordinance, or adopted building codes.

*NOTE: This edit addresses the concerns provided by some Council members regarding permit revocation. It defaults to codes already adopted by the state and Lancaster County.*

(h) Any ~~mobile-manufactured~~ home permit (permanent decal) involving placement shall be valid only as long as the unit for which it was issued remains within Lancaster County and in the same ownership as when the permit was issued. Any ~~mobile-manufactured~~ home permit involving movement of a ~~mobile-manufactured~~ home ~~to,~~ within, or from Lancaster County shall be valid only while said unit is being moved between locations entered upon the application form.

(hi) It is unlawful for any person, individual, company, corporation, or other entity to move a building or structure over any road in this county without first obtaining a permit from the county building ~~department and zoning department~~. The permit must be obtained before the person begins the process of preparing the building or structure for moving. The form of the application for a moving permit shall be determined by the county building ~~and zoning~~ department. The moving permit is valid for fifteen (15) calendar days. Upon a showing of just cause, the building and zoning departments may extend the period of time the moving permit is valid by not more than a total of fifteen (15) calendar days. The moving permit must accompany the building or structure while it is being moved by displaying it on the rear of the building or structure in a conspicuous place. The moving permit must be available for inspection at all times. The permit required by this subsection is in addition to any other permit required by the county except that this subsection does not apply to the movement of one-story detached buildings or structures which are valued at five thousand dollars or less (\$5,000.00) and to the movement of ~~mobile-manufactured~~ homes.

(Ord. No. 129, § 4, 3-25-86; Ord. No. 829, 6-21-07; Ord. No. 1049, § 1, 8-31-10; Ord. No. 1320, § 1, 2-9-2015)

## Sec. 7-25. Schedule of permit fees.

- (a) No permit shall be issued until fees as established as a part of annual county budget ordinance have been paid.
- (1) *Building permits.* Building permits ~~shall not are be~~ required for one-story detached accessory structures which are valued at five thousand dollars (\$5,000.00) and less. Zoning permits are required for all structures.
  - (2) *Sign fee.* All fees shall be paid at the time of issuance of the permit or inspection made.
  - (3) *Penalties.* Where work for which a permit is required and is commenced prior to obtaining said permit or attaining approval to proceed prior to obtaining said permit, the fees herein shall be doubled, yet the payment of such double fee shall not relieve any person or persons from fully complying with the applicable code in the execution of said work nor from any other penalties prescribed herein.

Should the fees be waived by official action of the county council ~~or the county administrator or other governmental entities,~~ all other permit and code compliance requirements shall still be applicable and required.

*NOTE: This edit addresses the request by Council to limit fee waivers.*

- (4) *Electrical permit.*
  - a. Required on all commercial and industrial projects. Building permit will cover electrical permit in these occupancies where multiple trades are doing work.
  - b. Required on all residential or commercial projects when a building permit is not issued.

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(5) *Plumbing permit.*

- a. Required on all commercial and industrial projects. Building permit does cover plumbing installations in these occupancies where multiple trades are doing work.
- b. Required on all residential or commercial projects when a building permit is not issued.
- c. If any plumbing installation commences prior to obtaining the permit or obtaining approval to proceed prior to obtaining the permit, the fee herein shall be doubled.

(6) *H.V.A.C. (mechanical) permit.*

- a. Required on all commercial and industrial projects. Building permit does cover mechanical installations where multiple trades are doing work.
- b. Required on all residential or commercial projects when a building permit is not issued.
- c. If any mechanical installation commences prior to obtaining the permit or obtaining approval to proceed prior to obtaining the permit, the fee herein shall be doubled.

(7) *Gas permits.* Required on all commercial and industrial projects. Building permit does cover gas installations in these occupancies where multiple trades are doing work.

(8) *Moving permits.* All fees, if any, shall be paid at the time of issuance of the permit.

(9) *Religious institutions.* The first thirty thousand dollars (\$30,000.00) in combined building permit fees and plan review fees shall be waived for work on a sanctuary, church educational facility (except pre-school, K—12 school, or post-secondary school facilities), and family life center facility of a religious institution. Other facilities of a religious institution, including, but not limited to, a manse, parsonage, or a denominational administrative facility, shall have standard fees assessed. Proof of designation as a religious institution shall be by submission of the appropriate Internal Revenue Service documentation.

- (b) Where any activity regulated by this chapter is commenced prior to issuance of the required permit, the applicable fee shall be doubled.
- (c) The building official shall maintain accurate accounting records of all permit fees collected and shall remit all cash receipts to the county treasurer as required by the county's cash management policy.

(Ord. No. 129, § 5, 3-25-86; Ord. No. 532, 2-24-03; Ord. No. 656, 2-28-05; Ord. No. 846, 9-10-07; Ord. No. 1049, § 2, 8-31-10; Ord. No. 1300, §§ 1, 2, 9-8-2014; Ord. No. 1320, § 1, 2-9-2015)

## **Sec. 7-26. Violations and penalties.**

- (a) *Generally.* Any person, firm, corporation, or agent who shall fail to comply with the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined and/or imprisoned as provided for in section 1-10 of the Lancaster County Code of Ordinances. Each such person shall be deemed guilty of a separate offense for each and every day or portion thereof that a violation is committed or continued.
- (b) *Work commencing before permit issuance.* Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to an additional fee equal to the amount of the required permit fee, as outlined in Section 7-25, in addition to any fines levied by the magistrate under purview of Section 1-10 provided that the amount shall not exceed five hundred dollars (\$500.00), that shall be in addition to the required permit fee. The payment of such penalty shall not relieve any person or persons from fully complying with the applicable code in the execution of said work nor from any other penalties prescribed herein.

(Ord. No. 129, § 6, 3-25-86; Ord. No. 492, 5-6-02; Ord. No. 846, 9-10-07)

### **ARTICLE III. BUILDING DEMOLITION**

#### **DIVISION 1. FINANCIAL GUARANTEE FOR CERTAIN BUILDING DEMOLITIONS**

##### **Sec. 7-27. Financial guarantee for certain building demolitions.**

- (a) *Financial guarantee required.* All demolition projects performed in Lancaster County on structures of five thousand (5,000) gross square feet or more must have a financial guarantee on file with the county finance department prior to the beginning of the demolition project. The purpose of the financial guarantee is to assure completion of the demolition project. As used in this section, "demolition" includes removal of debris and site restoration. The person or entity proposing the demolition project must provide a specific, reasonable and satisfactory date for the completion of the demolition project. No financial guarantee shall be required for demolition activities undertaken by a government entity.
- (b) *Amount of financial guarantee.*
- (1) The amount of the financial guarantee for non-residential structures shall be set by the county zoning official and must be an amount equal to not less than one hundred ~~twenty (120)~~ twenty-five (125) percent of the estimated cost of the demolition. The person or entity proposing the demolition project shall submit to the county zoning official either a copy of a contract executed by the property owner and a licensed contractor or an itemized and certified cost estimate prepared by a licensed contractor, registered engineer, registered architect, or any combination thereof, which cover the costs for completion of the demolition project. The certified cost estimate shall bear the original signature and seal of the licensed or registered professional, be on company letterhead, and be in a form acceptable to the county zoning official. The county zoning official shall evaluate the cost estimate to determine if it is consistent with the prevailing costs for demolition. If the county zoning official determines that the cost estimate is less than prevailing costs for demolition, then the financial guarantee shall not be accepted for the demolition project and the demolition project shall not be started.
  - (2) The amount of the financial guarantee for residential structures shall be set by the county zoning official and must be an amount equal to not less than one hundred ~~twenty-five (125)~~ twenty (120) percent of the estimated cost of the demolition. The county zoning official shall establish the cost estimate using the prevailing costs for demolition.
- (c) *Financial guarantee defined.*
- "Financial guarantee" means cash, a bank certified check payable to Lancaster County or an irrevocable letter of credit naming the county as beneficiary.
- (d) *Cash or bank certified check requirements.* Cash or bank certified checks must be equal to one hundred twenty (120) percent of the approved cost estimate.
- (e) *Letter of credit requirements.* Letters of credit must:
- (1) Be equal to one hundred ~~twenty-five (125)~~ twenty (120) percent of the approved cost estimate;
  - (2) Be issued for an initial coverage period not less than ninety (90) days past the date specified in subsection (a);



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- (3) Be irrevocable, unconditional and subject to presentation for drawing within the State of South Carolina; and
- (4) Name Lancaster County as beneficiary.
- (f) *Approval of financial guarantee.* The county finance director is authorized to approve the form of the financial guarantee after review of the financial guarantee by the county attorney for content, format, and conditions. Approval of a financial guarantee is discretionary and the county reserves the ~~fight~~right to refuse a financial guarantee for any demolition project. Approval of a financial guarantee by the county shall not be construed as an obligation by the county to any person or entity to provide for the demolition project. Failure of a financial guarantee for any reason does not impose on the county any financial or other obligation to provide for the demolition project or any matter related to it.
- (g) *Holding and release of financial guarantee.* The county finance director shall hold the financial guarantee for safekeeping. When the county zoning official determines that the demolition project has been completed and that it conforms to the county's requirements for demolition projects, the county zoning official shall notify the county finance director who shall, as applicable, return or release the financial guarantee within thirty (30) days of notice from the county zoning official.
- (h) *Forfeiture of financial guarantee.* If the demolition project is not completed by the date specified in subsection (a) or if completed by the date specified in subsection (a) but not in conformance with the county's requirements for demolition projects, the financial guarantee is forfeited to the county.
- (i) *Extension of completion date.* If it appears that the demolition project may not be completed by the date specified in subsection (a), the demolition project owner is obliged, at least forty-five (45) days prior to the date specified in subsection (a), to submit a revised completion date and to provide for the extension of the financial guarantee to conform with the requirements of this section. Approval of an extension of the financial guarantee is subject to the same approvals and process as provided in this section for the original financial guarantee. Any extension of a completion date shall be for a maximum period of six (6) months. A maximum of two (2) extensions is allowed.

(Ord. No. 1101, § 1, 9-26-11; Ord. No. 1202, § 1.B, 3-25-2013; Ord. No. 1225, § 1, 9-23-2013)

**Secs. 7-28—7-49. Reserved.**

## ***DIVISION 2. DEMOLITION OF STRUCTURES***

### **Sec. 7-50. Alternate demolition method.**

- (a) As an alternative to any procedure set forth in this Code or other applicable law, the zoning official may meet with, or correspond with, all owners of a parcel upon which a substandard structure is located and offer to have the county participate financially in the cost of demolishing the substandard structure when the parcel owners agree to voluntarily demolish the substandard structure in lieu of the zoning official having to condemn it. The county's participation in the cost of demolishing the substandard structure is limited to the lesser of one-half ( $\frac{1}{2}$ ) of the documented lowest cost of demolition of the substandard structure or two thousand dollars (\$2,000.00) and shall be paid on a reimbursable basis, subject to the conditions contained in this section:
- (b) The county's participation in the cost for the demolition of a substandard structure is subject at all times to the availability of funds within the county budget. The amount of financial participation must be confirmed in writing by the zoning official prior to the start of any demolition work. Any demolition work begun before the zoning official establishes the amount of funding is not eligible for reimbursement by the county. Prior to the disbursal of funds, the zoning official shall ensure that the demolition work has been completed satisfactorily, the parcel left in a suitable condition and that the parcel owners provide proof of payment of

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the costs of demolition. Reimbursements made by the county will follow normal payment methods established by the county finance department.

- (c) The parcel owners must agree to voluntarily demolish the substandard structure prior to the zoning official beginning condemnation actions to demolish the substandard structure at county expense. The parcel owners are responsible for all demolition activities including, but not limited to, the selection of the contractor, the removal of debris, obtaining necessary insurance coverage, and meeting all regulations concerning the removal of substandard structures. All permits must be secured prior to initiating any work. The parcel owners must accept the offer of financial participation by the county not later than thirty (30) days from the initial date of notification by the zoning official that corrective action is required.
- (d) The financial participation by the county provided for in this section is conditioned on the parcel owners giving written permission to the county to conduct training exercises on the subject premises by public safety personnel and the parcel owners must agree in writing to hold the county harmless for any damage to the property or contents that may result from the training exercises. The parcel owners must provide notice to the county of the dates of demolition.
- (e) The parcel owners must sign a binding agreement acknowledging all requirements of the program and that they will, without undue delay, fulfill any and all commitments made to the county. The binding agreement may include such other conditions as the zoning official considers necessary because of matters such as the specific character of a structure, its former use, or the condition of the land. The binding agreement shall provide that if any actions of the parcel owners and its contractors or representatives are deemed unacceptable by the zoning official and not subject to reimbursement, then the parcel owners may ask for review and final disposition by the county administrator.
- (f) Nothing in this section shall be construed to impair or limit in any way the power of the county to define or declare nuisances and to cause their removal or abatement by summary proceedings, or other procedure. The measures and procedures provided for in this section do not supersede, and this section does not repeal, any other measures or procedures which are provided by ordinance, state law, applicable building code, or other applicable law for the elimination, repair, or correction of substandard structures, but the measures and procedures provided for in this section are in addition to any others.

(Ord. No. 1202, § 2, 3-25-2013)

**Secs. 7-51—7-99. Reserved.**

#### ***ARTICLE IV. DWELLINGS UNFIT FOR HUMAN HABITATION***

##### **Sec. 7-100. Abatement of dwellings unfit for human habitation.**

- (a) *Charging a dwelling as unfit for human habitation.*
  - (1) Whenever it appears to the building official (on his own motion) that any dwelling is unfit for human habitation, the building official shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and all 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 building official or his designated agent at 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 building official;
  - (2) Complaints or orders issued by the building official pursuant to this ordinance shall be served upon persons either personally or by registered mail, but if the whereabouts of such persons is unknown and

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cannot be ascertained by the building official in the exercise of reasonable diligence and the building official shall make to that effect, then the serving of such complaint or order upon such persons may be made by publishing it once each week for two consecutive weeks in a newspaper printed and published in the county or, in the absence of such newspaper, in one printed and published in the county and circulating in the county in which the dwellings are located. 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 complaint or order shall also be filed with the clerk of the county in which the dwelling is located, and such filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law.

(b) *Determining the dwelling is unfit for human habitation and order to repair, alter, improve, remove or demolish.*

- (1) ~~That if~~, after such notice and hearing, the building official determines the dwelling is unfit for human habitation, due to conditions which exist in the dwelling that are dangerous or injurious to the health or safety of the occupants of the dwelling, the occupants of neighboring dwellings or other residents in the county, including, but not limited to, defects resulting from the hazards of fire, accidents or other calamities, lack of adequate ventilation, light, water, sewer, power, or sanitary facilities, dilapidation, disrepair, structural defects, uncleanness;
  - a. The building official shall state in writing his findings of fact in support of such determination; and
  - b. If the repair, alteration or improvement of the dwelling can be made at a reasonable cost in relation to the value of the dwelling (as determined by the building official), the building official shall issue and cause to be served upon the owner an order 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
  - c. If the repair, alteration or improvement of the dwelling cannot be made at a reasonable cost in relation to the value of the dwelling (as determined by the building official), the building official shall issue and cause to be served upon the owner an order requiring the owner, within the time specified in the order, to remove or demolish such dwelling.

(c) *Failure to comply with order; authority of Building Official to carry out order.*

- (1) If the owner fails to comply with the order, the building official may cause the order to repair, alter, improve, remove or demolish the dwelling to be carried out.
- (2) The amount of the cost of such repairs, alterations or improvements, vacating and closing, or removal or demolition by the building official shall be a lien against the real property upon which such cost was incurred and shall be collectible in the same manner as county taxes.

(d) *Rights of persons affected by orders.*

- (1) Any person affected by the building official's order may within sixty (60) days after the posting and service of the order, petition the circuit court for an order restraining the building official from carrying out the order, and the court may, upon such petition, issue a temporary injunction restraining the building official pending the final disposition of the cause. Hearings shall be had by the court within twenty days or as soon thereafter as possible and shall be given preference over other matters on the court's calendar. The court shall hear and determine the issues raised and shall enter such final order or decree as law and justice may require. In all such proceedings the findings of the building official as to facts, if supported by evidence, shall be conclusive. The costs of the action shall be in the discretion of the court. The remedies herein provided shall be the exclusive remedies and no person affected by an order of the building official shall be entitled to recover any damages for action taken pursuant to any order of the building official or because of compliance by such person with any order of the building official.



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- (e) *Powers of the building official.* The building official may 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 herein granted:
- (1) To investigate the dwelling conditions in the county in order to determine which dwellings therein are unfit for human habitation;
  - (2) To administer oaths and affirmations, examine witnesses and receive evidence;
  - (3) To enter upon premises for the purpose of making examinations, provided such entries be made in such manner as to cause the least possible inconvenience to the persons in possession;
  - (4) To appoint and fix the duties of such officers, agents and employees as deemed necessary to carry out the purposes of this article; and
  - (5) To delegate any of his functions and powers to such officers and agents as he may designate.
- (f) County council may make such appropriations from its revenues as it deems necessary for the purpose of this article and may accept and apply grants or donations to assist it in carrying out the provisions of this article.
- (g) If a dwelling is removed or demolished by the building official he shall sell the materials of such dwelling and shall credit the proceeds of such sale against the cost of the removal or demolition and any balance remaining shall be deposited in the circuit court by the building official, shall be secured in such manner as may be directed by such court and shall be disbursed by such court to the persons found to be entitled thereto by final order or decree of such court.
- (h) Nothing in this article shall be construed to impair or limit in any way the power of the county to define and declare nuisances and to cause the removal or abatement by summary proceedings or otherwise.
- (i) *Definitions.* When used in this article:
- (1) *Dwelling* means any building or structure, or part thereof, used and occupied for human habitation or intended to be so used.
  - (2) *Owner* means the holder of title to the property in fee simple and every mortgagee of record.
  - (c) *Parties in interest* refers to all individuals, associations, corporations and others who have interests of record in the dwelling and anyone in possession thereof.

(Ord. No. 2019-1588, § 1, 5-28-19)