

Building Department Manual

South Carolina State Laws & Regulations



*This publication **is not** an official state publication and in no way replaces the South Carolina Laws and Board Regulations which can be found at <https://llr.sc.gov>*

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Revised as of September 19, 2022

Foreword

Disclaimer:

The intent of this manual is to inform Building Departments and their staff as to how South Carolina State Laws affects their job. This manual is organized in a way to be a quick reference to South Carolina Law **but not to replace** the full body of the Law that the South Carolina Legislature adopted, or any of the Boards Regulations.

To read the full law and board regulations: <https://llr.sc.gov>

Opinions:

John England CBO, MCP (England Training LLC) along with his wife Marie Faw CBO, MCP (retired from York County Building Department) saw a need for a Building Department Manual as it relates to South Carolina State laws. Both having been in the construction business all their lives and for the past 25+ yeas working in and around building departments.

There are many interruptions of the SC Law and opinions on board regulations. They have tried to organize this manual in a concise manner and answer common questions Building Departments would have as related to South Carolina State Law.

SC Laws:

In this Manual South Carolina Laws have been condensed sometimes into a short bullet point that will serve as a quick reference. If there is any doubt by the reader, the full content of the laws should be read.

Example

40-11-410 (4) (p) reads

(p) "Glass and Glazing" which includes, but is not limited to, commercial, residential, industrial, institutional, modular, and all other types of glass and glazing construction. The construction is limited to selection, cutting, assembling, and installing all makes and kinds of glass for windows, sash and doors, metal frames, ornamental decorations, mirrors, and tub and shower enclosures. This license classification includes all work under the subclassifications of renovation, structural shapes, and architectural aluminum glazing systems which include aluminum entrance doors and frame systems, entrance and egress hardware, curtain wall systems, sliding doors/mall fronts, overhead glazing systems, and architectural window systems and accessories. Contractors engaged solely in residential construction must be licensed or registered with the South Carolina Residential Builders' Commission and are not required to have this classification. The board may require an applicant to pass an examination before licensure as provided by this chapter.

And as stated in this manual

(p) Glass and Glazing –all framing and glass in commercial only

Explanation:

1. The laws includes all aspects of glass and glazing as well as all occupancies they could be installed in.
2. The next to last sentence gives an exception for Residential Contractors
3. The last sentence talks about the boards requirement (if needed) for an exam. Which is licensing issue of the board not a code compliance issue to the Building Official

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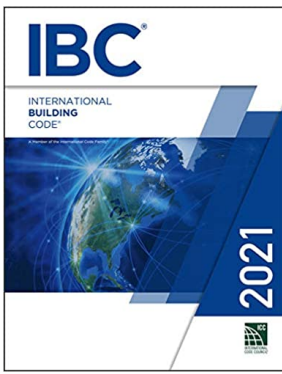
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Contributing

I would like to thank the following that has endured my constant questions that have been raised on putting this manual together.

- England Training staff
- CC&I
- SC Home Builders Assn
- SC LLR
- Building Official Association of South Carolina
- Many Building Officials around the state

Since South Carolina Law and Board Rules are constantly changing, we anticipate updating this manual every 3 years.



Adopted Codes

South Carolina is on a 3- year code adoption cycle and **does** amend the code(s) as Building Codes Council permits.

NOTE: SC Law 60-9-50 South Carolina Codes are the International Codes with the SC amendments included into the body of the code. The National Electrical Code (which has SC amendments) was not reprinted as the South Carolina electric code..

As of the printing date of this manual the following (**mandatory**) International Codes with State modifications will be in effect January 1, 2023

- ✓ 2021 Residential Building Code
- ✓ 2021 Building Code
- ✓ 2021 Mechanical Code
- ✓ 2021 Plumbing Code
- ✓ 2021 Fuel Gas Code
- ✓ 2021 Fire Code
- ✓ 2009 Energy Conservation Code
- ✓ 2020 National Electric Code

SC Law 60-9-60 Permissive codes that a jurisdictions many adopt by ordinance are:

- ✓ Existing Building Code
- ✓ International Property Maintenance Code

NOTE: if you adopt Chapter1 locally as written, you **will** adopt the Existing Building Code as well as the Property Maintenance Code. But will **not** adopt the:

- ✓ International Swimming Pool & Spa Code
- ✓ International Performance Code

The following Codes are not part of the Building Code Council process. They were adopted by the legislature under a different law.

The latest edition of ICC/ANSI A117.1, Accessible and Useable Buildings and Facilities, is adopted by the Accessibility Act, S.C. Code Ann. § 10-5-210 et seq., and mandatory for use in all municipalities and counties within the State. **At the date of this publication 2017 ICC / ANSI A117.1 is in effect**

On July 1, 2009, by Act 46 (H3550), the SC Energy Standard was updated to the 2006 International Energy Conservation Code for all commercial and residential buildings.

NOTE: Part of the Obama Energy stimulus package 2009 –if the state took the money, they had to adopt the 2006 Energy Code.

On April 2, 2012, by Act 143 (H4639), the SC Energy Standard was updated to the 2009 International Energy Conservation Code for all commercial and residential buildings.

<https://www.scstatehouse.gov/code/t06c010.php>

NOTE; There has been no move to update to a more current code by the legislature.

SC Law & Boards Regulations

South Carolina **Law** Is adopted by the Legislature and signed into law by the Governor giving the boards the limits and responsibility to write the **regulations**.

Board Rules (**Regulations**) are written by the separate boards and can change at any time and promulgated by the General assembly.

The following Laws and many of the board rules are listed in this manual.



- Residential Builders Commission
- Contractors Licensing Board (Commercial)
- Board of Architects Examiners
- Board for Professional Engineers & Surveyors
- Manufactured Housing Board
- Building Codes Council
 - Modular Building Program
- Office of State Fire Marshal

Local Code Administration / Ordinances

Local Jurisdictions are required to have Building Code Enforcement Officers (Building Official, Plan Reviewers and Inspectors). They are also required by ordinance to adopt the mandatory codes adopted by SC Building Codes Council.

SC Building Codes Council does not adopt Chapter 1 (administrative provisions) of any of the codes, leaving it up to the local jurisdiction to either adopt it as written or modify it to meet certain needs of the jurisdictions.

[Regulation 8-236\(E\)](#)

Appendix in the back of the codes can be adopted as part of the ordinances, as long as they get approval from Building Codes Council.



Residential Contractor

40-59-410 (H) Each branch office shall have a licensed Home Builder on site to supervise work.

40-59-20 (6) > 3 floor in height residence
> Apartment Complex 16 units or less (cost exceeding \$5,000)

NOTE; A licensed Residential Builder may perform **any of the specialty** contractor functions without have a specialty license or registration.

40-59-230 (B) Commission may require licenses holder to have CEUs for renewal (*not at the time of this publication*)

40-59-300 Low-income housing done by a 501(c)(3) organization (I.e., Habitat for Humanity, rebuilding together, etc.) whose employees volunteer labor is not required to be a licensed contractor, but is required to pay for the cost of the building permit.

NOTE: Plan reviews and inspections will still be done by the local jurisdiction.

Specialty Contractor

40-59-20(7) Specialty Contractors

- \$500.00 contract requires a specialty license or registration
- Cannot contract out another trade other than their own license registration
- 40-59-249 (D) \$5,000 maximum unless they are bonded
- 40-59-240 (a) 3 Classifications per person

NOTE: Plumbers, electricians, heating & air require examination to be **licensed** and (Board Regulation 106.1) can install, alter, or repair the following

- a. Plumbers License – water, sewer and gas lines (no propane tanks)
- b. Electricians License –any electrical including the service
- c. Heating and Air Installers License –up to 5 tons cooling & 175,000 BTUs heating

40-59-270 If you are licensed as a (commercial Chapter 11) Mechanical, Plumbing, or Electrical contractor you are not required to get a specialty license to do residential work. General Contractors (Chapter 11) cannot do specialty work.

NOTE: *All the following **registrations** just require applying for and paying a fee (no exam)* (Board Regulation 106.1)

- d. Vinyl and aluminum siding installers
- e. Insulation installers
- f. Roofers
- g. Floor covering installers
- h. Masons
- i. Drywall Installers
- j. Carpenters
- k. Stucco installers (including EFS systems)
- l. Painters/ Wallpaper installers
- m. Solar Installers (per 106.1) Residential Builder or Solar installer with roofer specialty license



NOTE 1: Electrical work must be done by a Mechanical (Electrical) specialty of chapter 11 electrical contractor.

Note 2: per 40-59-20(7) a solar installer can not contract out the work to an electrical contractor. A licensed Residential Builder can.

Common Questions Floors v Stories (Home Builders & Specialty Contractors)

The Residential Contractors Law refers to **floors** while the Residential Building Code refers to **stories**.

Question: So, if the building is raised because of flood ordinances (6+ ft) can the contractor build 3 floors above it?

Answer: Yes, only if there is no living, storage, or parking on grade level under the building. Most of these occur in V flood zones and have breakaway walls (storm surge) .

Question: If a building (3 living floors) is raised 6+ ft above grade (garage) the Residential Code considers it a 4-story building and would have to be built to the IBC not the IRC? And would not get the SC sprinkler exception per SC law for residential built to the IRC.

Answer: Yes.

NOTE: if the Base flood was 1.5' and the contractor decided to raise it more than 6' for parking again yes, it is considered a story and if 4 or more stories the Building Code (sprinklers) would be used.

Question: Chapter 2 of the Residential Code does not consider a habitable attic (finished or unfinished) or a mezzanine (1/3 of the floor below) to be considered a story. Will it count as a floor when it comes to the Residential Contractor Law?

Answer: The consensus between the Board, and most Building officials is **no**.

Habitable attic was addressed in the [2021 SC modifications \(R326.3\)](#) Not greater than ¾ of the floor below and knee walls.

Question: If a homebuyer has a problem with construction (company) what is their recourse?

Answer: Try to resolve it with the contractor before putting in a complaint to LLR.

NOTE: Some builders give a 1-year warranty

Townhouses

The Residential Building Codes references townhouses. Let's discuss this:

Townhouses by code are attached dwellings with at least 2 open sides. When the codes does not discuss is ownership of town houses. Townhouse building by the residential code is a single-family house with 0- lot lines and 2-hour party walls.

Apartment = Is on a single lot that is owned by a single person.

Condominium= is also on a single lot, but owned by the condo association, with each individual unit separately owned.

Apartment or Condominium which contains up to 16 units can be built by a Residential Contractor but is constructed using the Building Code (R2) and not the Residential Code and would be required to be sprinkled (NFPA 13R).



Common Questions (Home Builders & Specialty Contractors)



Question: Can Residential builders do work on a commercial building?

Answer: Technically by law a residential contractor can only work on residence, but an unlicensed contractor or owner may do work on commercial property up to \$5,000.00 total. **40-11-260 (A)**

The same \$5,000.00 holds true for the Mechanical (HVAC, Plumbing and Electrical) Contractor **40-11-260 (B)**

Question. Can a Residential Builder construct an apartment complex if each building contains not more than 16 units per building and not more than 3 floors?

Answer. Yes, and any covered patio or picnic area.

Note: the club house and pool must be done by a (Commercial Chapter 11) Contractor.

Question: Can a residential builder construct a garage or storage building?

Answer: Yes, as long as it's on a residential lot and not used for commercial purposes. Commercial garages must be built to the Building Code (S-1) not the Residential Code.

Question: Can a Residential Builder construct a pole barn used for horses on a farm?

Answer: Yes, if it not used (or rented) for commercial purposes.

License exemptions (owners-farmers) are allowed per [40-11-360\(A\)\(7\)](#) less than 5,000 sq/ft for livestock.

Question: Residential sprinklers are not required by SC Residential Code. If the builder, homeowner decides to install a NFPA 13D system, can a specialty residential plumbers install it?

Answer: Yes, as a combined NFPA 13D system per the Residential Code (Note: apartments or condo up to 16 units would be under the Building Code not the Residential Codes and will require sprinklers under NFPA 13R which requires a special fire sprinkler installer license per 40-10-41

Question: Can a Building Official require a Licensed Architect and/or Engineer on a project?

Answer: No - If it meets the prescriptive requirements of the Residential Code R301 (which includes ICC 600 and WFCM= Wood Frame Construction Manual) .

NOTE: If ASCE7 (engineering manual) is used it's not a prescriptive code, would require a Professional Engineer

❖ Residential Building Commission may look at clarify this in 2023

Question: Does a model unit(s) need to meet the Accessibility Code?

Answer: Let's say you have 3 model units on site, and one includes a sales office in the converted garage. The sales office must be accessible, but the other models themselves do not have to meet accessible codes.

Residential Building Law -Owner Builder

- 40-59-260 (C) Owner Builders (Build or Improve 1 or 2 family residence --3 story max)
- (C) Must live in it 2 years (no resale or rental)
- (D) At time of permitting forms must be provided for the Registrar of Deeds
- (E) Must be part of the **public record (deed)** that a non-licensed builder did the work



Question: What are the limits that owner builders are not required to pull a permit?

Answer: Section 40-59-265.

(A) This chapter, including Section 40-59-260, does not apply to an owner of residential property who improves the property when the improvements are for the following: **See next page**

(B) The improvements delineated in subsection (A) are exempt from building permit application requirements and an owner of residential property who makes these improvements is not required to have a residential builder or residential specialty contractor's license or be subject to the penalties provided in this chapter."

Question: Can an owner builder do their own mechanical (HVAC, plumbing, electrical, gas) ?

Answer: Yes. But it is not recommended.

Question: When is the owner builder required to be on the deed of record?

Answer: Law does not specify when it must be recorded, just that it must be recorded.

Recommendation: At permitting get a "Notice of Intent" as owner builder. That way if they decided to later hire a licensed contractor it has not been recorded on the deed. And before the **Certificate of Occupancy or Certificate of Completion** is issued the owner / builder must shows it was recorded on the deed.

Question: When does the 2 years time limit begin?

Answer: When added to the Public Record, usually at time of CO.

Month						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			2 Years			
			24 months			
			730 Days			
			17520 Hours			

Residential Building Law -Owner Builder

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(C) Must live in it 2 years (no resale or rental)
(D) At time of permitting forms must be provided for Registrar of Deeds
(E) Must be part of the **public record (deed)** that a non-licensed builder did the work.
NOTE: At the board's website there is a Special Condition Waiver (military, job transfer, etc.)



House Flippers

Question: A house flipper wants to act as an unlicensed contractor and use this to repair the residence. What can they do?

Building: They can change all the cabinets / countertops in the house, paint, carpet, tile, build a fence, redo the walkways, patio, driveways. Add 200 sq/ft detached storage shed or deck (not over 30" above grade)

Licensed contractor is required to do any moving of walls or structural changes to the property and will require a permit.

Electrical – minor

NOTE: Changing out light fixtures, receptables etc. will require a permit

Gas –Re-connection of gas range, dryers.

NOTE: Water heaters changeouts require a permit.

HVAC – Window AC, & refrigerators.

NOTE: Mini splits are not considered self contained, permit is required.

Plumbing – Minor changing out toilets, sinks, dishwasher etc.

NOTE: Moving any fixture to a new location or replacing shower valves will require a permit.

Once permits are required for a project the Flipper has two choices:

- Hire a licensed Residential or General Contractor to oversee the project and pull the appropriate permits.

OR

- Act as an owner / builder and do the appropriate forms/ paperwork to be recorded on the deed and not sell or rent the property for 2 years.



Residential Building Law -Homeowner Exemptions

NOTE: Permits are exempt by SC State Law for homeowner and are limited to the following criteria:

SECTION 1. Article 1, Chapter 59, Title 40 of the 1976 Code is amended by adding:

"Section 40-59-265. (A) This chapter, including Section 40-59-260, does not apply to an owner of residential property who improves the property when the improvements are for the following:

(1) building:

- (a) one-story detached accessory structures, provided that the floor area does not exceed two hundred square feet;
- (b) fences not over seven feet high;
- (c) retaining walls that are not over four feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge;
- (d) water tanks supported directly upon grade if the capacity does not exceed five thousand gallons and the ratio of height to diameter or width does not exceed two to one;
- (e) sidewalks and driveways;
- (f) painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work;
- (g) prefabricated swimming pools that are less than twenty-four inches deep;
- (h) swings and other playground equipment;
- (i) window awnings supported by an exterior wall that do not project more than fifty-four inches from the exterior wall and do not require additional support;
- (j) decks not exceeding two hundred square feet in area, that are not more than thirty inches above grade at any point;

(2) electrical:

- (a) listed cord-and-plug connected temporary decorative lighting;
- (b) reinstallation of attachment plug receptacles but not the outlets;
- (c) replacement of branch circuit overcurrent devices of the required capacity in the same location;
- (d) electrical wiring, devices, appliances, apparatus or equipment operating at less than twenty-five volts and not capable of supplying more than fifty watts of energy;
- (e) minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles;

(3) gas:

- (a) portable heating, cooking or clothes drying appliances;
- (b) replacement of any minor part that does not alter approval of equipment or make such equipment unsafe;
- (c) portable-fuel-cell appliances that are not connected to a fixed-piping system and are not interconnected to a power grid;

(4) mechanical:

- (a) portable heating appliances;
- (b) portable ventilation appliances;
- (c) portables cooling units;
- (d) steam, hot- or chilled-water piping within any heating or cooling equipment regulated by the South Carolina Residential Building Code;
- (e) replacement of any minor part that does not alter approval of equipment or make such equipment unsafe;
- (f) portable evaporative coolers;
- (g) self-contained refrigeration systems containing ten pounds or less of refrigerant or that are actuated by motors of one horsepower or less; (*i.e., Window AC or refrigerators, not mini splits*)
- (h) portable-fuel-cell appliances that are not connected to a fixed-piping system and are not interconnected to a power grid;

(5) plumbing:

- (a) the stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work must be considered as new work and a permit must be obtained and inspection made as provided in the South Carolina Residential Building Code;
- (b) the clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes, or fixtures.

(B) The improvements delineated in subsection (A) are exempt from building permit application requirements and an owner of residential property who makes these improvements is not required to have a residential builder or residential specialty contractor's license or be subject to the penalties provided in this chapter."



Residential Building Law -Owner Builder

40-59-260 (C) Owner Builders (Build or improve 1 or 2 family residence --3 story max)

(C) Must live in it 2 years (no resale or rental)

(D) At time of permitting forms must be provided for register of deeds

(E) Must be part of the **public record (deed)** that a non-licensed builder did the work

NOTE: At the board's website there is a special condition wavier (military, job transfer, etc.)

The following items **do not** trigger the owner/ builder requirement And can be done without notice recorded on the deed.

- Paint the exterior or interior of house
- Installing a up to a 200 sq/ft deck on the house NOTE: 30" max above grade
- Removing and replacing cabinets/ countertops in a house -- minor plumbing, electrical associated with the cabinets are also covered here (i.e., hooking up the new sink / dishwasher/ range hood, etc.)
- Installing fences (7' max) NOTE: may still require HOA approval
- Installing a window AC unit (not a mini split)

The following **will** require a permit, but **will not** trigger the owner builder requirements for public record

- Reroofing a house
- Installing a deck more than 200 sq/ft or 30" above grade
- Repairing or replacing windows and /or doors.
- Finish a bonus room over the garage or a basement (if no walls are added or removed)

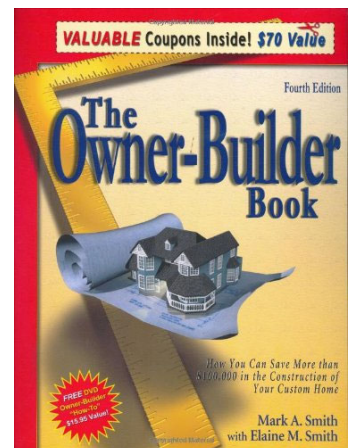
If any of the following items are performed by the homeowner, then the owner builder criteria will require the owner builder to record it on the deed. And it can not be resold or rented for 2 years from time of recording.

NOTE: A permit is also required;

- Build a 1 or 2 family house according to the Residential Code
- Add an addition on a house according to the Residential Code
- Moving or removing any walls (structural components) of the building

- Change out HVAC units
- Change out Electrical service
- Change out primary water or plumbing lines (including service lines to house)
- A new gas lines or gas venting –including water heater changeouts.

NOTE: The above mechanical and electrical systems if performed and permitted by a **licensed contractor** will not trigger the owner / builder clause.



Home Inspectors Chapter 59 Article 3

40-59-500 (6) Home Inspector does a written or oral report of the condition of new or existing 3 story residential homes, not to exceed 16 units in one building.

40-59-580 (7) Home inspector **cannot** perform work on a building he/she inspected within 12 months of the inspection



40-59-620 Home Inspector can only sight building code, by using the code that was in effect at the time of construction (**not today's code**)

40-59-530 (1) & (2) Licensed Code Enforcement Officers and bank inspectors are exempt.

40-59-530 (4) CL 100 Wood Infestation Report is done by a SC licensed pest control company

Definitions: The following are exempt from licensing under this law.

HUD/ FHA inspector (Federal) – Can quote code and HUD manual requirements to the contractor for new homes and renovations, since they are doing it as part of the mortgage process.

Bank Inspector- Are mostly concerned as to the progress of the project so draws against construction loans can be forthcoming. Rarely do you see them quote code.

Insurance Inspectors- Are ensuring that the building is worth the insured value, and rarely quote codes but can require homeowner do repairs to the building before insuring insurance policy.

[link -Commercial Inspections Chapter 26](#)

40-26-10 Commercial Inspector –residential over 3 story or 16 units and all commercial buildings

40-26-30 Licensed Code Enforcement Officers and bank inspectors are exempt.

40-26-50 (7) Commercial inspector **cannot** perform work on a building he/she inspected within 12 months of the inspection.

40-26-60 Commercial Inspector can only sight building code violations using the code that was in effect at the time of construction (**not today's code**).

Home Inspector –Questions



Question: Can a Home Inspector require a seller to fix a potential problem noted in their report?

Answer: NO –they are only there to report the condition of the property, so the buyer can beware of any potential problems.

Question: If a Home Inspector has an ICC Residential Certification can they quote code?

Answer: No as they are not licensed by SC LLR as a Building Code Enforcement Officer for that jurisdiction.

Question: If the Home Inspector is a SC licensed Architect and/or Engineer can they Quote Code?

Answer: Yes, if they disclose, they are licensed Architect or Engineer.

Question: Can a Licensed Contractor (Residential or Commercial) do a home inspections?

Answer: Yes, and they can quote code.

Question: When any of the above decide to quote a code, do they quote the lasted adopted code?

Answer: No –the code in effect at the time of construction of the property, unless that component of the property has been changed. Then the code at time of change would have to be quoted.

Example: A 1972 house has an electrical panel in a clothes closet, the inspector can write it up as such, but must consider the 1970 National Electrical Code in his report. It was legal then, but not in today's code.

During a renovation of the above house the panel was upgraded in 1990, therefore the 1987 NEC would be in effect.

Question: Can Home Inspector do progress inspections on new construction?

Answer: Yes and advise their client as to items they saw that were not correct with the signed contract.

Question: A Home Inspector's Report (@43 pages) is given to the Homeowner and/ or Contractor as to defects in a new home. What should the Building official's response be?

Answer: Since Home Inspectors cannot quote the current Building Codes, assume these issues are cosmetic in nature.

Contractors (commercial) Chapter 11

40-11-20 Definitions

(5) Construction Manager (CM) –Coordinate between Design Professional and Prime Contractors

40-11-320 CM's must be licensed General, Mechanical Contractor, Architect, Engineer

(9) General contractor –oversee construction of the project –hires the sub-contractors

(14) Mechanical Contractor - Licensed Plumbing, HVAC and Electrical –sub contractors (not specialty contractors—see Home Builders)

(17) Prime Contractor –works with owner to perform general and mechanical construction

(23) 'Total cost of Construction' –actual cost of all contractors (general and mechanical) , materials, profit for the entire project. **Except** = Design Professional work

40-11-350 Building Official must ensure proper license (group) before issuing permit.

40-11-420 Building Permits Prime contractor and construction manager If applicable, shall be listed on the permit application

40-11-260 (A) General (prime) contractors

Greater than \$5,000.00

- (1) Group One \$50,000 per job max
- (2) Group Two \$200,000 per job max
- (3) Group Three \$500,000 per job max
- (4) Group Four \$1,500,000 per job max
- (5) Group Five Unlimited

40-11-260 (B) Mechanical Contractors

(plumbing, HVAC electrical) (Greater than \$5,000)

- (1) Group One \$17,500 per job max
- (2) Group Two \$50,000 per job max
- (3) Group Three \$100,000 per job max
- (4) Group Four \$200,000 per job max
- (5) Group Five Unlimited



40-11-300 Prime (General) Contractors **cannot** divide cost to stay below group license thresholds.

40-11-270 (C) Mechanical (HVAC only) Contractors License number shall be prominently displayed on their commercial vehicle, and on their proposal and invoice forms

40-11-360 (A) Exemptions

- (1) Fire sprinklers (Chapter 45 title23) & Fire and Burglar Alarms (Chapter 79 Title 40)
- (2) Shelving –not attached to the building
- (3) Federal Property
- (4) SC DOT Property (9) SC Dept of Corrections (10) SC Public Service Authority
- (5) Residential Property –owner builder
- (6) Commercial Property (owner) less than 5,000 sq/ft (2- year term)

All structural and mechanical (plumbing, HVAC, electrical) must be licensed contractor

(7) Farm building less than 5,000 sq/ft

(11) Billboards installations--Electrical connections must be by licensed electrical contractor

Contractors (commercial) Chapter 11

40-11-410 License Classifications

- (1) **General Contractor** – Building
- (2) General Contractor -- Highway-- Bridges, Concrete Paving, Asphalt, Grading
- (3) General Contractor – Public Utilities –pipelines, water/ sewer plants, water/ sewer lines

(4) General Contractors

- (a) Boring and Tunneling
- (b) Concrete -- trenching, formwork, placing
- (c) Interior Renovations –Acoustical ceiling systems, Drywall partitions, Plastering, Flooring, Wood and Window, Cabinets, Fireproofing, Insulation, (no structural)
- (d) Marine -- Docks, Seawalls, Wharves (no structural –general contractor)
- (e) Masonry
- (f) Pre-Engineered Metal Buildings-- 40 ft x 40 ft max including concrete (No mechanicals)
- (g) Railroad Lines
- (h) General roofing – shingles, clay and concrete, slate, wood shake, metal and asphalt roofing
- (i) Specialty roofing –all list above (general) + any not listed.
- (j) Structural Framing –metal or composite framing members (steel erectors)
- (k) Structural Shapes -- include minor field fabrication
- (l) Swimming Pools (Commercial) --include all mechanical from the point of pool equipment
- (m) Wood Frame Structures --excess of 5,000 sq/ft for livestock, storage, or processing --**no habitation or offices.**
- (n) Public Electrical Utility
- (o) Boiler Installation
- (p) Glass and Glazing –all framing and glass in commercial only

(5) Mechanical Contractors

- (a) Air Conditioning (No hot water or steam) but include **(h) refrigeration below**
- (b) Heating (hot water and steam) include gas lines to the equipment
- (c) (HVAC) Package Equipment (cooling 25 tons limit) (heating 5,000 BTU/ Hour) Include gas and water to the equipment (No steam or hot water)
- (d) Electrical (600 volts max) Can install HVAC thru the wall units not to exceed 3 tons
- (e) Lightning Protection
- (f) Plumbing (including Gas lines)
Mechanical Group 3,4,5 contractors can install fire standpipes –but not fire sprinklers (Chapter 45 Title 23)
- (g) Pressure and Process Piping –all fluids that are not hot water, steam, gas or refrigeration
- (h) Refrigeration (storage of food products) See (a) above



Contractor (commercial) Questions



Question: Can an unlicensed contractor do work on a commercial building?

Answer: Yes, if the **total cost of construction** does not exceed \$5,000.00 total. Including HVAC, Electrical, Plumbing Fire Alarm, Fire Sprinkler etc.) NOTE: Does not have to be the building owner.

Example: In a strip shopping center where all the plumbing, mechanical and electrical are existing. The renter wants to repaint, install counters, shelving, re-carpet etc. As long as the total cost does not exceed \$5,000.00 then they can do it without a license. A permit can still be required.

Question: Can the **owner** of a commercial building do his own construction?

Answer: Yes (**40-11-360 (A) Exemptions # 6**) gives the owner a 5,000 sq/ft renovation area, with no regards to the cost of construction. Any structural, mechanical, electrical fire must be done by a licensed contractor.

Example: Owner purchases a 3,000 Sq/ft house that is going to be turned into an office or restaurant. The owner **can do all the work** without a contractor license, except any structural, mechanical, electrical, fire suppression

Question: Can a licensed residential contractor do work in a commercial building?

Answer: According to the Residential Builder Law a residential contractor can only work on residential. But someone who is not licensed at all can do \$5,000.00 worth of commercial work.

NOTE 1: The above is an examples where two laws conflict with each other. It is the opinion of many Building Officials that a residential contractor can do up to \$5,000.00 worth of commercial work.

Note 2: Unless they are the building owner, they can not use the 5,000 sq/ft exemption.

Question: Can Residential Specialty Licensed Plumbing Contractor do work on a commercial building?

Answer: According to the Residential Builder Law a residential specialty contractor can only work on residential. But someone who is not licensed at all can do \$5,000.00 worth of commercial work.

See notes above:

Architects Law Chapter 3

40-3-20 Definitions

- (1) **Architect** – Works with engineers (structural, mechanical, etc.) and materials suppliers to design a building. This is the key contact for corrections to the plans
- (11) **Intern Architect** -- Architectural Experience Program

40-3-290 An Architect is required on all projects **except**

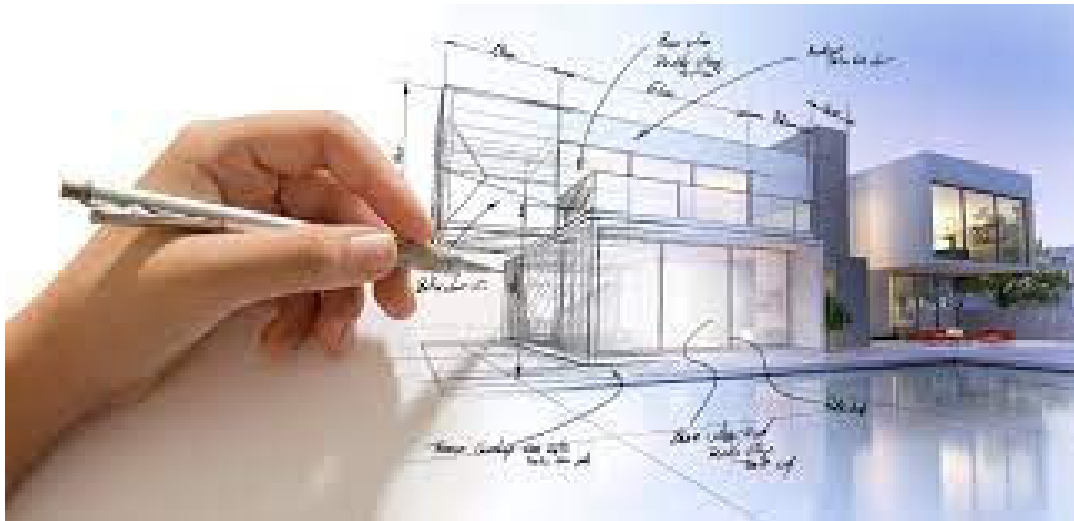
- (A) Home Builder or General Contractor from preparing or using shop drawings
- (C) (1) Farm building used for farm purposes only (no habitation, offices, processing)
- (2) Less than 3 stories, and fewer than 5000 sq/ft
Unless it's an (SEE IBC Chapter 3)
- Assembly (IBC if less than 50 people is a business)
 - Institutional -Nursing home, hospital, childcare
 - Educational --Above 12 grades is Business
 - Hazardous – Limits above those listed in IBC Chapter 3 (Gas and or lube stations are usually not considered hazardous) (Pool chemical store could be)
- (3) One- and Two-Family dwelling (including townhouses) that fall within the prescriptive requirements of the Residential code (3 story)
- (4) Alterations that do not affect the structural safety (or change the occupancy classification) of the building

40-3-320 Building Permit must have sealed plans if required

40-3-280 Seals

- (A) Seal shall contain Name, Place of Business and the words (Registered Architect, State of South Carolina" and (B) signature shall be affixed over the seal
- (B) An electronic seal and signature may be used.

NOTE: At the date of this manual no specific requirement for electronic seals.



Architect Questions

NOTE: Refer to Engineer questions for more answers



Law: 40-3-290 An Architect is required on all projects **except**
40-22-280 An Engineer is required on all projects **except**

Less than 3 stories , and fewer than 5000 sq/ft

Unless it's an (SEE IBC Chapter 3

- Assembly (IBC if less than 50 people is a business)
- Institutional -Nursing home, hospital, childcare
- Educational --Above 12 grades is business
- Hazardous – Limits above those listed in IBC Chapter 3 (Gas and or lube stations are usually not considered hazardous) (Pool Chemical store could be)

Question: Is both an architect and engineer required for these projects (A,I,E,H occupancies) ? Or either an architect or engineer?

Answer: Both laws must comply –therefore both a licensed architect and engineer must produce the construction documents. Sign and seal them at permit application.

Question: If a retail store is 1 story and 10,000 sq/ft does an architect and engineer need to design it?

Answer: Yes, also if it's a 4-story building but less than 5,000sq/ft

NOTE: The 5,000 sq/ft is total building area not per floor

Question: A 1 story 3,000 sq/ft restaurant has an occupant load of 40 does it require a licensed architect and engineer?

Answer: No, since the IBC states restaurants with an occupant load less than 50 are a business

Question: When does a single-family house have to have a licensed architect and engineer?

Answer: When it falls out of the prescriptive requirements of the Residential Code (IRC R301.1.3)

IRC Figure 301.2(5)B Where the wind exceed 140 MPH (Coastal SC) a special wind design is required. But 301.1.3 states if it meets R301 and engineer design is not required. And R301.2.1.1 states that you can use the AWC Wood framing manual. ICC 600 (high wind) or ASCE 7.

So, unless it is considered a 4-story house which must be built to the IBC, a licensed architect and engineer is not required.

NOTE: The Building Official can also require a licensed Architect and/or Engineer to design a single-family house. Especially of unusual design or alternative materials.

Question: Can an interior designer prepare plans for a project?

Answer: Interior designers are not licensed by LLR and can not take the place of a licensed Architect or Engineer.

Engineers and Surveyors Chapter 22



40-22-20 Definitions

(11) Engineer – Civil, Structural, Mechanical, Electrical, or Fire who designs the components of a building. Will sign and seal his/ her drawing and give them to the architect to present to the department.

NOTE: SC Law does not distinguish the different engineers.

(13) Engineer in Training (EIT) has completed higher education and when fulfills the SC requirement for intern can take the Engineers License Exam.

(15)(28) (Engineering) firm is also licensed by SC LLR but may not be owner or run by a licensed engineer. **(beware of the firm's stamp)**

40-22-280 An Engineer is required on all projects **except**

(A) Home Builder or General Contractor from preparing or using shop drawings

(B) (1) Farm Building used for farm purposes only (no habitation , offices, processing)

(2) Less than 3 stories , and fewer than 5000 sq/ft

Unless it's an (SEE IBC Chapter 3

Assembly (IBC if less than 50 people is a business)

Institutional -Nursing home, hospital, childcare

Educational --Above 12 grades is business

Hazardous – Limits above those listed in IBC Chapter 3 (Gas and or Lube stations are usually not considered hazardous) (Pool chemical store could be)

(3) One- and Two-Family dwelling (including townhouses) that fall with the prescriptive requirements of the Residential code (3 story)

(4) Alterations that do not affect the structural safety or change the occupancy classification of the building

40-22-280 Seals

(2) Seal shall contain Name, License Number Professional Engineer " or Professional Surveyor" and (6) signature shall be affixed under or across the seal

(8) Building Permit must have sealed plans If required

Engineer Questions

NOTE: In an effort not to duplicate questions answers –Questions for the Architectural Law also applies to Engineer law.

NOTE: South Carolina Licensed Engineers are not category specific (civil, structural, electrical, etc) and can practice in any field that feel proficient in.

NOTE: Licensed Engineer Firms do not have to be owned by a Licensed Engineer. And while you may see the firms stamp on plans, you will also need to see the Licensed Engineer Stamps, Signature and LLR number

Question: If the building does not exceed the limits as set out by the law, can the Building Official require a Licensed Engineer for the project?

Answer: The Building Official can require a Licensed Engineer for any portion of a project.

Some suggestions as to when the Building Official **may** require a Licensed Engineer. Even if a Licensed Architect is also part of the project.

- An unusual design of a building
- Removing or moving structural components of a building
- Any building build on unstable soil (piling)
- All services over 400 amps (120/240) or any 3-phase service
- All mechanical systems over 5 tons (cooling)
- All plumbing systems with over 6 water closets
- Any fire suppression system
- Solar panel installation of existing roofs



Question: Can the same licensed engineer stamps/ seal structural, mechanical, electrical and fire plans?

Answer: While it's not recommended nothing in the law says they can't

Question: Is there any requirement for electronic plans stamping?

Answer: At the time of this publication there is no special requirements, only the seal with LLR number and signature on the plans.

Question: Can an SC engineer stamp another engineer's work (out of state engineer) ?

Answer: No, as it is considered License lending and should be reported to the board.

Manufactured Home (mobile homes) Title 40 Chapter 29

See Modular Homes for their requirements.



Section 40-29-20

(9) "Manufactured home" means a structure, transportable in one or more sections which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length or when erected on site is three hundred twenty or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained in it

(11) "Manufactured home contractor" means a person or entity, other than an employee of a licensed manufactured home retail dealer or a person licensed by the board or licensed by the South Carolina Contractor's Licensing Board to perform a particular function, who for valuable consideration engages in the installation, modification, alteration, or repair to the structural, mechanical, or electrical systems of a manufactured home.

(12) "Manufactured home installer" means a person or entity, other than an employee of a licensed manufactured home retail dealer or a person licensed by the board or licensed by the South Carolina Contractor's Licensing Board to perform a particular function, who for valuable consideration installs manufactured housing.

(14) "Manufactured home repairer" means a person or entity, other than an employee of a licensed manufactured home retail dealer or a person licensed by the board or licensed by the South Carolina Contractor's Licensing Board to perform a particular function, who for valuable consideration modifies, alters, or repairs the structural, mechanical, or electrical systems of a manufactured home.

SECTION 40-29-260. Warranty requirements.

(A) A manufactured home manufacturer warrants the following on each new manufactured home sold in the State for one year from the date of completion of installation of the manufactured home for the consumer:

SECTION 40-29-350. Effect of HUD label on manufactured home unit; installation fees, requirements and standards.

A manufactured home unit bearing a label issued by the Department of Housing and Urban Development is acceptable as meeting the requirements of this chapter throughout the State. Municipalities and counties may establish a fee for inspection of installation not to exceed one hundred dollars. Installation must be in accordance with the manufacturer's installation manual or the regulations established by this chapter. No installation regulation or standard may be enforced except those adopted by the board in conformity with the Construction and Safety Standards Act or adopted by a local authority to comply with the provisions of federal law for flood plain management.

NOTE: HUD and Energy Label usually in electrical panel or under kitchen sink cabinet

SECTION 40-29-360. Energy efficient labeling.

(A) The State Energy Office must produce energy efficiency labels and notices and provide these labels and notices to manufactured housing manufacturers upon request. The notices must state: "Notice. An energy efficient home will reduce the overall cost of home ownership. South Carolina law encourages citizens to purchase energy efficient manufactured homes by providing a tax incentive for the purchase of such a home. This home qualifies for an energy efficiency sales tax incentive. Buyers of energy efficient manufactured homes can save money not only on taxes but should also have lower monthly utility bills than less efficient homes."

(B) Energy efficiency labels must be permanently affixed to the electrical panel and the notices must be affixed to the inside of the window closest to the front door. Energy efficiency labels and notices must be affixed by the manufacturer only on new homes and only at the place and time of production or manufacture. By affixing an energy efficiency label and notice, the manufacturer certifies that the manufactured home meets or exceeds the energy requirements provided for in Section 12-36-2110(B). Only the consumer may remove the notice.

SECTION 40-29-370. Electrical inspection.

In municipalities and counties where electrical inspections are provided, proof of inspection of electrical service from the meter base to the main panel of the home must be obtained by the homeowner and submitted to the supplier of electricity before an electrical connection may occur.

NOTE: Permits are required for electrical and water/ sewer

Manufactured home –Installation Requirement Rule 79-42

See entire Board Rules on installation at LLR website.

A. All new manufactured homes shall meet 24 CFR (federal regulation) Part 3285 for installation and tie downs. And should come with installation instructions. Existing home that are being moved shall meet Regulation 79-42 & 79-43 (livability)

B. 3. Stabilizing Devices shall come with manufacturer instructions as to how they are to be installed.

B. 3. b. foundation standards

- Installed on undisturbed soil or engineered soil
- Blocks not more than 2' from of each wall
- 144 sq/in minimum
- Piers up to 36" = 8" x 16" block
- Piers 36" to 80" = interlocking 16" x 16" piers with 4" solid cap
- Piers over 80" = laid with mortar and filled solid (rebar)



B. 4. Placement of Manufactured Homes

B.4.c. Elevated manufactured home will require SC engineer if

- Any home on a basement or elevated over 36" above grade for more than ¼ of the floor area.
- Poor soil conditions
- In A or V flood zones (see Rule G)

B.5 Ventilation of Manufactured Homes

- Any combustion air must be taken from exterior unless foundation vents has been sized accordingly.
- Minimum of 4 vents (near each corner) sized at 1 sq/ft per 150 sq/ft of floor area
- Vents must be on opposite sides as to create cross ventilation (beware of ductwork obstructing ventilation)
- Dryers, Range, and Bathroom vents under the crawlspace shall be vent to exterior. (NOTE: flexible piping has many limitations –see manufacturers recommendations.)

E. Electrical Connections

If a manufactured home comes with an electrical meter attached to the structure, then the jurisdiction must allow for the installation of a hard service connection to the structure.

Or

Electrical pole / pedestal installed per the NEC must be installed and connection made to the manufactured home.

NOTE: Electrical Meters can not be installed directly on manufactured homes unless by the manufacturer of record designed for it.

Manufactured Housing Questions

NOTE: Manufactured housing is usually set up using concrete pads and block and a screw anchoring system. Board Regulation 79-41 Which according to HUD is not a permanent foundation and is financed like an auto.

A poured concrete foundation will meet HUD requirements and can get financing like a house (see 79-41 Appendix B

NOTE: Brick/ block underpinning around the perimeter of the manufactured home **does not** constitute a permanent foundation and is only underpinning —which according to Board rules 79-42 required foundation venting and access.

Question: Who can set up a manufactured house?

Answer: 40-29-20 (12) A licensed Manufactured Home Installer
or 40-29-20 (12) Contractor licensed under this section

NOTE: A Licensed Manufactured Home Repairman is a different category and can not transport or install a Manufactured Home



Question: Who can install the electrical and plumbing service lines?

Answer: A licensed Residential Builder or a Specialty Contractor, including well and septic tank installers.

Question: Can you install a manufactured home in a Residential Neighborhood?

Answer: Check your zoning ordinances as well as HOA restrictions

Question: Can you attach a deck, solar panels etc. directly to a manufactured home?

Answer: The manufacturer would have to make this determination before issuing a permit. Usually these are self supporting additions.

Question: Does a portable storage building require a permit?

NOTE: These building do not fall under the manufacture housing or modular house law and can **not be used** as a dwelling unit.

Zoning Answer: Zoning may require a permit

Building Answer: Residential code allows accessory building 200 sq/ft or less (SC Law and chapter 1) to be exempt from permitting.

Building over 200 sq/ft require a building permit or if separate electrical is run/ installed to such structure.

NOTE: Modular law considers these open construction (no interior wall finishes) if they are closed construction (interior wall finishes) they will fall under the Modular Law, regardless of size



Modular Buildings Title 23 Chapter 43

NOTE: On LLR website this is located under Building Codes Council not Manufactured Housing

23-43-20 Definitions .

- 1) "Council" means the South Carolina Building Codes Council as established by Section 6-9-60.
- (2) "Modular building unit" means any building of closed construction, regardless of type of construction or occupancy classification, other than a mobile or manufactured home, constructed off-site in accordance with the applicable codes, and transported to the point of use for installation or erection.
- (6) "Approved inspection agency"retain a building construction-oriented South Carolina registered professional engineer or architect who must be responsible for compliance with this chapter and regulations of the council.

NOTE: This is a 3rd party in-plant inspection agency

SECTION 23-43-80. Certification by South Carolina Building Codes Council.

Modular buildings must be certified by the council,Certification is evidenced by the attachment to each modular building, a label issued by the council. A certified modular building may not be altered in any way prior to the issuance of all permits required by local government without the council's approval.

Section 23-43-85

(A) Single family Modular

- (1) 5/12 roof pitch (main roof)
- (2) Eave projection 10"

(B) (1) Perimeter foundation walls shall be constructed of masonry or other permanent materials in accordance with the residential code.

- (2) In Coastal (flood) built on piling, must be designed by a licensed architect or engineer.

Important NOTES:

- SC Seal along with architects an/or engineers seals shall be on the plans submitted
- Modular building can be for residential or commercial use, and can resemble manufactured homes , many times the only way you can tell the difference is by the affixed label (paperwork).
- Residential (1 & 2 family) Modular Building must meet the Residential Code
- Commercial Modular Buildings must meet the S.C. Building and related codes, including the Accessibility Code (ICC A117)
- Modular Building can only be permitted to and set up by SC Licensed Contractors in their respective fields.
- Modular Building **cannot** be zoned out of a jurisdiction, since they meet the same standards as conventional buildings.

Notable Modular buildings you many encounter

- ✓ Restaurants = Checkers, Taco Bell, etc.
- ✓ Gas stations = Murphy Oil, BP, etc.
- ✓ Guard Houses = Parking lots,
- ✓ Prison, Jails = Cells are built as modulares (including all furnishing) and inserted into conventional construction.
- ✓ Hotels = Rooms are constructed as modulares and inserted into conventional construction



Modular Building Questions



SC 28623

Review is limited to factory built elements only.

Question: Do I still need to do a Plan review on a modular building since SC LLR has done a plan review and approved for the modal to come into the state?

Answer: Yes, As they did not do a plan review on the foundation, any site locations (accessible parking) , and any other elements around the Modular. Suggest that the SC LLR stamped modular plans be included in the submission package. [Regulation 8-605](#)

Question: A modular IBC Assembly Occupancy (over 50) is being proposed. Does the plans have to be stamped by both the Architect and Engineer as required by SC law for conventional commercial buildings?

Answer: Yes, currently all modulares and site work mut comply with the appropriate State law as well as the Building and related codes.

Question The SC Licensed Builder wants to add solar panels, a deck or awning attached to a modular building?

Answer: The manufacturer shall approve any attachments to the Modular Building. [Regulation 8-609\(6\)](#)

Question: Can local zoning not allow a module building? Can HOA not allow a Modular Building?

Answer: Since modulares are built to the same standards (IRC, IBC, ICC a117, etc.) as conventional buildings, they can be placed anywhere conventional building are allowed. Zoning many not allow a modular restaurant in a residential subdivision.

Question: Is a large stand-alone ice machine a modular building?

Answer: There has been much controversy at SC Building Codes Council over this and other small buildings if they are a modular or just a vending machine. (Car Washes, Guard Shacks, etc. come to mind)

- Is it considered close construction (interior finished)
- Can a person enter the structure (maintenance included)
- Is it attached to a permanent foundation
- Hard utilities connected to it (water, sewer, electric)

If in doubt, Contact [SC LLR \(Building Codes Council\)](#)



Fire sprinklers NFPA 13 and 13R Systems

Important Note: In smaller jurisdictions and many rural areas, there is no Fire Marshall that is trained in fire sprinklers, fire pumps and fire alarms systems. The Fire Chief is by default the Fire Marshal if none is designated in the Jurisdiction. If you need assistance contact the SC Fire Marshall office for assistance and guidance or a neighboring jurisdiction.

Fire plans are reviewed by the local Fire Marshall or are sent to the State Fire Marshall (no cost). Either the local Fire Marshall or Building Department will have to do the inspections of the 13 / 13R system.

It may fall on the local Building Department to do the inspections if you don't have a Fire Marshall (Chief) that feels comfortable with doing them.

NOTE: NFPA 14 Standpipes (dry) systems that are not part of a sprinkler system many times do not get reviewed by the State Fire Marshall office and should be reviewed by the local Fire Marshall or the building department.

Notable problems (both systems) that have occurred in the past:

- ✓ Water pressure not properly checked before the design (plan review) stage, resulting a fire pump needing to be added during construction
- ✓ Heads installed incorrectly
- ✓ Wrong heads (type, temperature) being installed
- ✓ Obstructions of heads because of design changes during construction



Residential Sprinklers NFPA 13D (1 and 2 family)

SC Building Codes Council and State Legislature has removed NFPA 13d sprinkler systems requirement from the Residential Code. While it is not a requirement to install sprinklers in a 1 and 2 family building, the owner may still want it installed. Here are some of the answers to questions you will have.

➤ While SC State Fire Marshall will do a sprinkler plan review for a jurisdiction, they **will not** do 13D systems and it's up to the locale Building department how to handle it. Suggest getting with your local Fire Marshall with the plan review process.

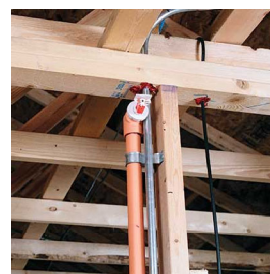
➤ Does 13D systems require a SC Licensed Engineer to design the system,
No, it's a prescriptive requirement in the IRC and NFPA 13D codes.

➤ Can a plumber install a 13D Combined (fire and potable water) system?
Yes—it requires a contractor's license
--does not require a SC Fire Marshall Fire Sprinkler installer licenses

NOTE: Does the plumber's Liability Insurance cover sprinkler installations?

➤ Who will inspect the 13D system?

Your department (plumbing inspector) will be responsible for inspecting the system. Many Fire Marshalls will not inspect single family systems



Fire Alarms (Commercial) NFPA 72 (Section 40-79)

Fire sprinkler systems (13 and 13R) many times are sent to the State Fire Marshall office for review. State Fire Marshalls office does not review Fire Alarm systems, and it is left up to the local Jurisdiction for such plan review and inspection.

Here are some important items to consider, but the final call is made by the Building Official.

- During the plan review process usually only fire alarm placement is on the plan for your review. Shop drawings are usually deferred by the Building Official until construction begins, since different manufacturers (Johnson Control, Honeywell, SimplexGrinnell, etc.) , have different requirement/ equipment for installation.
- Has the shop drawing been reviewed and stamped by the designer of record (engineer) for the project.
- Has voltage drop been calculated on the shop drawings
- Will the local Fire Marshall handle the plan review/ inspection, or will it have to be done by the Building Department?

NOTE: If the local Fire Marshall (Chief) will not handle the plan review and inspection, contact the State Fire Marshall Office or a neighboring (larger) jurisdictions for advice.

Fire Works --- Stands & Display Section 40-56

(3) Consumer Fireworks (stands) –State Fire Marshall permit is required to manufacture, store or sale of consumer fireworks. Consult you local Fire Marshall for permitting a new stand per the fire code, to ensure the proper signage, fire extinguishing systems, are met.

(6) Display Fireworks -- Requires a Special State Fire Marshall Permit to have a fireworks show.

NOTE: The main difference between consumer and display fireworks is the amount of power in each (Section 40-56-20)

Question: If a neighborhood decides to have a block party and use consumer fireworks do they need a display fireworks permit from the State Fire Marshall Office?

Answer: Yes, if they advertise it by flyers, Facebook, etc.

NOTE: If you or your local Fire Marshall (Chief) needs help contact the State Fire Marshall Office for guidance.

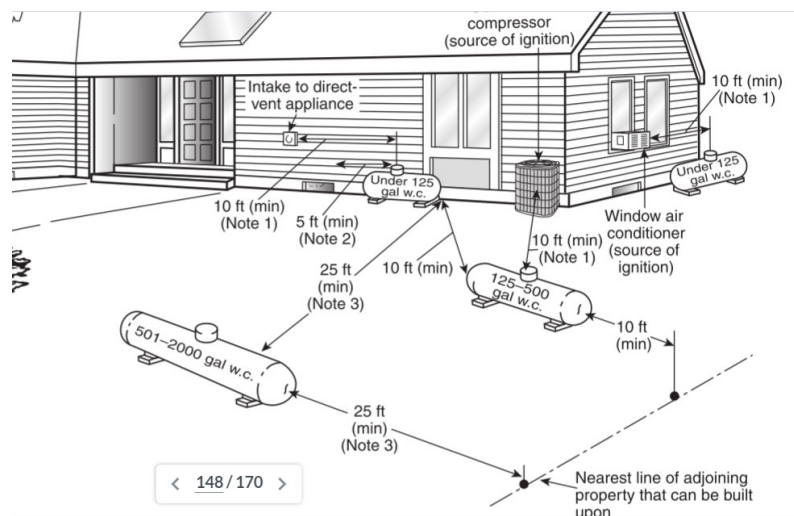
LP Propane Suppliers NFPA 58 Section 40-82

LP gas providers are licensed by the State Fire Marshall Office for storage and delivery of LP gas.

Question: If a building has LP gas do we issue permit it?

Answer: Treat the interior of the building just like natural gas and permit it. The tank and line to the building is covered under section 40282 like any other gas provider.

NOTE: NFPA 58 Appendix I (as shown) gives you the distances from the building the tanks can be placed. Ensure the tank is anchored in flood zones.



Elevators - Commercial Title 41 Chapter 16

Amusement rides Title 41 Chapter 18 are also handled at SC LLR Office of Elevators and Amusement Rides Division. All information / Laws are at SC LLR website.

NOTE: ASME A17.1 Safety Code for Elevators and Escalators

The following Information is how LLR handles Commercial Elevators & Escalators

- SC LLR staff is limited to issuing commercial elevators approvals and renewals, and handling complaints.
- 3rd Party Elevator Inspection Companies handle all elevators inspection and re-inspections and report back to SC LLR.
- Local departments are responsible for shafts and equipment rooms. Elevator Inspectors are only inspecting the equipment.

NOTE: Accessibility lifts for commercial buildings need to be inspected by a SC. Licensed Elevator Inspector.



Elevators – Residential (Single Family)



Elevators for single family residential **are not covered** under Title 41 chapter 16 and require no inspection or re-inspection by SC LLR.

It is up to the local Building Department to handle inspections, which follow ASME A17.1 Safety Code for Elevators and Escalators

In recent years as residential elevators get installed in more and more houses, there has been several deaths that has occurred because of elevators that did not meet ASME A17.1.

Recommendation:

Unless you have a Certified Elevator Inspector on staff, the Building official can require a 3rd party Inspection Company inspect the elevator(s) (at permit holder cost) and provide compliance report to the Building Official for the file. Once a Certificate of Occupancy has been issued, there is no state requirement for annual inspection of these elevators.

Building Code Enforcement Officers

The following are answers to **common** questions that Building Officials ask about SC Building Codes Council and their licenses.

ICC Issues you a certification after you pass an exam in a specific field.

SCLLR (Building Code Council) Just because you have an ICC certification does not give you the right to do inspections, with out first getting a SC LLR license In that discipline

A new inspector has 12 months from the time they are hired to obtain one SC LLR license

- If they are going to be residential (combination) inspector, they have an additional 12 months to get additional licenses until they get all 4 trades (Building, Mechanical, Plumbing, Electrical)
- If you get a Commercial Inspector / Plan Review (ICC certification) and LLR license, then you are not licensed to do Residential Inspections in that trade.
- Once you become / act as the Building Official for a jurisdiction you have 60 days to get you first ICC certification, 12 months to get you second ICC certification and 24 month from the date of hire to get your 3rd ICC certification . (Exam= ICC Legal, ICC Management, ICC Code and Standards)

Once approved (licensed) by SC LLR (Building Code Council) will pay for training and exam cost on a per needed basis. Money should be set aside in department budgets for training and travel expenses.

- Once you get a Commercial certification/ licenses in a trade SC LLR will not pay for the Residential trades.
- Once you get the Building Official Certification/ licenses SC LLR will not pay for the individual trade certifications. Exception: Accessibility Certification
- After you get your required certification / licenses, SC LLR will only approve/pay for up to 24 hours of CEUs per license cycle (24 months)
- SCLLR will not pay for training and/or ICC exams for Permit Technicians, 3rd party inspection companies or Chapter 17 inspectors.



Complaints against your SC LLR Licenses

If you get a complaint against your license, take it seriously

- Answer all correspondence from SCLLR (Building Code Council) investigators.
- Seek advice from jurisdiction administrator and/ or attorney.
- If it gets to the point of a Building Code Council hearing, attend and be ready to state your case including witnesses, attorney, etc.

Special Inspections (Chapter 17)

During the permitting process it is important that the Building Official work closely with the Design Professional to clarify the needed terms for continuous and periodic inspections for each project, and for each item as required on the “statements of special inspections” for each individual project.



Important Note: All Special Inspection reports / testing should be available on the jobsite for review and included in the as-builts in the project file.

While this should not take the place of SC LLR’s “[Special Inspection Program Manual](http://www.llr.state.sc.us)” which can be found on their website <http://www.llr.state.sc.us> the information contained here in –is to simplify the requirements for certification and licensing. All special inspectors shall be registered with SCLLR by July 1, 2011. There is not grandfathering or grace period after July 1, 2011

Chapter 3 of the “special inspector manual” requires special inspections for the following and as listed in Chapter 17 of the IBC	
<p>3 exceptions exist in South Carolina</p> <p>Note; Architectural and Engineering laws require design professional if over 3 stories, or over 5,000 sq/ft or A,E,H or I occupancy</p>	<p>Exceptions:</p> <p>A Minor nature as approved by the Building Official</p> <p>B. Work not requiring a Design Professional</p> <p>C. R-3 (single family) and U (Utility) buildings</p>
Excavations	Slopes exceed 3304.1 of the IBC (45 degrees)
Fill	Greater than 1’ deep
Foundations	Driven or bored piling
Shallow footing (2 exceptions)	A. Less then 3 stories B. 1805.3.5 (empirical design of basement walls)
Soils	All soils values in excess of 2,000 psi
Retaining walls (deep excavations)	Over 12’ deep
Retaining walls	Over 6’ high or around flammable liquids (tanks)
Detention basin	By local, state or federal permit
Concrete frame	If less than 150 psi
Steel frame	All --if high strength bolts are used
Structural masonry	All
Sprayed on fireproofing	All
EFS systems	All
Smoke control	All
Seismic resistance (wood or metal)	Seismic design “C’ or higher
Fabricators	All structural
Special Case	Up to the Building official

Special Inspector Program

SC LLR’s “[Special Inspection Program Manual](#).” denotes the requirements for special inspectors.

Architects and Engineers registered in SC are exempt from this program. E.I.T.’s with one year of experience working directly with a P.E. is also exempt in certain categories. 24 CEU’s will be required per two year cycle (must be in the field they are certified)

Classification <i>(chapter 3 of the program manual)</i>	Certification (ICC or other) <u>Highlighted and underlined are classes offered by England Enterprises Training.</u>	EIT with one year experience (approved)
Reinforced Concrete (RC)	ICC Reinforced Concrete Inspector <i>NOTE: ACI was rejected because no plan review</i>	Yes
Pre-stressed Concrete (PC)	ICC Pre-stressed Concrete Special Inspector	Yes
Post tension tendons (PC1)	Post tensioning institute (PTI level one certification)	No
Post tension slab on grade (PC2)	Post tensioning institute (PTI level one certification)	No
Welding (SW)	AWS or Canadian Welding bureau certified welding inspector. <i>(ICC welding inspector was rejected)</i>	No
Non-destructive Testing of welds (SN)	<i>Level II or III (MT, PT, & UT)</i>	No
High Strength Bolting / Steel frame (SS)	ICC Structural Steel and Bolting Inspector	No
Structural Masonry (SM)	ICC Special Masonry Inspector	Yes
Sprayed on fireproofing (FP)	ICC Sprayed on Fireproofing Inspector	No
Deep foundation (PDP)	NICET level II (geotechnical) or SCDOT (Foundation)	No
Soils (VS)	NICET level II (geotechnical) or (soils) ICC Soils Inspector SCDOT Earthworks	Yes
Modular Retaining Wall (MRW)	PE or EIT only	Yes
Precast Concrete Erection (PCE)	<i>Reinforced concrete or welding inspector as noted above</i>	No
Exterior Insulation and Finishing (EIFS)	PE or EIT only	Yes
Smoke Control (SC)	NICET N-II-FPAS or N-II-FPFA or National environment balancing bureau or Associated Air Balance Council	No
Precast fabricators	ICC reinforced concrete or precast level II	No
Bar Joist / metal building/ structural	See welding or bolting	No
Lateral Force Resistance (SR) (wood or metal shear walls)	PE or EIT (2 years experience)	Yes (2 years experience)
Detention Basin (DB)	Land surveyor	Yes (2 years)
Special Case (XX)	Not listed (approved by building official)	

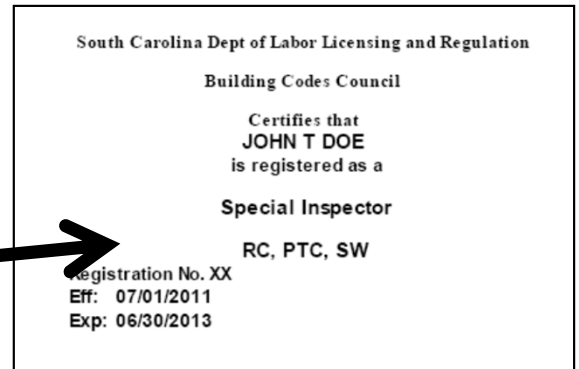
Question: Should Special Inspectors have a copy of their licenses available while doing field inspections?

Answer: Yes. And it should be listed on the statement of special inspections as to their discipline .

Question: If a Building Official discovers a “Special Inspector” is not licensed or working out of his discipline can he have them removed from the project?

Answer: Yes, and it should be reported to SC LLR (Building Code Council) for disciplinary action.

Answer: If a Special field inspector is not performing to the standards as laid out in the code (reference) codes, the Building Official can notify the company and if warranted have the inspector removed from the project.



Sample Licenses and Symbols



Chapter 17 Category	License symbol
Reinforced Concrete	RC
Prestressed Concrete	PC
Pretension Tendons	PC1
Post-Tension Tendons	PC2
Post –Tension Slabs on Ground	PTS
Welding	SW
Nondestructive Testing of Welds	SN
High Strength Bolting/ Steel Frame	SS
Structural Masonry	SM
Sprayed Fire-Resistant Materials	FP
Depp Foundations	PDP
Excavation and Filling of Soils	EF
Verification of soils	VS
Modular Retaining Walls	MRW
Precast Concrete Erection	PCE
Exterior Insulation and Finish Systems	EIFS
Smoke Control	SC
Fabricators (precast)	RC or PC
Bar joist (welding/bolting) Metal Building Structural steel	SW or SS
Lateral Force Resistance	SR
Detention Basin	DB
Special Cases	XX



IBC Chapter 17 **Statement of Special Inspections Guidelines**

Code	Duties
110.3.9 1704.1 1704.2.1 1704.2.2 1704.2.4	<h3>Special Inspector</h3> <ul style="list-style-type: none"> ➤ Presence at the job site ➤ Observe the assigned work (Periodic or continuous) ➤ Report Non-conforming items to : Contractor (immediately) Design Professional & Building Official ➤ Provide Timely Reports (paper or electronic) ** (copies on Job site) ➤ Submit Final Inspection ➤ Hired by owners or owner's agent (design professional) *** <u>Not the contractor</u>
1704.4	<h3>Contractors</h3> <ul style="list-style-type: none"> ➤ Notify Special Inspector ➤ Provide Access to approved Plans and Specs ➤ Retain all inspection reports and submit to Design Professional & Building Official upon completion of project ➤ *** In High Wind and Seismic locations –submit a <u>statement of responsibility</u> to include the following: <ul style="list-style-type: none"> > Awareness of special requirements and inspections > Acknowledgement that control must be exercised > Procedures for exercising control of inspections , reports, and distribution > Identify and Qualification of Special Inspectors
107.3.4 1704.2.2 1704.2.3 1704.2.4 1704.3	<h3>Design Professional</h3> <ul style="list-style-type: none"> ➤ Acting as the owner's agent –may hire special inspector ➤ Submit names, certifications, and qualifications of special inspectors/ agencies ➤ Submit a <u>Statement of Special Inspections</u> detailing the following: <ul style="list-style-type: none"> > Types of inspections > Frequency of inspections > How inspections are to be performed ➤ Respond to field discrepancies ➤ Notify Building Official of field discrepancies and changes to the approved plans / specs
104 1704.2.4	<h3>Building Official</h3> <ul style="list-style-type: none"> ➤ Review Submitted Plans, Specs and <u>Statement of Special Inspections</u> ➤ Approve the <u>Statement of Special Inspections</u> ➤ Approve the Special Inspectors (agencies) <ul style="list-style-type: none"> > Qualified > Certified ➤ Monitor Special Inspections ➤ Review Inspections Reports ➤ Perform Final Inspection ➤ Retain Special Inspection Reports (by state or local laws) (paper or electronic)

3rd Party (Chapter 1 code) Inspection & Plan Review

Because of staffing constraints, varying work loads and the expertise of the department, many jurisdictions are looking at outsourcing Plan Reviews, Inspections and even the entire department to a 3rd party company.

As the popularity and need of such companies increases in South Carolina , there are several items to consider before engaging the services of one.

The only laws on the books for 3rd party inspection & plan review companies is that they be licensed by SC LLR (Building Code Council) .

- Workers Comp Insurance on all **field employees** of the company.
- Ensure that they carry Liability Insurance.
- Ensure that they are ICC certified and SC LLR licensed in the field that they will be performing services for you.
- Review the **contract for services** with your administrator or attorney.

If you decided to hire a retired inspector or plan review on a part time basis you must consider the following:

If they are not on the juridical payroll as a part time employee, then they should have the above listed Insurance (s), LLR licenses, and contract to perform such work

Virtual Inspections

In recent years virtual inspections has been popular with any departments. There has also been many courses taught on the subject. Before beginning virtual inspection, the following are a few items to consider.

- Ensure that the property being inspected is the same one on the permit.
 - What are the limitations of virtual inspections that you will allow?
 - The Inspector signing off on the virtual inspection is responsible to ensure code compliance
 - If it's a 3rd party virtual inspection company, do they meet the requirement above for 3rd party companies.
-

NOTE: Licensed Inspectors that call another inspector for help determining code compliance, is not considered a virtual Inspection, it is just good policy.

Question: Contractor calls at 7 AM and says the footing is ready to pour and concrete is on the way. Can he take pictures of the foundation and submit them for your review and sign off?

Answer: This is not a “Virtual Inspection” but a case of non-feasance against the building inspector for not inspecting the property .

Federal Facilities

Federal facilities are exempt from local jurisdiction permit/ inspecting since they are considered on federal property. **NOTE:** If the property is owned by an individual and rented to the federal government (small post office in shopping center) then they will be subject to permitting and inspections by the local jurisdiction.

Nuclear facilities and directly associated buildings come under the Federal Atomic Nuclear Commission and are exempt from local permitting. **NOTE:** Office building, visitors' centers etc.. are subject to permitting and inspection.

SC Department of Transportation

Besides road and bridge construction SC DOT has many offices and garages around the state. They have their own construction inspection division for this and works under the guidelines of the Office of the State Engineer. They also are responsible for rest areas and visitors centers on the interstate highways.

SC State Engineers Office <https://procurement.sc.gov/construction>

SC Engineers Office is responsible for construction of all state property except K -12 (Office of School Facilities) and is exempt from local permits and inspections. Examples are

- Tech Schools > Citadel
- Clemson > SC State
- University of SC > College of Charleston
- Medical University > SC Fire Academy
- State Capital Grounds > State Parks

NOTE: Private colleges and state offices in rented private buildings will be subject to permitting and inspections

Office of School Facilities (K-12)

<https://ed.sc.gov/districts-schools/school-planning-building/south-carolina-school-facilities-planning-construction-guides-forms/>

Office of School Facilities (OSF) is responsible for all K-12 school Public and Private, and must be built not only to the SC Building Code Council adopted codes but also to OSF Construction Manual

Public schools are exempt from local permitting and inspections.

Private Schools, Church Schools and Charter Schools will be permitted (plan review and inspection) by the local Jurisdiction. OSF has oversight/ permitting from land acquisition, plan review, permitting and Inspections to issuing a CO from that department before opening the school.

The local Building Official should work closely with OSF plan reviewers and inspectors to ensure the building meets not only the locally adopted codes but OSF requirements. OSF should be viewed here like DHEC on hospitals, assisted living and restaurants, where before opening they must not only meet local adopted codes but the state regulations.

NOTE Day cares are not covered here, See DHEC

Prisons and Jails

State prisons has their own plan review and inspection department. City and County jails are subject to permitting and inspections as any other commercial building in your jurisdiction.

Public Lakes, Rivers, (docks and boat houses)

Utility companies that operate lakes around the state and Army Corp of Engineer (coastal navigable waters) are responsible for permitting docks and related buildings on the lake, ocean, or river buffer. The permit is only allowing the dock to be built, not the construction or inspection of such.

NOTE: The local Jurisdiction is responsible for permitting the construction of the dock and any associated buildings. (SCLLR - GC-marine classification license)



Note: Electrical on docks are a big safety concern



Medical and Care Facilities (DHEC)

<https://scdhec.gov/healthcare-quality/health-facility-regulations-licensing-con/healthcare-facility-construction-1>

SC DHEC (Construction Office) is responsible for patient care area in the State of South Carolina. These include hospitals, emergency rooms, outpatient surgery center, urgent care facilities, assisted care facility, nursing homes. Inspectors from this office will inspect only the patient care areas to ensure compliance with the building codes and state regulations.

NOTE: They do not inspect doctors' offices, dentist offices, IV clinics, etc.

The local Jurisdiction will permit and inspect these facilities, and work closely with the DHEC inspectors to ensure compliance. NOTE: Unless it's a State owned facility –Example: Medical University of SC



Utility Companies

Utility (electric, water, sewer) companies' generation and transmission lines are usually exempt from local permitting. Below are when permitting is required:

- ✓ Sewage treatment and water processing facilities as well as pumping facilities. Buildings require permitting, while the underground lines and equipment processing is approved by other agencies. DHEC, SC DOT etc.
- ✓ Public Electrical Utilities –generation & transmission lines are exempt from permitting, the buildings are not exempt and will require permitting

Exempt: Dams, Nuclear Facilities, Coal or Gas generators.

Permitted: Building on site associated with the generation of electric. Also, privately solar farms and wind turbines.

Service Metering Devices (Electric, Water & Gas)

Chapter 1 gives the building official the authority to disconnect utility services from building. The utility company owns the metering device and has a contract with the end user to provide them service.



The utility company may disconnect the service (metering) from the building without direct order from the Building Official. It may be for not paying the bill, out of service for a period, or a safety concern.

If the customer wants the building reconnected to the utility and has not performed any work on the building or purchased a permit for such work, then it's a contractual issue the customer has with the utility company. The SC Public Service Authority regulates contracts between customers and the public utility companies.

Question: The utility company says they will not reconnect without an inspection by either the local Building Department or a state licensed contractor. How should the Building official approach this?

Answer: The Building Official did not require that the utility be disconnected for safety concerns and **does not have the testing ability** to verify (behind walls or beneath concrete) that the building utility is safe to operate (gas, water, electricity) and no permit was issued to bring the utility up to today's codes and standards.

NOTE: The utility company is trying to pass the liability to the department.



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