

**AGENDA**  
**PLANNING COMMISSION**  
**City of Westminster**

**Monday, April 21, 2025**

**6:00PM**

**Regular Meeting**

**Westminster City Hall**

**100 E. Windsor St,**

**Westminster, SC 29693**

## **Westminster Planning Commission**

**April 21, 2025 Meeting**

**6:00pm- City Hall**

- 1. Call to Order**
- 2. Invocation and Pledge of Allegiance**
- 3. Certification of Quorum**
- 4. Comments from Staff**
  - a. Misc./Other**

### **Routine Business**

- 5. Consideration of Minutes from January 27, 2025.**

### **Old Business**

- 6. Consideration of South Carolina Chapter of the American Planning Association Community Technical Assistance Program Report.**

The SC Chapter of the American Planning Association (SCAPA) provided the City of Westminster with a technical assistance grant, focusing on the HWY 123 Corridor from (roughly) the marquee sign at the intersection of Main Street and Windsor Street to the intersection of HWY 24 and Main Street (Ingles Intersection). They were tasked to identify ways and opportunities to improve their project area to make it more pedestrian friendly, promote beautification, and to compliment the Downtown Masterplan. The plan is a recommendation of policies, possible future partnerships, and development standards that could lead to improvements in the corridor.

The volunteer committee was made up of planning professionals in local government, planning consultants, and students at Clemson University. They met monthly with Westminster Staff to provide updates and direction.

City staff requests that the Planning Commission consider the following actions:

- 1) Accept the document as presented.
- 2) Make recommended changes and amendments (if any).
- 3) Make a recommendation to City Council to accept or not accept the document with changes (if any).

### **New Business**

- 7. Open Public Hearing regarding for ORDINANCE NO. 05-13-2025-01: AN ORDINANCE OF THE CITY OF WESTMINSTER, SOUTH CAROLINA ENACTING THE INTERNATIONAL PROPERTY MAINTENANCE CODE AND CERTAIN STANDARD TECHNICAL CODES AND THEREBY AMENDING AND RESTATING TITLE XV, CHAPTER 150 OF THE CITY'S CODE OF ORDINANCES; AMENDING TITLE XV,**

**CHAPTER 151 OF THE CITY'S CODE OF ORDINANCES AND OTHER MATTERS RELATED THERETO.**

- 8. Close Public Hearing regarding for ORDINANCE NO. 05-13-2025-01: AN ORDINANCE OF THE CITY OF WESTMINSTER, SOUTH CAROLINA ENACTING THE INTERNATIONAL PROPERTY MAINTENANCE CODE AND CERTAIN STANDARD TECHNICAL CODES AND THEREBY AMENDING AND RESTATING TITLE XV, CHAPTER 150 OF THE CITY'S CODE OF ORDINANCES; AMENDING TITLE XV, CHAPTER 151 OF THE CITY'S CODE OF ORDINANCES AND OTHER MATTERS RELATED THERETO.**
  
- 9. Consideration of First Reading of ORDINANCE NO. 05-13-2025-01: AN ORDINANCE OF THE CITY OF WESTMINSTER, SOUTH CAROLINA ENACTING THE INTERNATIONAL PROPERTY MAINTENANCE CODE AND CERTAIN STANDARD TECHNICAL CODES AND THEREBY AMENDING AND RESTATING TITLE XV, CHAPTER 150 OF THE CITY'S CODE OF ORDINANCES; AMENDING TITLE XV, CHAPTER 151 OF THE CITY'S CODE OF ORDINANCES AND OTHER MATTERS RELATED THERETO.**

At the December 12, 2023 City Council Meeting, City Council adopted Ordinance 2023-12-12-01, repealing and replacing the Westminster Zoning Ordinance. Through that process, the adoption of technical codes (International Property Maintenance Code, National Electric Code, etc.) was moved to Section 151 (Zoning Code) and much of the technical and procedural language was removed. State statute authorizes municipalities to adopt both their own unique zoning code and the described technical codes through two separate acts, and legal counsel recommends that we keep the building and zoning codes separate. Additionally, this ordinance will update all technical codes to an updated version. There was discussion by City Council at the First Reading of the 2023 ordinance around specifying which versions of code to adopt. Adoption of this ordinance will mean that the technical codes will need to be updated semi-regularly (as the state boards adopt the codes) and specifies the adoption of the 2021 ordinance.

The adoption of the 2023 Ordinance removed procedural language (such as how to appeal, notification schedule, etc.) that this ordinance would reinstate. Staff does not believe that this will fundamentally change the way the codes are enforced but instead strengthen due process and provide direction to staff. Two public hearings are required: one at the City Council regarding the adoption of the technical codes (held April 8, 2025) and one at the Planning Commission regarding the amendment to the Zoning Code.

City Council approved first reading of the ordinance at the April 8, 2025 City Council Meeting. City Council also requested clarification and/or correction on the following items:

- 1) City Council requested 2024 version of the IPMC listed in the ordinance be changed to line up with the County (who manages the City Building Codes) and to allow the IPMC to be implemented in other jurisdiction before implementing here. This version reflects that change to the existing (2021) IMPC.
  
- 2) The City Council requested that the subpoints of each section be condensed or removed if possible. Specifically, the additional requirements of licensed technicians for certain

jobs (electricians, plumbers, etc.) is already required by SC State Law (S.C. Code § 40-11-30). For simplicity, these clauses were removed.

- 3) City Council requested staff review the requirements for brick underpinning on mobile homes. Staff found through review of the audio files that there was substantial discussion by the Planning Commission about this item in its 2023 review sessions of the most recent zoning ordinance, and they recommended this item for approval to the Council. City Council did not discuss this further in their review of the ordinance before approval..

A Memorandum from legal counsel about the ordinance is attached.

Staff recommends approval.

## **10. Adjourn**

**City of Westminster**  
**MINUTES OF THE PLANNING COMMISSION**  
**January 27, 2025, 6:00 pm**  
**Westminster City Hall Conference Room**

The meeting was called to order at 6:00pm. In attendance were Sandra Powell, Ben Lewis, Jarrod Brucke, and Charles Morgan

Assistant City Administrator, Regan Osbon  
City Clerk, Rebecca Overton

**Swearing in of Planning Commission Member Charles Morgan**

Rebecca Overton swore in Mr. Charles Morgan.

**Approval of Minutes**

Upon a motion by Mr. Lewis and seconded by Mrs. Powell, the motion to approve the November 18, 2024, meeting minutes passed unanimously.

**Presentation of Planning Commission Meeting Schedule**

Mr. Osbon presented a monthly meeting schedule to the Board. The meeting dates would be February 24, March 17, April 21, May 19, June 16, July 14, August 18, September 15, October 20, and November 17. All Members agreed with the scheduled dates presented.

**Nomination and Election of Planning Commission Officers**

Upon a motion by Mr. Lewis and seconded by Mr. Morgan, the motion to nominate Sandra Powell as Chair of the Planning Commission passed unanimously.

Upon a motion by Mr. Brucke and seconded by Mr. Morgan, the motion to nominate Ben Lewis as Vice-Chair of the Planning Commission passed unanimously.

**Special Presentation and Workshop**

Scott Correll and Shea Farrar were present via Zoom to update the Board on the SC Chapter of the American Planning Association that provided they city of Westminster with a technical assistance grant, focusing on the Highway 123 Corridor. They identified ways and opportunities to improve the project area to make it more pedestrian friendly, promote beautification, and compliment the Downtown Masterplan.

**Adjourn**

Upon a motion by Mr. Lewis and seconded by Mr. Brucke, the motion to adjourn the meeting passed unanimously.

(Minutes prepared by Rebecca Overton)

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Sandra Powell, Chairperson

**TO:** Westminster Planning Commission  
**FROM:** Reagan Osbon, Assistant City Administrator  
**DATE:** April 21, 2025  
**SUBJECT:** Executive Summary – East Main Street / Highway 123 Corridor Study Recommendations

## MEMORANDUM

The East Main Street / Highway 123 Corridor Study presents a timely opportunity to shape the future of one of Westminster’s most important gateways. This section, stretching from Windsor Street to Oak Street, serves as the entrance to downtown and connects Westminster to Seneca, Anderson, and the Georgia border. The planning group and City staff envision East Main to become a safer, more beautiful, and welcoming street that supports economic growth and community life. These recommendations aim to create a more vibrant, accessible, and resilient East Main corridor.

### Key Takeaways:

- **Planning Context:** While several local and regional plans reference Highway 123, few address the study area directly. The 2023 Downtown Master Plan is the most relevant, recommending safety improvements like the realignment at East Windsor Street and the inclusion of a planted median.
- **Policy & Partnerships:** To catalyze reinvestment, the City should proactively update zoning and development regulations while coordinating with SCDOT and ACOG. Focus areas include:
  - Streetscape design standards
  - Improved pedestrian and bicycle infrastructure
  - Streamlined development processes
- **Infrastructure Improvements:** A comprehensive corridor redesign should evaluate enhancements such as pedestrian refuges, landscaped medians, driveway consolidation, and ADA-compliant sidewalks per PROWAG standards.
- **Land Use & Regulatory Alignment:** A zoning ordinance audit is recommended to support mixed-use development, flexible parking strategies, and enhanced building design. Considerations include:
  - Reduced or maximum parking requirements
  - Shared parking agreements
  - Cross-access requirements and driveway consolidation
- **Complete Streets & Vision Zero:** Support South Carolina’s Vision Zero initiative and develop a local Bicycle & Pedestrian Plan to align local priorities with state and regional goals.
- **Next Steps:** The City should pursue planning grants and engage regional partners.

# Final Recommendations Memo

15th December 2024

## PROJECT OVERVIEW

East Main Street / Highway 123 is a critical corridor in Westminster serving as the city’s main thoroughfare as well as the connection to the South Carolina / Georgia border and Seneca, SC. The City of Westminster envisions that East Main Street will “be a safe, beautiful, and welcoming street that connects Westminster’s downtown and business corridor to the rest of the region.”<sup>1</sup> This study will focus on a portion of the corridor just south of the downtown core between Windsor Street and Oak Street as this area serves as the gateway into downtown (Figure 1).

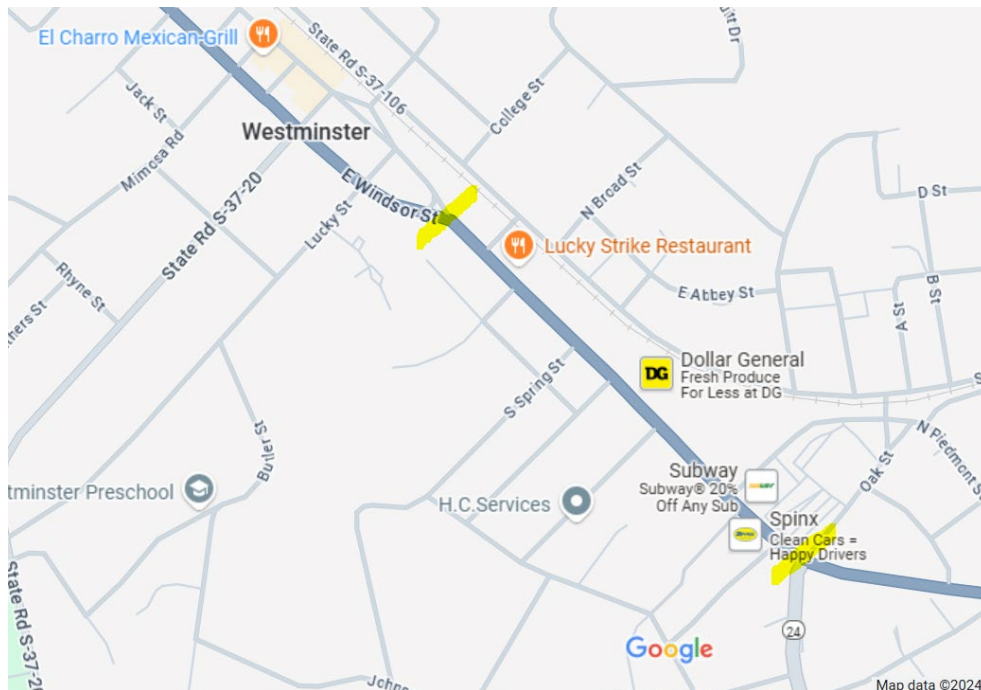


Figure 1. Study Area

Goals for the corridor study include:

<sup>1</sup> Downtown Master Plan. Westminster, SC. 2023. Print. pg. 61.

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1. Evaluate opportunities to make changes to improve safety and comfort for all roadway users.
  2. Analyze existing conditions of the corridor.
  3. Make recommendations for policy, programming, and infrastructure improvements that will be shared with elected officials and the public.

## PLAN REVIEW

Six adopted local and regional plans and several ordinances were identified that affect potential policy, project, and programming recommendations for East Main Street. Each plan is briefly summarized below, highlighting policies or projects pertaining to East Main Street.

### Oconee County Comprehensive Plan 2020

The transportation element in the Oconee County comprehensive Plan discusses Highway 123; however, there are not any projects listed for the study area. One important note is that Highway 123 is a major arterial designed for vehicle throughput.<sup>2</sup>

### Westminster Downtown Master Plan

In 2023, Westminster completed a Downtown Master Plan looking at an area along East Main Street from North Hampton Street to south of Long Creek Hwy. The plan includes this study's study area, but focuses more on the downtown core. Zoning along the study area is predominately focused on commercial.<sup>3</sup> This section of roadway was evaluated to have a planted median. Lastly, East Main Street was recommended to realign at East Windsor St to improve the safety of the area with a signalized intersection.<sup>4</sup>

### Appalachian Council of Governments (ACOG) Rural Transportation Improvement Plan (RTIP) 2024-2033

Oconee County is one of the six counties that make up the ACOG which focuses on rural areas. Within ACOG's RTIP is one project related to the study area. In 2027, \$150,000 will go towards a Highway 123 Corridor Study.<sup>5</sup>

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<sup>2</sup> Comprehensive Plan: Transportation Element. Oconee County. 2020. Print. pg. 5.

<sup>3</sup> Downtown Master Plan. Westminster, SC. 2023. Print. pg. 12.

<sup>4</sup> Downtown Master Plan. Westminster, SC. 2023. Print. pg. 60.

<sup>5</sup> RTIP. ACOG. 2024-2033. Print. pg. 27.



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## ACOG Rural Long Range Transportation Plan (RLRTP) 2045

In the Rural Long Range Transportation Plan, ACOG defines projects for the region over the next 20 years. Highway 123 is mentioned several times; however, this project's study limits are not included.<sup>6</sup>

## Oconee County State Transportation Improvement Plan (STIP) 2021-2027

Along with ACOG's RTIP list, Oconee County listed out their specific projects over the next several years. The Corridor Study along Highway 123 is listed again in this plan.<sup>7</sup>

### Ordinances

Parking restrictions based on the Westminster code of Ordinances:

**(A)** Parking is prohibited on streets (not alleys) if it leaves less than ten feet for traffic, except for brief stops to load/unload passengers or comply with traffic signs or police.

**(B)** In alleys, parking is also prohibited if it leaves less than ten feet for traffic.

**(C)** The City of Westminster can restrict parking on certain public areas and city property, with violations leading to fines or towing.

**(D)** Fines start at \$ 10, increasing to \$20 if unpaid within five days, and vehicles may be towed if the fine remains unpaid after ten days.

Curb Parking:

**(A)** On streets marked or signed for angle parking, vehicles must be parked at the indicated angle.

**(B)** Vehicles loading or unloading merchandise/materials may go back into the curb if permitted, and the driver has the permit on hand or in the vehicle. Still, it's illegal to violate any conditions of the permit.

Bus and Taxicab parking restrictions:

Bus and taxicab drivers can only stand or park their vehicles on business district streets if they are at a designated bus stop or taxicab stand. However, they may temporarily stop elsewhere if they actively load or unload passengers and comply with other stopping or parking regulations.

General provisions on sidewalk and curb cut improvements:

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<sup>6</sup> RLRTP. ACOG. 2045. Print.

<sup>7</sup> STIP. Oconee County. 2021-2027. Print. pg. 1.

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### **Compliance with Provisions Required:**

- Owners, contractors, or developers must follow regulations for installing, repairing, or renovating sidewalks, driveway curb cuts, and roadway curbs when constructing or renovating buildings under specific occupancy or use categories.

## **PLAN REVIEW SUMMARY**

Overall, the length of East Main Street from Windsor Street and Oak Street is not often mentioned in existing plans. The Downtown Master Plan is the only plan that takes a look at the existing roadway and begins to make safety recommendations. Since this roadway is operated by the state and is a connector to outlying areas, it will be important to consider ways to redesign for a more walkable and comfortable environment for bicycles and pedestrians.

## **POLICY AND PROGRAMMING RECOMMENDATION OPTIONS**

Westminster is a city poised for new investment and redevelopment. The central recommendation for the City is to be proactive in setting the stage for new investment along the corridor. New homes and subdivisions associated with population growth across the Upstate and Oconee County will lead to reinvestment in the Highway 123 corridor. Westminster should consider updating ordinances and development regulations while working with Oconee County and regional partners like the Appalachian COG to set the stage for new development. By taking action proactively, the City can position itself as an attractive partner for new businesses and enable changes in the built environment that make the corridor an asset to the City.

### **Coordination & Collaboration with SCDOT and Appalachian Council of Governments (ACOG):**

The City of Westminster can use policy to shape the future of the Highway 123 corridor. In order to have productive conversations with the public, City staff should meet with SCDOT District 3 and ACOG staff about the future of the street and discuss local preferences for topics including:

- Streetscape design elements & consistent application (eg: sidewalk width, bicycle facilities, driveway typologies and location and cross access requirements, street trees and landscaping, etc.)
- Integration with other City, County, and SCDOT planning processes

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- Needed planning initiatives/processes/projects that would facilitate future conversations with SCDOT

These conversations inform agencies working at the regional level to local needs. These agencies can influence funding streams, can support grant funding identification, and potentially administration to support changes in future regional planning processes and projects.

## Complete Streets & Safety

The City should determine its position on creating “[complete streets](#).” For example:

How do people in each mode feel in this space? What improvements can be made to create more parity among all modes? The City should consider additional planning processes as follows:

- **Bicycle & Pedestrian Plan** - This plan enables the City to have a conversation with the public about the types of facilities they want as they walk and bike. Adopting this type of plan facilitates conversations with SCDOT and ACOG to implement future conversations as part of Regional Transportation Improvement Program (RTIP) projects.
- **Supporting SC Vision Zero** - [Vision Zero](#) (VZ) is a state-wide objective to reduce traffic fatalities and crashes. Adopting a resolution of support for VZ demonstrates the City’s support for this process.
- **Revitalize and reuse existing building stock** - The corridor includes a number of historic buildings. Incentivizing redevelopment will help create more activation along the street which helps create an environment that is more attractive for pedestrians and the community as a whole.
- **Consider updating zoning** - Land use regulations can be important for shaping the way people move and interact with businesses along the corridor. Consider updating zoning to allow for a greater mixture of uses so that people have opportunities to live near the places they work, shop, and dine.
- **Plan for future sidewalk improvements** - The Public Right of Way Accessibility Guidelines (PROWAG) are published by the USDOT and provide specific guidance for street and sidewalk design that complies with the Americans with Disabilities Act (ADA) Title II. Consider updating development regulations to require compliance with ADA, and work with SCDOT to implement PROWAG guidance as part of projects they fund.

## PUBLIC RIGHTOF-WAY CHANGES

Conduct a detailed corridor study to evaluate travel conditions on Highway 123 and to determine infrastructure changes that improve the look and feel of driving and walking. The City can explore specific streetscape design elements like landscaping, street trees, driveway consolidation, cross-access requirements, locations for pedestrian refuge islands and pedestrian hybrid

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beacons, Continuous or intermittent landscaped median, gateway landscaping/signage, banners for utility poles, etc.

## LAND USE & REGULATORY CHANGES

After the corridor study, a zoning ordinance audit to determine specific regulatory changes that could be implemented to incentivize reinvestment in the corridor in the form of building upgrades and redevelopment. The city should align the zoning code to support this goal and implementation of the corridor study. Possible changes could include the following:

- Consider lower parking requirements OR consider adopting parking maximums to allow the market to determine parking needs for businesses
  - E.g.: An existing site is built with a 4800 sf building and 25 spaces. The site would not allow for a new restaurant without a variance for parking.
  - E.g.: Ingles has an extremely large parking field - likely more than it needs to operate.
- Consider allowing/encouraging shared parking agreements
- Consider adopting design regulations that discuss things like:
  - Parking field design & location
    - No parking in first 30 ft of setback
    - Pedestrian facility design
  - Access Management - Cross access requirements, driveway consolidation - reduce # of driveways, vegetated medians
  - Building placement
  - Signage
  - Landscaping - Street trees, parking lots, along buildings

## TARGETED STRATEGIES

- Evaluate applying for the MASC South Carolina Main Streets program. In 1983, South Carolina established its Main Street program to help revitalize South Carolina's historic downtowns. As a program of the Municipal Association of South Carolina, Main Street SC offers comprehensive technical assistance, expert training, and a supportive network to transform our state's historic commercial districts into vibrant economic and cultural hubs. The program focuses on four primary areas: Organization, Proportion, Design, and Economic Vitality.

## Site Layout Considerations

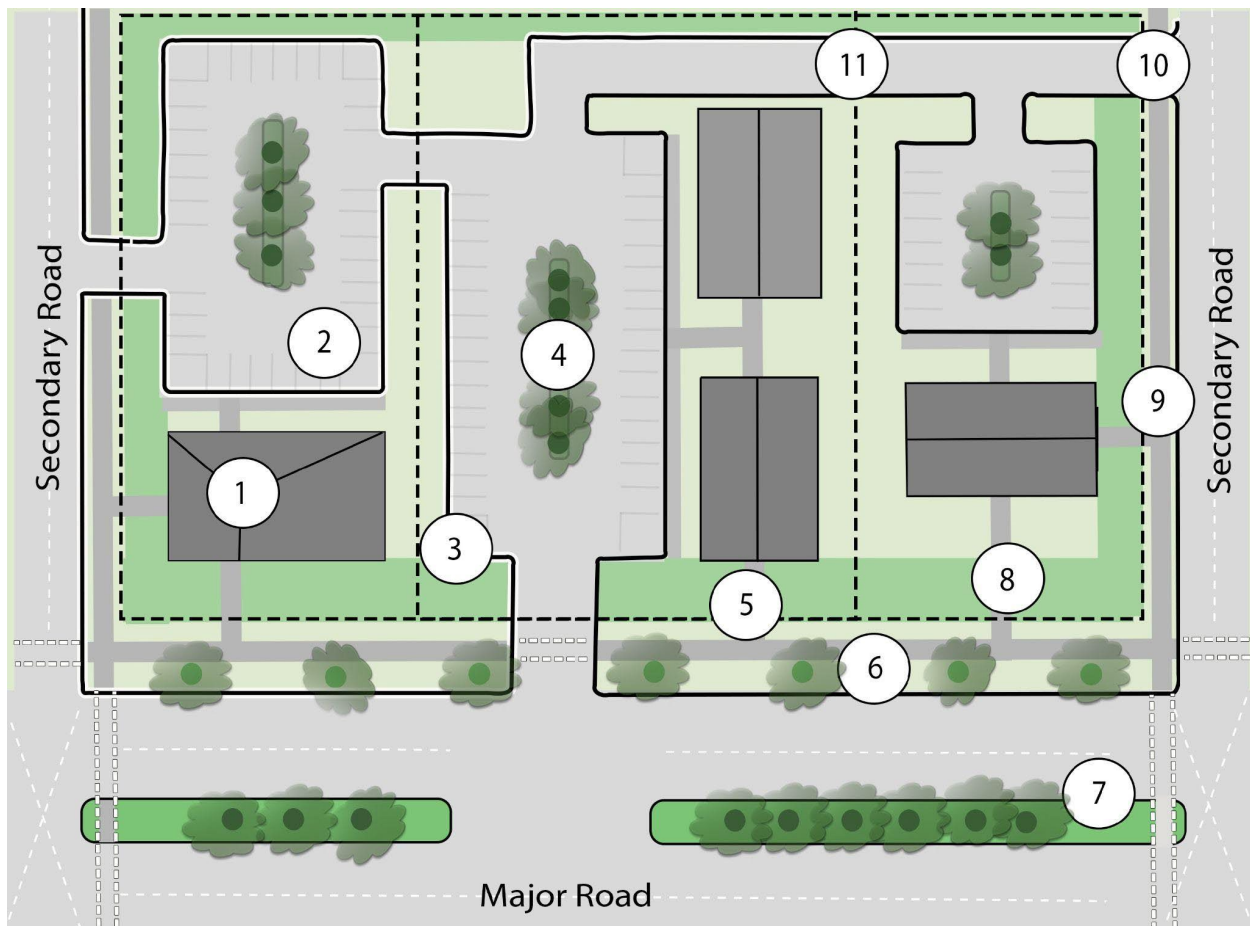


Figure 2. Conceptual site layout

Each of these considerations plays a vital role in shaping the functionality, safety, and aesthetics of a community, contributing to a well-designed, sustainable, and accessible urban environment.

### 1. Building Placement :

Placing buildings closer to the street encourages a pedestrianfriendly environment by reducing the walking distance between people and key amenities. This creates a more inviting, human-scale urban experience, fostering a sense of community. It also promotes vibrant streetscapes by activating the public realm and discouraging sprawling, car centric development.

### 2. Parking Placement:

Locating parking behind buildings, instead of between the building and the street, enhances the aesthetic appeal of the development and minimizes the visual dominance of parking areas. This approach prioritizes the pedestrian experience by keeping streetscapes uninterrupted, while also reducing the heat island effect and promoting walkability.

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3. **Parking Setback:**

A 30' setback with screening for parking lots placed adjacent to streets provides a buffer between the pedestrian zone and vehicle traffic. This improves the visual aesthetics of the street and reduces the impact of parking on the urban environment. It also promotes safety by creating clear distinctions between areas designated for pedestrians and vehicles.

**Landscaping** (*see Figure 3*)

4. **Landscape Islands and Medians:**

Incorporating landscape medians and islands within parking lots and between properties serves multiple purposes. It not only enhances the visual appeal but also provides environmental benefits, such as improved water filtration and reduced runoff. These green spaces also reduce the urban heat island effect, cooling the environment and making parking lots more comfortable and ecologically responsible.

5. **Street Trees:**

Street trees improve the character of roadways by creating a more visually attractive and shaded environment for pedestrians, cyclists, and drivers alike. They also act as natural buffers between the road and sidewalk, improving safety by offering separation from traffic. Trees help reduce urban heat and contribute to local biodiversity, making streets more pleasant and environmentally friendly.

6. **Landscaped Medians on Roadways:**

Landscaped medians provide not only aesthetic value but also environmental benefits such as stormwater absorption and temperature moderation. Medians can help with access management by controlling turning movements, improving traffic flow, and enhancing pedestrian safety by offering a safe place to pause while crossing multi-lane roads.



**Figure 3.** Landscaping concept

### **Pedestrian Considerations**

**7. Pedestrian Refuges:**

Pedestrian refuges, such as small islands or raised areas in medians, make street crossings safer by providing a safe place for pedestrians to wait while crossing wider streets. This is especially important in high-traffic areas or for streets with multiple lanes, offering a moment of respite and reducing the perceived distance between destinations.

**8. Internal Connectivity :**

A well-connected pedestrian network within a development ensures that people can move easily and safely between parking lots, buildings, and other key areas. It reduces the need for cars, encourages walking, and supports a healthier, more active lifestyle. Internal connectivity also fosters a sense of community by enhancing accessibility.

**9. Secondary Streets:**

Sidewalks and pedestrian paths along secondary streets help to improve connectivity between neighborhoods and commercial or civic centers. These routes provide alternative pathways that reduce reliance on primary roads, facilitating local mobility and creating opportunities for safe, walkable urban spaces that connect people to broader areas, such as downtowns.

### **Access Management**

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**10. Limiting Curb Cuts :**

Limiting curb cuts along primary roads improves traffic flow and safety by reducing congestion, minimizing points of conflict between vehicles and pedestrians, and allowing for better control of access points. This approach encourages drivers to use secondary roadways, leading to more organized and less hazardous street environments.

**11. Cross Access:**

Providing shared access between adjacent properties helps limit the number of curb cuts needed on primary roads. This reduces traffic congestion, improves pedestrian safety, and encourages a more efficient use of land. It also promotes connectivity between sites and reduces the impact of individual developments on traffic flow.



STATE OF SOUTH CAROLINA )  
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COUNTY OF OCONEE )  
 )  
CITY OF WESTMINSTER )

ORDINANCE #05-13-2025-01

**AN ORDINANCE OF THE CITY OF WESTMINSTER, SOUTH CAROLINA ENACTING THE INTERNATIONAL PROPERTY MAINTENANCE CODE AND CERTAIN STANDARD TECHNICAL CODES AND THEREBY AMENDING AND RESTATING TITLE XV, CHAPTER 150 OF THE CITY’S CODE OF ORDINANCES; AMENDING TITLE XV, CHAPTER 151 OF THE CITY’S CODE OF ORDINANCES AND OTHER MATTERS RELATED THERETO.**

The City Council of the City of Westminster (the “*Council*”), the governing body of the City of Westminster, South Carolina (the “*City*”), has made the following findings of fact:

(A) The City is a municipal corporation created under the laws of the State of South Carolina.

(B) It is the responsibility of the City to ensure the general safety and welfare of the public, which includes (1) identifying and abating public nuisances and (2) maintaining reasonable standards of construction in buildings and other structures within the City. Each of these responsibilities requires a separate set of rules and standards as well as other conforming amendments to the City’s code of ordinances. On the basis thereof, and as further described herein, certain amendments and additions to the City’s code of ordinances is required.

**(C) International Property Maintenance Code (the “*IPMC*”)**

(1) Section 5-7-80 of the Code of Laws of South Carolina 1976, as amended (“*Section 5-7-80*”), authorizes the City to provide by ordinance that owners of real property within the municipality keep such property clean and free of rubbish, debris and other unhealthy and unsightly material or conditions that constitute a public nuisance.

(2) Section 5-7-80 further provides that the City may provide by ordinance for notification to owners of real property of conditions needing correction, requiring the correction of the offensive conditions, providing the terms and conditions under which the City or persons employed by the City may go upon the property to correct the conditions, and providing that the cost to the City of correcting such conditions shall become a lien upon such real property and shall be collectable in the same manner as municipal taxes.

(3) The IPMC provides standards and regulations that govern the conditions and maintenance of all real property, buildings, and structures.

(4) The IPMC provides the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary

and fit for occupation and use, including minimum maintenance standards for basic equipment, light, ventilation, heating, sanitation and fire safety.

(5) The IPMC further provides procedures for the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures.

(6) The first edition of the IPMC was published in 1998, and new editions are generally promulgated every three years.

(7) The City has determined to implement and codify the 2021 edition of the IPMC through the enactment of this Ordinance in order to provide consistent property maintenance requirements with Oconee County.

(8) The implementation of the IPMC does not abolish, diminish or impair other remedies available to the City, including the provisions of Title 31, Chapter 15, Article 1 of the Code of Laws of South Carolina 1976, as amended (the “*Unfit Dwellings Act*”).

(9) The City, by and through the provisions of Ordinance 2012-06-19-02 dated June 19, 2012, as amended by Ordinance No. 2017-11-13 dated November 13, 2017, and as amended by Ordinance No. 2021-12-09-1 dated December 9, 2021, as well as other miscellaneous ordinances of the City, implemented Title IX “General Regulations”, Chapter 93 “Health and Sanitation” (the “*General Property Maintenance Code*”) of City’s Code of Ordinances (the “*City Code*”).

(10) By and through the provisions of the IPMC enacted under this Ordinance, the enforcement procedures of the General Property Maintenance Code shall be enforced through the provisions applicable to the IPMC enacted under this Ordinance.

(11) The City, by and through the provisions of various ordinances, implemented Title XV “Land Usage”, Chapter 150 “Building Regulations”, Section 150.01 “Administration and Enforcement of Codes” of the City Code (the “*Appellate Authorization*”), which authorizes use of the appellate procedures of Oconee County (the “*County*”) through an agency relationship with the County.

(12) By and through the provisions of the IPMC as ratified and enacted under this Ordinance as well as the Technical Codes (as defined and described below), the application for appeals under the Appellate Authorization shall be amended and restated as provided by this Ordinance.

(13) The City desires to utilize certain procedures and administrative resources under the Home Rule amendments to the South Carolina Constitution (1895, as amended), Section 5-7-80, the Unfit Dwellings Act (as applicable) and related statutory provisions, the IPMC and other available remedies and resources in order to permit the City, by and through law enforcement officials and code enforcement officials, to take all action necessary to abate, remediate and demolish public nuisances and charge the cost of

corrective action back to the offending property owner as a direct charge or lien upon the offender's real property.

**(D) Technical Codes**

(1) Section 6-9-40 of the Code of Laws of South Carolina 1976, as amended requires that the South Carolina Building Codes Council review, adopt, modify and promulgate certain standard building codes.

(2) Section 6-9-50 of the Code of Laws of South Carolina 1976, as amended provides that the City "shall adopt by reference and amend only the latest editions of the following nationally recognized codes and the standards referenced in those codes for regulation of construction in this State: building residential, gas, plumbing, mechanical, fire and energy...as promulgated, published and made available by the International Code Council, Inc. and the National Electrical Code as published by the National Fire Protection Association."

(3) Section 6-9-60 of the Code of Laws of South Carolina 1976, as amended, permits the discretionary adoption of other standard codes, including those regulating, "property maintenance, performance codes for buildings and facilities, existing building and swimming pool codes as promulgated, published or made available by the International Code Council, Inc."

(4) The required codes and certain of the permissive codes referenced by Sections 6-9-50 and 60 include the following: the International Building Code (the "**IBC**"), the International Existing Building Code (the "**IEBC**"), the National Electrical Code (the "**NEC**"), the International Plumbing Code (the "**IPC**"), the International Mechanical Code (the "**IMC**"), the International Fuel Gas Code (the "**FGC**"), the International Fire Code (the "**IFC**"), the IPMC, the International Energy Conservation Code (the "**IECC**"), and the International Residential Code (the "**IRC**" and together with the IBC, the IEBC, the NEC, the IPC, the IMC, the FGC, the IFC, the IPMC, the IECC, the "**Technical Codes**").

(5) It is the intent of the IBC to provide a reasonable level of safety, public health and general welfare, through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide a reasonable level of safety to fire fighters and emergency responders during emergency operations.

(6) It is the intent of the IEBC to provide for minimum requirements to safeguard the public health, safety and welfare insofar as they are affected by the repair, alteration, change of occupancy, addition and relocation of existing buildings.

(7) It is the intent of the NEC to achieve electrical safety in residential, commercial, and industrial occupancies.

(8) It is the intent of the IPC to establish minimum standards to provide a reasonable level of safety, health, property protection and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance or use of plumbing equipment and systems.

(9) It is the intent of the IMC to establish minimum standards to provide a reasonable level of safety, health, property protection and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance or use of mechanical systems.

(10) It is the intent of the FGC to establish minimum standards to provide a reasonable level of safety, health, property protection and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance or use of fuel gas systems.

(11) It is the intent of the IFC to establish minimum requirements consistent with nationally recognized good practice for providing a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises, and to provide reasonable level of safety to the fire fighters and emergency responders during emergency operations.

(12) It is the intent of the IECC to regulate the design and construction of buildings for the use and conservation of energy over the life of each building.

(13) It is the intent of the IRC to establish minimum requirements to safeguard the public safety, health and general welfare through affordability, structural strength, means of egress facilities, stability, sanitation, light and ventilation, energy conservation and safety to life and property from fire and other hazards attributed to the build environment, and to provide safety to fire fighters and emergency responders during emergency operations.

**(E) Amendment to the Zoning Code**

(1) The City is authorized by South Carolina Local Government Comprehensive Planning Enabling Act of 1994, codified at Title 6, Chapter 29 of the Code of Laws of South Carolina 1976, as amended (the “*Planning and Zoning Act*”), to enact an ordinance regulating zoning, land use, and land development in the City.

(2) Pursuant to this power, the City Council has enacted the Zoning Ordinance of the City of Westminster, South Carolina (the “*Zoning Ordinance*”), which is codified at Title XV, “Land Usage”, Chapter 151 “Zoning Code” of the City Code.

(3) The City, as part of an update to the Zoning Ordinance, by and through the provisions of Ordinance 2023-12-12-01 dated December 12, 2023, adopted by reference the most recently-adopted editions of the International Property Maintenance Code, International Fire Code and International Building Codes.

(4) The City has determined to codify the IPMC and the Technical Codes under Chapter 150 “Building Regulations” instead of Chapter 151 “Zoning Code” of the City Code.

(5) By adoption of this Ordinance, the City recodifies the amended and restated IPMC and Technical Codes under Chapter 150 and deletes their references from Section 151.003 of the Zoning Code.

(6) In accordance with the provisions of the Planning and Zoning Act regarding amendments to the text of any zoning ordinance, at a meeting held on April 21, 2025, the Planning Commission for the City of Westminster (the “Planning Commission”) conducted a public hearing regarding the proposed amendment to the text of the Zoning Ordinance and considered the proposed text amendment set forth in Section 3 of this Ordinance. Upon due consideration, the Planning Commission has recommended that the City Council approve the amendment to the text of the Zoning Ordinance as set forth in Section 3.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF WESTMINSTER AS FOLLOWS:**

**Section 1. Generally.**

(a) Pursuant to Sections 6-9-50 and 6-9-60 of the Code of Laws of South Carolina 1976, as amended, the City shall only adopt the latest edition of certain national codes, including the Technical Codes. For the purposes discussed above and generally to govern all building activities within the City, all of the Technical Codes shall be enacted under the terms of this Ordinance. Any amendments, modifications and succeeding editions to each of the Technical Codes or succeeding amendments or modifications to the Technical Codes shall become effective upon the approval of the South Carolina Building Codes Council in conformance with State law; however, in no event shall any subsequent edition of the IPMC affect the administrative and enforcement provisions established herein. Except with respect to the IPMC, each of the model regulations, provisions, penalties, conditions and terms for the Technical Codes are hereby enacted by the City. The actual provisions of the Technical Codes shall be available for review in the office of the City Clerk.

(b) While the City has generally enacted the entirety of the IPMC, there are certain provisions of the IPMC that have been amended and restated by the City as set forth on Exhibit A hereto. When applying the provisions of the IPMC, specific reference shall be made to the provisions of Exhibit A to the extent such provisions may amend, modify, or otherwise restate provisions of the IPMC. Such amendments and revisions to the IPMC shall be available for review in the office of the City Clerk.

(c) The City further enacts and authorizes the implementation of the Unfit Dwellings Act; however, to the extent the administrative provisions of this Ordinance conflict with the Unfit Dwellings Act, the provisions of the Unfit Dwellings Act are deemed to be permissive, and the provisions of this Ordinance shall control in all cases.

**Section 2. Amendment of Title XV “Land Usage”, Chapter 150 “Building Regulations”** The entirety of Title XV “Land Usage”, Chapter 150 “Building Regulations”, as previously enacted, is hereby amended and restated in its entirety to now read as follows:

**CHAPTER 150 – BUILDING REGULATIONS**

**§ 150.01 – PUBLIC POLICY FOR BUILDING CODES.**

(A) *Generally.* Pursuant to Title 6, Chapter 9 of the Code of Laws of South Carolina 1976, as amended and as may be further amended by the General Assembly, the City of Westminster hereby adopts the latest editions of the following national codes and the standards referenced, or as adopted by the South Carolina Building Codes Council, as set forth herein for the regulations of construction within the City: building, electrical, mechanical, fuel gas, fire, property maintenance and energy codes as promulgated, published, amended or made available by the South Carolina Building Codes Council in conformance with the laws of the State of South Carolina. Any provision identifying the jurisdiction shall be deemed to be the City of Westminster. A file of record of these codes is in the offices of the City Clerk.

(B) *Exclusions.* Deemed excluded from adoption under this Chapter “Building Regulations” is any provision, or part thereof of a standard code that concerns: (1) a department or official name or nomenclature; (2) the appointment, liabilities, qualifications, removal, dismissal and duties of the code enforcement or building official, any other city official or employee or appeals board; or (3) the establishment of fees.

(C) *Amendments.* Whenever the term “jurisdiction” is used in any of the standard codes approved herein, it shall be construed to mean the City of Westminster, South Carolina.

(D) *Fees.* The fees for permits shall be as established in an ordinance adopted by City Council of the City of Westminster, as the governing body of the City.

#### **§ 150.02 – INTERNATIONAL BUILDING CODE AND INTERNATIONAL EXISTING BUILDING CODE.**

*Adoption of the International Building Code and International Existing Building Code.* This section is to be known and referred to as the “Building Code.” There is hereby adopted by the City the most current editions of the International Building Code (the “IBC”) and International Existing Building Code (the “IEBC”), as promulgated by the International Code Council Inc. and adopted by the South Carolina Building Codes Council, copies of which are to be kept permanently on file in the administrative offices of the City as part of the general ordinances of the City, with same being incorporated herein by reference, and without the necessity of setting out and copying in their entirety the said IBC and IEBC. Further, the enactment of the ordinance from which this Section is derived shall include the administrative provisions in Chapter 1 of both the IBC and the IEBC. To the extent any inconsistency exists between the administrative provisions of Chapter 1 of the IBC and Chapter 1 of the IEBC, the provisions of Chapter 1 of the IBC shall control.

#### **§ 150.03 – NATIONAL ELECTRIC CODE.**

(A) *Adoption of the National Electric Code.* This section is to be known and referred to as the “Electric Code”. There is hereby adopted by the City the most current edition of the National Electric Code, as promulgated by the National Fire Protection Association and adopted by the South Carolina Building Codes Council, copy of which is to be kept permanently on file in the administrative offices of the City as part of the general ordinances of the City, with same being incorporated herein by reference, and without the necessity of setting out and copying in its entirety the said National Electric Code. Further, the enactment of the ordinance from which this Section is derived shall include the administrative provisions in Chapter 1 of the National Electric Code.

(B) *Plumbing and piping to be in place.* All plumbing and other piping or tube work must be in place on work to be concealed before the electrical wiring is inspected. No wiring shall be considered as complete for final inspection until all plumbing or piping is in place.

(C) *Concealment of wiring prior to inspection prohibited.* It shall be unlawful to lath, seal, or in any manner conceal any electrical wiring or equipment until it has been inspected and notices posted that it has been approved.

(D) *Suitable zone on each pole to be reserved for City.* On any pole of any electric light, power, street, railway, telephone, or telegraph company used jointly by two or more companies, each company shall be allotted a special zone, and shall confine its wires to that zone. Spaces shall be measured from the tops of poles downward, and a suitable zone on every pole shall at all times be reserved for the free use of the City.

#### **§ 150.04 – INTERNATIONAL PLUMBING CODE.**

(A) *Adoption of International Plumbing Code.* This section is to be known and referred to as the “Plumbing Code.” There is hereby adopted by the City the most current edition of the International Plumbing Code, as promulgated by the International Code Council, Inc. and adopted by the South Carolina Building Codes Council, copy of which is to be kept permanently on file in the administrative offices of the City as part of the general ordinances of the City, with same being incorporated herein by reference, and without the necessity of setting out and copying in its entirety the said International Plumbing Code. Further, the enactment of the ordinance from which this Section is derived shall include the administrative provisions in Chapter 1 of the International Plumbing Code.

(B) *Authority to order discontinuance of private sewer or drains.* The Building Official shall have the power and authority to order discontinuance and to prevent the use of any private sewer or drain through which there is being discharged any substance into the City sewer lines or system.

#### **§ 150.05 – INTERNATIONAL MECHANICAL CODE.**

(A) *Adoption of International Mechanical Code.* This section is to be known and referred to as the “Mechanical Code.” There is hereby adopted by the City the most current edition of the International Mechanical Code, as promulgated by the International Code Council, Inc. and adopted by the South Carolina Building Codes Council, a copy of which is to be kept permanently on file in the administrative offices of the City as part of the general ordinances of the City, with same being incorporated herein by reference, and without the necessity of setting out and copying in its entirety the said International Mechanical Code. Further, the enactment of the ordinance from which this Section is derived shall include the administrative provisions in Chapter 1 of the International Mechanical Code.



**§ 150.06 – INTERNATIONAL FUEL GAS CODE.**

(A) *Adoption of International Fuel Gas Code.* This section is to be known and referred to as the “Gas Code.” There is hereby adopted by the City the most current edition of the International Fuel Gas Code, as promulgated by the International Code Council, Inc. and adopted by the South Carolina Building Codes Council, a copy of which is to be kept permanently on file in the administrative offices of the City as part of the general ordinances of the City, with same being incorporated herein by reference, and without the necessity of setting out and copying in its entirety the said International Fuel Gas Code. Further, the enactment of the ordinance from which this Section is derived shall include the administrative provisions in Chapter 1 of the International Fuel Gas Code.

(B) *Inspection prerequisite to turning on gas.* No form of flammable gas shall be turned in to any gas piping system or appliance until such piping or appliance has been inspected by the building official. This inspection shall apply to all installations of consumer's gas piping and gas appliances originating at the delivery point from any gas utility piping system or at the outlet of any gas storage container.

(C) *Defective Piping.* Where there is reason to believe that any portion of the gas piping system has become defective, the system shall be tested in such manner as may be prescribed by the City.

(D) *Certificate of Approval.* Permanent gas supply will not be furnished until after a satisfactory tightness test has been made and a certificate of approval has been issued by the Building Official.

**§ 150.07 – INTERNATIONAL FIRE CODE.**

(A) *Adoption of International Fire Code.* This section is to be known and referred to as the “Fire Code.” There is hereby adopted by the City the most current edition of the International Fire Code, as promulgated by the International Code Council, Inc. and adopted by the South Carolina Building Codes Council, a copy of which is to be kept permanently on file in the administrative offices of the City as part of the general ordinances of the City, with same being incorporated herein by reference, and without the necessity of setting out and copying in its entirety the said International Fire Code. Further, the enactment of the ordinance from which this Section is derived shall include the administrative provisions in Chapter 1 of the International Fire Code.

(B) *Conflicting Provisions.* If any section, subsection or other portion of any City ordinance, this code of ordinances or State law conflicts in whole or in part with the International Fire Code approved herein, the more restrictive provisions shall govern and control.

(C) *Permits.* It shall be unlawful to install a sprinkler system without first applying for a permit, paying any required fees and presenting the fire marshal or Building Official with a set of plans for approval. Any plans shall provide specifications (in the opinion of the City) as needed to determine the scope, nature and character of the work for which an application has been made.

#### **§ 150.08 – INTERNATIONAL PROPERTY MAINTENANCE CODE.**

(A) *Adoption of the International Property Maintenance Code.* This section is to be known and referred to as the “Property Maintenance Code.” There is hereby adopted by the City the most current version of the International Property Maintenance Code (the “IPMC”), as promulgated by the International Code Council, Inc. and adopted by the South Carolina Building Codes Council, a copy of which is to be kept permanently on file in the administrative offices of the City as part of the general ordinances of the City, with same being incorporated herein by reference, and without the necessity of setting out and copying in its entirety the said IPMC. Certain provisions of the IPMC, as provided in Section 150.08(B) below, have been amended and restated.

(B) *Amendments and Revisions.* In implementing the provisions of the IPMC, the City has determined to implement certain amendments and modifications to the provisions of the IPMC. In keeping therewith, the City has determined to amend, modify or restate the following provisions of the IPMC: **CHAPTER 1 – SCOPE AND ADMINISTRATION; Section 302.4 Weeds; Section 304.14 Insect Screens; Section 602.2 Residential Occupancies; Section 602.3 Heat Supply; and Section 602.4 Occupiable Workspaces.** To the extent a section of the IPMC is not amended and restated by the provisions hereof, the original provisions of the IPMC shall be applicable. The applicable amendments and revisions to the IPMC referenced herein are to be kept permanently on file in the administrative offices of the City as part of the general ordinances of the City, with same being incorporated herein by reference without the necessity of setting out and copying the entirety of such amendments and revisions herein.

#### **§ 150.09 – INTERNATIONAL ENERGY CONSERVATION CODE.**

*Adoption of International Energy Conservation Code.* This section is to be known and referred to as the “Energy Code.” There is hereby adopted by the City the most current edition of the International Energy Conservation Code, as promulgated by the International Code Council Inc. and adopted by the South Carolina Building Codes Council, a copy of which is to be kept permanently on file in the administrative offices of the City as part of the general ordinances of the City, with same being incorporated herein by reference, and without the necessity of setting out and copying in its entirety the said International Energy Conservation Code. Further, the enactment of the ordinance from which this Section is derived

shall include the administrative provisions in Chapter 1 of the International Energy Conservation Code.

**§ 150.10 – INTERNATIONAL RESIDENTIAL CODE.**

(A) *Adoption of International Residential Code.* This section is to be known and referred to as the “Residential Code.” There is hereby adopted by the City the most current edition of the International Residential Code, as promulgated by the International Code Council, Inc. and adopted by the South Carolina Building Codes Council, a copy of which is to be kept permanently on file in the administrative offices of the City as part of the general ordinances of the City, with same being incorporated herein by reference, and without the necessity of setting out and copying in its entirety the said International Residential Code. Further, the enactment of the ordinance from which this Section is derived shall include the administrative provisions in Chapter 1 of the International Residential Code.

(B) *Bond or Liability Insurance.*

(1) When the City shall so require, the applicant for a building permit shall, before receiving such permit or beginning work thereunder, execute and deliver to the City a good and sufficient bond of indemnity in such sum as may be required by the City Administrator, and subject to the approval of the City Council, conditioned to repay to the City any sums which it may have to pay for damages to any person or property by reason of excavations or obstructions in or on any of the streets, alleys or sidewalks of the City, or by reason of objects falling from such building or the scaffolding attached thereto, or by reason of any act or neglect whatsoever done or suffered by such applicant or by any person, whether an independent contractor or not, or by any agent of any such party who shall construct or move such building or any part thereof. Such bond shall be that of an approved surety company or shall be signed by two or more good and sufficient resident sureties, to be approved by the City Council. The City Administrator may at any time require the execution of a new bond or the substitution or addition of new or other sureties therefor or thereto.

(2) In lieu of the bond prescribed in subsection (b)(1) of this subsection, any person applying for a building permit may file with the City a public liability insurance policy issued by an insurance company authorized to do business in the State of South Carolina, such policy to afford coverage in the currently required amount. Such policy shall name the City as an additional insured and the applicant shall furnish the name of the agent issuing the policy, the policy number, the expiration date thereof and the name and address of the insurance company issuing the policy.

**§ 150.11 – APPLICATION FOR APPEAL.**

(a) Except for those persons who are charged with ordinance violations in the jurisdiction of the city’s municipal court, any person directly affected by a

decision of the code official or a notice or order issued under any of the standard codes within this Chapter 150 shall have the right to appeal to the City Council (the “appeals board”), provided that a written application for appeal is filed within 20 days after the day the notice or order was served. Thereafter, a timely hearing shall be scheduled by the appeals board in order to hear the appeal. An application for appeal may be based on grounds that an alleged violation is based on an erroneous finding of fact, that the true intent of the uniform code or the rules thereunder have been arbitrarily, capriciously, or incorrectly interpreted or applied, the provisions of uniform code do not fully apply to the situation, or that the requirements of the uniform code are adequately satisfied by other means. In such cases the appeals board hears witnesses, receives evidence, may view the premises, receives arguments, and then makes a decision de novo, without being bound in any way by the initial decision of the code official. Its decision is reduced to writing and delivered to the parties to the appeal. The decision of the appeals board shall be final and binding.

(b) Respecting appeals under the IPMC, in the event notice cannot properly be delivered or served under the parameters of Section 150.11(a) above, any appeal shall occur within the time periods allotted for posting the structure in question under Section 107.3 of the IPMC.

**§ 150.12 – STANDARDIZED ADDRESSING AND MARKINGS OF RESIDENTIAL AND BUSINESS PROPERTIES TO ASSIST EMERGENCY RESPONSE PERSONNEL.**

The City specifically adopts by reference the provisions of S.C. Code § 23-47-60 and additionally adopts the requirement that all businesses shall place or cause to be placed the number of each building on the rear of each structure, conspicuously placed; the numbers not being less than four inches in height; all numbers being clearly visible and must contrast with the color of the building. Residents, businesses, owners or others who fail to comply with this section shall be guilty of violation of this section and, upon being issued a written citation by code official or any other law enforcement official shall have ten days to correct the violation. Failure to comply with this section upon receipt of written citation shall require the imposition of a fine of \$10 per day for violation at each location. Violators may appeal citation or imposition of fines to the Magistrate’s Court for the city. The amount of the fine may be adjusted by City Council through its regular budget process.

**§ 150.13 – ADOPTION OF OFFICIAL COMPREHENSIVE PLAN.**

Upon review of the City of Westminster Comprehensive Land Use Plan, 2017 Update, and upon consideration of public input, the recommendation of the Planning Commission to adopt the Comprehensive Plan Update is accepted and is adopted in full force and effect within the City limits of the City of Westminster.

## **§ 150.14 – APPLICABILITY OF CHAPTER TO HOMEOWNERS**

Nothing contained within this chapter shall prevent any homeowner from construction, repair, improvements, or re-improvements on his own residence or a residence of his immediate family, provided the owner does the work himself or with his own employees and the property is not intended for sale or rent. This provision does not convey the right to violate any of the provisions of this chapter, neither is it to be construed as exempting any property owner from obtaining a permit and having the work inspected nor from paying the required fees therefor.

## **§ 150.15 – SPECIAL BUILDING RULES FOR MANUFACTURED AND MOBILE HOMES**

(A) *Construction.* All manufactured and mobile homes must be placed on a permanent brick, permanent block, or other concrete reinforced foundation and shall be underpinned with brick or concrete block to the ground around the perimeter of the dwelling and shall be anchored on at least each corner by steel cables or straps. Each dwelling shall include a porch or decking at least three feet by three feet outside of each entrance.

(B) *Water and wastewater.* Each lot containing a manufactured or mobile must have at least a three-inch diameter sewer riser pipe that is in an approximate vertical position. All sewer connections shall be watertight. All sewer lines shall be properly vented and shall be laid with sufficient earth cover to prevent breakages from vehicular traffic. If the lot is not connected to sewer, no manufactured or mobile home shall be permitted without a valid septic permit from the Department of Health and Environmental Control. The water supply and wastewater disposal systems of all manufactured and mobile homes shall be inspected and approved by the Building Official prior to the issuance of any Permits or Occupancy Certificates.

(C) *Abandoned or nuisance structures.* Any mobile home which has been abandoned and is declared to be a nuisance under the terms of this chapter, shall be removed by the owner of the land. A mobile home shall be considered abandoned if:

- (1) It has been unoccupied for a period of more than one year; or
- (2) It has been deemed unfit by the Building Inspector, or Health Authority;  
or
- (3) If repairs needed exceed 75 percent of the structure's replacement value.

(D) For any mobile home that does not comply with this section, the city is authorized to recover from the owner of an abandoned mobile home or from

the owner of the land upon which such abandoned mobile home is located, the expense of removal and disposal.

**Section 3.** *Amendment of Title XV “Land Use”, Chapter 151 “Zoning Code”, Section 151.003.* Title XV “Land Use”, Chapter 151 “Zoning Code”, Section 151.003 of the City’s Code of Ordinances is hereby amended as follows:

**§ 151.003 - CITY ORDINANCES.**

Now, therefore, be it ordained by the city that the following ordinances as amended, are hereby adopted by reference as though it were copied herein fully:

- (A) ~~The most recently adopted International Property Maintenance Code by the International Code Council (ICC).~~
- (B) ~~The most recently adopted International Fire Code by the International Code Council (ICC).~~
- (C) ~~The most recently adopted International Building Codes by the International Code Council (ICC).~~
- (~~D~~A) Business Licenses Policy of the City of Westminster; and
- (~~E~~B) Property Identification Ordinance by the City of Westminster.

**Section 4.** Prior to the adoption of this Ordinance and pursuant to the requirements of Section 5-7-280 of the Code of Laws of South Carolina 1976, as amended, the City Council held a public hearing on the question of adopting the IPMC. Notice of the public hearing, a copy of which is attached hereto as Exhibit B, was timely published in advance of the public hearing in *The Journal*, a newspaper of general circulation in the City. All interested parties were given an opportunity to speak in favor of or against this Ordinance.

**Section 5.** Prior to the adoption of this Ordinance, the Planning Commission conducted a public hearing on the proposed amendment to the text of the Zoning Ordinance as set forth in Section 3. Notice of the public hearing, a copy of which is attached hereto as Exhibit C, was timely published in advance of the public hearing in *The Journal*, a newspaper of general circulation in the City. All interested parties were given an opportunity to speak in favor of or against the proposed amendment to the text of the Zoning Ordinance.

**Section 6.** The implementation of the IPMC does not abolish, diminish, or impair remedies otherwise available to the City. To the extent the provisions of this Ordinance conflict with the Unfit Dwellings Act, the provisions of such act have been deemed by the City to be permissive and the provisions of this Ordinance shall control.

**Section 7.** If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held or determined to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

**Section 8.** Nothing in this Ordinance or the Technical Codes hereby enacted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause of causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

**Section 9.** All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this ordinance are hereby repealed to the extent of the conflict or inconsistency. This Ordinance shall take effect immediately upon its enactment by the Council.

**DONE AND ENACTED IN COUNCIL ASSEMBLED,** this \_\_\_\_ day of \_\_\_\_\_ 2025.

CITY OF WESTMINSTER, SOUTH CAROLINA

\_\_\_\_\_  
Brian Ramey, Mayor

[SEAL]

\_\_\_\_\_  
Kiley Carter, City Clerk

First Reading: April 8, 2025  
Public Hearing: April 8, 2025  
Planning Commission  
Public Hearing: \_April 21, 2025  
Second Reading: \_\_\_\_\_, 2025

Reviewed by City Attorney and approved as to form

\_\_\_\_\_  
*City Attorney*

Exhibit A

Amendments to the International Property Maintenance Code, 2021 Edition

By the terms of Ordinance No. \_\_\_\_\_ dated \_\_\_\_\_, 2025, the City of Westminster, South Carolina (the “City”), by and through the City Council of the City, as the governing body thereof, did codify the International Property Maintenance Code, 2021 Edition (the “IPMC”). In implementing the provisions of the IPMC, the City has determined to implement certain amendments and modifications to the provisions of the IPMC. In keeping therewith, the City has determined to amend, modify or restate the following provisions of the IPMC: **CHAPTER 1 – SCOPE AND ADMINISTRATION; Section 302.4 Weeds; Section 304.14 Insect Screens; Section 602.2 Residential Occupancies; Section 602.3 Heat Supply; and Section 602.4 Occupiable Workspaces.** To the extent a section of the IPMC is not amended and restated by the provisions hereof, the original provisions of the IPMC shall be applicable.



## ADMINISTRATION

### SECTION 101 GENERAL

**101.1 Title.** These regulations shall be known as the *Property Maintenance Code of the City of Westminster, South Carolina* (the “*City*”), and hereinafter referred to as “*this code*” or the “*IPMC*”.

**101.2 Scope.** The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, an owner’s authorized agent, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

**101.3 Intent.** This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare in so far as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered, repaired or demolished to provide a minimum level of health and safety as required herein.

**101.4 Severability.** If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

### SECTION 102

## APPLICABILITY

**102.1 General.** The provisions of this code shall apply to all matters affecting or relating to structures and premises, as set forth in Section 101. Where, in a specific case, different sections of this code specify different requirements, the most restrictive provisions compatible with the other provisions of the City’s Code of Ordinances and pertinent provisions of the Code of Laws of South Carolina 1976, as amended, shall govern. However, to the extent the provisions of the code conflict in any way with Title 31, Chapter 15, Article 1 of the Code of Laws of South Carolina 1976, as amended, the provisions of this code shall apply. Words of the masculine gender shall be deemed and construed to include correlative words of the feminine and neuter genders. Words importing the singular number shall include the plural number and vice versa, and words importing persons shall include firms, associations, partnerships (including limited partnerships), trusts, corporations, or other legal entities, including public bodies, as well as natural persons.

**102.2 Maintenance.** Equipment, systems, devices and safe-guards required by this code or a previous regulation or code under which the structure or premises was construed, altered or repaired shall be maintained in good working order. No owner, owner’s authorized agent, operator or occupant shall continue any service, facility, equipment or utility which is required under this section to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the

owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.

**102.3 Application of other codes.** Repairs, additions or alterations to a structure, or changes of occupancy, and all other work required under the IPMC shall be done in accordance with the procedures and provisions of the *International Building Code, International Energy Conservation Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Residential Code, International Plumbing Code* and *National Electrical Code*, to the extent lawfully enacted and in effect in the City. Nothing in this code shall be construed to cancel, modify or set aside any provision of the *International Zoning Code*, to the extent it has any application in the City.

**102.4 Existing remedies.** The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe or unsanitary, or otherwise in violation of applicable law.

**102.5 Workmanship.** Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions.

**102.6 Historic buildings.** Absent exigent circumstances that affect public health, safety or welfare determined in the sole discretion of the Building Official, the provisions of this code shall not be mandatory for any existing building or structure listed as a "historic property" by National Register of Historic Places, or.

**102.7 Referenced codes and standards.**

The codes and standards referenced in this code shall be those that are listed in Chapter 8 of the IPMC and considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of any State-mandated Standard Code reference in Chapter 8 shall apply.

**102.8 Requirements not covered by code.**

Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the code official, based on compliance with the intent of this IPMC and reasonable, objective standards as expressed by that official.

**SECTION 103  
DEPARTMENT OF PROPERTY  
MAINTENANCE INSPECTION**

**103.1 General.** The code enforcement officer or officers, also referred to herein as the "code official," work(s) under the direct supervision of the Building Official and the indirect supervision of the City Administrator. The code official is in charge of property maintenance inspection, as well as code enforcement. He is specifically authorized to issue ordinance summonses for violations, as well as notices and appropriate regulatory orders as part of his official duties.

**103.2 Appointment.** As provided in South Carolina law, the code official shall be appointed by the City, acting through the City Administrator, and shall be required to comply with the standards governing the conduct of all City employees; the code official is an "at will" employee as are all

other City employees, but if the code official is terminated and believes that such termination is in retaliation for a job-related decision or activity, then the code official must follow the City's grievance procedure and take all necessary steps to seek an administrative remedy. Any failure to implement the City's grievance procedure shall be deemed a waiver of the code official's right to object to his termination and the code official shall be barred from instituting litigation to contest his discharge. In pursuing his administrative remedies, the code official shall be given a full opportunity to be heard on specific and relevant issues raised by him or relied on by the City Administrator or the Building Official in making a termination decision.

**103.3 Deputies.** In accordance with the prescribed procedures of the City and with the written concurrence of the City Administrator, the code official shall have the authority to appoint a deputy code official, other related technical officers, inspectors and other employees.

**103.4 Liability.** With the exception of any third party code enforcement company, to whom the provisions of this Section 103.4 are not applicable, the code official, officer or employee charged with the enforcement of this code, while acting in an official capacity for the City, is subject to the limitations on personal and official liability set forth in the South Carolina Tort Claims Act, S.C. Code Ann. § 15-78-10, et seq. (the "S.C. Tort Claims Act").

In the event any suit is instituted against any code official, officer or employee (hereafter "City Employee") because of an act performed, or alleged to have been performed by that City Employee in the lawful discharge of such person's official duties, then under the provisions of this code and under the

provisions of the S.C. Tort Claims Act and other applicable law, such City Employee shall be defended by the insurance carrier for the City; if insurance coverage and/or insurance defense is denied, and the City determines that a legal defense is warranted for the City Employee under the facts and circumstances alleged, and if the City has been given prompt, timely notice of the occurrence leading to the claim, and of the assertion of any claim against the City Employee or the City, and has been given prompt notice of the service of any suit papers on the City Employee, all of which are duties imposed on the City Employee to act in good faith, then legal representation may be provided by the City until any insurance coverage issue is resolved or until the final termination of the proceedings. Depending on the nature of the allegations, or the facts and circumstances discovered and developed in the course of the litigation, the City may accept the financial responsibility of providing a defense, but if the City's investigation reveals that the City Employee did not act within the scope and authority of his official duties in the matter from which the litigation arose, or if he failed to cooperate with the City in notifying it of the claim or in its investigation of the claim, then the City shall be under no duty or obligation whatsoever to provide a legal defense to the City Employee, and shall not be liable for any adverse outcome of such suit, if the City has not been directly made a party to the suit. Any exemption from personal responsibility for the official actions of a City Employee in enforcing this code arises by reason of the nature of his official duties, and from the S.C. Tort Claims Act and any federal laws governing such matters. This code does not expand any exemptions from personal liability provided by South Carolina or federal law.

Furthermore, this code shall not be construed to relieve from or lessen the responsibility of any non-City agent, employee, builder, contractor, agent or employee of any builder or contractor, or any person owning, operating or controlling any building, structure or premises, for any damages to persons or property caused by defects therein or from other violations of this code, nor shall the code enforcement officer, his deputy or agent, or the City be held as assuming any liability by reason of the inspections authorized by this code or any permits or certificates issued under this code, or by reason of the absence of any such inspections.

**103.5 Fees.** The fees for activities and services performed by the City in carrying out its responsibilities under this code shall be as indicated in a schedule adopted by the City from time to time, either by ordinance or in the annual budget ordinance.

## **SECTION 104 DUTIES AND POWERS OF THE CODE OFFICIAL**

**104.1 General.** The code official shall enforce the provisions of this code. If requested by the City Administrator or by the code official, commissioned officers from the City's police department or other law enforcement agencies may directly enforce this code or assist the code official in enforcing it.

**104.2 Rule-making authority.** The code official shall have authority as necessary in the interest of public health, safety and general welfare, to recommend to the City Administrator and to City Council the adoption and promulgation of rules and procedures, including necessary amendments to this code; to interpret and implement the provisions of this code and of any duly

adopted regulations, rules or procedures; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code, or of violating accepted engineering methods involving public safety.

**104.3 Inspection.** The code official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the written approval of the City Administrator and the availability of sufficient funds in the City budget for such matters.

**104.4 Right of entry.** The code official is authorized to request entry into any structure or premises at reasonable times to inspect, subject to constitutional restrictions on unreasonable searches and seizures. By the terms of the City's business license ordinance, holders of City business licenses are deemed to have consented to a search. If a structure appears to be unoccupied, and is disconnected from City utility services, then entry is authorized for the purpose of inspection of the premises for compliance with this code. However, if the premises appear to be occupied, or if there also appears to be an IPMC violation visible to the code official from a place where he has a right to be, the code official may request entrance from the owner, the owner's authorized agent or other person in charge of the property. If entry is refused or otherwise cannot be obtained, the code official is authorized to

pursue recourse as provided by law, including seeking assistance of the police department or City Attorney in obtaining an administrative search warrant pursuant to Sec. 36.05 of the City's Code of Ordinances or a court order permitting inspection. If a violation is open, obvious, and poses an immediate threat to human or animal health and/or safety, the code official has the right to demand entrance, or to make entrance if no one is present or in charge of the premises, and may seek the assistance of the police department, fire department, health department and/or public works department, as necessary, to accomplish this purpose. Within 48 hours, the code official will file an incident report with City Administrator, and keep a copy in the records of his office, detailing the events and facts justifying the actions taken by him.

**104.5 Identification.** The code official shall wear a City uniform with proper insignia, carry proper identification and a badge of his office when carrying out his duties, and shall present them for inspection when requesting entrance into structures or premises for purposes of inspection in the performance of those duties under this code.

**104.6 Notices and orders.** The code official shall issue all necessary notices or orders to ensure compliance with this code.

**104.7 Department records.** The code official shall keep the City's official records of all business and activities of the department specified in the provisions of this code. Such records should be retained in the official records as long as the building or structure to which such records relate remains in existence, unless otherwise provided for by other regulations or City record-retention policies. This subsection does not create any private right of action in any individual if a particular record is not

maintained for any particular period of time, or if any particular information is not recorded.

## **SECTION 105 APPROVAL**

**105.1 Modifications.** Whenever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases, provided the code official shall determine and articulate in writing:

1. the special individual reason that makes application of the strict letter of this code impractical;
2. the extent to which the modification is in compliance with the intent and purpose of this code;
3. that the modification is consistent with the intent of prior modifications, if any;
4. that such modification does not materially lessen health, life and fire safety requirements; and
5. the details of action granting modifications.

The written statement shall be filed with the City Clerk and a copy shall be provided to the City Administrator.

**105.2 Alternative materials, methods and equipment.** The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved

where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety, or has been recognized as such by experts in the area. Where the alternative material, design or method of construction is not approved, the code official shall respond in writing, stating the reason the alternative was not approved.

**105.3 Required testing.** Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the code official shall have the authority to require reasonable tests to be made as evidence of compliance at no expense to the jurisdiction, or to rely on the results of tests of similar materials or methods made in other jurisdictions or by recognized testing agencies.

**105.3.1 Test methods.** Test methods shall be as specified in this code or by other recognized and accepted test methods, the code official shall be permitted to approve appropriate testing procedures performed by an approved agency.

**105.3.2 Test reports.** Reports of tests shall be retained by the code official for the period required for retention of public records.

**105.4 Material and equipment reuse.** To encourage recycling and the conservation of resources, materials, equipment and devices may be reused when such elements are in good repair or have been reconditioned and

tested when necessary, placed in good and proper working condition and approved. Wood boards, composite materials, hardware and other elements, which are not load-bearing, generally would not be required to meet the same tests as re-used load-bearing timbers, posts and similar elements.

**105.5 Approved materials.** Materials, equipment and devices approved by the code official shall be constructed and installed in accordance with such approval.

## SECTION 106 VIOLATIONS

**106.1 Unlawful acts.** It shall be unlawful for a person or other legal entity to do any act or maintain any structure or keep any premises which is in conflict with or in violation of any of the provisions of this code.

**106.2 Notice of violation.** A preliminary notice of violation, a notice of violation or order shall be issued by the code official in accordance with Section 107.

**106.3 Violations.** Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a misdemeanor or civil infraction as determined by the local municipality, and the violation shall be deemed a *strict liability offense*.

### 106.4 Enforcement

**106.4.1 Enforcement of Lien.** Any action taken by the City resulting in the imposition of a monetary penalty or the incurrence of demolition and/or other costs by the City shall be statutory liens against the real property upon which the structure or premises is located and such sums shall be recovered by adding such costs as a lien on the real property tax

bills next issued by the City, or its agent, upon such real property, and collected in the same manner and at the same time as ad valorem property taxes are collected.

**106.4.2 Lien Against Title.** If the lien on the offender's real property tax bill is not collectible for any reason, the lien may be recorded against the land records of the property. The owner or owners of the real property, and their successors in interest, are responsible for such lien and may be sued in a court of competent jurisdiction in Darlington County, South Carolina, to recover the amount of the lien, plus all court costs and accrued pre-judgment interest, as well as the City's attorney's fees incurred in the prosecution of the case, all of which are recoverable jointly and severally against the owner or owners of record of the property on the date the lien is imposed, and their successors in interest, and the lien runs with the property. Any lien filed on a property shall be considered a cloud against title that must be satisfied prior to any subsequent transfer of the property in question.

**106.4.3 Prosecution.** Any person failing to comply with a notice of violation or order served in accordance with Section 107 may further be charged with a misdemeanor or with a civil infraction, depending on the severity of the conduct and whether the property has been the subject of prior complaints, whether formal or informal, and the degree to which the property owner or other responsible person has cooperated with the City in resolving the issues presented. Persons charged are entitled to a trial in municipal court, and if found guilty of a misdemeanor or of a breach of the law constituting a civil infraction, punishment

to the extent provided by law may be imposed by the judge.

**106.4.4 Separate Offenses.** Except as otherwise provided by South Carolina law, each day that a violation continues after due notice has been given shall be deemed a separate offense.

**106.5 Abatement of violation.** The imposition of the penalties herein shall not preclude the City Attorney from instituting appropriate action, including, but not limited to, requesting intervention by the City's police department to restrain, correct or abate a continuing violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

## **SECTION 107 NOTICES AND ORDERS**

**107.1 Notice to person responsible.** Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred notice shall be provided.

**107.1.1 Preliminary Notice.** Prior to the delivery of a formal notice, a preliminary notice of violation may be given. A preliminary notice is not required prior to the submission of a formal notice.

**107.1.2 Formal Notice.** If the problem cannot be resolved with a preliminary notice or informally, the code official may give a formal notice of compliance or correction in the manner prescribed in Sections 107.2.2 and 107.3 to the property owner and to any other person identified as a being responsible for the violation as specified in this code. In the sole discretion of the code official, no

preliminary or informal notice is required prior to the initiation and delivery of a formal notice.

**107.2 Form.** Notices shall be presented in the following forms:

**107.2.1 Preliminary Notice.** A preliminary notice prescribed in Section 107.1.1 shall be in accordance with all of the following:

1. Be in writing.
2. Describe the location of the violation, the date of the notice and the person served.
3. Identify the violation of the IPMC.
4. Inform the property owner of the date by which to fix the violation.
5. Provide contact information to dispute the violation.

**107.2.2 Formal Notice.** Formal notice prescribed in Section 107.1.2 shall be in accordance with all of the following:

1. Be in writing.
2. Identify the property owner based on the City's tax or other records, and identify, to the extent possible, any other persons who may be lawfully responsible for the premises, such as a tenant, renter, lessee or permissive user.
3. Include a description of the real property sufficient for identification, which may include, but is not limited to, street address, tax map number, plat reference or a deed description.

4. Include a statement of the violation or violations, with specific reference to the section of this code which is being violated, and state why the notice is being issued.

5. Include a description of necessary correction or compliance, specifying exactly what action is required to bring the property into conformance with this code (including costs and fees associated therewith), specifying any building or other permits that must first be obtained, and stating a reasonable time to make the repairs and improvements required to bring the dwelling unit, other structure or premises into compliance with the provisions of this code.

6. Inform the property owner of:

(a) the right to an informal hearing or discussion with a hearing officer before the order is implemented;

(b) his right to appeal any adverse decision of the hearing officer; and

(c) the time limits and procedure for filing an appeal.

Informal hearings or discussions with the hearing officer shall be scheduled within 10 days of informing the violator of their violation. The code officer has the burden of proof of a violation. For purposes herein, the "hearing officer" shall be the code official or his designee.

7. Include a statement of the right of the City to file a lien in accordance



with Section 106.4 “Enforcement” for unpaid monetary penalties and costs of abatement.

8. In the alternative, notice of prosecution in the City’s municipal court may be given by service of a Municipal Ordinance Summons (as provided by Sec. 36.06 of the City’s Code of Ordinances) in a proper case, or by institution of the Courtesy Summons (pursuant to Sec. 36.04 of the City’s Code of Ordinances).

### 107.3 Methods of service.

**107.3.1 Preliminary Notice.** To the extent legally permissible, a preliminary notice under 107.2.1 shall be served in any manner determined by the code official.

**107.3.2 Formal Notice.** Formal notice under 107.2.2, except as described in Subparagraph 8 above (which shall be served personally on a defendant under South Carolina law), shall be deemed to be properly served under any of the following methods:

**108.** If a copy of the notice is delivered personally to each property owner of record or of whom the code official has actual knowledge, and to any other person who is found on the property and/or who appears to have a right as tenant, lessee, renter or permissive user to be on or in control of the property;

2. If a copy of the notice is sent by certified or first-class mail addressed to the last known property owner or owners at the best address available to the City for such person, with a return

receipt requested included therewith; or

3. If the letter and notice submitted under Section 107.3.2(2) above was not delivered, or if the return receipt is not properly signed, a copy of the notice shall be posted or door-tagged in a conspicuous place in or about the front door of the structure, and the owner of such affected property shall be deemed to have been duly notified of the notice on the seventh day after the posting thereof. The provisions hereof are not required in the event the City complies with the provisions of 107.3.3 below regarding the posting of the structure.

4. If delivered in accordance with Section 31-15-60 of the Code of Laws of South Carolina 1976, as amended. It is expressly stated that the provisions of Title 31, Chapter 15, Article 1 are permissive and the City need not comply with such provisions when exercising the rights and privileges granted under the IPMC.

**107.3.3 Posting.** In order to expedite the process for compliance and abatement of nuisances, the City shall additionally be permitted to post or door-tag a copy of the notice in a conspicuous place in or about the front door of the offending structure on or prior to the submission of the formal notice under Section 107.3.2(2). So long as the structure is properly posted on or before the formal notice is mailed under Section 107.3.2(2) above, then in the event the notice under 107.3.2(2) was not delivered, or if the return receipt is not properly signed, the owner of such affected property shall be deemed to have been duly notified of

the notice on the 30<sup>th</sup> day after the posting thereof.

**107.4 Penalties.** Penalties for noncompliance with orders and notices, or for violations prosecuted in the City’s municipal court, shall be as set forth in Section 106.4.

**107.5 Transfer of ownership.** It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order, or upon whom a notice of violation has been served, to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner or the owner’s authorized agent shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation, after any and all rights to appeal have been exhausted.

## **SECTION 108 UNSAFE STRUCTURES AND EQUIPMENT**

**108.1 General.** When a structure or equipment, including a mobile home or travel trailer, whether with or without wheels, is found by the code official to be unsafe (unsafe structure or unsafe equipment), is a structure unfit for human habitation, is an unlawful structure or is a dangerous structure or premises, such structure or equipment may be condemned and boarded or demolished

and removed pursuant to the provisions of this code or pursuant to other applicable provisions of the City’s Code of Ordinances or of State law.

**108.1.1 Unsafe structures.** An “unsafe structure” is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is imminently foreseeable unless repairs are immediately undertaken.

**108.1.2 Unsafe equipment.** “Unsafe equipment” includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure. It also includes unsafe mobile equipment units used for human habitation, including mobile homes, travel trailers, shipping containers, old buses, old truck bodies and the like, whether currently on wheels or not.

**108.1.3 Structure unfit for human habitation.** A “structure unit for human habitation” is found whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin infested, contains filth and contamination, or lacks ventilation,

illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

**108.1.4 Unlawful structure.** An “unlawful structure” is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law. The term “unlawful structure” includes “unsafe equipment” used for human occupancy in violation of this code.

**108.1.5 Dangerous Structure or premises.** A “dangerous structure” or “dangerous premises” is any structure or premises that has any or all of the conditions or defects described below:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the City as related to the requirements for existing buildings.
2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.
4. Any portion of a building, or any member, appurtenance or ornamentation

on the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.

5. The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.
6. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.
7. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
8. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.
9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate

maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

10. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the code official to be a threat to life or health.

11. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

**108.2 Vacant structures.** If the structure is vacant and unfit for human habitation, 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 or the owner's authorized agent to close up the premises or to request a hearing with the hearing officer 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 property upon which the structure is located and shall be a lien upon such real property and may be collected by any legal resource.

**108.2.1 Disconnect Utility Services.** The code official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 102.7 in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without approval or is otherwise unauthorized. The code official shall notify the serving utility and, whenever possible, the owner or owner's authorized agent and occupant of the building, structure or premises of the decision to disconnect prior to taking such action. If not notified prior to disconnection the owner, owner's authorized agent or occupant shall be notified in writing as soon as practical thereafter.

**108.2.2 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's 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.

**108.2.3 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 or more of the following conditions apply:

**108.2.3.1 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.

**108.2.3.2 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.

**108.2.3.3 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; and/or
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.

**108.2.3.4 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.

**108.2.4 Standards for Boarding a Vacant Structure.** The boarding of a vacant structure shall be according to the specifications provided as Appendix A to this code.

**108.2.5 Rehabilitation of Boarded Structure.** The owner of any boarded structure, whether boarded by voluntary action of the owner or the owner's authorized agent 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 108.2.3. On or before the end of the six month term, the code official may grant an extension, in writing, for rehabilitation upon a showing that substantive rehabilitation is in progress and ongoing. Any such extension shall be initially granted for a period of not exceeding 30 days and subject to further 30 day extensions in the discretion of the code official.

**108.2.6 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 remedies as provided by this code, local ordinances or state law including, but not limited to, demolition and removal of the structure.

**108.3 Notice.** Whenever the code official has condemned a structure or equipment under

the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner, the owner's authorized agent or the person or persons responsible for the structure or equipment in accordance with Section 107.3. If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in Section 107.2.

**108.3.1 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's policy department authorizing the department to enforce no trespassing on the premises.

**108.4 Placarding.** Upon failure of the owner or person responsible to comply with the notice provisions or to request a hearing within the time given, the code official shall post on the premises or on defective equipment a placard bearing the word "Condemned" (or similar verbiage) and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

**108.4.1 Placard removal.** The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated or the hearing officer or appeals board (see Section 111 herein) overturn the determination of the code official. Any person who defaces or removes a condemnation placard without the approval of the code official shall be guilty of a misdemeanor and subject to the penalties provided by this code.

**108.5 Prohibited occupancy.** Any occupied structure condemned and placarded by the

code official shall be vacated as ordered by the code official, unless a hearing has been requested, except in cases where imminent danger exists, as defined in Section 109.1. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.

**108.6 Abatement methods.** The owner, owner's authorized agent, operator or occupant of a building, premises or equipment deemed unsafe by the code official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action.

**SECTION 109  
EMERGENCY MEASURES**

**109.1 Imminent danger.** When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure, except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same. In certain cases, the code official may seek the assistance of the City police department, the fire department, the public works department, and any other department of the City in enforcing his orders to vacate the premises.

**109.2 Temporary safeguards.** Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted. Additionally the code official shall cause such other action to be taken as he, in

his discretion, deems necessary to meet such emergency.

**109.3 Closing streets.** When necessary for public safety, the code official shall temporarily close structures and close, or request the City Administrator or Police Chief to close sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized, until the situation is stabilized, and the danger abated.

**109.4 Emergency repairs.** For the purposes of this section, after consulting with and getting the approval of the City Administrator, the code official may employ the necessary labor and materials to perform the required emergency repairs as expeditiously as possible.

**109.5 Costs of emergency repairs.** Costs incurred in the performance of emergency repairs shall be paid by the City if prior approval has been given by the City Administrator or his duly authorized agent. The City Attorney or other counsel retained by the City may institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

**109.6 Hearing.** Any persons ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

**SECTION 110  
DEMOLITION**

**110.1 General.** If a structure is not a historic building, as governed by the provisions of Section 102.6 of this code, the code official may order the owner, or the owner's

authorized agent, of any other premises upon which is located any structure, which in the code official's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, the code official shall order the owner or the owner's agent to demolish and remove such structure.

**110.2 Notices and orders.** All notices and orders shall comply with Section 107.

**110.3 Failure to comply.** If the owner, or the owner's authorized agent, of a premises (as provided in Section 110.1) fails to comply with a demolition order within the time prescribed, after failing to timely request a hearing or after requesting a hearing, and if not successful in having the code officer's demolition order modified or abated, and thereafter fails to exhaust his right to appeal, the code official shall thereafter cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real property upon which the structure is located and shall be a lien upon such real property, and, if unpaid, shall be collected in the same manner and at the same time as the City's real property taxes, including delinquent city property taxes, or using any other legal recourse available to the City.

**110.4 Salvage materials.** When any structure has been ordered demolished and

removed, the City Administrator or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, to the person who is entitled thereto, subject to any order of a court. If there is no surplus remaining to be turned over, the report shall so state.

## **SECTION 111 APPEALS PROCEDURE**

**111.1 Appeals Process.** Any person affected by a decision of the code official, or a notice issued under the provisions of this code shall have the right to appeal to the appeals board in accordance with the provisions of Sec. 150.11 – Application for Appeal.

## **SECTION 112 STOP WORK ORDER**

**112.1 Authority.** Whenever the code official finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the code official is authorized to issue a stop work order.

**112.2 Issuance.** A stop work order shall be in writing and shall be given to the owner of the property, to the owner's authorized agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

**112.3 Emergencies.** Where an emergency exists, the code official shall not be required



to give a written notice prior to stopping the work.

**112.4 Failure to comply.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$100 or more than \$500 for each offense.

### CHAPTER 3 GENERAL REQUIREMENTS

#### SECTION 302 EXTERIOR PROPERTY AREAS

**Section 302.4 Weeds.** All premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plant and vegetation, other than trees or shrubs provided. While this definition includes natural and planted weeds or plant growth, this term shall not include cultivated flowers or gardens.

Upon failure of the owner or agent having charge of the property to cut and destroy weeds are service of a notice violation, they shall be subject to prosecution in accordance with Section 106.3 of this code and/or as otherwise provided by State law or the City's Code of Ordinances. Upon failure to comply with the notice of violation, any duly authorized employee of the City or a contractor hired by the City shall be authorized to enter upon the property in violation and cut and destroy weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property. 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 fees associated therewith.

#### SECTION 304 EXTERIOR PROPERTY AREAS

**Section 304.14 Insect Screens.** During the period from January 1 to December 31, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception. Screens shall not be required where other approved means, such as air curtains or insect repellent fans are employed.

### CHAPTER 6 MECHANICAL AND ELECTRICAL REQUIREMENTS

#### SECTION 602 HEATING FACILITIES

**Section 602.2 Residential Occupancies.** Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the *International Plumbing Code*. 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. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

2. Areas in which persons are primarily engaged in vigorous physical activities.

**602.3 Heat supply.** Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 1 to May 1 to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the *International Plumbing Code*.

2. In areas where the average monthly temperature is above 30° F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

**602.4 Occupiable work spaces.** Indoor occupiable work spaces shall be supplied with heat during the period from October 1 to May 1 to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.

EXHIBIT B

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the City Council of the City of Westminster (the “Council”), the governing body of the City of Westminster, South Carolina (the “City”), will consider the enactment of an ordinance entitled “AN ORDINANCE OF THE CITY OF WESTMINSTER, SOUTH CAROLINA ENACTING THE INTERNATIONAL PROPERTY MAINTENANCE CODE AND CERTAIN STANDARD TECHNICAL CODES AND THEREBY AMENDING AND RESTATING TITLE XV, CHAPTER 150 OF THE CITY’S CODE OF ORDINANCES; AMENDING TITLE XV, CHAPTER 151 OF THE CITY’S CODE OF ORDINANCES AND OTHER MATTERS RELATED THERETO” (the “Ordinance”). In accordance with the requirements of Section 5-7-280 of the Code of Laws of South Carolina 1976, as amended, the City Council will conduct a public hearing (the “Public Hearing”) regarding the implementation of the International Property Maintenance Code, 2021 Edition, and certain amendments thereto. The Public Hearing will be held on Tuesday, April 8, 2025 at 6:00 p.m., at Westminster City Hall, 100 E. Windsor Street, Westminster, South Carolina 29693. The Public Hearing shall be conducted publicly, and both proponents and opponents of the proposed action shall be given full opportunity to be heard in person or by counsel. A copy of the proposed Ordinance is available for review during regular business hours at Westminster City Hall, located at 100 E. Windsor Street, Westminster, SC 29693.

EXHIBIT C

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the that the Planning Commission of the City of Westminster, South Carolina, will conduct a public hearing (the “Public Hearing”) at 6:00 p.m., on April 21, 2025, at Westminster City Hall, 100 E. Windsor Street, Westminster, South Carolina 29693 on a proposed amendment of Section 151.003 of the City’s Zoning Code. The amendment is part of a proposed ordinance entitled, “AN ORDINANCE OF THE CITY OF WESTMINSTER, SOUTH CAROLINA ENACTING THE INTERNATIONAL PROPERTY MAINTENANCE CODE AND CERTAIN STANDARD TECHNICAL CODES AND THEREBY AMENDING AND RESTATING TITLE XV, CHAPTER 150 OF THE CITY’S CODE OF ORDINANCES; AMENDING TITLE XV, CHAPTER 151 OF THE CITY’S CODE OF ORDINANCES AND OTHER MATTERS RELATED THERETO” (the “Ordinance”). The proposed ordinance enacts various Technical Codes and the International Property Maintenance Code, 2021 Edition, and certain amendments thereto (the “IPMC”). The proposed ordinance recodifies the Technical Codes and the IPMC under Chapter 150 “Building Regulations” of the City Code and contains a text amendment to delete the implementation of the Technical Codes and the IPMC from Section 151.003 of the Zoning Code. The Public Hearing shall be conducted publicly, and both proponents and opponents of the proposed action shall be given full opportunity to be heard in person or by counsel. A copy of the proposed Ordinance is available for review during regular business hours at Westminster City Hall, located at 100 E. Windsor Street, Westminster, SC 29693.

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MEMORANDUM

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To: City of Westminster, South Carolina  
From: Pope Flynn, LLC  
Date: March 5, 2025  
Re: Proposed ordinance adopting mandatory building codes and permissive code

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**Introduction**

South Carolina’s building codes are governed by Chapter 9 of Title 6 of South Carolina Code of Laws, 1976 as amended (the “*SC Code*”). This Chapter creates the South Carolina Building Codes Council and authorizes the Council to review, adopt and modify certain building codes that South Carolina cities and counties are then required to enforce. In addition to the mandatory building codes, cities and counties are allowed to adopt the latest edition of certain permissive codes.

**Proposed ordinance for consideration**

The proposed ordinance for City Council’s consideration adopts the following mandatory building codes, the International Building Code (the “*IBC*”), the International Existing Building Code (the “*IEBC*”), the National Electrical Code (the “*NEC*”), the International Plumbing Code (the “*IPC*”), the International Mechanical Code (the “*IMC*”), the International Fuel Gas Code (the “*FGC*”), the International Fire Code (the “*IFC*”), the International Energy Conservation Code (the “*IECC*”), and the International Residential Code (the “*IRC*”), and one permissive code, the International Property Maintenance Code (“*IPMC*”).

**Mandatory Building Codes:**

The proposed ordinance adopts, by reference, the most current edition of the mandatory building codes that have been adopted by the Building Codes Council as listed above. The proposed ordinance also adopts Chapter 1, administrative provisions, of each of the mandatory building codes. The Building Codes Council typically adopts updated codes every three years and is currently in the process of vetting the 2024 edition of the codes. Because the proposed ordinance adopts the most current edition of the building codes adopted by the Building Codes Council, City Council will

not be required to amend the ordinance to incorporate future editions as they are adopted by the Building Codes Council.

**Discretionary Codes:**

The proposed ordinance also adopts the 2021 edition of the International Property Maintenance Code (“*IPMC*”) and certain administrative and enforcement modifications as shown on Exhibit A of the ordinance. The IPMC provides enhanced code enforcement tools to the City to address overgrowth of vegetation, dilapidated structures and demolition.

**Delete Building Codes from Zoning Code**

The proposed ordinance relocates the codification of the building codes from Chapter 151 “Zoning Code” to Chapter 150 “Building Regulations” of the City’s Code of Ordinances.

Zoning regulations are specifically authorized by Chapter 29 of Title 6 of the SC Code (the “*Planning and Zoning Act*”), whereas building codes are governed by Chapter 9 of Title 6 of the SC Code. The authorization to adopt and enforce building codes does not fall within the Planning and Zoning Act, therefore, the proposed ordinance recodifies the adoption of the building codes at Chapter 150 “Building Regulations”.

**Public Hearings:**

The proposed ordinance requires two public hearings: (1) a public hearing on the zoning text amendment and (2) public hearing on the adoption of the IPMC. The Planning Commission will conduct the public hearing on the zoning text amendment. The Planning Commission is also required to review the text amendment and make a recommendation to City Council. The City Council will conduct the public hearing on the enactment of the IPMC.