

THE TOWN OF KIAWAH ISLAND

ORDINANCE 2021-11

AN ORDINANCE TO AMEND ARTICLE 9 - BUILDING AND BUILDING CODES, CHAPTER 1 - GENERAL, DIVISION 2 - CONSTRUCTION DOCUMENTS, SECTION 9-18. - SUBMITTAL DOCUMENTS AND CHAPTER 4 - PERMITS, LICENSE AND FEES, DIVISION 2 - LICENSES, SECTION 9-201. - LICENSES, AND SECTION 9-202. - DEFINITIONS

WHEREAS, the Town of Kiawah Island Municipal Code currently contains Article 9 - Building and Building Codes, and;

WHEREAS, the Town wishes to amend the current Chapter 1 - General, Division 2 - Construction Documents - Section 9-18. - Submittal Documents and Chapter 4 - Permits, License and Fees, Division 2 - Licenses, Sections 9-201. - Licenses, and 9-202. - Definitions

NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE COUNCIL OF THE TOWN OF KIAWAH ISLAND, SOUTH CAROLINA, AND IT IS ORDAINED BY THE AUTHORITY OF SAID COUNCIL.

Section 1 Purpose

The purpose of this Ordinance is to amend Article 9 - Buildings and Building Codes, Chapter 1 - General, Division 2 - Construction Documents - Section 9-18. - Submittal Document and Chapter 4 - Permits, License and Fees, Division 2 - Licenses, Sections 9-201. - Licenses and 9-202. - Definitions to provide clarification of the requirements.

Section 2 Ordinance

Article 9 - Buildings and Building Codes, Chapter 1 - General, Division 2 - Construction Documents, Section 9-18. - Submittal Documents is hereby amended as follows:

Sec. 9-18. - Submittal Documents.

Construction documents, special inspection and structural observation programs, and other data shall be submitted in one or more sets with each application for a permit. The construction documents shall be prepared by a South Carolina licensed design professional, for all new construction and extensive renovation projects. The plans submitted for approval shall be completed by both a SC licensed architect and all structural drawings shall be completed by a SC licensed structural engineer. Plans submitted for all new construction shall at minimum include landscape drawings, grading plans, complete architectural drawings, complete structural drawings, mechanical, electrical, and plumbing sheets. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

Exception: The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this code.

Article 9 - Buildings and Building Codes, Chapter 4 - Permits, License and Fees, Division 2 - Licenses, Section 9-201. - Licenses is hereby amended as follows:

Sec. 9-201. – Licenses

- (a) Any person or firm wishing to engage in professional design services shall be required to be licensed by the South Carolina Department of Labor, Licensing and Regulations.
 - 1. All design professionals are required to seal their plan sheets before submitting them for review. Professional seals shall be signed and dated on each page. If the company is a firm, each plan page shall be accompanied by the firm seal.
 - 2. Any professional designer who is under investigation by the South Carolina Department of Investigations a Division of The South Carolina Department of Labor, Licensing and Regulations shall be suspended from further plan submittals until such time a decision has been made by either the Board of Architectural Examiners and or the Board of Engineers and Surveyors.
- (b) Any person or firm that wishes to obtain building permits for work within the Town of Kiawah Island is required to possess a valid state contractor's license issued by South Carolina Labor, Licensing and Regulation Residential Builders Commission and or the Contractor's Licensing Board.
- (c) Any person or firm engaged in the business of performing plumbing, electrical or mechanical work within the Town of Kiawah Island shall possess a valid town business license and a valid South Carolina mechanical contractor license, a valid South Carolina residential specialty license, and a Town of Kiawah Island contractor's license for the type of work to be permitted.
- (d) Contractors duly licensed by the State of South Carolina shall also obtain a contractor's license from the Town of Kiawah Island.
- (e) Any contractor under investigation by the South Carolina Department of Investigations, a Division of The South Carolina Department of Labor, Licensing and Regulations shall be suspended from submitting permits to the Town of Kiawah until such time a decision has been made by either the Residential Builders Commission, and or Contractor's Licensing Board.
- (f) Commencing to perform construction activities on properties within the Town of Kiawah Island when the undertaking is \$200.00 or more prior to obtaining a contractor's license from the State of South Carolina and a permit from the Town of Kiawah Island shall constitute an ordinance violation and shall result in a fine not to exceed \$500.00. Each day the ordinance violation continues constitutes a separate offense.

Article 9 - Buildings and Building Codes, Chapter 4 - Permits, License and Fees, Division 2 - Licenses, Section 9-202. - Definitions is hereby amended as follows:

Sec. 9-202. – Definitions.

- (a) *Alarm Business* means an entity that is licensed by the South Carolina Contractor's Licensing Board to engage in the burglar or fire alarm system business, or both.
- (b) *Design Professional* means an individual who is licensed by the South Carolina Department of Licensing, Labor and Regulations to provide professional design services as an architect or engineer.
- (c) *General Construction* means the installation, replacement, or repair of a building, structure, highway, sewer, grading, asphalt or concrete paving, or improvement of any kind to real property.

- (d) *General Contractors, Building* includes commercial, industrial, institutional, modular, and all other types of building construction, including residential structures. This license classification includes all work under the subclassifications of wood frame structures-Class II, interior renovation, masonry, pre-engineered metal buildings, general roofing, and structural shapes.

Licensees under this classification may perform ancillary work, including grading, associated with the building or structure which the licensee has been engaged to construct. However, if a project includes work performed under a mechanical contractor subclassification or any of these license sub classifications, the licensee must have a license for this work or use a contractor licensed in the appropriate license classification or sub classification to perform the work: swimming pools, bridges, boring and tunneling, water and sewer lines, pipelines, railroad lines, specialty roofing, marine, water and sewer plants, and asphalt paving.

- (e) *Licensed Contractor* means an entity that is licensed by the South Carolina Contractor's Licensing Board to engage in general, mechanical, residential, and or residential specialty contracting within the state.
- (f) *Mechanical Construction* means the installation, replacement, or repair of plumbing, heating, air conditioning, electrical systems.
- (g) *Mechanical Contractor* means an entity which performs or supervises or offers to perform or supervise mechanical construction.
- (h) *Residential Builder* means one who constructs, superintends, or offers to construct or superintend the construction, repair, improvement, of a residential building or structure which is not over three floors in height, and which does not have more than 16 units in any single apartment building.
- (i) *Residential Specialty Contractor* means an independent contractor who is not a licensed residential builder, who contracts with a licensed residential builder, or individual property owner to do work, repairs, improvements which require special skills and involves the use of specialized construction trades or craft. Specialty contractors are prohibited from hiring sub-contract labor.
- (j) *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 the construction contract.

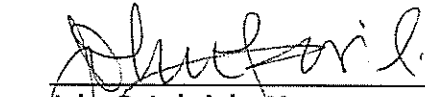
Section 3 **Severability**

If any part of this Ordinance is held to be unconstitutional, it shall be construed to have been the legislative intent to pass said Ordinance without such unconstitutional provision, and the remainder of said Ordinance shall be deemed to be valid as if such portion had not been included. If said Ordinance, or any provisions thereof, is held to be inapplicable to any person, group of persons, property, kind property, circumstances or set of circumstances, such holding shall not affect the circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property, or circumstances

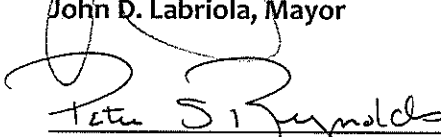
Section 4 **Effective Date and Duration**

This Ordinance shall be effective upon its enactment by Town Council for the Town of Kiawah Island.

PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF KIAWAH ISLAND ON THIS
12th DAY OF OCTOBER 2021.



John D. Labriola, Mayor



Petra S. Reynolds, Town Clerk

1st Reading - September 7, 2021

2nd Reading – October 12, 2021