



## **TOWN OF YEMASSEE TOWN COUNCIL MEETING**

**Tuesday, April 13, 2021 – 6:30PM**

**101 Town Cir, Yemassee, SC 29945**

In person attendance at the meeting is limited to the first ten (10) persons, due to COVID-19

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- I. Call to Order – Mayor Colin Moore**
- II. Pledge of Allegiance & Invocation**
- III. Determination of Quorum**
  - a. Consent of the Agenda for the April 13, 2021 Town Council Meeting
  - b. Approval of the March 9, 2021 Town Council Meeting Minutes
- IV. Proclamations & Hearings**
  - a. An appeal hearing regarding the suspension of Business License #210099; U.S. Iron Works located at 76 Willis Street North
  - b. A Proclamation designated April as Fair Housing Month, in the Town of Yemassee
- V. Old Business**
  - a. Consideration of a Request for an Ordinance Approving Annexation of Approximately 4.50 Acres of Land, located at 225 Bailey Road, and further identified by Beaufort County TMS: R700 019 0000 0064 0000. [Ordinance 21-07]
- VI. New Business**
  - a. Consideration of a Request for an Ordinance Approving Annexation of Approximately 0.88 Acres of Land, located on Thomas Street, and further identified by Hampton County TMS: 198-00-00-068. Applicant: Willie Williams [Ordinance 21-11]
  - b. Consideration of an Ordinance Amending Portions of the Town of Yemassee Code, within Chapter 5 (Buildings, Flood Control & Planning) specifically, Articles I, II, III, IV, V and VII, titled respectively Article I. Administration, Article II. Codes, Article III. Building and Property Numbers,

"FOIA Compliance – Public notification of this meeting has been published and posted in Compliance with the Freedom of Information Act and the Town of Yemassee policies."

- Please note that each member of the public may speak during the Public Comment period at the end of the meeting. A Public Comment form must be filled out and submitted to the Town Clerk prior to the start of the meeting. Public comment must not exceed two (2) minutes.

Article IV. Mobile Homes, Article V. Fair Housing and Article VII. Planning, Land Use & Zoning. [Ordinance 21-13]

- c. Consideration of a Resolution Authorizing the Execution of an Intergovernmental Agreement between the Town of Yemassee and Beaufort County for Special Projects and Associated Services [Resolution 21-17]

**VII. Department Reports**

- a. Police Department
- b. Administration
- c. Municipal Court
- d. Public Works

**VIII. Public Comment**

- a. Public Comment must be submitted to the Town Clerk at least five minutes prior to the start of the meeting.

**IX. Executive Session**

- a. Discussion of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee, a student, or a person regulated by a public body or the appointment of a person to a public body (Pursuant to SC Freedom of Information Act 30-4-70[a][1])
- b. Discussion of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claims, or the position of the public agency in other adversary situations involving the assertion against the agency of a claim. (Pursuant to SC Freedom of Information Act 30-4-70[a][2])
- c. Discussion of matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other businesses in the area served by the public body (Pursuant to SC Freedom of Information Act 30-4-70[a][5])
  - i. Beaufort County Economic Development Corporation.

**X. Action from Executive Session**

**XI. Adjournment**

"FOIA Compliance – Public notification of this meeting has been published and posted in Compliance with the Freedom of Information Act and the Town of Yemassee policies."

- Please note that each member of the public may speak during the Public Comment period at the end of the meeting. A Public Comment form must be filled out and submitted to the Town Clerk prior to the start of the meeting. Public comment must not exceed two (2) minutes.



Colin J Moore

*Mayor*

Peggy Bing-O'Banner

*Mayor Pro Tempore*

Matthew Garnes

*Town Clerk*



*Council Members*

Michelle Hagan

Charlie Simmons

Alfred Washington

## Town Council Agenda Item

**Subject:** Approval of the March 9, 2021 Town Council Meeting Minutes

**Department:** Administration

Attachments:

Ordinance  Resolution  Motion

Support Documents  Other

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**Summary:** Approval of the March 9, 2021 Town Council Meeting Minutes

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**Recommended Action:** Approve the minutes as presented.

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Council Action:

Approved as Recommended

Approved with Modifications

Disapproved

Tabled to Time Certain

Other

**Minutes**  
**Town of Yemassee Town Council**  
**March 9, 2021 Town Council Meeting; 6:30PM**  
101 Town Cir, Yemassee, SC 29945

**Attendance:**

Present: Mayor Colin Moore, Mayor Pro-Tem Peggy O'Banner, Councilmember Alfred Washington, Councilmember Charlie Simmons, Town Clerk Matthew Garnes and Police Chief Gregory Alexander.

Absent: Councilmember Michelle Hagan

Media Present: Lowcountry Inside Track Ltd.

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**Call to Order:**

Mayor Moore called the Tuesday March 9, 2021 Town Council Meeting to order at 6:32PM.

**Pledge of Allegiance & Invocation:**

Council Member O'Banner gave the invocation and lead the Pledge of Allegiance.

**Consent of the Agenda:**

Mayor Moore asked for a motion to approve the Agenda as presented. Council Member O'Banner made the motion. There was no discussion on the motion. Second by Council Member Simmons, all in favor. **Motion Passed**

Mayor Moore asked for a motion to approve the February 9, 2021 Town Council Meeting Minutes as presented. Council Member O'Banner made the motion. There was no discussion. Second by Council Member Simmons, all in favor. **Motion Passed**

Mayor Moore asked for a motion to approve the February 15, 2021 Special Town Council Meeting Minutes as presented. Council Member Washington made the motion. There was no discussion. Second by Council Member O'Banner, all in favor. **Motion Passed.**

**New Business:**

Mayor Moore read proposed Ordinance 21-07, Consideration of an Ordinance Approving Annexation of One Parcel of land, totaling 4.50 Acres located at 225 Bailey Road, Beaufort County TMS: R700 019 000 0064 0000. The applicants are Darrell &

Wanda Johnson, and the property is currently undeveloped. The parcel is currently zoned T2R Rural by the Beaufort County Community Development Code. The proposed zoning upon annexation would be General Residential. General Residential allows for single family dwellings as well as mobile homes. There is no proposed change in use because of the annexation. Mayor Moore asked for a motion to approve first reading. Council Member Simmons made the motion. There was no discussion. Second by Council Member O'Banner. All in favor, **Motion Passed.**

Mayor Moore read the renewal of a Proclamation of a Local State of Emergency in the Town of Yemassee. Mayor Moore asked for a motion to adopt the Proclamation. Council Member O'Banner made the motion. There was no discussion. Second by Council Member Simmons. All in favor, **Motion Passed.**

Mayor Moore read Emergency Ordinance 21-08 extending the face mask requirement, Emergency Ordinance 21-09 renewing the standards for electronic meetings in the Town of Yemassee and Emergency Ordinance 21-10 which authorizes the Town Clerk to develop and enact any plans or policies needed to ensure the continuity in government services. Mayor Moore said these are renewals of what we have already passed previously. Council Member O'Banner stated she agrees with renewing them and that its too soon to ease up. Council Member O'Banner made the motion. There was no discussion. Second by Council Member Washington. Council Member Simmons opposed. Mayor Moore in favor. **Motion Passed.**

### **Department Reports**

- Police Department – No Report
- Administration – COVID testing events continue every Monday from 9AM – 1PM.
- Public Works – the Community Center and Willis Street Basketball Court bathrooms have been painted. New playground equipment was installed today. Public Works picked up a fair amount of litter on Salkehatchie Road and Willis Street North today
- Municipal Court – No Report

**Public Comment:** Three public comments received. **(PUBLIC COMMENTS ATTACHED TO MINUTES AS PART OF THE RECORD)**

### **Adjournment**

Mayor Moore asked for motion to adjourn. Council Member Simmons made the motion to adjourn. Second by Council Member O'Banner. All in favor, **Meeting Adjourned at 7:04PM**



3/9/21  
 Yemassee Town Council  
 Attn: Town Clerk, Mr. Matthew Garnes

## Dear Council Members,

Thank you for this opportunity to comment on behalf of the Coastal Conservation League regarding the requested annexation of 225 Bailey Rd, comprising 4.5 acres and abutting Tomotely Plantation. This is the first annexation using the expanded contiguity lines resulting from the Tomotely Plantation and Cotton Hall annexations that were approved at your last meeting.

Last month's annexations have opened the Town to new opportunities for growth, as evidenced by tonight's annexation request. We understand and appreciate the property owner's desire to be in the Town limits as well as the Town's desire to grow. However, without implementing updated and proactive planning tools, the Town could face unintended consequences, such as an inability to adequately service the community's long-term needs, as a result of seemingly haphazard annexation strategies.

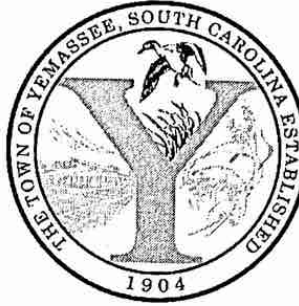
This why we continue to urge the Town to adopt proactive planning measures to ensure that the Town grows in a way that benefits its current and future citizens, the surrounding, abundant natural resources, and access to economic opportunities. This can be achieved by adopting an urban growth boundary, by updating the Town's Comprehensive Plan, and by updating the associated zoning codes. An urban growth boundary will officially set growth goals, determining where and how the Town will grow. A Comprehensive Plan update will provide a current-day overview of the Town, using data to assess growth trends and demographics and inventory important natural, historical, and cultural resources, while also incorporating public feedback to determine and help carry out community objectives for the future. A Comprehensive Plan update will also inform updated zoning and zoning codes, resilience planning, and economic development planning. Taken together, each tool will lay out the Town's long- and short-term goals, set up the mechanisms for achieving them, and provide guidance throughout the process.

By tackling these things now, the Town can achieve future growth goals with a clear vision of where it's heading while maintaining the sense of place and natural resource values from which it's coming. There are real consequences to growth without vision and these proactive growth planning tools will protect Yemassee from them. We applaud staff's recognition of the importance of these tools and hope the Council will begin the process of implementing them as soon as possible.

Thank you for your time and consideration on these very important matters.

Respectfully,

**JULIANA M. SMITH**  
 843.522.1800 | julianas@scccl.org



PUBLIC COMMENT FORM

Name: Michael Weiss

Address: 64 Cameron Dr Yemassee, SC 29945

Matter to be discussed:

US IRON WORK - Continued - March 2021  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Public comment is limited to two minutes in length. Public Comment forms must be submitted to the Town Clerk prior to start of the meeting. Please address the Council, Staff and attending public with respect.

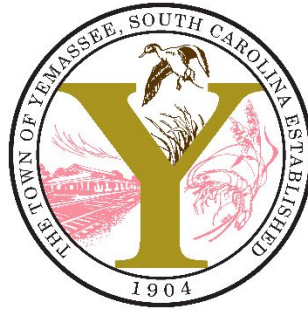
To the Yemassee Town Council,

US Iron Works continues operations throughout the week to include weekends, producing sound and smells so bad that it is becoming intolerable to work and play in my own back yard. Nuisance is such a small word for the devastating environment that US Iron Works is creating at my home and neighborhood. We have ordinances to protect our citizens and businesses, but according to Matthew Garnes, our ordinances have expired, and cannot be enforced. Does anyone on the Yemassee Town Council, or our Mayor truly believe that we as a town cannot enforce our ordinances?

As last time, I am asking for help. It takes leadership to admit when something goes wrong, and it takes guts to revoke business licenses when ordinances are blatantly broken each day. Standing up to this corporation owned by a person not even living in this state is the thing to do. Will our Town of Yemassee continue to cater towards the needs of this corporation over the wellbeing of its citizens?

Thank You for your time.

Michael Weiss



PUBLIC COMMENT FORM

Name: Ryan Paiva

Address: 62 Cameron Drive, Yemassee, SC

Matter to be discussed: Please see attached below.

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**Public comment is limited to two minutes in length. Public Comment forms must be submitted to the Town Clerk prior to start of the meeting. Please address the Council, Staff and attending public with respect.**

Dear Council Members,

From the previous town meeting, I left with the impression that a serious investigation was going to take place. As of today, we have received no inquiries and not a single visitor and yet we continue to deal with this nuisance on a daily basis. In a recent call, Mr. Garnes mentioned that the investigation may be handled by DHEC and not the council, and so I called DHEC to clarify. DHEC was very, very clear that the only thing they do is enforce EPA permits, and thus would not and can not participate in any such investigation as it relates to the town. For instance, I could open a toxic waste dump in my backyard and they would only be involved to the extent of making sure we had any required federal permits. Just like with the illegal mill scrap operations at 76 Willis, their perspective is that it would be the town's sole responsibility to safeguard its citizens against illegally operating businesses that are violating the town code and zoning ordinances. However, I do not believe that any such investigation is necessary as our town code and ordinances are very clear on this issue:

- The Light Industrial District (LID) requires all business to be conducted indoors. US Ironworks is conducting all of its business outdoors.
- The LID specifically forbids the use of heavy equipment. The entirety of US Ironworks operations requires the constant use of multi-ton heavy diesel equipment.
- The LID specifically forbids the use of metal that is not a finished product. The entirety of US Ironworks operations is the processing of unfinished metal products.
- The LID requires all operations to be conducted more than 100 feet from adjoining residential properties. US Ironworks is operating its heavy machinery within 100 feet from Mr. Weiss's home on a daily basis.
- The LID requires waste and salvage to be stored indoors. US Ironworks stores all of their waste and salvage outdoors.
- The LID forbids the creation of smell, vibration, or sound that creates a nuisance beyond its property boundaries regardless of time of day. US Ironworks is creating diesel exhaust and noise that can be heard, smelled, and tasted from our backyards. We can hear it indoors. It shakes our bedrooms in the morning. It pulsingly vibrates my home office while I am trying to work.

As our zoning laws are an exact copy of the town of Bluffton's, I called their zoning department for advice. They said in very confident terms that the necessary steps are to revoke the business license, send them notice of non-compliance to cease and desist, and begin to issue fines if they continue. This is a legal obligation of our zoning laws, and one that I hope the town will take action on immediately. Bluffton was also clear that any business with the comprehensive plan being out of date would not impact their ability to enforce zoning.

Mr. Garnes can attest that I have demonstrated a sincere willingness to partner with the town on this issue, and an eagerness to partner on future endeavors. I believe at this point this issue has a clear legal conclusion, and is now simply a matter of will on the part of our town.

Sincerely,  
-Ryan Paiva



Colin J Moore  
Mayor  
Peggy Bing-O'Banner  
Mayor Pro Tempore  
Matthew Garnes  
Town Clerk



Council Members  
Michelle Hagan  
Charlie Simmons  
Alfred Washington

## Town Council Agenda Item

**Subject:** Appeal hearing regarding the suspension of Business License #210099; U.S. Iron Works located at 76 Willis Street North

**Department:** Business License

Attachments:

Ordinance  Resolution  Motion

Support Documents  Other

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**Summary:** Pursuant with the provisions outlined in Chapter 15 of the Town of Yemassee Business License Ordinance, the Business Licensing Official, Lori Mixson, suspended the business license for U.S. IronWorks, operating at 76 Willis Street North for violating the provisions of the Business License Ordinance as well as the Town of Yemassee Zoning Ordinance and the Town of Yemassee Nuisance Ordinance. Pursuant to the Business License Ordinance, a hearing is required when the official suspends the business license of an entity within 30 days.

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**Recommended Action:** Town Staff recommend Council uphold the suspension

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Council Action:

- Approved as Recommended
- Approved with Modifications
- Disapproved
- Tabled to Time Certain
- Other



# Staff Report to Town Council

From the Office of the Town Clerk

April 13, 2021

Project: Suspension of U.S. IronWorks

## 1. Background

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On March 10, 2021, the Town of Yemassee suspended Business License# 210099 that was issued to U.S. IronWorks, operating at 76 Willis Street North in the Town of Yemassee. The suspension was done in accordance with the provisions within the Town of Yemassee Business License Ordinance, Section 15 that directs the procedures surrounding the suspension of a license.

On or around the late winter of 2019 into 2020, the Town received communication from Southern Carolina Alliance (abbreviated throughout this report as SCA), regarding an economic development opportunity that was coming to the Town at the site of the former woodyard (See Map Exhibit B) at the northwest corner of the intersection of Willis St N and Yemassee Hwy. Several months went by and in February of 2020, Town Staff noticed activity occurring on the IronWorks property including the placement of an RV, a large piece of unknown machinery, an excavator and other items that would be expected with an industrial occupancy. The company began conducting Business and the Mayor and Police Chief made contact with the site foreman who was informed about the Business License Ordinance and the need for U.S. IronWorks to procure one. On March 16, 2020, a license application was received from Stephen Roehrig who identified himself as the Manager on the Business License Application (See Exhibit C). The Business License application was reviewed by former Town employee Tiffany Houston, and a license was issued the same day

(See Exhibit D). The Town Clerk reached out to the Owner, Thomas Fannell shortly after and asked to arrange a meeting as quickly as practical given the rapidly developing COVID-19 pandemic. Mr. Garnes explained to Mr. Fannell that the Town would like to see a conceptual plan of the type of building and operation they would be conducting and Mr. Fannell stated he would get up to Yemassee quickly.

Town Staff received no communication from Mr. Fannell throughout 2020 and in January of 2021, the Town began receiving calls from residents of the Lanewood subdivision reporting concerns regarding the U.S. Iron Works site (see Exhibit E). The allegations were that the business was potentially causing health effects to the nearby neighborhood, operating loud and unseemly noise and a potential zoning conflict with the principal operating nature of the business.

Staff began reviewing the complaints as well as the Ordinances that are applicable and while reviewing the original business license application, determined that the nature of business that was listed was incorrect and was listed as "Construction". Section 15, (c) of the Business License Ordinance states a license may be suspended if: "A Licensee has obtained a license through a fraud, misrepresentation, a false or misleading, statement, evasion or suppression of a material fact in the license application; or..." The Licensing Official at the time did not check into the nature of business any further and prematurely issued the original license which is an additional reason for suspension. Section 15 (a) of the Business License Ordinance states a license may be suspended if "A License has been mistakenly or improperly issued or issued contrary to the law".

Staff conducted a review of the Zoning Ordinance that applies to this area "Light Industrial (LID)" and subsequently confirmed that the operation being done on site now was not permitted under the Light Industrial Zoning designation and that the work being done was not permitted under any Town of Yemassee Zoning District.

During the investigation, Town Staff and members of Town Council received dozens of complaints regarding the U.S. Iron Works site and the Police Department received 911 calls regarding issues reported at the Iron Works site from nearby residents. Growing frustrated, the residents took it upon themselves to contact the South Carolina Department of Environmental Control and the

Environmental Protection Agency's Atlanta Field Office to request an investigation. The Town Clerk reached out a few times in the first quarter of 2021 to Mr. Fannell to try and clarify work being done and to establish a meeting to voice concerns. The meeting never occurred to the dismay of staff. Accordingly, the license was suspended on the 10<sup>th</sup> with written service sent by USPS Certified Mail Return Receipt. The Town Attorney and Town Clerk met via phone with the legal counsel for U.S. Iron Works and informed them the circumstances regarding the suspension and informed them of the hearing date, time and process.

## 2. Staff Comments

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The Town has not suspended a Business License in recent history and does not take the matter of doing so, lightly. Given the totality of the circumstances, Staff recommends that the license suspension be upheld indefinitely on the following basis:

- The principal business operation is not permitted as referenced and violated in the Zoning Ordinance (Section 4.2, 5.8.1, 5.8.2, 5.8.3, 5.8.4, 5.8.5 and 5.86

**U.S. IronWorks Attachments:**

**Exhibit A:** Cease & Desist Letter sent to US IronWorks

**Exhibit B:** Certified letter confirmation

**Exhibit C:** Map of IronWorks property

**Exhibit D:** U.S. IronWorks Business License Application

**Exhibit E:** Business Description from U.S. IronWorks

**Exhibit E:** E-Mail complaints regarding activity at U.S. Iron Works

**Exhibit F:** Business License Ordinance

**Exhibit G:** Zoning Ordinance section on Light Industrial Zoning

Colin J Moore

*Mayor*

Peggy Bing-O'Banner

*Mayor Pro Tempore*

Matthew Garnes

*Town Clerk*



*Council Members*

Michelle Hagan

Charlie Simmons

Alfred Washington

March 10, 2021

VIA CERTIFIED MAIL

U.S. Iron Works

Attn: Thomas J Fannell

P.O. Box 9220

Panama City Beach, FL 32417-9220

RE: SUSPENSION OF YEMASSEE BUSINESS LICENSE / CEASE & DESIST

Dear Mr. Fannell,

Pursuant to Yemassee Business License Ordinance, Section 15, this letter shall serve as notification of suspension of your Town of Yemassee Business License (Lic# 210099). Over the past several weeks, the Town has been inundated with complaints and concerns regarding the Iron Works site and accordingly, the Town must take swift action. The Town of Yemassee has suspended the license for violation of the following:

- A licensee has breached any condition upon which the license was issued or has failed to comply with the provisions of this ordinance.
- A licensee has obtained a license through a fraud, misrepresentation, a false or misleading statement, evasion, or suppression of a material fact in the license application
- A licensee has engaged in an unlawful activity or nuisance related to the business.

You must stop work immediately. Failure to comply will result in a \$500 citation for every day the business continues to operate. As required in Section 15, you are hereby requested to appear in front of the Yemassee Town Council for a Suspension Hearing. The hearing will be held on **April 13, 2021 at 6:30PM** at: **Yemassee Municipal Complex, 101 Town Circle, Yemassee, SC 29945**. We appreciate your cooperation and please feel free to contact me with any additional questions.

Respectfully Submitted,

Lori L. Mixson

Business License Director

*Yemassee Municipal Complex*


*101 Town Cir P.O. Box 577 Yemassee, SC 29945-0577*

*Telephone (843) 589-2565 Fax (843) 589-4305*

*www.townofyemassee.org*

7019 2970 0000 1587 3287

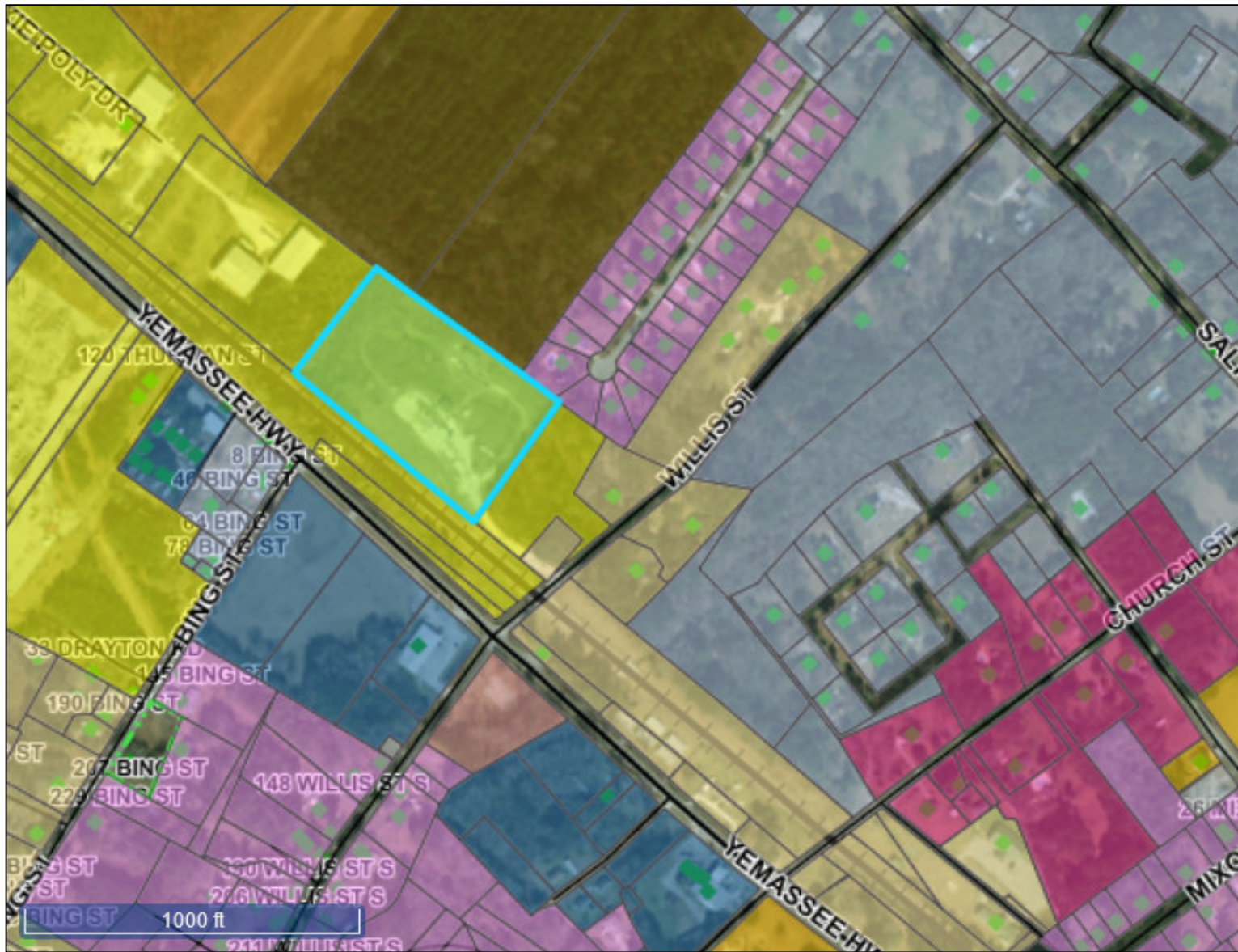
U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at <a href="http://www.usps.com">www.usps.com</a> ®.	
Panama City, FL 32417	
Certified Mail Fee \$3.60	0796 02
Postage \$0.55	
<b>Total Postage and Fees \$7.00</b>	Postmark Here 03/10/2021
Sent To U.S. Iron Works, Inc.	
Street and Apt. No., or PO Box No. P.O. Box 9220	
City, State, ZIP+4® Panama City Beach, FL 32417-9220	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY																
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature  <input checked="" type="checkbox"/> <i>ALBERTO-19</i> <input type="checkbox"/> Agent  <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) _____ C. Date of Delivery          3-13-21</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes          If YES, enter delivery address below: <input type="checkbox"/> No</p>																
<p>1. Article Addressed to:</p> <p>U.S. Iron Works, Inc.          Attn: Thomas J. Farrell          P.O. Box 9220          Panama City Beach, FL 32417</p>  <p>9590 9402 5928 0049 3066 13</p>	<p>3. Service Type</p> <table border="0"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input checked="" type="checkbox"/> Return Receipt for Merchandise</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Insured Mail</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</td> <td></td> </tr> </table>	<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input checked="" type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Insured Mail		<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	
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<p>2. Article Number (Transfer from _____)</p> <p>119 2970 0000 1587 3287</p>																	
PS Form 3811, July 2015 PSN 7530-02-000-9053	Domestic Return Receipt																





# Town of Yemassee



### Legend

- ◆ Address Points - Beaufort
- Parcels - Beaufort
- ◆ Address Points - Hampton
- Parcels - Hampton
- Zoning**
- Office Commercial District
- Conservation
- Conservation Preservation District
- General Residential
- Residential 1 Acre
- Residential 1/2 Acre
- Residential 1/3 Acre
- Residential 1/4 Acre
- Village Commercial District
- Mixed Use
- Light Industrial District
- Agricultural
- Telecommunications Tower
- Transitional
- Utility
- General Residential Townhouse
- Regional Commercial District
- Planned Unit Development
- To Be Determined
- Road Names**
- Roads
- Major Roads
- Interstate
- Railroads
- Beaufort County Boundary
- Hampton County Boundary
- Yemassee Boundary

12 Apr, 2021

Note:  
Zoning Map of the area surrounding 76 Willis St N.

This map is a user generated static output from [rightspot.spateng.com](https://rightspot.spateng.com) website and is for reference use only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

**THIS MAP IS NOT TO BE USED FOR NAVIGATION**





**TOWN OF YEMASSEE  
NEW BUSINESS LICENSE APPLICATION**

Yemassee Municipal Complex  
P.O. Box 577  
Yemassee, SC 29945  
Phone (843)589-2565  
Fax (843)589-4305

**COMPANY INFORMATION**

Company Name: U.S. Iron Works

DBA: (Doing Business As, if different than Company Name)

Date the business opened or work began in the Town of Yemassee:

2-17-20

Please describe in detail your business: (Retail, Restaurant/Bar, Construction, Professional)

Construction

**If a Restaurant or Bar, a Supplemental Business License Application must be submitted**

**PHONE/ADDRESS INFORMATION**

Business Phone: 850-814-1595

Business Fax: 850 235 0517

Physical Address Street/Suite Number: 328 Wahoo RD City: Panama City Beach State: FL Zip: 32408

Mailing Address Street/Suite Number: 328 Wahoo RD City: Panama City Beach State: FL Zip: 32408

Job Site Physical Address (if Applicable): 76 Willis ST N City: Yemassee State: SC Zip: 29945

**OWNERSHIP INFORMATION**

Name(s) of Owner(s), Partnership(s), and/or Principal(s): U.S. Iron Works Company Thomas J Fowell

(Please Check One)  Corporation  Partnership  LLC  Non Profit  Sole Proprietorship  Other

(Please Complete One) Federal Tax ID# [redacted] (OR) Social Security# [redacted]

Owner's Drive Lic. # [redacted] State Issued [redacted] Number of Employees: Two

Contact Person: Thomas J Fowell Phone: 850-588-5995 Email: Asko1@comcast.net  
Call 850-814-1595

**IF APPLICABLE TO YOUR BUSINESS:**

I. SC DEPARTMENT OF LABOR, LICENSING AND REGULATION # \_\_\_\_\_  
(General Contractor, Home Builders, Specialty, Real Estate, Cosmetology, Physicians, Fire/Alarm, etc.)

II. SC RETAIL # \_\_\_\_\_

- A copy of your SC Retail License is required and DHEC Health Certificate if applicable to business type.
- Does your business prepare food/beverages? If so, you are required to collect and remit a 2% Hospitality Tax (HTAX) quarterly to the Town

III. Does your business rent accommodations for intervals less than 90 days? If so, you are required to collect and remit a 3% Accommodations Tax (ATAX) quarterly to the Town of Yemassee

**ARE YOU A HOME OCCUPATION LOCATED IN THE TOWN OF YEMASSEE?**  
NO YES  
(If yes, Home Occupation Application required)

**ALL BUSINESS LICENSE ARE VALID FOR THE CALENDAR YEAR AND EXPIRE ON DECEMBER 31ST. RENEWAL NOTICES ARE MAILED IN JANUARY AND PENALTIES WILL BE ASSESSED FOR PAYMENTS RECEIVED AFTER JANUARY 1ST. IN THE EVENT YOU DO NOT PLAN TO CONTINUE DOING BUSINESS WITHIN THE TOWN OF YEMASSEE, PLEASE CONTACT OUR OFFICE TO CLOSE YOUR ACCOUNT.**

I DO HEREBY CERTIFY THE ABOVE INFORMATION IS TRUE AND CORRECT. I AM FAMILIAR WITH THE PENALTY PROVISIONS OF THE ORDINANCE AND THE GROUNDS FOR REVOCATION OF THE LICENSE, INCLUDING MAKING FALSE OR FRAUDULENT STATEMENTS IN THIS APPLICATION. I CERTIFY THAT ALL BUSINESS PERSONAL PROPERTY TAXES DUE AND PAYABLE TO THE TOWN/COUNTY HAVE BEEN PAID, AND THE ABOVE BUSINESS NAME IS THE SAME AS REPORTED ON DOCUMENTS FILED WITH THE STATE AND FEDERAL GOVERNMENTS. I UNDERSTAND MY BUSINESS TAX RETURNS AND OTHER DOCUMENTS MAY BE INSPECTED BY THE TOWN OF YEMASSEE TO VERIFY GROSS INCOME OR OTHER BUSINESS DATA.

[Signature]  
SIGNATURE/AUTHORIZED REPRESENTATIVE

Stephen Roehrig MANAGER  
PRINTED NAME & TITLE

3-16-2020  
DATE

**In order to ensure proper credit to your account you MUST return this prepared application. Please verify all information listed, then complete this application as required.**

**PENALTY:** Effective January 1, a 25% penalty will be imposed on unpaid license and a 15% additional penalty each month until the license has been procured.



**BUSINESS AND PROFESSIONAL LICENSE**

**TOWN OF YEMASSEE**



**ISSUED IN ACCORDANCE WITH THE ORDINANCES OF THE  
TOWN OF YEMASSEE**

**LICENSE NUMBER**

**019251**

**MAILING ADDRESS**

US Iron Works  
328 Wahoo Rd Panama city FL 32408  
76 Willis ST N  
Yemassee SC 29945

**BUSINESS OWNER & LOCATION**

Thomas J Fanell  
Panama City FL

**BUSINESS TYPE: CONSTRUCTION**

**THIS LICENSE EXPIRES: 12/31/2020**

**THIS LICENSE MUST BE DISPLAYED IN A CONSPICUOUS PLACE**

THE ABOVE NAMED CONCERN HAS BEEN LICENSED BY  
THE TOWN COUNCIL OF YEMASSEE TO DO BUSINESS WITHIN  
THE TOWN OF YEMASSEE SUBJECT TO PROVISIONS OF ALL TOWN  
ORDINANCES AND HAS PAID THE FEE REQUIRED.

*Stiffman Horster*  
Authorized Signature

**Date of Issue: 03/16/2020**

TOWN OF YEMASSEE  
101 TOWN CIRCLE  
PO BOX 577  
YEMASSEE, SC 29945

**LICENSE NUMBER: 019251**

THIS MAY BE  
DETACHED  
BUT SHOULD  
BE RETAINED  
BY LICENSEE

US Iron Works  
328 Wahoo Rd Panama city FL 32408  
76 Willis ST N  
Yemassee SC 29945

\$ 100.00  
LICENSE FEE

\$ 03/16/2020  
DATE PAID

THIS IS A RECEIPT FOR BUSINESS LICENSE FEES

\$ \_\_\_\_\_  
RECEIPT #

# OCCUPATIONAL TAX CERTIFICATE

## TOWN OF YEMASSEE

101 TOWN CIRCLE | P.O. BOX 577 | YEMASSEE, SC 29945 | 843-589-2565

ISSUED IN ACCORDANCE WITH THE ORDINANCES OF THE  
TOWN OF YEMASSEE

**MAILING ADDRESS:**

US Iron Works  
328 Wahoo Rd Panama city FL 32408  
76 Willis ST N  
Yemassee SC 29945

LICENSE NUMBER: **019251**

RECEIPT NUMBER:

AMOUNT PAID: **100.00**

BUSINESS DESCRIPTION: CONSTRUCTION

BUSINESS LOCATION: Panama City FL

BUSINESS LICENSEE: Thomas J Fanell

Non-Transferable  
Subject to be revoked if abused

This is a receipt for business license fees from Jan 1 - Dec 31, 2020

THIS LICENSE EXPIRES: 12/31/2020

DATE PAID: 03/16/2020

***THIS LICENSE MUST BE DISPLAYED IN A CONSPICUOUS PLACE***

  
\_\_\_\_\_  
CLERK

---

# US IRON WORKS CO.

**Mailing address: PO Box 9220 Panama City,  
FL 32417**

**Matthew Garnes**

**Town Clerk**

**P.O. Box 577**

**Yemassee, SC 29945 - 0577**

**Mr. Garnes:**

**US Ironworks Co is in the business of upgrading mill scrap generated from steel m  
the mill scrap generated is screened in 3 groups A scrap is the 12inch + that is all u  
Internally by the steel mill, the B scrap is 12 inch minus is either used by the steel  
or other steel mills or brokers that sell to various steel mills, the balance is C scrap  
size is 2 inch minus.**

**This is the material I get and up grade by screening off the 1/4 minus that is the ma  
that is the non metallic removing this non metallic material raises the FE)**

**Ferrous units, when the material is received by our site we see a 65% FE percentag  
After we do our process we raise the FE units to 85%+ that makes it a usable produ**

**We use the 1/4 inch minus to spread on the property to stablize the area, when I fin  
getting my yard done we will offer it to the local public for 5.00 per ton which works  
perfect for filling holes in drive ways or any area needing stablizing.**

**US Ironworks Co has yards in Birmingham, Ala - Chipley, Fla - Pelican, LA - Tampa  
Fort Lauderdale, Fla and Yemassee, SC we are looking to open in the 2nd quarter c  
a yard in Hickman, Ark.**

<b>Over night address:</b>
328 Wahoo road
Panama City, FL 32408

**Date : Jan 20th 2021**




## Iron Works Company

Michael Weiss <mcweiss71@gmail.com>

Tue 1/19/2021 10:44

To: Matthew Garnes <mattgarnes@townofyemassee.org>

 1 attachments (36 KB)

Iron Works.jpg;

Good Morning Matt,

I now have grave concerns about the Iron Works Company located at 76 Willis St. N, Yemassee, SC. 29945. My concern is for the health of my family, and neighbors, as this company is illegally conducting business here in Yemassee. My property is 300 feet away from the Iron Works Company on 64 Cameron Dr. I had mentioned via a phone call the noise level, and have provided you with video documentation. Now there is a chemical smell blowing across my neighborhood while operations are being conducted by Iron Works Company.

Our neighborhood consists of families with small children. Two families, with a total of 6 children, live directly next to my house, and I am becoming increasingly concerned about the wellbeing of all living on Cameron Dr.

After reviewing the Yemassee zoning ordinance, I see the property that Iron Works Company is zoned for Light Industrial. The ordinance does not allow for what this company is producing. There is no doubt that the Iron Works Company is conducting business, as rock is being crushed, and I'm witnessing semi-trucks hauling away the byproduct of the process.

Could you please forward this email to the Mayor, Town Council, and any other entities within our town governance that should be informed. Could you also CC me in the process? I would like as much visibility on this as possible because now it's not just an issue of noise, but also an issue of the safety, health, and overall well being of our neighborhood. I truly feel that the town of Yemassee needs to work quickly to fix this issue, and believe that the Yemassee governance is looking out for our safety. I had planned on addressing the town council at the next meeting, but this cannot wait.

Thanks Matt,


Michael Weiss  
843-635-1274

## Temporary Sound Abatement - US Iron Works

Michael Weiss <mcweiss71@gmail.com>

Fri 1/22/2021 14:27

To: Matthew Garnes <mattgarnes@townofyemassee.org>

 1 attachments (1 MB)

IMG\_0047.mov;

Hi Matt,

I just wanted to reach out to see if there is any progress towards a temporary solution for sound abatement between my property and US Iron Works located at 76 Willis St. N. Yemassee, SC. 29945. Based on our phone conversations, it doesn't seem like the Town of Yemassee is actively trying to stop US Iron Works from conducting business until sound abatement is in place.

You had asked for me to be patient, and I am trying to be, but the noise produced by this company is so excessive, and is directly impacting my family's quality of life. The smell of the running tractors, and equipment has also been excessive.

I have attached another video that was taken yesterday by my wife.

I appreciate you sending me the public comment form, and will get it back to you for the next town hall meeting in February.

Thank You,

Michael Weiss  
843-635-1274

**Re: U.S. Iron Works 76 Willis St N, Town of Yemassee**

Echols, Derell L. <echolsdl@dhec.sc.gov>

Tue 2/9/2021 11:35

To: Matthew Garnes <mattgarnes@townofyemassee.org>

Cc: Lori Mixson <lmixson@townofyemassee.org>; Gregory Alexander <galexander@yemassee.org>; Colin Moore <cmoore@townofyemassee.org>

Thank you, Mr. Garnes.

Below is the link for a business to use to determine if their operation will need a DHEC permit/s. There's an interactive tool to determine which DHEC permit/s is needed.

<https://scdhec.gov/permits-regulations/permit-central/applying-permit-license-certification-or-registration-dhec>

## Applying for a Permit, License, Certification or Registration from DHEC | SCDHEC

Sound, responsible public health and environmental decisions go hand-in-hand with strong, successful businesses. If your new business or expansion could have an impact on public health or the environment in South Carolina, chances are, you'll need a permit from DHEC.

scdhec.gov

Respectfully sent,

**Derell Echols**

Environmental Health Manager

Lowcountry - Beaufort EA

S.C. Dept. of Health & Environmental Control

Office Main: (843) 846-1030

Direct Line: (843) 473-6195

Fax: (843) 846-0604

Connect: [www.scdhec.gov](http://www.scdhec.gov) [Facebook](#) [Twitter](#)

**To report chemical spills, oil spills, or fish kills, call our toll-free 24-hour environmental response line at 1-888-481-0125.**

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---

**From:** Matthew Garnes <mattgarnes@townofyemassee.org>  
**Sent:** Tuesday, February 9, 2021 9:25 AM  
**To:** Echols, Derell L. <echolsdl@dhec.sc.gov>  
**Cc:** Lori Mixson <lmixson@townofyemassee.org>; Gregory Alexander <galexander@yemassee.org>; Colin Moore <cmoore@townofyemassee.org>  
**Subject:** U.S. Iron Works 76 Willis St N, Town of Yemassee

\*\*\* Caution. This is an EXTERNAL email. DO NOT open attachments or click links from unknown senders or unexpected email. \*\*\*

Attention! Effective January 13, 2021 we closed the Yemassee Municipal Complex for public access until further notice due to the COVID-19 pandemic. Please visit our website at <https://www.townofyemassee.org/> for more information. Most in-person functions such as paying traffic tickets and court fines, remitting Business License and Hospitality Tax payments, and even applying for a Building Permit may all be completed on our website. Staff remain working in the office and are available at 843.589.2565 Monday - Friday.  
Good Morning Derell,

Attached is the information you requested this morning regarding the site operations at U.S. Iron Works in the Town of Yemassee. Please keep us looped in on any assistance you or the EPA will require or with any updates if/when penalties levied against the company.

**Respectfully Submitted,**  
**Matthew Garnes**  
**Town Clerk**  
P.O. Box 577  
Yemassee, SC 29945-0577  
Office: (843) 589-2565  
Fax: (843) 589-4305  
***The Focal Point of the Four Counties***



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**FW: Cameron Drive Video**

Michelle Hagan <mhagan@townofyemassee.org>

Wed 2/17/2021 17:56

To: Matthew Garnes <mattgarnes@townofyemassee.org>; Peggy O'Banner O'Banner <obanner31@gmail.com>; Alfred Washington <awashington700@gmail.com>; Colin Moore <cmoore@townofyemassee.org>; Charlie Simmons <csimmons@townofyemassee.org>

Cc: Gregory Alexander <galexander@yemasseeepd.com>

 5 attachments (20 MB)

feb-17-76willis-dust.mp4; feb-17-76willis.mp4; 20210212\_143510.jpg; 20210217\_150003.jpg; 20210217\_150803.jpg;

I'm sorry but this really needs to be looked into. It appears they have a very good argument/case. Plz let's all look into and talk about this.

Michelle Berry Hagan

----- Original message -----

From: Ryan P <rpaiva119@gmail.com>

Date: 2/17/21 4:38 PM (GMT-05:00)

To: Michael Weiss <mcweiss71@gmail.com>

Cc: Michelle Hagan <mhagan@townofyemassee.org>

Subject: Re: Cameron Drive Video

Hi Michelle,

I hope all is well and thank you again for your concern in our situation. I've attached a new video along with photo evidence of our DB meter of the sound exceeding 60db, and an air quality test showing elevated VOC levels not present in a third photo taken when the business was not operating. These were taken from Mr. Weiss's back yard just this afternoon.

The heavy machinery started today while I was working on growing our food in our backyard and I had to come inside twice to blow my nose and my throat became irritated. I have attached a video taken today of the loader dumping the mill scrap waste, and we can smell/taste that waste dust in our air. In addition to irritants, this dust is known to OSHA to likely contain lead and mercury. I'm back in my house now and the heavy machinery is vibrating my home office and I can hear them as I type this to you. I cannot escape them.

The Zoning Ordinances being violated by them include sections 4.2, 5.8.1, 5.8.2, 5.8.3, 5.8.4, 5.8.5, and 5.8.6, Town Code sections 10.103.a, 14.709.a-b, 14.709.b.18, 14.817.b, 20.3.J, and 20.3.K, and DSOR Section 4.20.E, F, and J.

My neighbors and I have been denied reasonable use of our homes due to this nuisance for more than 30 days now, all the while Mr. Garnes has been fully aware of the situation. We are hoping that

this is sufficient evidence to compel the town to enforce these laws today. If anything else is needed, please let me know.

Thank you again,  
-Ryan & Hala

On Tue, Feb 16, 2021 at 9:52 AM Michael Weiss <[mcweiss71@gmail.com](mailto:mcweiss71@gmail.com)> wrote:

Hi Michelle!

I just wanted to say thank you for taking a deeper look at our situation. It would be an understatement to say that we need help with this. I hope this video, and public comments that were provided at the last meeting helps shed some light on US Iron Works taking advantage of our small community. I had been communicating with Matt Garnes since early January about our concerns, and cannot understand how this is legal in any sense of the word. I also cannot comprehend why Matt has not forwarded our concerns to the town council. His demeanor, facts about the case, and lack of communication during the public meetings about this subject is quite different from his communication with me when I call.

I know Ryan has provided you with many details of what is happening and know that you must do your due diligence to get to the bottom of this issue. Regardless of Matt's Garnes interpretation of the ordinances, I do not feel he has the authority to bend, or make up the rules. At the end of the day, the ordinance states clear rules about sound and smell beyond the property line of a light industrial zoned property. There is no shortage of videos that we could provide to you proving just the sound issue alone.

THANK YOU so much Michelle,

Michael Weiss  
843-635-1274

On Mon, Feb 15, 2021 at 9:10 PM Ryan P <[rpaiva119@gmail.com](mailto:rpaiva119@gmail.com)> wrote:

Hi Michelle,

Thank you again for our call today. I have my neighbor Mike cc'd, and I've attached a video taken from his back yard just this afternoon. It's been like this almost every day since mid January and we have about 70 more videos.

I also re-read the zoning ordinance again today and I'm confident that none of what they're doing is permitted in the light industrial zoning district, in addition to the code and zoning violations that are happening daily even if their primary operations were permitted.

Any help would be greatly appreciated from all of us. We are struggling to understand why the law is not being enforced.

Thank you!  
-Ryan & Hala

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## Thank You

Michael Weiss <mcweiss71@gmail.com>

Wed 3/10/2021 08:37

To: Matthew Garnes <mattgarnes@townofyemassee.org>

Good Morning Matt,

I about came out of my seat with joy yesterday evening when witnessing the news about US Iron Works. This is a wonderful first step in protecting our residents. I appreciate your due diligence in this matter.

Take Care and Thank You,

Michael Weiss

Sent from my iPhone

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## Fwd: US Iron Works Running Equipment

Michael Weiss <mcweiss71@gmail.com>

Wed 3/24/2021 22:04

To: Matthew Garnes <mattgarnes@townofyemassee.org>

Hi Matt,

Here are the links to the same videos. I put them in YouTube if you cannot access them through Google Drive.

<https://youtu.be/khRjZrPHznl>

[https://youtu.be/XkJzJl\\_HQ](https://youtu.be/XkJzJl_HQ)

Thank You,

Michael Weiss

----- Forwarded message -----

From: **Michael Weiss** <[mcweiss71@gmail.com](mailto:mcweiss71@gmail.com)>

Date: Wed, Mar 24, 2021 at 9:50 PM

Subject: US Iron Works Running Equipment

To: Matthew Garnes <[mattgarnes@townofyemassee.org](mailto:mattgarnes@townofyemassee.org)>

Hi Matt,

I just wanted to share a video with you once again. I had called the police this evening because US Iron Works was still running the tractor this evening at approximately 5:20pm  
There was a riding lawn mower running back and forth as well, but was not the reason why I called to file a noise complaint.

The second video is what I am taking as a threat from the individual living and working on this property. He was yelling things towards our yard and revving the engine of a motorcycle or ATV. I had filed an official complaint to Yemassee Police separate to the original noise complaint. I would be curious to know if the owner of US Iron Works knows that his employees are doing these things to local neighbors.

Take Care and Thank You,

Michael Weiss

843-635-1274

 [TractorRunning1Mar24.mp4](#)

 [ThreatMAR24.mp4](#)

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## Saturday Morning - US Iron Works

Michael Weiss <mcweiss71@gmail.com>

Sat 3/27/2021 11:09

To: Matthew Garnes <mattgarnes@townofyemassee.org>

Hello Matthew,

I understand that US Iron Works has been given the green light to use their heavy equipment to clean up the leased properties. While I support cleaning up the garbage, I cannot understand why this is allowed to happen on Saturday in the early morning. I called Hampton County dispatch to file a noise complaint. An officer from Yemassee PD came to tell me there is nothing that can be done, and once again, the citizens have no recourse. Our quality of life has once again been degraded in our own home.

My other concern is this employee of US Iron Works has followed through with one of the threats that had been yelled in our direction (from the video that I had sent you last week). "How do you like me know, I can do this on Saturday and Sunday and there is nothing you can do about it". Once again we have a finable infraction of our town ordinances. I would appreciate a fine issued to US Iron Works for running heavy equipment early on Saturday morning on March 27th. US Iron Works may not be conducting normal business operations, but from what I understand of the situation, they have been mandated to clean up the property, and would be considered operations of a business.

I would appreciate any correspondence about what will be done about this situation.

Thank You,

Michael Weiss

 [IMG\\_0227.MOV](#)

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**TOWN OF YEMASSEE  
BUSINESS LICENSE ORDINANCE  
EFFECTIVE November 17, 2015**

All other business license ordinances dated prior to this date, are immediately repelled.

**Section 1. License Required.**

Every person engaged or intending to engage in any calling, business, occupation or profession, in whole or in part, within the limits of the City/Town of Yemassee, South Carolina, is required to pay an annual license tax for the privilege of doing business and obtain a business license as herein provided.

**Section 2. Definitions.**

The following words, terms and phrases, when used in this ordinance, shall have the meaning ascribed herein:

“*Business*” means a calling, occupation, profession, or activity engaged in with the object of gain, benefit or advantage, either directly or indirectly.

“*Charitable Organization*” means an organization that is determined by the Internal Revenue Service to be exempt from Federal income taxes under 26 U.S.C. section 501 (c) (3), (4), (6), (7), (8), (10) or (19).

“*Charitable Purpose*” means a benevolent, philanthropic, patriotic, or eleemosynary purpose which does not result in personal gain to a sponsor, organizer, officer, director, trustee or person with ultimate control of the organization.

“*Classification*” means that division of businesses by major groups subject to the same license rate as determined by a calculated index of ability to pay based on national averages, benefits, equalization of tax burden, relationships of services, or other basis deemed appropriate by the Council.

“*Gross Income*” means the gross receipts or gross revenue of a business, received or accrued, for one calendar year collected or to be collected from business done within the Municipality, excepting therefrom income earned outside of the Municipality on which a license tax is paid by the business to some other municipality or a county and fully reported to the Municipality. Gross income for agents means gross commissions received or retained, unless otherwise specified. Gross income for insurance companies means gross premiums written. Gross income for business license tax purposes shall not include taxes collected for a governmental entity, escrow funds, or funds which are the property of a third party. The value of bartered goods or trade-in merchandise shall be included in gross income. The gross income for business license purposes may be verified by inspection of returns and reports filed with the Internal Revenue Service, the South Carolina Department of Revenue, the South Carolina Department of Insurance, or other government agency.

“*License Official*” means a person designated to administer this ordinance.

“*Licensee*” means the business, the person applying for the license on behalf of the business, an agent or legal representative of the business, a person who receives any part of the net profit of the business, or a person who owns or exercises control of the business.

“*Municipality*” means the City/Town of Yemassee, South Carolina.

“*Person*” means any individual, firm, partnership, LLP, LLC, cooperative non-profit membership, corporation, joint venture, association, estate, trust, business trust, receiver, syndicate, holding company, or other group or combination acting as a unit, in the singular or plural, and the agent or employee having charge or control of a business in the absence of the principal.

### **Section 3. Purpose and Duration.**

The business license levied by this ordinance is for the purpose of providing such regulation as may be required for the business subject thereto and for the purpose of raising revenue for the general fund through a privilege tax. Each license shall be issued for one calendar year ending December 31. The provisions of this ordinance and the rates herein shall remain in effect from year to year as amended by the Council.

### **Section 4. License Tax.**

A. The required license tax shall be paid for each business subject hereto according to the applicable rate classification on or before the 1<sup>st</sup> day of January in each year, except for those businesses in Rate Class 8 for which a different due date is specified.

B. A separate license shall be required for each place of business and for each classification or business conducted at one place. If gross income cannot be separated for classifications at one location, the license tax shall be computed on the combined gross income for the classification requiring the highest rate. A license tax based on gross income shall be computed on the gross income for the preceding calendar or fiscal year, and on a twelve-month projected income based on the monthly average for a business in operation for less than one year. The tax for a new business shall be computed on the estimated probable gross income stated in the license application for the balance of the license year. The initial tax for an annexed business shall be prorated for the number of months remaining in the license year. No refund shall be made for a business that is discontinued.

### **Section 5. Registration Required.**

A. The owner, agent or legal representative of every business subject to this ordinance, whether listed in the classification index or not, shall register the business and make application for a business license on or before the due date of each year; *provided*, a new business shall be required to have a business license prior to operation within the Municipality. A license for a bar (NAICS 722410) must be issued in the name of the individual who has been issued a State alcohol, beer or wine permit or license and will have actual control and management of the business.

B. Application shall be on a form provided by the License Official which shall contain the



Social Security Number and/or the Federal Employer's Identification Number, the business name as reported on the South Carolina income tax return, and all information about the applicant and the Licensee and the business deemed appropriate to carry out the purpose of this ordinance by the License Official. Applicants may be required to submit copies of portions of state and federal income tax returns reflecting gross income figures.

C. The applicant shall certify under oath that the information given in the application is true, that the gross income is accurately reported, or estimated for a new business, without any unauthorized deductions, and that all assessments, personal property taxes on business property and other monies due and payable to the Municipality have been paid.

**Section 6. Deductions, Exemptions, and Charitable Organizations.**

A. No deductions from gross income shall be made except income earned outside of the Municipality on which a license tax is paid by the business to some other municipality or a county and fully reported to the Municipality, taxes collected for a governmental entity, or income which cannot be included for computation of the tax pursuant to State or Federal law. The applicant shall have the burden to establish the right to exempt income by satisfactory records and proof.

B. No person shall be exempt from the requirements of the ordinance by reason of the lack of an established place of business within the Municipality, unless exempted by State or Federal law. The License Official shall determine the appropriate classification for each business in accordance with the latest issue of the North American Industry Classification System (NAICS) for the United States published by the Office of Management and Budget. No person shall be exempt from this ordinance by reason of the payment of any other tax, unless exempted by State law, and no person shall be relieved of liability for payment of any other tax or fee by reason of application of this ordinance.

C. A Charitable Organization shall be exempt from the business license tax on its gross income unless it is deemed a business subject to a business license tax on all or part of its gross income as provided in this section. A Charitable Organization or any for-profit affiliate of a Charitable Organization, that reports income from for-profit activities, or unrelated business income, for Federal income tax purposes to the Internal Revenue Service shall be deemed a business subject to a business license tax on the part of its gross income from such for-profit activities or unrelated business income.

A Charitable Organization shall be deemed a business subject to a business license tax on its total gross income if (1) any net proceeds of operation, after necessary expenses of operation, inure to the benefit of any individual or any entity that is not itself a Charitable Organization as defined in this ordinance, or (2) any net proceeds of operation, after necessary expenses of operation, are used for a purpose other than a Charitable Purpose as defined in this ordinance. Excess benefits or compensation in any form beyond fair market value to a sponsor, organizer, officer, director, trustee or person with ultimate control of the organization shall not be deemed a necessary expense of operation.



**Section 7. False Application Unlawful.**

It shall be unlawful for any person subject to the provisions of this ordinance to make a false application for a business license, or to give or file, or direct the giving or filing of, any false information with respect to the license or tax required by this ordinance.

**Section 8. Display and Transfer.**

A. All persons shall display the license issued to them on the original form provided by the License Official in a conspicuous place in the business establishment at the address shown on the license. A transient or non-resident shall carry the license upon his person or in a vehicle used in the business readily available for inspection by any authorized agent of the Municipality.

B. A change of address must be reported to the License Official within ten (10) days after removal of the business to a new location and the license will be valid at the new address upon written notification by the License Official and compliance with zoning and building codes. Failure to obtain the approval of the License Official for a change of address shall invalidate the license and subject the licensee to prosecution for doing business without a license. A business license shall not be transferable and a transfer of controlling interest shall be considered a termination of the old business and the establishment of a new business requiring a new business license, based on old business income.

**Section 9. Administration of Article.**

The License Official shall administer the provisions of this article, collect license taxes, issue licenses, make or initiate investigations and audits to insure compliance, initiate denial or suspension and revocation procedures, report violations to the municipal attorney, assist in prosecution of violators, produce forms, make reasonable regulations relating to the administration of this ordinance, and perform such other duties as may be duly assigned.

**Section 10. Inspection and Audits.**

A. For the purpose of enforcing the provisions of this ordinance, the License Official or other authorized agent of the Municipality is empowered to enter upon the premises of any person subject to this ordinance to make inspections, examine and audit books and records. It shall be unlawful for any such person to fail or refuse to make available the necessary books and records. In the event an audit or inspection reveals that the licensee has filed false information, the costs of the audit shall be added to the correct license tax and late penalties in addition to other penalties provided herein. Each day of failure to pay the proper amount of license tax shall constitute a separate offense.

B. The License Official shall make systematic inspections and random audits of all businesses within the Municipality to insure compliance with the ordinance. Financial information obtained by inspections and audits shall not be deemed public records, and the License Official shall not release the amount of license taxes paid or the reported gross income of any person by name without written permission of the licensee, except as authorized by this ordinance, State or Federal law, or proper judicial order. Statistics compiled by classifications are public records.

**Section 11. Assessments, Payment under Protest, Appeal.**

A. If a person fails to obtain a business license or to furnish the information required by this ordinance or the License Official, the License Official shall examine such records of the business or any other available records as may be appropriate, and conduct such investigations and statistical surveys as the License Official may deem appropriate to assess a license tax and penalties as provided herein.

B. A notice of assessment shall be served by certified mail or personal service. An application for adjustment of the assessment may be made to the License Official within five (5) days after the notice is mailed or personally served or the assessment will become final. The License Official shall establish a uniform procedure for hearing an application for adjustment of assessment and issuing a notice of final assessment.

C. A final assessment may be appealed to the Council only by payment in full of the assessment under protest within five (5) days and the filing of written notice of appeal within ten (10) days after payment pursuant to the provisions of this ordinance relating to appeals to Council.

**Section 12. Delinquent License Taxes, Partial Payment.**

A. For non-payment of all or any part of the correct license tax, the License Official shall levy and collect a late penalty of five (5%) percent of the unpaid tax for each month or portion thereof after the due date until paid. Penalties shall not be waived. If any license tax remains unpaid for sixty (60) days after its due date, the License Official shall report it to the municipal attorney for appropriate legal action.

B. Partial payment may be accepted by the License Official to toll imposition of penalties on the portion paid; *provided*, however, no business license shall be issued or renewed until the full amount of the tax due, with penalties, has been paid.

**Section 13. Notices.**

The License Official may, but shall not be required to, mail written notices that license taxes are due. If notices are not mailed, there shall be published a notice of the due date in a newspaper of general circulation within the municipality three (3) times prior to the due date in each year. Failure to receive notice shall not constitute a defense to prosecution for failure to pay the tax due or grounds for waiver of penalties.

**Section 14. Denial of License.**

The License Official shall deny a license to an applicant when the License Official determines:

A. The application is incomplete, contains a misrepresentation, false or misleading statement, evasion or suppression of a material fact; or

B. The activity for which a license is sought is unlawful or constitutes a public nuisance per se or per accidens; or

C. The applicant, Licensee or prior Licensee or the person in control of the business has been convicted of an offense under a law or ordinance regulating business, a crime



involving dishonest conduct or moral turpitude, or an unlawful sale of merchandise or prohibited goods; or

D. The applicant, Licensee or prior Licensee or the person in control of the business has engaged in an unlawful activity or nuisance related to the business or to a similar business in the Municipality or in another jurisdiction; or

E. The applicant, Licensee or prior Licensee or the person in control of the business is delinquent in the payment to the Municipality of any tax or fee; or

F. The license for the business or for a similar business of the Licensee in the Municipality or another jurisdiction has been denied, suspended or revoked in the previous license year.

A decision of the License Official shall be subject to appeal to Council as herein provided. Denial shall be written with reasons stated.

**Section 15. Suspension or Revocation of License.**

When the License Official determines:

A. A license has been mistakenly or improperly issued or issued contrary to law; or

B. A Licensee has breached any condition upon which the license was issued or has failed to comply with the provisions of this ordinance; or

C. A Licensee has obtained a license through a fraud, misrepresentation, a false or misleading statement, evasion or suppression of a material fact in the license application; or

D. A Licensee has been convicted of an offense under a law or ordinance regulating business, a crime involving dishonest conduct or moral turpitude, or an unlawful sale of merchandise or prohibited goods; or

E. A Licensee has engaged in an unlawful activity or nuisance related to the business; or

F. A Licensee is delinquent in the payment to the Municipality of any tax or fee,

the License Official shall give written notice to the Licensee or the person in control of the business within the Municipality by personal service or certified mail that the license is suspended pending a hearing before Council for the purpose of determining whether the license should be revoked.

The notice shall state the time and place at which the hearing is to be held, which shall be at a regular or special Council meeting within thirty (30) days from the date of service of the notice, unless continued by agreement. The notice shall contain a brief statement of the reasons for suspension and proposed revocation and a copy of the applicable provisions of this ordinance.

**Section 16. Appeals to Council.**

A. Any person aggrieved by a decision, final assessment, proposed revocation, suspension, or a denial of a business license by the License Official may appeal the decision to the Council by written request stating the reasons therefore, filed with the License Official within ten (10) days after service by certified mail or personal service of the notice of decision, final assessment, proposed revocation, suspension or denial.

B. An appeal or a hearing on proposed revocation shall be held by the Council within thirty (30) days after receipt of a request for appeal or service of notice of suspension at a regular or special meeting of which the applicant or licensee has been given written notice, unless continued by agreement. At the hearing, all parties shall have the right to be represented by counsel, to present testimony and evidence and to cross-examine witnesses. The proceedings shall be recorded and transcribed at the expense of the party so requesting. The rules of evidence and procedure prescribed by Council shall govern the hearing. Council shall by majority vote of members present render a written decision based on findings of fact and application of the standards herein which shall be served upon all parties or their representatives and shall be the final decision of the Municipality.

**Section 17. Consent, franchise or license required for use of streets.**

A. It shall be unlawful for any person to construct, install, maintain or operate in, on, above or under any street or public place under control of the municipality any line, pipe, cable, pole, structure or facility for utilities, communications, cablevision or other purposes without a consent agreement or franchise agreement issued by the Council by ordinance that prescribes the term, fees and conditions for use.

B. The annual fee for use of streets or public places authorized by a consent agreement or franchise agreement shall be set by the ordinance approving the agreement and shall be consistent with limits set by State law. Existing franchise agreements shall continue in effect until expiration dates in the agreements. Franchise and consent fees shall not be in lieu of or be credited against business license taxes unless specifically provided by the franchise or consent agreement.

**Section 18. Confidentiality.**

Except in accordance with proper judicial order or as otherwise provided by law, it shall be unlawful for any official or employee to divulge or make known in any manner the amount of income or any particulars set forth or disclosed in any report or return required under this ordinance. Nothing in this section shall be construed to prohibit the publication of statistics so classified as to prevent the identification of particular reports or returns. Any license data may be shared with other public officials or employees in the performance of their duties, whether or not those duties relate to enforcement of the license ordinance.

**Section 19. Violations.**

Any person violating any provision of this ordinance shall be deemed guilty of an offense and shall be subject to a fine of up to \$500.00 or imprisonment for not more than thirty (30) days or both, upon conviction. Each day of violation shall be considered a separate offense. Punishment



for violation shall not relieve the offender of liability for delinquent taxes, penalties and costs provided for herein.

**Section 20. Severability.**

A determination that any portion of this ordinance is invalid or unenforceable shall not affect the remaining portions.

**Section 21. Classification and Rates.**

A. The Class Structure Model by the North American Industry Classification System code, designated as Appendix B to this ordinance, and the Class Structure Model by rate class, designated as Appendix C to this ordinance, may be amended by the Council from time to time, and current copies shall be filed in the office of the municipal clerk. Appendices B and C are tools for classification and not a limitation on businesses subject to a license tax. The License Official shall determine the proper class for a business according to the applicable NAICS code.

B. The license tax for each class of businesses subject to this ordinance shall be computed in accordance with the Rate Schedule, designated as Appendix A to this ordinance, which may be amended by the Council from time to time and a current copy filed in the office of the municipal clerk.

minimum height of thirty (30) inches within three (3) years of planting. All shrubs shall be a minimum of eighteen (18) inches when planted. Vegetation planted on berms may have a reduced minimum mature height provided that the combined height of the berm and the plantings shall be a minimum height of thirty (30) inches in height after three (3) years. Twenty-five (25) percent of all shrubs may be deciduous.

5.7.5 Uses Not Permitted in the Mixed Use District

- A. Any convenience or other high volume commercial business.
- B. Motels and hotels.
- C. Any business involving junk, salvage operations, the open storage of junk and salvage materials, construction vehicles, or more than two (2) trucks maintained on the premises.
- D. Any business that constitutes a nuisance.
- E. Drive-in and drive-thru facilities.
- F. Self-service Laundromat or dry cleaning store.
- G. Package liquor store.
- H. Adult Entertainment Establishments.
- I. Any business, person, entity or service offering Adult Entertainment.

**Section 5.8 Light Industrial District [LID]**

- 5.8.1 The purpose of this District is to provide a suitable environment for and enhancing the locational flexibility of uses generally classified as research and development, assembly, high technology production, precision manufacturing, and light industry by excluding heavy manufacturing and permitting only those cleaner industries and operations which tend to be less objectionable to the community; and by requiring high performance standards and

tolerating minimal creation of air and water pollution, hazardous waste, and other off-site nuisances.

- 5.8.2 The following uses shall be permitted in any LID provided that none of the uses or operations specified in *Section 5.8.4, Prohibited Uses and Operations*, is conducted on the premises either as independent operations or as part of the primary permitted activity. Similar uses shall be considered for inclusion.
- A. All permitted and conditional uses in the Regional Commercial District subject to the same conditions apply in the District;
  - B. Warehouse, wholesale, or distribution operation;
  - C. Workshop for building trades other than carpentry;
  - D. Photocopying, typesetting, or stripping operation; bindery;
  - E. Handicrafts workshop or fine arts studio; and
  - F. Manufacturing, production, processing, assembly, fabrication, packaging, storage, and distribution of the following materials and products plus customarily associated operations:
    - 1. Computers, computer components, and computer accessories including, but not limited to: printed circuit boards, semiconductors, terminals, printers, storage devices, peripheral equipment, and software;
    - 2. Electrical and electronic components and systems for office and consumer use including, but not limited to: audio and video equipment, television sets, radios, telephones, telegraphs, and calculating machines;
    - 3. Small office supplies and machines suitable for sale in stationery store; household cooking equipment;
    - 4. Lighting fixtures, fans, lamp bulbs, and tubes;
    - 5. Cameras and other photographic equipment excluding film and chemicals;

6. Watches, clocks, meters, scales, and other counting and timing devices;
7. Medical, surgical, and dental instruments; optical and ophthalmic instruments, lenses, and eyeglasses; orthopedic and prosthetic appliances;
8. Precision instruments and gauges used for measuring, testing, control, display, and analysis; precision instruments used for communications, search, detection, navigation, and guidance;
9. Magnetic and optical recording media, audio/video tapes and disks;
10. Electronic capacitors, coils, connectors, and resistors for small office and consumer products; electron tubes;
11. Materials for fiber optic process;
12. Sporting and athletic goods; musical instruments; hand-held tools; lawn and garden equipment;
13. Hand held firearms excluding ammunition;
14. Lightweight metal or plastic furniture; drafting equipment, writing, drawing, and marking implements;
15. Vending machines; signs and advertising specialties;
16. Brooms, brushes, and combs; fasteners, buttons, needles, and pins;
17. Games, toys, dolls, figurines, and stuffed animals; small curios, novelty items, and tourist souvenirs;
18. Needlework and textile manufacture or assembly; and
19. Trade shop or tool and die shop.

5.8.3 The following uses shall be permitted in on a conditional basis in the LID, provided that none of the uses or operations specified in *Section 5.8.4, Prohibited Uses and Operations*, are conducted on the

premises either as independent operations or as part of the primary permitted activity.

- A. Laboratory for research, development, experimentation, or testing; or biotechnology operation provided there is no activity exceeding Bio-safety Level II and no use of recombinant DNA;
- B. Textile, fabric, or apparel operation specifically including woven fabric mill, knitting mill, yarn and thread mill, and cut and sew operation provided none of the following occurs on the premises: production of synthetic fibers; printing, dyeing, bleaching, finishing, or waterproofing of materials; water-jet weaving; pulling or scouring of wool; leather tanning or curing of hides;
- C. Carpentry workshop or cabinet making/wood furniture operation provided there is no chemical treatment of wood by immersion or pressure application, or sawing or planking of raw-lumber and provided the operation does not exceed twenty thousand (20,000) square feet.
- D. Printing, lithography, and gravure provided that the operation does not exceed twenty thousand (20,000) gross square feet. If only water-soluble inks or photocopying processes are used, there is no size limitation;
- E. Bulk storage of petroleum or other flammable, volatile, or hazardous materials provided they are used for operations on the premises rather than for distribution; and provided the storage arrangement complies with *Occupational Safety and Health Administration and National Fire Protection Association Standards*;
- F. Cold storage plant provided there is no processing of food other than seafood and shellfish;
- G. Light assembly or fabrication of any product not listed in *Section 5.8.2, Permitted Uses*, or in *Section 5.8.3, Conditional Uses*, provided only finished, previously prepared materials are used including, but not limited to: metal, plastic, rubber, ceramic, glass, wood, fabric, leather, canvas, fur, paper, or paperboard; provided production is carried out primarily with hand

operations or light-duty machines/tool room-type equipment; provided only simple machining, cutting, reshaping, and fastening processes are involved; provided no chemicals, dyes, solutions, or other applicants are used in the production process with the exception of paints and finishes applied with a small brush or jet, cleansers, lubricants, solders, and glues;

H. Campgrounds and Recreational Vehicle Parks provided that:

1. No site or structure shall be continuously occupied for more than fourteen (14) days. Any tent, camper, or recreational vehicle shall be physically removed on or before the expiration of fourteen (14) days;
2. No overflow camping shall be allowed. When a campground/RV park is full, no more campers or vehicles shall be permitted on the grounds;
3. The campground shall have a minimum size of twenty (20) acres and shall not exceed fifty (50) acres on any single parcel;
4. All permanent structures including cabins in a campground shall be limited to single-story structures in height;
5. No more than eight (8) campsites/RV sites or camping structures including cabins shall be permitted per net acre in any campground;
6. Not less than thirty (30) percent of all campgrounds/RV Parks shall consist of open space which shall contain no camp/RV sites and/or structures;
7. All campgrounds and recreational vehicle parks in the Town of Yemassee shall be in compliance with the *Rules and Regulations Governing Camps* of the *South Carolina Department of Health and Environmental Control* and have a valid permit from same for operation; and
8. All campground facilities shall be served by public water and sewer.

- 5.8.4 Prohibited Uses and Operations: The uses, operations, processes, facilities, and equipment specified below shall not be permitted in any Light Industrial District either as independent operations or as part of the primary permitted activity.
- A. Production for sale as end product or as major component of an end product of chemicals, abrasives, acetylene, acids, asbestos, bleaches, carbon black, caustics, celluloid, chalk, cleaning compounds, dyes, inks, linoleum, oilcloth, paints, polishes, pyroxylin, soda or soda compounds, synthetic resins, turpentine, varnish, or other substances considered by the USEPA to be toxic;
  - B. Production of primary commodities from raw materials, specifically including: metals, plastic, rubber, and paper;
  - C. Primary metal operations including, but not limited to: smelting, refining, rolling, drawing, founding, forging, die casting, and extrusion;
  - D. Manufacture of concrete, cement, brick plaster, gypsum, lime, mortar, asphalt, tar, or other paving or plastering materials;
  - E. Cyanide plating, blast furnace, boiler works, coke oven, punch press over twenty (20) tons rated capacity, drop hammer; distillation of coal, tar, or wood; combustion of coal or high sulfur oil;
  - F. Production of food for distribution (excluding seafood, shellfish, restaurant preparation and bakery serving local community);
  - G. The storage, utilization, or manufacture of materials or products which decompose by detonation including, but not limited to: primary and high explosives; blasting explosives such as dynamite and nitroglycerine; propellants such as nitrocellulose; pyrotechnics and fireworks; unstable compounds such as acetylides, tetrazoles, perchloric acid, nuclear fuels, and fissionable materials;
  - H. Any activity which generates radioactive waste with the exception of waste used or created from medical treatments by physicians or veterinarians. Radioactive waste created from medical treatment must be disposed of in accordance with



South Carolina State Law, Federal Law and reasonable medical standards;

- I. Sanitary landfill and/or on-site storage of waste materials beyond ninety (90) days; and
- J. Mining or extraction of minerals, metals, ores, rock, sand, gravel, coal, oil, or gas.
- K. Adult Entertainment Establishments.
- L. Any business, person, entity or service offering Adult Entertainment.

5.8.5 General Requirements.

- A. Minimum lot size is twenty-five (25) acres.
- B. No industrial building or operation in this District shall be situated closer than one hundred (100) feet from the boundary line of any property in an existing residential zoning district or in current residential use (with the exception of a property used as the caretaker's residence).
- C. Industrial uses shall be setback a minimum of fifty (50) feet from any commercial use; one hundred (100) feet from a major thoroughfare; and fifty (50) feet from another industrial use.
- D. Building height shall not exceed thirty-five (35) feet above base flood elevation to a maximum of fifty (50) feet above base flood elevation with prior approval from the Fire Marshal's office.
- E. Maximum building size is two hundred thousand (200,000) square feet per use.

5.8.6 Other Requirements.

- A. All manufacturing, processing, assembly, fabrication, servicing, and repair operations must be carried out within an entirely enclosed building.

- B. All materials, merchandise, and waste/salvage, with the exception of automobiles and other motor vehicles displayed for sale, must be stored within enclosed buildings or completely screened from adjacent properties and public and private roadways by opaque walls, fences, trees and/or shrubbery.
- C. The generation of noise, light/glare, vibration, smoke, gas, odor, dust, dirt, heat or cold, electromagnetic radiation, radioactivity, fire/explosive hazard, condition conducive to the propagation of rodents or insects, or any other potentially injurious or obnoxious condition must not be sufficient to create a nuisance beyond the property boundaries.
- D. Stormwater management shall follow the requirements of the *Beaufort and/or Hampton County Stormwater Management, Best Management Practices* in use at the time of development. There shall also be no discharge into any public or private stream, waterway, body of water, septic or sewage disposal system, or into the ground or air of any liquid, solid, or gaseous materials except in accordance with applicable law.
- E. All activities must be in conformance with the following state and federal acts, regulations and standards, as amended: *Clean Air Act, Clean Water Act, Resource Conservation and Recovery Act, Federal Water Pollution Control Act, Occupational Safety and Health Administration General Industry and Construction Standards, South Carolina Pollution Control Act, and South Carolina Stream Standards*; regulations promulgated by the Environmental Protection Agency, Department of Health and Environmental Control, and Centers for Disease Control; all other applicable local, state, and federal laws and guidance's.

**Section 5.9 Planned Unit Development [PUD]**

5.9.1 The purpose of the PUD District is to encourage flexibility in land planning that will result in improved design, character, and quality of new homogenous and mixed use developments; to promote the most appropriate use of land; to facilitate the provision of streets and utilities; and to preserve the natural and scenic features and open space.

5.9.2 General Requirements

- A. All property that is at least four (4) contiguous acres (rounded up to the nearest one tenth) shall be eligible for the PUD District regulation.
- B. Properties consisting of less than two hundred (200) acres shall not be required to submit a Concept Plan and shall begin the review process with an application and Master Plan. It is recommended, however, for projects less than two hundred (200) acres that are unusually complex or sensitive to submit a Concept Plan to avoid undue delays in the review process. Applicants under two hundred (200) acres will be granted PUD zoning only after acceptance of the Master Plan by Town Council.
- C. The Town of Yemassee Town Council, at its discretion, may waive the acreage requirement of Section 5.9.2 (A) and grant PUD zoning to property having a valid PUD designation from Hampton or Beaufort County. In such instances, the Town PUD designation shall incorporate the zoning regulations and term, if any, as approved by Beaufort or Hampton Counties; provided however, nothing herein shall be construed to preclude the Town Council from changing or adding regulations to any such PUD when, in its sole discretion, it deems such to be necessary and in furtherance of the public interest. To the extent there is any conflict between the regulations imposed by the County and those imposed by the Town, the regulations imposed by the Town shall prevail. All property zoned PUD shall be under single ownership, or if in multiple ownership, then by written consent of all owners who agree to be bound by the District designation and regulations.

Colin J Moore

*Mayor*

Peggy Bing-O'Banner

*Mayor Pro Tempore*

Matthew Garnes

*Town Clerk*



*Council Members*

Michelle Hagan

Charlie Simmons

Alfred Washington

## Town Council Agenda Item

**Subject:** Proclamation declaring April 2021 as "Fair Housing Month" in the Town of Yemassee

**Department:** Administration

Attachments:

\_\_\_ Ordinance \_\_\_ Resolution \_\_\_ Motion

\_\_\_ X Support Documents \_\_\_ Other

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**Summary:** By Town Ordinance, each April shall be designated as Fair Housing Month in the Town of Yemassee. Each year a Proclamation should be issued to remain eligible for grant funding for programs such as CDBG from the South Carolina Department of Commerce.

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**Recommended Action:** Adopt Proclamation

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Council Action:

\_\_\_ Approved as Recommended

\_\_\_ Approved with Modifications

\_\_\_ Disapproved

\_\_\_ Tabled to Time Certain

\_\_\_ Other



## Town of Yemassee

### Fair Housing Month Proclamation

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**WHEREAS**, April 11, 2021 marks the 53<sup>rd</sup> anniversary of the passage of the Fair Housing Act, which established a national policy of fair housing for all who live in the United States, and

**WHEREAS**, The Fair Housing Act prohibits discrimination based on race, color, religion, sex handicap, familial status and national origin, and

**WHEREAS**, The Mayor and Town Council wish to affirm their commitment to Fair Housing in the Town of Yemassee, and

**NOW THEREFORE**, I Colin J. Moore, Mayor of Yemassee along with the Yemassee Town Council do hereby proclaim the month of April 2021 as "Fair Housing Month" in the Town of Yemassee to establish Yemassee as an inclusive community committed to fair housing for all residents and prospective residents of Yemassee.

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Colin J. Moore, Mayor

(Seal)

Colin J Moore

*Mayor*

Peggy Bing-O'Banner

*Mayor Pro Tempore*

Matthew Garnes

*Town Clerk*



*Council Members*

Michelle Hagan

Charlie Simmons

Alfred Washington

## Town Council Agenda Item

**Subject:** Annexation Ordinance 21-07, Consideration of a Request for an Ordinance Approving Annexation of Approximately 4.50 acres of Land, located at 225 Bailey Road, Seabrook, Beaufort County, into the Town of Yemassee.

**Department:** Administration

Attachments:

Ordinance  Resolution  Motion

Support Documents  Other

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**Summary:** The Town has received a 100% Annexation Petition from the property owner, seeking annexation of 4.50 ac into the Town of Yemassee corporate limits. The parcel is contiguous to the current Town Limits via Tomotley Plantation. The property is undeveloped and seeking Zoning of General Residential.

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**Recommended Action:** Town Council approve 2<sup>nd</sup> and Final Reading of Annexation Ordinance 21-07.

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Council Action:

Approved as Recommended

Approved with Modifications

Disapproved

Tabled to Time Certain

Other



# Staff Report to Town Council

## Administration



March 23, 2021

Project: 225 Bailey Road, Seabrook.

Case Number: ANNX-02-21-1010

### 1. Subject

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**Annexation:** The applicant(s), Darrell & Wanda Johnson, have petitioned to the Town of Yemassee to annex one parcel of real property, located in Beaufort County at 225 Bailey Road into the Town Limits of Yemassee.

**Tax Map Number:** R700 019 000 0064 0000

**Acreage:** 4.50

**Current Zoning:** T2R Rural (Beaufort County Community Development Code)

**Current Use:** Undeveloped property

**T2R Future Land Use:** (per Beaufort County Community Development Code) “The Rural (T2R) Zone is intended to preserve the rural character of Beaufort County. This Zone applies to areas that consist of sparsely settled lands in an open or cultivated state. It may include large lot residential, farms where animals are raised or crops are grown, parks, woodland, grasslands, trails, and open space areas. The T2 Rural Zone implements the Comprehensive Plan goals of preserving the rural character of portions of Beaufort County.”

**Proposed Zoning:** General Residential (Town of Yemassee)

**Contiguity:** The parcel petitioning for annexation is contiguous to the primary service area via Tomotley Plantation, which was annexed in February 2021. The parcels proposing to be annexed are on the west side of US-17 and just south of the Huspah Creek.

**Adjacent Land Use/Zoning:** The parcel is adjacent to the following properties and jurisdictions,

Direction	Parcel	Owner	Jurisdiction
North	R700 019 000 0063 0000 221 Bailey Rd	Dorothy Williamson	Beaufort County
South	R700 019 000 062A 0000 199 Bailey Rd	Brad Dralle	Beaufort County
East	R700 019 000 0289 0000 202 Bailey Rd	Butch Polk	Beaufort County
West	R700 013 000 0001 0000 300 Cotton Hall Rd	The Tomotley Crew, LLC.	Town of Yemassee





# Staff Report to Town Council Administration



## 1. Staff Comments

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The applicant proposes to annex the single parcel into the Town limits. The property is undeveloped with no immediate plans for placement of a mobile home or new home construction. The parcel is served by Dominion Energy for electric and Natural gas. Telecommunications is provided by Century Link for telephone and TV. It is unclear if there is internet service available by a non-satellite provider. The property is outside of the service district of Lowcountry Regional Water System, the franchised provider for the Town of Yemassee. Beaufort-Jasper Water Sewer Authority does not water or wastewater service currently along the 17 corridors. The closest service for BJWSA is in the Point South area and the next closest in the Dale area on Trask Pkwy. Any new construction on the lot would require a well and septic tank.

### Special Notes

The Town of Yemassee will be able to furnish all town services upon annexation.

The parcel would be subject to the adopted millage rate at the time of annexation, the adopted millage rate within the Beaufort County portion of the Town of Yemassee, is 66.60 mills. The property owner has been provided with an estimate of their tax liability assuming the placement of one single family residence.

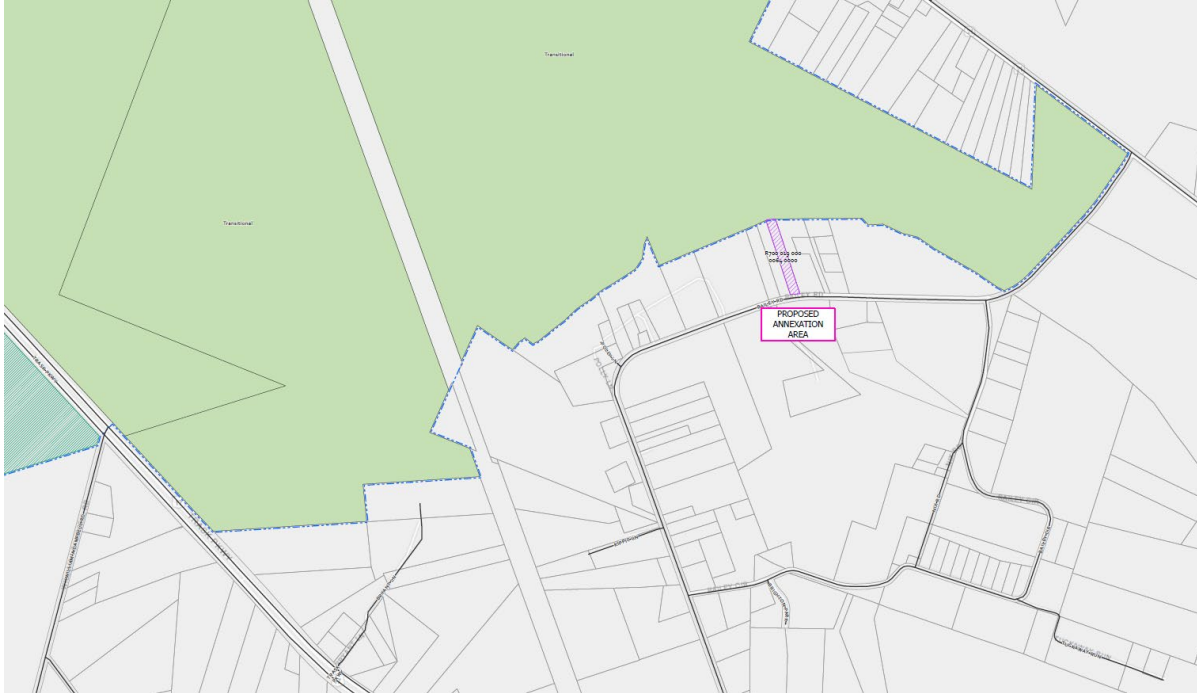


# Staff Report to Town Council Administration



## 3. Maps

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\*Parcel proposed for annexation shaded in purple.

## 4. Analysis

---

The following analysis has been conducted on the parcel petitioning for Annexation.

- 1.) **The application is in the best interests of the Town of Yemassee and its residents.**
  - a. **Finding:** Any vehicles or personal/business property taxed by Beaufort County will be subject to the city tax rate imposed for FY2020 which is 66.60mils. Additionally, the property will close a donut hole which will allow for the more efficient delivery of services in the Sheldon area of Yemassee while giving residents access to municipal services.
- 2.) **The property has contiguity to the Town of Yemassee corporate limits**
  - a. **Finding:** The property is contiguous to the Town of Yemassee corporate limits on one side of the property and is established by one connecting parcel. The adjacent parcel was annexed into the Town in 2021 with the Cotton Hall / Tomotley Annexation via the 100% Petition & Ordinance method.
- 3.) **Does the Annexation avoid creating new doughnut holes or enclaves in the Town Limits?**



# Staff Report to Town Council



## Administration

- a. **Finding:** The proposed Annexation will not create any new doughnut holes or enclaves in the Town of Yemassee corporate limits.
- 4.) The Annexation will not create a tax burden or measurably reduce the level of service(s) provided to existing citizens and property owners.**
  - a. **Finding:** Based on the current use of the property along, a tax burden is not created and a reduction in the level of service is not anticipated.
- 5.) Consideration of the Annexation areas existing utilities, transportation, and infrastructure.**
  - a. **Finding:** With no change of use permitted and the properties being protected under conservation easement, there will be no impact on the existing infrastructure. The current franchised electric provider is Dominion Energy. Both plantations are outside the service area of the franchised water and wastewater provider for the Town of Yemassee, Lowcountry Regional Water System as well as outside the service area of Beaufort-Jasper Water & Sewer Authority. Due to its remote location, it is highly improbable that there would ever be water and wastewater services in that area.
- 6.) The full impact the Annexation will have on Law Enforcement has been considered.**
  - a. **Finding:** Chief Alexander has advised this parcel will not have a negative impact on the services provided by the Yemassee Police Department. Upon annexation, the primary response agency will be the Yemassee Police Department, with backup provided via a Mutual-Aid agreement with the Beaufort County Sheriff's Office. The Yemassee Police Department would have jurisdiction on all public rights-of-way surrounding the property including the area in front of this parcel on Bailey Road.
- 7.) Does the petitioner understand all potential/costs & benefits associated with Annexation?**
  - a. **Finding:** The applicant has been provided with an estimated tax bill upon Annexation. As of this report, there have been no additional questions from the petitioner regarding the estimated tax bill.
- 8.) Staff Recommendation**
  - a. **Recommendation** – Staff believe this Annexation would benefit the Town and enrich the community by adding two historical plantations into the Town limits.
- 9.) Attachments**
  - a. Annexation Ordinance
    - i. Annexation Petition
    - ii. Map of area proposed to be annexed.
  - b. Annexation Petition
  - c. Flood Zone Map

STATE OF SOUTH CAROLINA )  
COUNTY OF BEAUFORT )  
TOWN OF YEMASSEE )  
ORDINANCE NUMBER: )  
(21-07)

An Ordinance Annexing One Parcel of Land owned by Darrell & Wanda Johnson, into the Town of Yemassee, South Carolina.
---

**AN ORDINANCE ANNEXING INTO THE TOWN OF YEMASSEE, ONE PARCEL OF LAND TOTTALLING 4.50 ACRES, LOCATED AT 225 BAILEY ROAD, OWNED BY DARRELL & WANDA JOHNSON, IN BEAUFORT COUNTY, NOT ALREADY WITHIN THE YEMASSEE TOWN LIMITS AND INCLUDING ALL ADJACENT PUBLIC RIGHTS OF WAY, RAILROAD RIGHTS OF WAY, WATERS, LOWLANDS AND WETLANDS.**

**Section 1. Findings of Facts**

As an incident to the adoption of this ordinance, Town Council of Yemassee finds the following facts to exist:

- a) Section 5-3-150, Code of Laws of South Carolina (1976) as amended, provides a method of annexing property to a city or town by a Petition signed by all persons owning real estate in the area requesting annexation.
- b) A proper Petition has been filed with Town of Yemassee by one hundred percent (100%) of the freeholders owning one hundred percent (100%) of the assessed value of the contiguous property herein described, petitioning for annexation of the property to the Town of Yemassee under the provisions of South Carolina Section 5-3-150(3) and is requesting the Town's zoning of General Residential and have submitted proper submission materials supporting each application in accordance with Town requirements.
- c) It appears to Town Council that the annexation would be in the best interest of the property owners and the town.
- d) The Town Council is zoning the parcel General Residential.
- e) The Yemassee Town Council finds the proposed annexation and rezoning is consistent with the Yemassee Comprehensive Plan (as amended and revised);

**Section 2.**

**NOW, THEREFOR IT BE ORDAINED** by the Mayor and Council of the Town of Yemassee, South Carolina, duly assembled and with authority of the same, pursuant to Section 5-3-150, Code of Laws of South Carolina (1976), as amended, the following described property is hereby annexed to and made part of the Town of Yemassee, to wit:

ALL THOSE CERTAIN PIECES, PARCELS OR TRACTS OF LAND being known as R700 019 000 0064 and 4.50 acres, respectively, and all adjacent public rights of ways and wetlands as shown on the attached map.

This Ordinance shall become effective upon ratification.

**SO ORDERED AND ORDAINED THIS** \_\_\_ Day of \_\_\_\_\_ 2021

**By the Yemassee Town Council being duly and lawfully assembled.**

\_\_\_\_\_  
**Colin Moore, Mayor**

\_\_\_\_\_  
**Matthew Garnes, Town Clerk**

\_\_\_\_\_  
**Peggy Bing-O'Banner, Councilmember**

\_\_\_\_\_  
**Michelle Hagan, Councilmember**

\_\_\_\_\_  
**Chuck Simmons, Councilmember**

\_\_\_\_\_  
**Alfred Washington, Councilmember**

(Seal)

First Reading: \_\_\_\_\_  
Second Reading: \_\_\_\_\_



**TOWN OF YEMASSEE  
ANNEXATION APPLICATION**

Yemassee Municipal Complex  
P.O. BOX 577  
Yemassee, SC 29945-0577  
(843) 589-2565

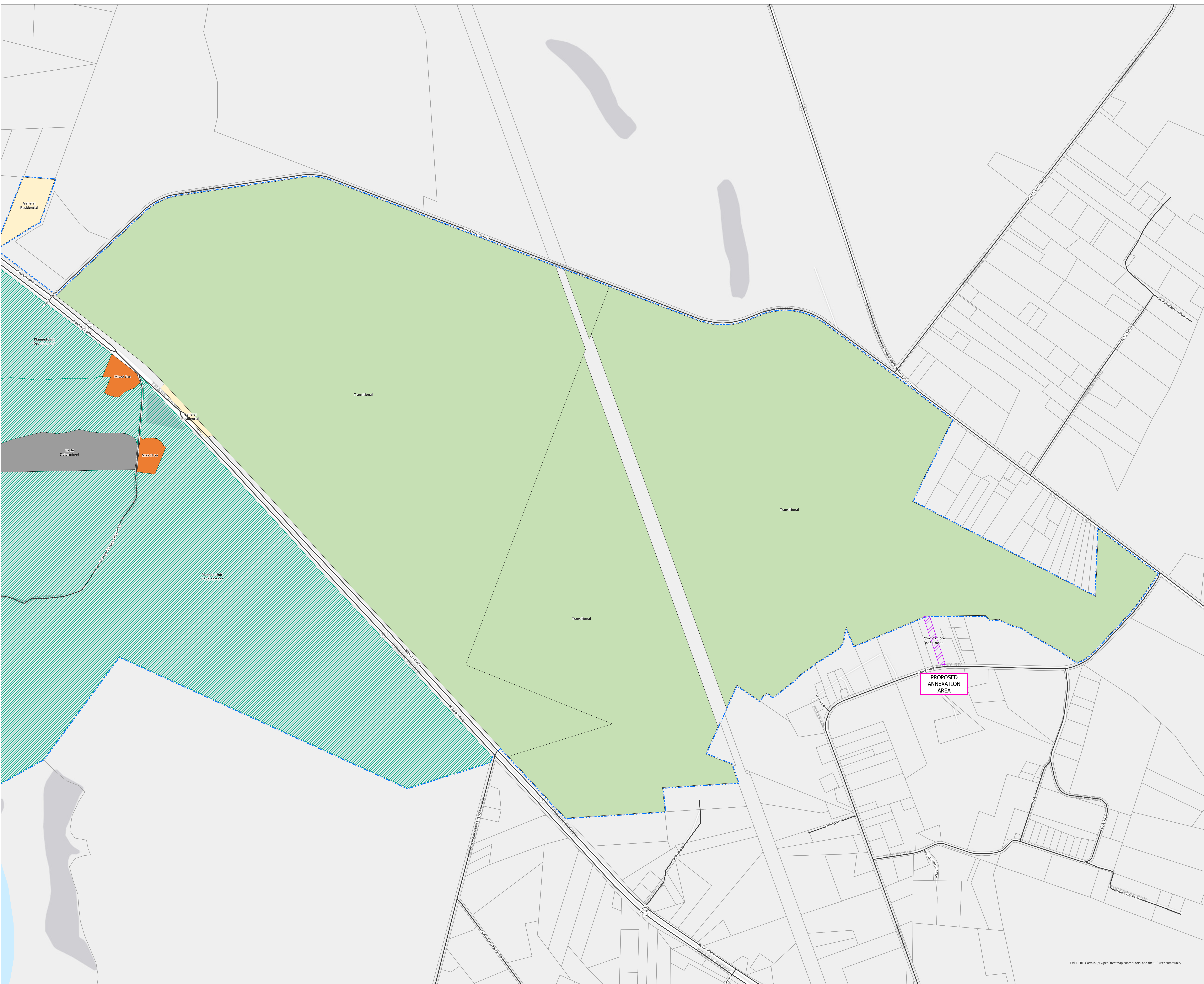
Applicant		Property Owner	
Name: Darrell & Wanda Johnson		Name: Darrell & Wanda Johnson	
Phone: (843) 726-1055		Phone: (843) 726-1055	
Mailing Address: P.O. Box 1125 Hardeeville, SC 29927		Mailing Address: P.O. Box 1125 Hardeeville, SC 29927	
E-mail: tdjohnson1@hargray.com		E-mail: tdjohnson1@hargray.com	
Town Business License # (if applicable): N/A			
Project Information			
Project Name: 225 Bailey Rd		Acreage: 4.50	
Project Location: 225 Bailey Rd			
Existing Zoning: Rural T2R Sheldon		Proposed Zoning: General Residential (GR)	
Tax Map Number(s): R700 019 000 0064 0000			
Project Description: Annexation of one parcel of vacant land on Bailey Road, totaling 4.50 acres into town			
Select Annexation Method			
<input checked="" type="checkbox"/> 100 Percent Petition and Ordinance Method		<input type="checkbox"/> 75 Percent Petition and Ordinance Method	<input type="checkbox"/> 25 Percent Elector Petition and Election Method
Minimum Requirements for Submittal			
<input checked="" type="checkbox"/> 1. Completed Annexation Petition(s)			
<input checked="" type="checkbox"/> 2. Copy of plat and/or survey of area requesting annexation			
<b>Note: Application is not valid unless signed and dated by property owner.</b>			
<b>Disclaimer: The Town of Yemassee assumes no legal or financial liability to the applicant or any third party whatsoever by approving the plans associated with this permit.</b>			
I hereby acknowledge by my signature below that the foregoing application is complete and accurate and that I am the owner of the subject property.			
Property Owner Signature: <i>Wanda Johnson</i>		Date: 2-15-21	
Applicant Signature: <i>Wanda Johnson</i>		Date: 2-15-21	
For Office Use			
Application Number: ANNEX-02-21-1010		Date Received: 2/22/21	
Received By: M. Gurnes		Date Approved:	



**ZONING  
DEPARTMENT**

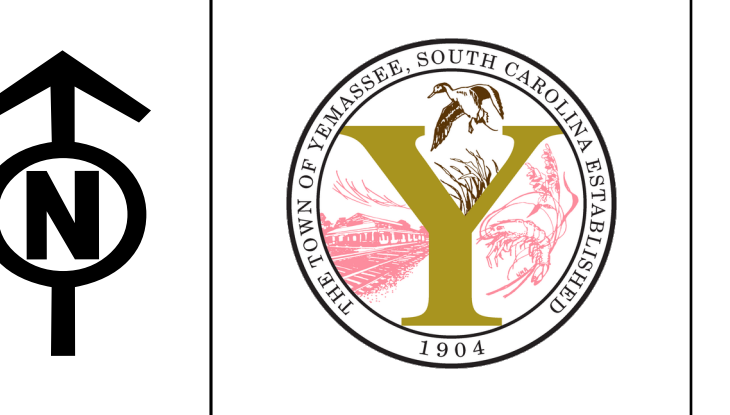
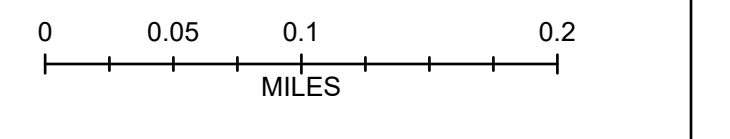
**PROPOSED  
ANNEXATION  
AREA**

- LEGEND**
- ROADS
  - PROPOSED ANNEXATION AREA
  - TOWN BOUNDARY
  - YEMASSEE ZONING**
  - ZONING DESCRIPTION**
  - General Residential
  - Mixed Use
  - Planned Unit Development
  - Transitional
  - To Be Determined
  - PARCELS
  - HYDROLOGY**
  - STREAM/RIVER



**DATE CREATED:** 2/8/2021  
**DATE UPDATED:** 2/23/2021

**PREPARED BY:** SPATIAL ENGINEERING, INC.  
**CARTOGRAPHY BY:** GOVI HINES, GISP



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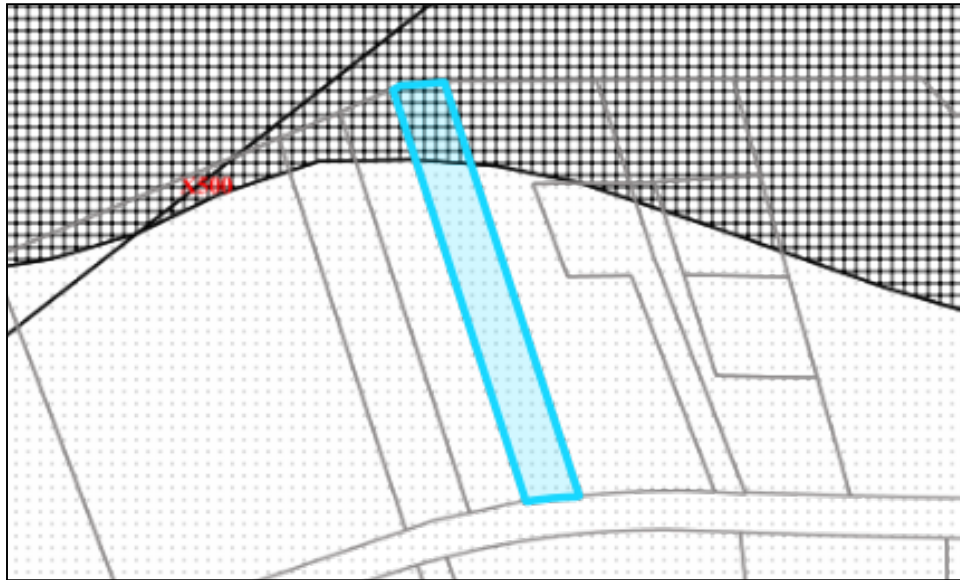
Esri, HERE, Garmin, © OpenStreetMap contributors, and the GIS user community



# Town of Yemassee

## Flood Zone Report - Beaufort

8 Apr 2021



### Parcels - Beaufort

**PIN:** R700 019 000 0064 0000  
**Owner City State ZIP:** HARDEEVILLE SC 29927  
**Owner:** JOHNSON DARRELL THOMAS JR WANDA J JTROS  
  
**Owner Street Address:** PO BOX 1125  
**Parcel Street Address:** 225 BAILEY RD

### Flood Zones Beaufort

Count	Classification	Overlapping Quantities
1	Area of Moderate Flood Hazard	11,570.86sf (0.27acres)
1	Area of Minimal Flood Hazard	49,966.36sf (1.15acres)





## Beaufort County, South Carolina

generated on 4/8/2021 1:54:19 PM EDT

Property ID (PIN)	Alternate ID (AIN)	Parcel Address	Data refreshed as of	Assess Year	Pay Year
R700 019 000 0064 0000	00527237	225 BAILEY RD,	4/2/2021	2020	2020

### Current Parcel Information

Owner	JOHNSON DARRELL THOMAS JR WANDA J JTROS	Property Class Code	ResVac Platted&Unplatted
Owner Address	PO BOX 1125 HARDEEVILLE SC 29927	Acreage	4.5000
Legal Description	*SPLIT 4/00 4.50 AC 19/228		

### Historic Information

Tax Year	Land	Building	Market	Taxes	Payment
2020	\$56,300		\$56,300	\$450.48	\$450.58
2019	\$56,300		\$56,300	\$444.90	\$444.90
2018	\$56,300		\$56,300	\$414.74	\$414.74
2017	\$35,800		\$35,800	\$379.69	\$511.64
2016	\$35,800		\$35,800	\$370.28	\$370.28
2015	\$35,800		\$35,800	\$355.05	\$355.05
2014	\$35,800		\$35,800	\$425.54	\$564.37
2013	\$35,800		\$35,800	\$414.24	\$414.24
2012	\$51,075		\$51,075	\$348.30	\$348.30

2011

\$51,075

\$51,075

\$344.73

\$344.73

Sales Disclosure

Grantor	Book & Page	Date	Deed	Vacant	Sale Price
JOHNSON DARRELL THOMAS III	2591 1805	6/28/2007	Fu		\$5
SEGALL GRANT	2326 1127	2/14/2006	Fu		\$10,800
WILSON MOLSEY % ELIZA W BARNES	1873 288	11/17/2003	Ta		\$3,900
UNKNOWN OWNER 00527237		12/31/1776	Or		\$0
		12/31/1776	Or		\$0

Improvements

Building	Type	Use Code Description	Constructed Year	Stories	Rooms	Square Footage	Improvement Size
----------	------	----------------------	------------------	---------	-------	----------------	------------------

Colin J Moore  
Mayor  
Peggy Bing-O'Banner  
Mayor Pro Tempore  
Matthew Garnes  
Town Clerk



Council Members  
Michelle Hagan  
Charlie Simmons  
Alfred Washington

## Town Council Agenda Item

**Subject:** Annexation Ordinance 21-11, Consideration of a Request for an Ordinance Approving Annexation of Approximately 0.88 acres of Land, located at Thomas Street, Yemassee, Hampton County, into the Town of Yemassee.

**Department:** Administration

Attachments:

Ordinance  Resolution  Motion

Support Documents  Other

---

**Summary:** The Town has received a 100% Annexation Petition from the property owner, seeking annexation of 0.88 ac into the Town of Yemassee corporate limits. The parcel is contiguous to the current Town Limits via Riley Street and adjoining parcels on Thomas Street. The property is undeveloped and seeking Zoning of General Residential.

---

**Recommended Action:** Town Council approve 1<sup>st</sup> reading of Annexation Ordinance 21-11.

---

Council Action:

- Approved as Recommended
- Approved with Modifications
- Disapproved
- Tabled to Time Certain
- Other



# Staff Report to Town Council Administration



March 31, 2021

Project: Williams Tract, Thomas St, Yemassee, Hampton County

Case Number: ANNX-03-21-1012

## 1. Subject

---

**Annexation:** The applicant, Willie Williams, has petitioned to the Town of Yemassee to annex one parcel of real property, located in Hampton County on Thomas Street into the Town Limits of Yemassee.

**Tax Map Number:** 198-00-00-068

**Acreage:** 0.88

**Current Zoning:** General Development (Hampton County Zoning)

**Current Use:** Undeveloped property

**Proposed Zoning:** General Residential (Town of Yemassee)

**Contiguity:** The parcel petitioning for annexation is contiguous to the primary service area via Riley Street, which was annexed in the summer of 2018. The parcel proposing to be annexed is one of the last remaining donut holes on this side of town.

**Adjacent Land Use/Zoning:** The parcel is adjacent to the following properties and jurisdictions,

Direction	Parcel	Owner	Jurisdiction
North	198-00-00-067 461 Riley St	Amos & Mary Jo Riley	Hampton County
South	198-00-00-069 71 Thomas St	Virgina Kilgore	Hampton County
East	198-00-00-066 107 Rowell St	Timothy M. Primus	Town of Yemassee
West	198-00-00-075 509 Riley St	Dennis Jerome Jackson	Town of Yemassee



# Staff Report to Town Council Administration



## 1. Staff Comments

---

The applicant proposes to annex the single parcel into the Town limits. The property is undeveloped with no immediate plans for placement of a mobile home or new home construction. The parcel is served by Dominion Energy for electric and Natural gas. Telecommunications is provided by Century Link and Xfinity/Comcast. Lowcountry Regional Water System does not have water or wastewater on Thomas Street, however water does exist on Riley Street and Rowell Street to the East.

### Special Notes

The Town of Yemassee will be able to furnish all town services upon annexation.

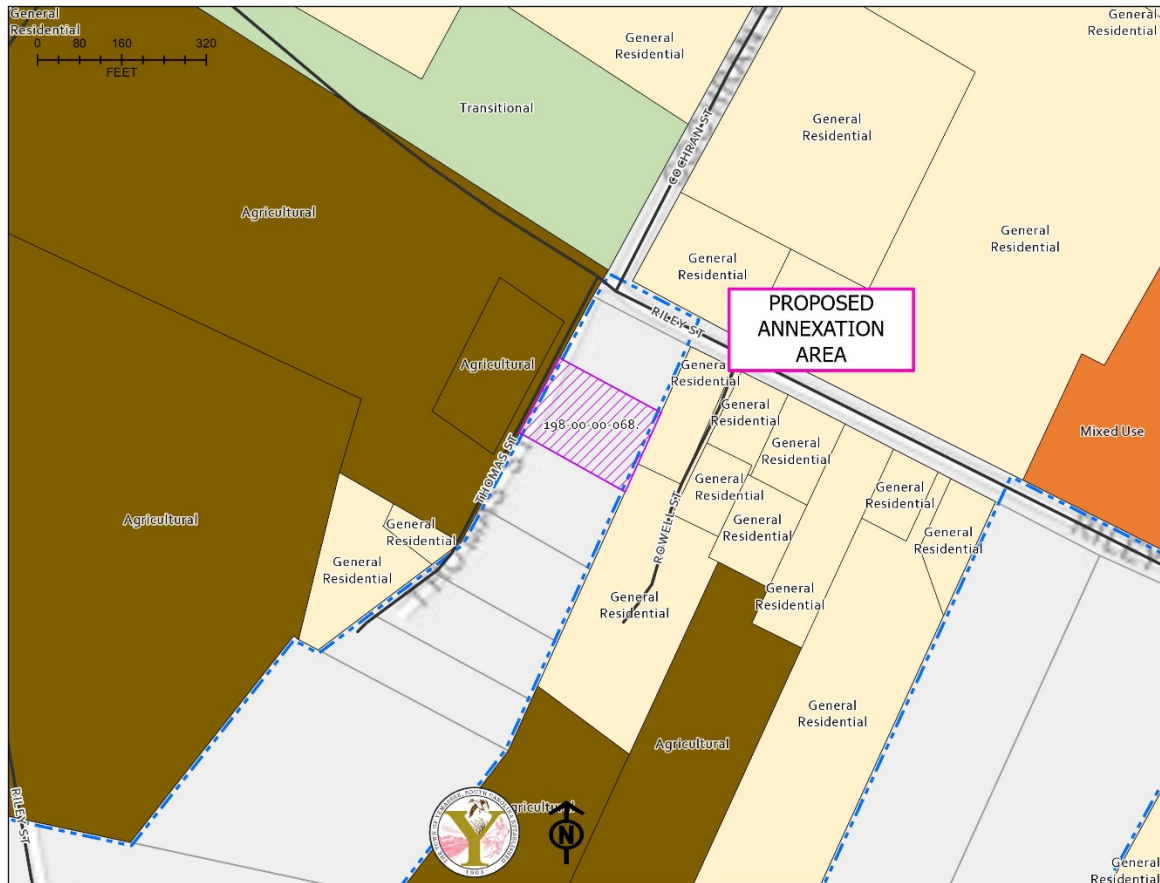
The parcel would be subject to the adopted millage rate at the time of annexation, the adopted millage rate within the Hampton County portion of the Town of Yemassee, is 71.00 mills. The property owner has been provided with an estimate of their tax liability assuming the placement of one single family residence.



# Staff Report to Town Council Administration



## 3. Maps



\*Parcel proposed for annexation shaded in purple.

## 4. Analysis

The following analysis has been conducted on the parcel petitioning for Annexation.

- 1.) **The application is in the best interests of the Town of Yemassee and its residents.**
  - a. **Finding:** Any vehicles or personal/business property taxed by Hampton County will be subject to the city tax rate imposed for FY2021 which is 71.00 mills. Additionally, the property will close a donut hole which will allow for the more efficient delivery of services in the Riley Street neighborhood of Yemassee while giving residents access to municipal services.



# Staff Report to Town Council



## Administration

- 2.) **The property has contiguity to the Town of Yemassee corporate limits**
  - a. **Finding:** The property is contiguous to the Town of Yemassee corporate limits on two sides of the property and is established by both connecting parcels. The adjacent properties were annexed in during the 2018 Summer Annexation of Riley/Cochran/Bing Annexations.
- 3.) **Does the Annexation avoid creating new doughnut holes or enclaves in the Town Limits?**
  - a. **Finding:** The proposed Annexation will not create any new doughnut holes or enclaves in the Town of Yemassee corporate limits.
- 4.) **The Annexation will not create a tax burden or measurably reduce the level of service(s) provided to existing citizens and property owners.**
  - a. **Finding:** Based on the current use of the property along, a tax burden is not created and a reduction in the level of service is not anticipated.
- 5.) **The full impact the Annexation will have on Law Enforcement has been considered.**
  - a. **Finding:** Chief Alexander has advised this parcel will not have a negative impact on the services provided by the Yemassee Police Department. Upon annexation, the primary response agency will be the Yemassee Police Department, with backup provided via a Mutual-Aid agreement with the Hampton County Sheriff's Office. The Yemassee Police Department would have jurisdiction on all public rights-of-way surrounding the property including the area in front of this parcel on Thomas Street.
- 6.) **Does the petitioner understand all potential/costs & benefits associated with Annexation?**
  - a. **Finding:** The applicant has been provided with an estimated tax bill upon Annexation. As of this report, there have been no additional questions from the petitioner regarding the estimated tax bill.
- 7.) **Staff Recommendation**
  - a. **Recommendation** – Staff believe this Annexation would benefit the Town by providing municipal services and permitting locally.
- 8.) **Attachments**
  - a. Annexation Ordinance
    - i. Annexation Petition
    - ii. Map of area proposed to be annexed.
  - b. Annexation Petition
  - c. Flood Zone Map

STATE OF SOUTH CAROLINA )  
COUNTY OF HAMPTON )  
TOWN OF YEMASSEE )  
ORDINANCE NUMBER: )  
(21-11)

An Ordinance Annexing One Parcel  
of Land owned by Willie Williams,  
into the Town of Yemassee, South  
Carolina.

**AN ORDINANCE ANNEXING INTO THE TOWN OF YEMASSEE, ONE PARCEL OF LAND TALLING 0.88 ACRES, LOCATED ON THOMAS STREET, OWNED BY WILLIE WILLIAMS, IN HAMPTON COUNTY, NOT ALREADY WITHIN THE YEMASSEE TOWN LIMITS AND INCLUDING ALL ADJACENT PUBLIC RIGHTS OF WAY, RAILROAD RIGHTS OF WAY, WATERS, LOWLANDS AND WETLANDS.**

**Section 1. Findings of Facts**

As an incident to the adoption of this ordinance, Town Council of Yemassee finds the following facts to exist:

- a) Section 5-3-150, Code of Laws of South Carolina (1976) as amended, provides a method of annexing property to a city or town by a Petition signed by all persons owning real estate in the area requesting annexation.
- b) A proper Petition has been filed with Town of Yemassee by one hundred percent (100%) of the freeholders owning one hundred percent (100%) of the assessed value of the contiguous property herein described, petitioning for annexation of the property to the Town of Yemassee under the provisions of South Carolina Section 5-3-150(3) and is requesting the Town's zoning of General Residential and have submitted proper submission materials supporting each application in accordance with Town requirements.
- c) It appears to Town Council that the annexation would be in the best interest of the property owners and the town.
- d) The Town Council is zoning the parcel General Residential.
- e) The Yemassee Town Council finds the proposed annexation and rezoning is consistent with the Yemassee Comprehensive Plan (as amended and revised);

**Section 2.**

**NOW, THEREFOR IT BE ORDAINED** by the Mayor and Council of the Town of Yemassee, South Carolina, duly assembled and with authority of the same, pursuant to Section 5-3-150, Code of Laws of South Carolina (1976), as amended, the following described property is hereby annexed to and made part of the Town of Yemassee, to wit:

ALL THOSE CERTAIN PIECES, PARCELS OR TRACTS OF LAND being known as 198-00-00-068 and 0.88 acres, respectively, and all adjacent public rights of ways and wetlands as shown on the attached map.



This Ordinance shall become effective upon ratification.

**SO ORDERED AND ORDAINED THIS** \_\_\_ Day of \_\_\_\_\_ 2021

**By the Yemassee Town Council being duly and lawfully assembled.**

\_\_\_\_\_  
**Colin Moore, Mayor**

\_\_\_\_\_  
**Matthew Garnes, Town Clerk**

\_\_\_\_\_  
**Peggy Bing-O'Banner, Councilmember**

\_\_\_\_\_  
**Michelle Hagan, Councilmember**

\_\_\_\_\_  
**Chuck Simmons, Councilmember**

\_\_\_\_\_  
**Alfred Washington, Councilmember**

(Seal)

First Reading: \_\_\_\_\_  
Second Reading: \_\_\_\_\_

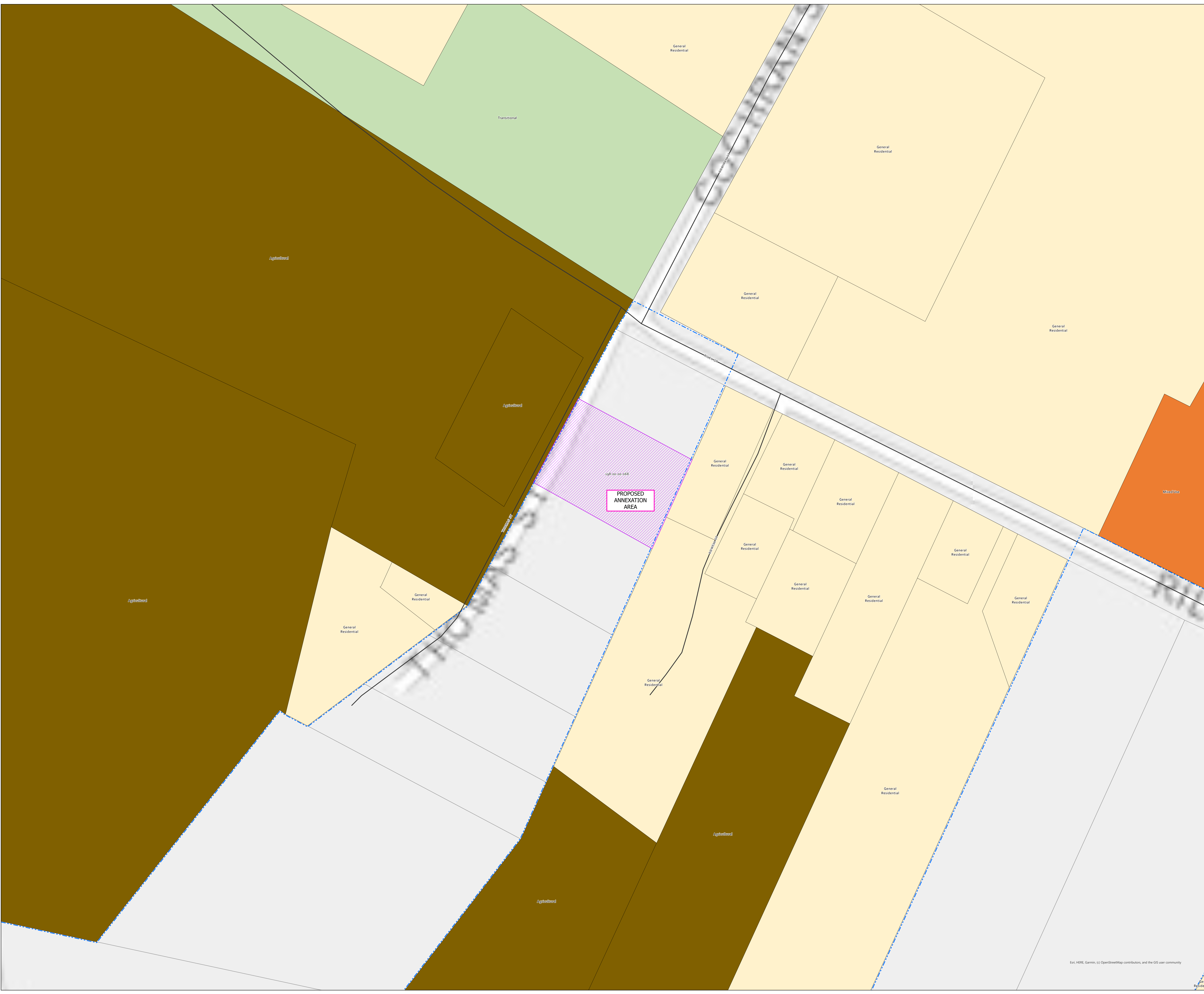


**ZONING  
DEPARTMENT**

**PROPOSED  
ANNEXATION  
AREA**

**LEGEND**

- ROADS
- - - TOWN BOUNDARY
- YEMASSEE ZONING
- Agricultural
- General Residential
- Mixed Use
- Transitional
- ▭ PARCELS
- ▨ PROPOSED ANNEXATION HAMPTON

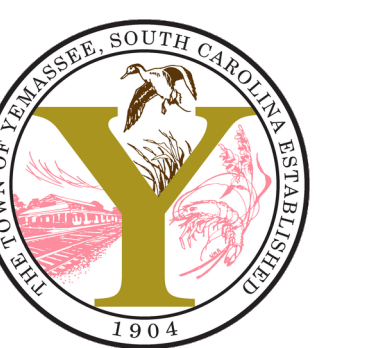
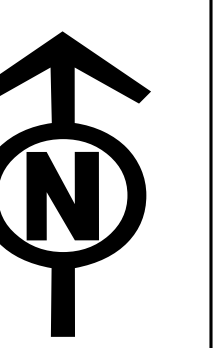
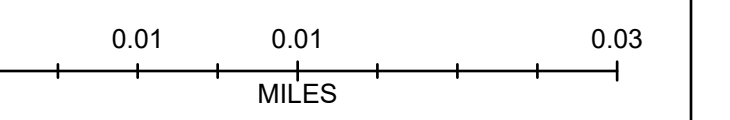


**DATE CREATED:** 2/8/2021

**DATE UPDATED:** 3/23/2021

**PREPARED BY:** SPATIAL ENGINEERING, INC.

**CARTOGRAPHY BY:** GOVI HINES, GISP



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**TOWN OF YEMASSEE  
ANNEXATION APPLICATION**

Yemassee Municipal Complex  
101 Town Cir  
Yemassee, SC 29945-0577  
(843) 589-2565

<b>Applicant</b>		<b>Property Owner</b>	
Name: Willie Williams		Name: Willie Williams	
Phone: (843) 589-4855		Phone: (843) 589-4855	
Mailing Address: 160 Public Landing Rd Yemassee, SC 29945		Mailing Address: 160 Public Landing Rd Yemassee, SC 29945	
E-mail:		E-mail:	
Town Business License # (if applicable):			
<b>Property Information</b>			
Project Name: Williams Tract		Acreage: 0.88	
Property Location: Thomas Street			
Existing Zoning: General Development (Hampton Co)		Proposed Zoning: General Residential (GR)	
Tax Map Number(s): 198-00-00-068			
Project Description: Annexation of undeveloped 0.88 acre parcel			
<b>Select Annexation Method</b>			
<input checked="" type="checkbox"/> 100 Percent Petition and Ordinance Method		<input type="checkbox"/> 75 Percent Petition and Ordinance Method	<input type="checkbox"/> 25 Percent Elector Petition and Election Method
<b>Minimum Requirements for Submittal</b>			
<input checked="" type="checkbox"/> 1. Completed Annexation Petition(s) <input checked="" type="checkbox"/> 2. Copy of plat and/or survey of area requesting annexation <input checked="" type="checkbox"/> 3. Parcel Information from the appropriate County Assessor's Office			
<b>Note: Application is not valid unless signed and dated by property owner.</b>			
<b>Disclaimer: The Town of Yemassee assumes no legal or financial liability to the applicant or any third party whatsoever by approving the plans associated with this permit.</b>			
I hereby acknowledge by my signature below that the foregoing application is complete and accurate and that I am the owner of the subject property.			
Property Owner Signature: <i>Willie Williams</i>		Date: <i>3-22-21</i>	
Applicant Signature: <i>Willie Williams</i>		Date: <i>3-22-21</i>	
<b>For Office Use</b>			
Application Number: <i>ANNX-03-21-1012</i>		Date Received: <i>3/23/21</i>	
Received By: <i>M. Garnes</i>		Date Approved:	

Colin J Moore  
Mayor  
Peggy Bing-O'Banner  
Mayor Pro Tempore  
Matthew Garnes  
Town Clerk



Council Members  
Michelle Hagan  
Charlie Simmons  
Alfred Washington

## Town Council Agenda Item

**Subject:** Ordinance 21-13, Consideration of an Ordinance Amending Portions of the Town of Yemassee Code, within Chapter 5 (Buildings, Flood Control & Planning) specifically, Articles I, II, III, IV and V, titled respectively Article I. Administration, Article II. Codes, Article III. Building and Property Numbers, Article IV. Mobile Homes, Article V. Fair Housing and Article VII. Planning, Land Use & Zoning

**Department:** Administration

Attachments:

Ordinance     Resolution     Motion  
 Support Documents     Other

---

**Summary:** Staff has completed a review of Chapter 5 and found several items that need to be addressed with respect to Chapter 5. This update is the first since the original Code was adopted and updates terminology referenced in the Code.

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**Recommended Action:** Town Council approve first reading of Ordinance 21-13, Amending Portions of the Town of Yemassee Code, within Chapter 5 (Buildings, Flood Control & Planning) specifically, Articles I, II, III, IV and V, titled respectively Article I. Administration, Article II. Codes, Article III. Building and Property Numbers, Article IV. Mobile Homes Article V. Fair Housing and Article VII. Planning, Land Use & Zoning

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Council Action:

Approved as Recommended  
 Approved with Modifications  
 Disapproved  
 Tabled to Time Certain  
 Other

## **ATTACHMENTS**

- **ATTACHMENT A** – Existing Chapter 5 in force currently
- **ATTACHMENT B** – Proposed updates to Chapter 5

CHAPTER 5. BUILDINGS, FLOOD CONTROL AND PLANNING

ARTICLE I. ADMINISTRATION

- 5.101. Authority of Inspectors.
- 5.102. Ordinary Repairs, Maintenance Authorized.
- 5.103. Homeowner's Provisions.
- 5.104. Liability Not Assumed by Town.
- 5.105. Unsafe Buildings. Repairs. Failure to Repair.
- 5.106. Same. Notice to Remove/Correct. Summons Ordinance.
- 5.107. Unfit Dwellings.
- 5.108. Utility Connections.
- 5.109. Smoke-Free Municipal Building.
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ARTICLE II. CODES

- 5.201. Authority. Enforcement.

ARTICLE III. BUILDING AND PROPERTY NUMBERS

- 5.301. Numbers Required for Buildings and Property.
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ARTICLE IV. MOBILE HOMES

- 5.401. Purpose and Intent of This Article.
- 5.402. Definition.
- 5.403. Requests.
- 5.404. Mobile Home Courts Prohibited. Exception.
- 5.405. General Provisions.
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- 5.501. Month Designated.
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ARTICLE VI. FLOOD DAMAGE CONTROL

- 5.601. Statutory Authorization.
- 5.602. Findings of Fact.
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- 5.608. Same. Development Permit Required.
- 5.609. Same. Compliance.
- 5.610. Same. Abrogation and Greater Restrictions.
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- 5.612. Same. Warning and Disclaimer of Liability.
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- 5.701. Commission Established.
- 5.702. Same. Authority.
- 5.703. Same. Similar Ordinances.

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- 5.801. Penalty.



## CHAPTER 5. BUILDINGS, FLOOD CONTROL AND PLANNING

Editor's Note. The Town of Yemassee has heretofore entered into an agreement with Hampton County for the county to provide functions applicable to buildings, electrical, plumbing, etc.

This chapter derives from the 1976 South Carolina Code of Laws, Questions 22 through 25 of the Yemassee Questionnaire and generally accepted municipal practices. This article has been included for local guidance.

## ARTICLE I. ADMINISTRATION

5.101. AUTHORITY OF INSPECTORS.

The necessary authority for the enforcement of building and related provisions is hereby vested in Hampton County, including the assignment of inspectors.

(YQ 22)

5.102. ORDINARY REPAIRS, MAINTENANCE AUTHORIZED.

Ordinary minor repairs and general maintenance may be made, provided such repairs do not violate any of the provisions of this code, county ordinances or state statutes. Examples of minor repairs and general maintenance shall include, but not be limited to, painting, minor carpentry, etc.

5.103. HOMEOWNER'S PROVISIONS.

a. Nothing in this chapter shall prevent any homeowner from constructing or maintaining buildings, or installing electrical wiring, gas piping or appliances or plumbing within his own property boundaries, provided such work is done by himself and is used exclusively by him or his family.

b. Such privilege does not convey the right to violate any of the provisions of this chapter, neither is it to be construed as exempting any such property owner from having work inspected, if required.

(Editor's Note: Section 40-59-160 of the 1976 South Carolina Code of Laws, as amended, provides that: *It is the duty of the building official, or other authority charged with the duty of issuing building or similar permits, of any incorporated municipality or subdivision of the municipality or county to refuse to issue a permit for any undertaking which would classify the applicant as a residential builder or residential specialty contractor under the provisions of this chapter unless the applicant has furnished evidence that he is either licensed or registered as required by this chapter or exempt from the requirements of this chapter. It is also the duty of the building official, or other authority charged with the duty of issuing building or similar permits, to report to the state licensing board the name and address of any person who, in his opinion, has violated this chapter by accepting or contracting to accomplish work which would classify the person as a residential builder or residential specialty contractor under the provisions of this chapter.*)

#### 5.104. LIABILITY NOT ASSUMED BY TOWN.

This chapter shall not be construed to relieve from or lessen the responsibility of any party owning, operating, controlling or installing any building, electrical, gas or plumbing equipment from damages to anyone injured thereby, nor shall the town be held as assuming any such liability by reason of inspection authorized herein, or certificate issued.

#### 5.105. UNSAFE BUILDINGS. REPAIRS. FAILURE TO REPAIR.

a. Every building which shall appear to the Inspector to be dangerous to life or limb or, because of its liability to fire, bad conditions of walls, overloaded construction, decay or other cause shall be held to be unsafe, the Building Inspector shall affix a notice of the dangerous character of the structure at a conspicuous place on the exterior wall of the building and shall give immediate notice to the owner or agent for the correction of such condition.

b. Failure to do so in sixty (60) days, unless extended by Town Council, shall constitute a misdemeanor.

#### 5.106. SAME. NOTICE TO REMOVE/CORRECT. SUMMONS ORDINANCE.

The Inspector shall report his findings to the Mayor and Council which, after consideration, may cause an Ordinance Summons to be issued as set forth in Chapter 14, Article 1, of this code for the immediate correction, removal or discontinuance of the hazard.

5.107. UNFIT DWELLINGS.

The Town Council may authorize the repairing, closing or demolition of unfit dwellings.

(1976 SC Code §31-15-20)

5.108. UTILITY CONNECTIONS.

No supplier of water, gas or electric service shall initiate or reinstate service to any building, unless the appropriate official of Hampton County thereof has authorized the owner.

5.109. SMOKE-FREE MUNICIPAL BUILDING.

a. The Town Hall of The Town of Yemassee is hereby declared to be a smoke-free environment.

b. Violation hereof shall constitute a misdemeanor.

5.110. APPEALS.

Appeals from decisions of authorized officials shall be to the Mayor and Council.

ARTICLE II. CODES

Editor's Note: Hampton County provides for code promulgation and enforcement.

5.201. AUTHORITY. ENFORCEMENT.

The authority to adopt codes and enforce provisions thereof for the town of Yemassee, including building and related provisions such as electrical, plumbing, etc., is hereby delegated to Hampton County.

(YQ 25)

## ARTICLE III. BUILDING AND PROPERTY NUMBERS

Editor's Note. In many other towns, the Clerk, the Post Office or the county's 911 emergency system assigns house numbers. This Article has been added to give guidance, since all buildings should be numbered and streets named for safety reasons in emergencies.

5.301. NUMBERS REQUIRED FOR BUILDINGS AND PROPERTY.

a. All buildings and properties located within the corporate limits shall display a number.

b. The owner, occupant or agent of each building and property shall place or cause to be placed upon each building and property owned or occupied by him the number assigned, as follows:

(1) Numbers shall be durable and clearly visible.

(2) Numbers shall be placed conspicuously immediately above or to the side of the door facing the street so that the number can be plainly seen from the street. If the building is more than fifty (50) feet from the street, the number shall be placed near the walk, post, tree or other appropriate place so that the number can be plainly seen from the street.

(3) If the building has a street-side mailbox, the number may be painted upon or affixed to the mailbox. It shall, as closely as possible, approximate the height of three (3) inches, as space permits, provided it can be plainly seen from the street.

(4) It shall be the responsibility of the owner, occupant or agent of each existing or newly acquired or constructed building and property who does not know the number assigned to his building or property to obtain the number.

5.302. SAME. ASSIGNED.

Numbers shall be obtained from the Fire Department and 911.

(YQ 75)

## ARTICLE IV. MOBILE HOMES

Editor's Note. This chapter derives from the Yemassee Questionnaire, number 28 and generally accepted municipal practices, to ensure such homes are classified for tax purposes. (See §8.301, this code.)

5.401. PURPOSE AND INTENT OF THIS ARTICLE.

The purpose and intent of this article shall be to:

1. Provide a sound and healthy residential environment to meet the unique needs of inhabitants living in mobile homes.
2. Provide certain standards, provisions and requirements for safe and sanitary needs and methods for present and future inhabitants of mobile homes within The Town of Yemassee.

5.402. DEFINITION.

Definitions as used in this article:

1. Mobile home shall mean any vehicle or similar portable structure having no foundation other than wheels, jacks or skirting, and so designed or constructed as to permit occupancy for dwelling or sleeping purposes.
2. Mobile home park shall mean any mobile home park where two (2) or more units are used for dwelling or sleeping purposes.
3. Mobile home unit shall mean any plot of ground within a mobile home park designed for the accommodation of a mobile home, camper, etc.

(YTC 5.1)

5.403. REQUESTS.

- a. A request shall be submitted to the Town Clerk, for tax purposes, before a mobile home can be moved into the town.
  - b. All such units shall be used as a permanent residence only.
  - c. The Mayor and Council therefor shall approve all applications.
-



d. Following approval said mobile home shall meet all specifications before water and sewer is connected.

e. The applicant shall submit a Bill of Sale and a Certificate of Title for the mobile home, thereby establishing ownership and registration, at the time of application.

f. The applicant shall inform the adjoining property owners of his intent to place a mobile home on his lot. He shall obtain therefrom a letter of approval, before submitting an application.

g. This section shall not apply to singlewide mobile homes located in the town on or before the effective date of this Code of Ordinances.

#### 5.404. MOBILE HOME COURTS PROHIBITED. EXCEPTION.

No mobile home court shall be authorized to operate in the town, except those in operation prior to the adoption of this article, unless approved by Council.

#### 5.405. GENERAL PROVISIONS.

a. Mobile homes located within the town shall be entitled to all police, fire, health and sanitation measures accorded other residences.

b. Mobile homes shall be subject to all tax ordinances applicable to any residence.

c. Any plumbing used in a mobile home shall hereby be subject to the provisions of Chapter 17 of this code.

d. To ensure that no provision of this article has been violated, officials of the town are hereby authorized to enter upon any mobile home lot at reasonable hours and for the purpose of inspecting same.

e. It shall be unlawful to park or store any mobile home on any tract of ground, street, alley, highway, sidewalk or other public place in the town, except as provided for in this article.

5.406. MOBILE HOME REQUIREMENTS.

a. Mobile homes shall be on a permanent brick, permanent block or other concrete reinforced foundation that extends the perimeter of the mobile home on a concrete footing.

b. Except for electrical and telephone connections, mobile homes shall have permanent utility hookups, water metered at the property line and water utility connections concealed from view.

c. Each mobile home shall have separate connections to the water and sewer mains of the town and shall be subject to all of the provisions relating to water and sewers as set forth in this code. (See Chapter 17, this code.)

(YTC Chapter 15)

## ARTICLE V. FAIR HOUSING

Editor's Note. The month of April has been set aside nationally and in many municipalities to declare that:

a. *Discrimination in the sale, rental, leasing, financing of housing or land to be used for construction of housing or in the provision or brokerage, services because of race, color, religion, sex or nation origin is prohibited by Title VIII of the 1968 Civil Rights Act (Federal Fair Housing Law), and that it is hereby declared that:*

b. *It is the policy of the Town of Yemassee to implement programs to ensure equal opportunity in housing for all persons regardless of race, color, religion, sex or nation origin. The Fair Housing Amendments Act of 1988 expands coverage to include disable persons and families with children.*

5.501. MONTH DESIGNATED.

a. The month of April is hereby designated as Fair Housing Month in The Town of Yemassee.

b. It is the intent of Town Council that all citizens of Yemassee be afforded the opportunity to obtain a decent, safe and sound living environment, regardless of race, religion, color, creed and/or national origin; that every citizen be afforded the opportunity to select a home of his choice.

(YQ 26)

5.502. PROGRAM. MINIMUM ELEMENTS.

a. The Town of Yemassee shall publicize this section to encourage owners of real estate, developers and builders to become aware of their respective responsibilities and rights under the Federal and State Fair Housing Law and amendments and any applicable state or local laws or ordinances.

b. Said program will at a minimum include a printing and publicizing of this policy and other applicable fair housing information through local media and community contracts; and distribution of posters, flyers and any other means that will bring to the attention of those affected the knowledge of their respective responsibilities and rights concerning equal opportunity in housing.

**Article VI**

**Flood Damage Control**

Town of Yemassee.

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## Article I. General Standards

### **5.601 Statutory Authorization**

**Municipality** - The Legislature of the State of South Carolina has in SC Code of Laws, Title 5 and Title 6, and amendments thereto, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Town Council of the Town of Yemassee, South Carolina does ordain as follows:

**5.602 Findings of Fact** The Special Flood Hazard Areas of the Town of Yemassee are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

Furthermore, these flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

**5.603 Statement of Purpose and Objectives** - It is the purpose of this ordinance to protect human life and health, minimize property damage, and encourage appropriate construction practices to minimize public and private losses due to flood conditions by requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction. Uses of the floodplain which are dangerous to health, safety, and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion are restricted or prohibited. These provisions attempt to control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters, and control filling, grading, dredging and other development which may increase flood damage or erosion. Additionally, the ordinance prevents or regulates the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

The objectives of this ordinance are to protect human life and health, to help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize flood blight areas, and to insure that potential home buyers are notified that property is in a flood area. The provisions of the ordinance are intended to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets and bridges located in the floodplain, and prolonged business interruptions. Also, an important floodplain management objective of this ordinance is to minimize expenditure of public money for costly flood control projects and rescue and relief efforts associated with flooding.



Floodplains are an important asset to the community. They perform vital natural functions such as temporary storage of floodwaters, moderation of peak flood flows, maintenance of water quality, groundwater recharge, prevention of erosion, habitat for diverse natural wildlife populations, recreational opportunities, and aesthetic quality. These functions are best served if floodplains are kept in their natural state. Wherever possible, the natural characteristics of floodplains and their associated wetlands and water bodies should be preserved and enhanced. Decisions to alter floodplains, especially floodways and stream channels, should be the result of careful planning processes that evaluate resource conditions and human needs.

**5.604 Lands to Which this Ordinance Applies** This ordinance shall apply to all areas of special flood hazard within the jurisdiction of the Town of Yemassee as identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Rate Map dated September 1, 1986, and its Flood Insurance Studies, dated March 23, 2021 (Beaufort County) and September 29, 2010 (Hampton County) with accompanying maps and other supporting data that are hereby adopted by reference and declared to be a part of this ordinance.

Upon annexation any special flood hazard areas identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study for the unincorporated areas of Beaufort or Hampton, with accompanying map and other data are adopted by reference and declared part of this ordinance.

**5.605 Establishment of Development Permit** A Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities.

**5.606 Compliance** No structure or land shall hereafter be located, extended, converted, or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

**5.607 Interpretation** In the interpretation and application of this ordinance all provisions shall be considered as minimum requirements, liberally construed in favor of the governing body, and deemed neither to limit nor repeal any other powers granted under State law. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions, shall prevail.

**5.608 Partial Invalidity and Severability** If any part of this Ordinance is declared invalid, the remainder of the Ordinance shall not be affected and shall remain in force.

**5.609 Warning and Disclaimer of Liability** The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the

Town of Yemassee or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

**5.610 Penalties for Violation** - Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500.00 or imprisoned for not more than 30 days, or both. Each day the violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Yemassee from taking such other lawful action as is necessary to prevent or remedy any violation.

## Article II. DEFINITIONS

**5.611 General** - Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

- a) Accessory Structure (Appurtenant Structure)** - structures that are located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory Structures should constitute a minimal investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.
- b) Addition (to an existing building)**- an extension or increase in the floor area or height of a building or structure. Additions to existing buildings shall comply with the requirements for new construction regardless as to whether the addition is a substantial improvement or not. Where a firewall or load-bearing wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and must comply with the standards for new construction.
- c) Agricultural structure** - a structure used solely for agricultural purposes in which the use is exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock. Agricultural structures are *not* exempt from the provisions of this ordinance.
- d) Appeal** - a request for a review of the local floodplain administrator's interpretation of any provision of this ordinance.
- e) Area of shallow flooding** - a designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

- f) Area of special flood hazard** - the land in the floodplain within a community subject to a one percent or greater chance of being equaled or exceeded in any given year.
- g) Base flood** - the flood having a one percent chance of being equaled or exceeded in any given year.
- h) Basement** - means any enclosed area of a building that is below grade on all sides.
- i) Building** - see structure
- j) Coastal High Hazard Area** - an area of special flood hazard extending from offshore to the inland limit of the primary frontal dune along an open coast and any other area subject to velocity wave action from storms or seismic sources.
- k) Critical Development** – development that is critical to the community’s public health and safety, is essential to the orderly functioning of a community, store or produce highly volatile, toxic or water-reactive materials, or house occupants that may be insufficiently mobile to avoid loss of life or injury. Examples of critical development include jails, hospitals, schools, fire stations, nursing homes, wastewater treatment facilities, water plants, and gas/oil/propane storage facilities.
- l) Development** - any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.
- m) Elevated building** - a non-basement building built to have the lowest floor elevated above the ground level by means of solid foundation perimeter walls, pilings, columns, piers, or shear walls parallel to the flow of water.
- n) Executive Order 11988 (Floodplain Management)** - Issued by President Carter in 1977, this order requires that no federally assisted activities be conducted in or have the potential to affect identified special flood hazard areas, unless there is no practicable alternative.
- o) Existing construction** - means, for the purposes of determining rates, structures for which the start of construction commenced before October 31, 1975.
- p) Existing manufactured home park or manufactured home subdivision** - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before September 1, 2001.

- q) Expansion to an existing manufactured home park or subdivision** - the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs).
- r) Flood** - a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, or the unusual and rapid accumulation of runoff of surface waters from any source.
- s) Flood Hazard Boundary Map (FHBM)** - an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.
- t) Flood Insurance Rate Map (FIRM)** - an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.
- u) Flood Insurance Study** - the official report provided by the Federal Emergency Management Agency which contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.
- v) Flood-resistant material** - any building material capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is water-soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumbers are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not flood-resistant. Please refer to Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements*, dated 8/08, and available from the Federal Emergency Management Agency. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.
- w) Floodway** - the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
- x) Freeboard** - a factor of safety usually expressed in feet above a flood level for purposes of flood plain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

- y) Functionally dependent use**- a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.
- z) Highest Adjacent Grade** - the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure.
- aa) Historic Structure** - any structure that is: (a) listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of the Interior (DOI)) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a State inventory of historic places; (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified (1) by an approved State program as determined by the Secretary of Interior, or (2) directly by the Secretary of Interior in states without approved programs. Some structures or districts listed on the State or local inventories **MAY NOT** be "Historic" as cited above, but have been included on the inventories because it was believed that the structures or districts have the **potential** for meeting the "Historic" structure criteria of the DOI. In order for these structures to meet NFIP historic structure criteria, it must be demonstrated and evidenced that the South Carolina Department of Archives and History has **individually determined** that the structure or district meets DOI historic structure criteria.
- bb) Increased Cost of Compliance (ICC)** – applies to all new and renewed flood insurance policies effective on and after June 1, 1997. The NFIP shall enable the purchase of insurance to cover the cost of compliance with land use and control measures established under Section 1361. It provides coverage for the payment of a claim to help pay for the cost to comply with State or community floodplain management laws or ordinances after a flood event in which a building has been declared substantially or repetitively damaged.
- cc) Limited storage** - an area used for storage and intended to be limited to incidental items that can withstand exposure to the elements and have low flood damage potential. Such an area must be of flood resistant or breakaway material, void of utilities except for essential lighting and cannot be temperature controlled. If the area is located below the base flood elevation in an A, AE and A1-A30 zone it must meet the requirements of Article IV.A.4 of this ordinance. If the area is located below the base flood elevation in a V, VE and V1-V30 zone it must meet the requirements of Article IV of this ordinance.

- dd) Lowest Adjacent Grade (LAG)** - is an elevation of the lowest ground surface that touches any deck support, exterior walls of a building or proposed building walls.
- ee) Lowest Floor** -the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.
- ff) Manufactured home** - a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".
- gg) Manufactured Home Park or subdivision** - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- hh) Mean Sea Level** – means, for the purpose of this ordinance, the Nations Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which the base flood elevations shown on a community's Flood Insurance Rate Maps (FIRM) are shown.
- ii) National Geodetic Vertical Datum (NGVD)of 1929** - as corrected in 1929, elevation reference points set by National Geodetic Survey based on mean sea level.
- ji) North American Vertical Datum (NAVD) of 1988** – vertical control, as corrected in 1988, used as the reference datum on Flood Insurance Rate Maps.
- kk) New construction** - structure for which the start of construction commenced on or after September 1, 2001. The term also includes any subsequent improvements to such structure.
- ll) New manufactured home park or subdivision** - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs) is completed on or after September 1, 2001.
- mm) Primary Frontal Dune** - a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and subject to erosion and overtopping from high tides and waves during coastal storms.

The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

**nn) Recreational vehicle** - a vehicle which is: (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and, (d) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

**oo) Repetitive Loss** – a building covered by a contract for flood insurance that has incurred flood-related damages on 2 occasions during a 10 year period ending on the date of the event for which a second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25% of the market value of the building at the time of each such flood event.

**pp) Section 1316 of the National Flood insurance Act of 1968** - The act provides that no new flood insurance shall be provided for any property found by the Federal Emergency Management Agency to have been declared by a state or local authority to be in violation of state or local ordinances.

**qq) Stable Natural Vegetation** - the first place on the oceanfront where plants such as sea oats hold sand in place.

**rr) Start of construction** - for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for footings, piers or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

**ss) Structure** - a walled and roofed building, a manufactured home, including a gas or liquid storage tank that is principally above ground.

**tt) Substantial damage** - damage of any origin sustained by a structure whereby the



cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Such repairs may be undertaken successively and their costs counted cumulatively. Please refer to the definition of "substantial improvement".

**uu) Substantial improvement** - any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures that have incurred repetitive loss or substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- a) any project of improvement to a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or,
- b) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Permits shall be cumulative for a period of five years. If the improvement project is conducted in phases, the total of all costs associated with each phase, beginning with the issuance of the first permit, shall be utilized to determine whether "substantial improvement" will occur.

**vv) Substantially improved existing manufactured home park or subdivision** - where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction, or improvement commenced.

**ww) Variance** - is a grant of relief from a term or terms of this ordinance.

**xx) Violation** – the failure of a structure or other development to be fully compliant with these regulations.

### Article III. ADMINISTRATION

**5.612 Designation of Local Floodplain Administrator** -The Town Clerk or their designee is hereby appointed to administer and implement the provisions of this ordinance.

**5.613 Adoption of Letter of Map Revisions (LOMR)** – All LOMRs that are issued in the areas identified in 5.604 of this ordinance are hereby adopted.

**5.614 Development Permit and Certification Requirements.**

1. **Development Permit:** - Application for a development permit shall be made to the

local floodplain administrator on forms furnished by him or her prior to any development activities. The development permit may include, but not be limited to, plans in duplicate drawn to scale showing: the nature, location, dimensions, and elevations of the area in question; existing or proposed structures; and the location of fill materials, storage areas, and drainage facilities. Specifically, the following information is required:

- a) A plot plan that shows the 100-year floodplain contour or a statement that the entire lot is within the floodplain must be provided by the development permit applicant when the lot is within or appears to be within the floodplain as mapped by the Federal Emergency Management Agency or the floodplain identified pursuant to either the Duties and Responsibilities of the local floodplain administrator of Article III or the Standards for Subdivision Proposals of Article IV and the Standards for streams without Estimated Base Flood Elevations and Floodways of Article IV. The plot plan must be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by it. The plot plan must show the floodway, if any, as identified by the Federal Emergency Management Agency or the floodway identified pursuant to either the duties or responsibilities of the local floodplain administrator of Article III or the standards for subdivision proposals of Article IV and the standards for streams without estimated base flood elevations and floodways of Article IV.
- b) Where base flood elevation data is provided as set forth in Article I or the duties and responsibilities of the local floodplain administrator of Article III the application for a development permit within the flood hazard area shall show:
  - (1) the elevation (in relation to mean sea level) of the lowest floor of all new and substantially improved structures, and
  - (2) if the structure will be floodproofed in accordance with the Non-Residential Construction requirements of Article IV the elevation (in relation to mean sea level) to which the structure will be floodproofed.
- c) Where base flood elevation data is not provided as set forth in Article I or the duties and responsibilities of the local floodplain administrator of Article III, then the provisions in the standards for streams without estimated base flood elevations and floodways of Article IV must be met.
- d) Alteration of Watercourse: Where any watercourse will be altered or relocated as a result of proposed development, the application for a development permit shall include a description of the extent of watercourse alteration or relocation, an engineering study to demonstrate that the flood-carrying capacity of the altered or relocated watercourse is maintained and a

map showing the location of the proposed watercourse alteration or relocation.

## 2. Certifications

- a) Floodproofing Certification - When a structure is floodproofed, the applicant shall provide certification from a registered, professional engineer or architect that the non-residential, floodproofed structure meets the floodproofing criteria in the non-residential construction requirements of Article IV.
- b) Certification During Construction – A lowest floor elevation or floodproofing certification is required after the lowest floor is completed. As soon as possible after completion of the lowest floor and before any further vertical construction commences, or floodproofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the local floodplain administrator a certification of the elevation of the lowest floor, or floodproofed elevation, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by it. Any work done prior to submission of the certification shall be at the permit holder's risk. The local floodplain administrator shall review the floor elevation survey data submitted. The permit holder immediately and prior to further progressive work being permitted to proceed shall correct deficiencies detected by such review. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.
- c) V-Zone Certification - When a structure is located in Zones V, VE, or V1-30, certification shall be provided from a registered professional engineer or architect, separate from submitted plans, that new construction and substantial improvement meets the criteria for the coastal high hazard areas outlined in Article IV.
- d) As-built Certification - Upon completion of the development a registered professional engineer, land surveyor or architect, in accordance with SC law, shall certify according to the requirements of Article III that the development is built in accordance with the submitted plans and previous pre-development certifications.

**5.615 Duties and Responsibilities of the Local Floodplain Administrator** - shall include, but not be limited to:

1. **Permit Review** - Review all development permits to assure that the

requirements of this ordinance have been satisfied.

2. **Requirement of Federal and/or state permits** - Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C 1334.
3. **Watercourse alterations**
  - a) Notify adjacent communities and the South Carolina Department of Natural Resources, Land, Water, and Conservation Division, State Coordinator for the National Flood Insurance Program, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
  - b) In addition to the notifications required watercourse alterations per Article III, written reports of maintenance records must be maintained to show that maintenance has been provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained. This maintenance must consist of a comprehensive program of periodic inspections, and routine channel clearing and dredging, or other related functions. The assurance shall consist of a description of maintenance activities, frequency of performance, and the local official responsible for maintenance performance. Records shall be kept on file for FEMA inspection.
  - c) If the proposed project will modify the configuration of the watercourse, floodway, or base flood elevation for which a detailed Flood Insurance Study has been developed, the applicant shall apply for and must receive approval for a Conditional Letter of Map Revision with the Federal Emergency Management Agency prior to the start of construction.
  - d) Within 60 days of completion of an alteration of a watercourse, referenced in the certification requirements of Article III.C.2.d, the applicant shall submit as-built certification, by a registered professional engineer, to the Federal Emergency Management Agency.
4. **Floodway encroachments** - Prevent encroachments within floodways unless the certification and flood hazard reduction provisions of Article IV are met.
5. **Adjoining Floodplains** - Cooperate with neighboring communities with respect to the management of adjoining floodplains and/or flood-related erosion areas in order to prevent aggravation of existing hazards.
6. **Notifying Adjacent Communities** – Notify adjacent communities prior to permitting substantial commercial developments and large subdivisions to be undertaken in

areas of special flood hazard and/or flood-related erosion hazards.

**7. Certification requirements –**

- a) Obtain and review actual elevation (in relation to mean sea level) of the lowest floor of all new or substantially improved structures, in accordance with administrative procedures outlined in Article III or the coastal high hazard area requirements outlined in Article IV.
- b) Obtain the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been floodproofed, in accordance with the floodproofing certification outlined in Article III.
- c) When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the non-residential construction requirements outlined in Article IV.
- d) A registered professional engineer or architect shall certify that the design, specifications and plans for construction are in compliance with the provisions contained in the coastal high hazard area requirements outlined in Article IV of this ordinance.

**8. Map Interpretation** - Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.

**9. Prevailing Authority** – Where a map boundary showing an area of special flood hazard and field elevations disagree, the base flood elevations for flood protection elevations (as found on an elevation profile, floodway data table, etc.) shall prevail. The correct information should be submitted to FEMA as per the map maintenance activity requirements outlined in Article IV.

**10. Use Of Best Available Data** - When base flood elevation data and floodway data has not been provided in accordance with Article I, obtain, review, and reasonably utilize best available base flood elevation data and floodway data available from a federal, state, or other source, including data developed pursuant to the standards for subdivision proposals outlined in Article IV in order to administer the provisions of this ordinance. Data from preliminary, draft, and final Flood Insurance Studies constitutes best available data from a federal, state, or other source. Data must be developed using hydraulic models meeting the minimum requirement of NFIP approved model. If an appeal is pending on the study in accordance with 44 CFR Ch. 1, Part 67.5 and 67.6, the data does not have to be used.

**11. Special Flood hazard Area/topographic Boundaries Conflict** - When the exact

location of boundaries of the areas special flood hazards conflict with the current, natural topography information at the site; the site information takes precedence when the lowest adjacent grade is at or above the BFE, the property owner may apply and be approved for a Letter of Map Amendment (LOMA) by FEMA. The local floodplain administrator in the permit file will maintain a copy of the Letter of Map Amendment issued from FEMA.

12. **On-Site inspections** - Make on-site inspections of projects in accordance with the administrative procedures outlined in Article III.
13. **Administrative Notices** - Serve notices of violations, issue stop-work orders, revoke permits and take corrective actions in accordance with the administrative procedures in Article III.
14. **Records Maintenance** - Maintain all records pertaining to the administration of this ordinance and make these records available for public inspection.
15. **Annexations and Detachments** - Notify the South Carolina Department of Natural Resources Land, Water and Conservation Division, State Coordinator for the National Flood Insurance Program within six (6) months, of any annexations or detachments that include special flood hazard areas.
16. **Federally Funded Development** - The President issued *Executive Order 11988, Floodplain Management May 1977*. E.O. 11988 directs federal agencies to assert a leadership role in reducing flood losses and losses to environmental values served by floodplains. Proposed developments must go through an eight-step review process. Evidence of compliance with the executive order must be submitted as part of the permit review process.
17. **Substantial Damage Determination** – Perform an assessment of damage from any origin to the structure using FEMA’s Residential Substantial Damage Estimator (RSDE) software to determine if the damage equals or exceeds 50 percent of the market value of the structure before the damage occurred.
18. **Substantial Improvement Determinations** – Perform an assessment of permit applications for improvements or repairs to be made to a building or structure that equals or exceeds 50 percent of the market value of the structure before the start of construction. Cost of work counted for determining if and when substantial improvement to a structure occurs shall be cumulative for a period of five years. If the improvement project is conducted in phases, the total of all costs associated with each phase, beginning with the issuance of the first permit, shall be utilized to determine whether “substantial improvement” will occur.

*The market values shall be determined by one of the following methods:*

- a) the current assessed building value as determined by the county’s assessor’s

office or the value of an appraisal performed by a licensed appraiser at the expense of the owner within the past 6 months.

- b) one or more certified appraisals from a registered professional licensed appraiser in accordance with the laws of South Carolina. The appraisal shall indicate actual replacement value of the building or structure in its pre-improvement condition, *less the cost of site improvements and depreciation for functionality and obsolescence.*
- c) Real Estate purchase contract within 6 months prior to the date of the application for a permit.

#### **5.616 Administrative Procedures**

- a) Inspections of Work in Progress** - As the work pursuant to a permit progresses, the local floodplain administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the floodplain administrator has a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction at any reasonable hour for the purposes of inspection or other enforcement action.
- b) Stop-Work Orders** - Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the floodplain administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.
- c) Revocation of Permits** - The local floodplain administrator may revoke and require the return of the development permit by notifying the permit holder in writing, stating the reason for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of state or local laws; or for false statements or misrepresentations made in securing the permit. Any permit mistakenly issued in violation of an applicable state or local law may also be revoked.
- d) Periodic Inspections** - The local floodplain administrator and each member of his/her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
- e) Violations to be Corrected** - When the local floodplain administrator finds



violations of applicable state and local laws, it shall be his/her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law on the property he owns.

**f) Actions in Event of Failure to Take Corrective Action:** If the owner of a building or property shall fail to take prompt corrective action, the floodplain administrator shall give him written notice, by certified or registered mail to his last known address or by personal service, that:

- 1)** the building or property is in violation of the Flood Damage Prevention Ordinance,
- 2)** a hearing will be held before the local floodplain administrator at a designated place and time, not later than 10 days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and,
- 3)** following the hearing, the local floodplain administrator may issue such order to alter, vacate, or demolish the building; or to remove fill as appears appropriate.

**g) Order to Take Corrective Action:** If, upon a hearing held pursuant to the notice prescribed above, the floodplain administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, he/she shall make an order in writing to the owner, requiring the owner to remedy the violation within such period, not less than 60 days, the floodplain administrator may prescribe; provided that where the floodplain administrator finds that there is imminent danger to life or other property, he may order that corrective action be taken in such lesser period as may be feasible.

**h) Appeal:** Any owner who has received an order to take corrective action may appeal from the order to the local elected governing body by giving notice of appeal in writing to the floodplain administrator and the clerk within 10 days following issuance of the final order. In the absence of an appeal, the order of the floodplain administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

**i) Failure to Comply with Order:** If the owner of a building or property fails to comply with an order to take corrective action from which no appeal has been taken, or fails to comply with an order of the governing body following an appeal, he shall be guilty of a misdemeanor and shall be punished in the discretion of the court.

**j) Denial of Flood Insurance under the NFIP:** If a structure is declared in violation of

this ordinance and after all other penalties are exhausted to achieve compliance with this ordinance then the local floodplain administrator shall notify the Federal Emergency Management Agency (FEMA) to initiate a Section 1316 of the National Flood insurance Act of 1968 action against the structure upon the finding that the violator refuses to bring the violation into compliance with the ordinance. Once a violation has been remedied the local floodplain administrator shall notify FEMA of the remedy and ask that the Section 1316 be rescinded.

**k)** The following **documents** are incorporated by reference and may be used by the local floodplain administrator to provide further guidance and interpretation of this ordinance as found on FEMA's website at [www.fema.gov](http://www.fema.gov):

- a) FEMA 55 Coastal Construction Manual
- b) All FEMA Technical Bulletins
- c) All FEMA Floodplain Management Bulletins
- d) FEMA 348 Protecting Building Utilities from Flood Damage
- e) FEMA 499 Home Builder's Guide to Coastal Construction Technical Fact Sheets

## **Article IV. PROVISIONS FOR FLOOD HAZARD REDUCTION**

### **5.617 General Standards**

Development may not occur in the Special Flood Hazard Area (SFHA) where alternative locations exist due to the inherent hazards and risks involved. Before a permit is issued, the applicant shall demonstrate that new structures cannot be located out of the SFHA and that encroachments onto the SFHA are minimized. In all areas of special flood hazard the following provisions are required:

- i. **Reasonably Safe from Flooding** - Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding
- ii. **Anchoring** - All new construction and substantial improvements shall be anchored to prevent flotation, collapse, and lateral movement of the structure.
- iii. **Flood Resistant Materials and Equipment** - All new construction and substantial improvements shall be constructed with flood resistant materials and utility equipment resistant to flood damage in accordance with Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements*, dated 8/08, and available from the Federal Emergency Management Agency.

- iv. **Minimize Flood Damage** - All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages,
- v. **Critical Development** - shall be elevated to the 500 year flood elevation or be elevated to the highest known historical flood elevation (where records are available), whichever is greater. If no data exists establishing the 500 year flood elevation or the highest known historical flood elevation, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates 500 year flood elevation data,
- vi. **Utilities** - Electrical, ventilation, plumbing, heating and air conditioning equipment (including ductwork), and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of the base flood plus one (1) foot.
- vii. **Water Supply Systems** - All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system,
- viii. **Sanitary Sewage Systems** – New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters,
- ix. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding,
- x. **Gas Or Liquid Storage Tanks** – All gas or liquid storage tanks, either located above ground or buried, shall be anchored to prevent floatation and lateral movement resulting from hydrodynamic and hydrostatic loads.
- xi. **Alteration, Repair, Reconstruction, Or Improvements** - Any alteration, repair, reconstruction, or improvement to a structure that is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance. This includes post-FIRM development and structures.
- xii. **Non-Conforming Buildings or Uses** - Non-conforming buildings or uses may not be enlarged, replaced, or rebuilt unless such enlargement or reconstruction is accomplished in conformance with the provisions of this ordinance. Provided, however, nothing in this ordinance shall prevent the repair, reconstruction, or replacement of an existing building or structure located totally or partially within the floodway, provided that the bulk of the building or structure below base flood elevation in the floodway is not increased and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance,
- xiii. **American with Disabilities Act (ADA)** - A building must meet the specific standards for floodplain construction outlined in Article IV.B, as well as any

applicable ADA requirements. The ADA is not justification for issuing a variance or otherwise waiving these requirements. Also, the cost of improvements required to meet the ADA provisions shall be included in the costs of the improvements for calculating substantial improvement.

#### **5.618 Specific Standards**

In all areas of special flood hazard ( Zones A, AE, AH, AO, A1-30, V, and VE) where base flood elevation data has been provided, as set forth in Article I.D or outlined in the Duties and Responsibilities of the local floodplain administrator Article III.D., the following provisions are required:

- A. Residential Construction** - New construction and substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor elevated no lower than one (1) foot above the base flood elevation. No basements are permitted. Should solid foundation perimeter walls be used to elevate a structure, flood openings sufficient to automatically equalize hydrostatic flood forces, shall be provided in accordance with the elevated buildings requirements in Article IV.
- B. Non-Residential Construction**
- a) New construction and substantial improvement of any commercial, industrial, or non-residential structure (including manufactured homes) shall have the lowest floor elevated no lower than one (1) foot above the level of the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, flood openings sufficient to automatically equalize hydrostatic flood forces, shall be provided in accordance with the elevated buildings requirements in Article IV. No basements are permitted. Structures located in A-zones may be floodproofed in lieu of elevation provided that all areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.
  - b) A registered, professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certifications shall be provided to the official as set forth in the floodproofing certification requirements in Article III. A variance may be considered for wet-floodproofing agricultural structures in accordance with the criteria outlined in Article V of this ordinance. Agricultural structures not meeting the criteria of Article V must meet the non-residential construction standards and all other applicable provisions of this ordinance. Structures that are floodproofed are required to have an approved maintenance plan with an annual exercise. The local floodplain administrator must approve the maintenance plan and notification of the annual exercise shall be provided to

it.

**C. Manufactured Homes**

- a)** Manufactured homes that are placed or substantially improved on sites outside a manufactured home park or subdivision, in a new manufactured home park or sub-division, in an expansion to an existing manufactured home park or subdivision, or in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, must be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated no lower than one (1) foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- b)** Manufactured homes that are to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to the provisions for residential construction in Article IV of this ordinance must be elevated so that the lowest floor of the manufactured home is elevated no lower than one (1) foot than above the base flood elevation, and be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement.
- c)** Manufactured homes shall be anchored to prevent flotation, collapse, and lateral movement. For the purpose of this requirement, manufactured homes must be anchored to resist flotation, collapse, and lateral movement in accordance with Section 40-29-10 of the *South Carolina Manufactured Housing Board Regulations*, as amended. Additionally, when the elevation requirement would be met by an elevation of the chassis 36 inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above 36 inches in height an engineering certification is required.
- d)** An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood-prone areas. This plan shall be filed with and approved by the local floodplain administrator and the local Emergency Preparedness Coordinator.

**D. Elevated Buildings** - New construction and substantial improvements of elevated buildings that include fully enclosed areas below the lowest floor that are usable solely for the parking of vehicles, building access, or limited storage in an area other than a basement, and which are subject to flooding shall be designed to preclude finished space and be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

**a) Designs** for complying with this requirement must either be certified by a professional engineer or architect or meet or exceed all of the following minimum criteria:

- a. Provide a minimum of two openings on different walls having a *total net area* of not less than one square inch for every square foot of enclosed area subject to flooding.
- b. The bottom of each opening must be no more than 1 foot above the higher of the interior or exterior grade immediately under the opening,
- c. Only the portions of openings that are below the base flood elevation (BFE) can be counted towards the required net open area.
- d. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- e. Fill placed around foundation walls must be graded so that the grade inside the enclosed area is equal to or higher than the adjacent grade outside the building on at least one side of the building.

**b) Hazardous Velocities** - Hydrodynamic pressure must be considered in the design of any foundation system where velocity waters or the potential for debris flow exists. If flood velocities are excessive (greater than 5 feet per second), foundation systems other than solid foundations walls should be considered so that obstructions to damaging flood flows are minimized.

**c) Enclosures Below Lowest Floor**

- a. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).
- b. The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, must be void of utilities except for essential lighting as required for safety, and cannot be temperature controlled.
- c. One wet location switch and/or outlet connected to a ground fault

interrupt breaker may be installed below the required lowest floor elevation specified in the specific standards outlined in Article IV.

- d. All construction materials below the required lowest floor elevation specified in the specific standards outlined in Article IV should be of flood resistant materials.

**E. Floodways** - Located within areas of special flood hazard established in Article I, are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris and potential projectiles and has erosion potential. The following provisions shall apply within such areas:

- a)** No encroachments, including fill, new construction, substantial improvements, additions, and other developments shall be permitted unless:
  - a. It has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood. Such certification and technical data shall be presented to the local floodplain administrator.
  - b. A Conditional Letter of Map revision (CLOMR) has been approved by FEMA. A Letter of Map Revision must be obtained upon completion of the proposed development.
- b)** If Article IV is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article IV.
- c)** No manufactured homes shall be permitted, except in an existing manufactured home park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring and the elevation standards of Article IV and the encroachment standards of Article IV are met.
- d)** Permissible uses within floodways may include: general farming, pasture, outdoor plant nurseries, horticulture, forestry, wildlife sanctuary, game farm, and other similar agricultural, wildlife, and related uses. Also, lawns, gardens, play areas, picnic grounds, and hiking and horseback riding trails are acceptable uses, provided that they do not employ structures or fill. Substantial development of a permissible use may require a no-impact certification. The uses listed in this subsection are permissible only if and to the extent that they do not cause any increase in base flood elevations or changes to the floodway configuration.



**F. Recreational Vehicles**

- a)** A recreational vehicle is ready for highway use if it is:
- a. on wheels or jacking system
  - b. attached to the site only by quick-disconnect type utilities and security devices; and
  - c. has no permanently attached additions
2. Recreational vehicles placed on sites shall either be:
- a. on site for fewer than 180 consecutive days; or
  - b. be fully licensed and ready for highway use, or
  - c. *meet* the development permit and certification requirements of Article III, general standards outlined in Article IV, and manufactured homes standards in Article IV.

**G. Map Maintenance Activities** – The National Flood Insurance Program (NFIP) requires flood data to be reviewed and approved by FEMA. This ensures that flood maps, studies and other data identified in Article I. accurately represent flooding conditions so appropriate floodplain management criteria are based on current data. The following map maintenance activities are identified:

**a) Requirement to Submit New Technical Data**

- a. For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical or scientific data reflecting such changes be submitted to FEMA as soon as practicable , but no later than six months of the date such information becomes available. These development proposals include; but not limited to:
  - i. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;
  - ii. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;
  - iii. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and

- iv. Subdivision or large scale development proposals requiring the establishment of base flood elevations in accordance with Article IV.
- b. It is the responsibility of the applicant to have technical data, required in accordance with Article IV prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall also be the responsibility of the applicant.
- c. The local floodplain administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:
  - i. Proposed floodway encroachments that increase the base flood elevation; and
  - ii. Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.
- d. Floodplain development permits issued by the local floodplain administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to Article IV.

**b) Right to Submit New Technical Data** - The floodplain administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the local jurisdiction and may be submitted at any time.

#### **H. Accessory Structures**

- a)** A detached accessory structure or garage, the cost of which is greater than \$3,000, must comply with the requirements as outlined in FEMA's Technical Bulletin 7-93 *Wet Floodproofing Requirements or be elevated in accordance with Article IV Section B(1) and B (4) or dry floodproofed in accordance with Article IV B (2)*.
- b)** If accessory structures of \$3,000 or less are to be placed in the floodplain, the following criteria shall be met:
  - o Accessory structures shall not be used for any uses other than the parking of

vehicles and storage,

- Accessory structures shall be designed to have low flood damage potential,
- Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters,
- Accessory structures shall be firmly anchored to prevent flotation, collapse and lateral movement of the structure,
- Service facilities such as electrical and heating equipment shall be installed in accordance with Article IV.
- Openings to relieve hydrostatic pressure during a flood shall be provided below base flood elevation in conformance with Article IV.
- Accessory structures shall be built with flood resistance materials in accordance with Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements*, dated 8/08, and available from the Federal Emergency Management Agency. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

**I. Swimming Pool Utility Equipment Rooms** - If the building cannot be built at or above the BFE, because of functionality of the equipment then a structure to house the utilities for the pool may be built below the BFE with the following provisions:

- Meet the requirements for accessory structures in Article IV.
- The utilities must be anchored to prevent flotation and shall be designed to prevent water from entering or accumulating within the components during conditions of the base flood.

**J. Elevators**

- a)** Install a float switch system or another system that provides the same level of safety necessary for all elevators where there is a potential for the elevator cab to descend below the BFE during a flood per FEMA's Technical Bulletin 4-93 Elevator Installation for Buildings Located in Special Flood Hazard Areas.
- b)** All equipment that may have to be installed below the BFE such as counter weight roller guides, compensation cable and pulleys, and oil buffers for traction elevators and the jack assembly for a hydraulic elevator must be constructed using flood-resistant materials where possible per FEMA's Technical Bulletin 4-93 Elevator Installation for Buildings Located in Special Flood Hazard Areas.

**11. Fill** - An applicant shall demonstrate that fill is the only alternative to raising the

building to meet the residential and non-residential construction requirements of Article IV, and that the amount of fill used will not affect the flood storage capacity or adversely affect adjacent properties. The following provisions shall apply to all fill placed in the special flood hazard area:

- a) Fill may not be placed in the floodway unless it is in accordance with the requirements in Article IV.
- b) Fill may not be placed in tidal or non-tidal wetlands without the required state and federal permits.
- c) Fill must consist of soil and rock materials only. A registered professional geotechnical engineer may use dredged material as fill only upon certification of suitability. Landfills, rubble fills, dumps, and sanitary fills are not permitted in the floodplain.
- d) Fill used to support structures must comply with ASTM Standard D-698, and its suitability to support structures certified by a registered, professional engineer.
- e) Fill slopes shall be no greater than two horizontal to one vertical. Flatter slopes may be required where velocities may result in erosion.
- f) The use of fill shall not increase flooding or cause drainage problems on neighboring properties.
- g) Fill may not be used for structural support in the coastal high hazard areas.
- h) Will meet the requirements of FEMA Technical Bulletin 10-01, *Ensuring That Structures Built On Fill in or Near Special Flood Hazard Areas Are Reasonable Safe from Flooding*.

## **12. Standards for Subdivision Proposals and other development**

- a) All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations.
- b) All subdivision proposals and other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- c) All subdivision proposals and other proposed new development shall have adequate drainage provided to reduce exposure to flood damage.
- d) The applicant shall meet the requirement to submit technical data to FEMA

in Article IV when a hydrologic and hydraulic analysis is completed that generates base flood elevations.

**5.619. Standards for Streams without Established Base Flood Elevations and Floodways -**

Located within the areas of special flood hazard (Zones A and V) established in Article I, are small streams where no base flood data has been provided and where no floodways have been identified. The following provisions apply within such areas:

1. In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and other proposed developments containing at least 50 lots or 5 acres, whichever is less.
2. No encroachments, including fill, new construction, substantial improvements and new development shall be permitted within 100 feet of the stream bank unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
3. If Article IV is satisfied and base flood elevation data is available from other sources, all new construction and substantial improvements within such areas shall comply with all applicable flood hazard ordinance provisions of Article IV and shall be elevated or floodproofed in accordance with elevations established in accordance with Article III.
4. Data from preliminary, draft, and final Flood Insurance Studies constitutes best available data. Refer to FEMA Floodplain Management Technical Bulletin 1-98 *Use of Flood Insurance Study (FIS) Data as Available Data*. If an appeal is pending on the study in accordance with 44 CFR Ch. 1, Part 67.5 and 67.6, the data does not have to be used.
5. When base flood elevation (BFE) data is not available from a federal, state, or other source one of the following methods may be used to determine a BFE For further information regarding the methods for determining BFEs listed below, refer to FEMA's manual *Managing Floodplain Development in Approximate Zone A Areas*:
  - a) Contour Interpolation
    - (1) Superimpose approximate Zone A boundaries onto a topographic map and estimate a BFE.
    - (2) Add one-half of the contour interval of the topographic map that is used to the BFE.
  - b) Data Extrapolation - A BFE can be determined if a site within 500 feet upstream of a reach of a stream reach for which a 100-year profile has been

computed by detailed methods, and the floodplain and channel bottom slope characteristics are relatively similar to the downstream reaches. No hydraulic structures shall be present.

- c) Hydrologic and Hydraulic Calculations- Perform hydrologic and hydraulic calculations to determine BFEs using FEMA approved methods and software.

**5.620. Standards for Streams with Established Base Flood Elevations but without Floodways -**

Along rivers and streams where Base Flood Elevation (BFE) data is provided but no floodway is identified for a Special Flood Hazard Area on the FIRM or in the FIS.

1. No encroachments including fill, new construction, substantial improvements, or other development shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

**5.621. Standards for Areas of Shallow Flooding (AO Zones)** - Located within the areas of special flood hazard established in Article I, are areas designated as shallow flooding. The following provisions shall apply within such areas:

- All new construction and substantial improvements of residential structures shall have the lowest floor elevated to at least as high as the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor shall be elevated at least three (3) feet above the highest adjacent grade.
- All new construction and substantial improvements of non-residential structures shall:
  - Have the lowest floor elevated to at least as high as the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor shall be elevated at least three (3) feet above the highest adjacent grade; or,
  - Be completely flood-proofed together with attendant utility and sanitary facilities to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required as stated in Article III.
- All structures on slopes must have drainage paths around them to guide water away from the structures.

**5.622. Coastal High Hazard Areas (V-Zones)** (this section can be removed if no V Zones) -

Located within the areas of special flood hazard established in Article I or Article III are areas designated as coastal high hazard areas. These areas have special flood hazards associated with wave wash. The following provisions shall apply within such areas:

- All new construction and substantial improvements shall be located landward of the reach of mean high tide, first line of stable natural vegetation and comply with all applicable Department of Health and Environmental Control (DHEC) Ocean and Coastal Resource Management (OCRM) setback requirements.
- All new construction and substantial improvements shall be elevated so that the bottom of the lowest supporting horizontal structural member (excluding pilings or columns) of the lowest floor is located no lower than one (1) foot above the base flood elevation.
- All buildings or structures shall be securely anchored on pilings or columns, extending vertically below a grade of sufficient depth and the zone of potential scour, and securely anchored to the subsoil strata.
- All pilings and columns and the attached structures shall be anchored to resist flotation, collapse, lateral movement and scour due to the effect of wind and water loads acting simultaneously on all building components.
- A registered professional engineer or architect shall certify that the design, specifications and plans for construction are in compliance with the provisions contained in Article IV of this ordinance.
- There shall be no fill used as structural support. Non-compacted fill may be used around the perimeter of a building for landscaping/aesthetic purposes provided the fill will wash out from storm surge, thereby rendering the building free of obstruction prior to generating excessive loading forces, ramping effects, or wave deflection. Only beach compatible sand may be used. The local floodplain administrator shall approve design plans for landscaping/ aesthetic fill only after the applicant has provided an analysis by an engineer, architect, and/or soil scientist that demonstrates that the following factors have been fully considered:
  - Particle composition of fill material does not have a tendency for excessive natural compaction,
  - Volume and distribution of fill will not cause wave deflection to adjacent properties; and
  - Slope of fill will not cause wave run-up or ramping.



- There shall be no alteration of sand dunes that would increase potential flood damage.

8. All new construction and substantial improvements have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Breakaway wall enclosures shall not exceed 299 square feet. Only flood resistant materials shall be used below the required flood elevation specified in Article IV. One wet location switch and/or outlet connected to a ground fault interrupt breaker may be installed below the required lowest floor elevation specified in Article IV.

Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:

- a) Breakaway wall collapse shall result from water load less than that which would occur during the base flood.
- b) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). The water loading shall be those values associated with the base flood. The wind loading values shall be those required by applicable IBC International Building Code.
- c) Such enclosed space shall be useable solely for parking of vehicles, building access, or storage. Such space shall not be used for human habitation, finished or partitioned into multiple rooms, or temperature controlled.

- 9. No manufactured homes shall be permitted except in an existing manufactured home park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring and elevation standards of Article IV.
- 10. Recreational vehicles shall be permitted in Coastal High Hazard Areas provided that they meet the Recreational Vehicle criteria of Article IV and the Temporary Structure provisions of Article IV.
- 11. Accessory structures, below the required lowest floor elevation specified in Article are prohibited except for the following:

a) Swimming Pools

- (1) They are installed at-grade or elevated so long as the pool will not act as an obstruction
- (2) They must be structurally independent of the building and its foundation.
- (3) They may be placed beneath a coastal building only if the top of the pool and any accompanying decking or walkway are flush with the existing grade and only if the lower area remains unenclosed.
- (4) As part of the certification process for V-zone buildings the design professional must consider the effects that any of these elements will have on the building in question and any nearby buildings.

b) Access Stairs Attached to or Beneath an Elevated Building:

- (1) Must be constructed of flood-resistant materials.
- (2) Must be constructed as open staircases so they do not block flow under the structure in accordance with Article IV.

c) Decks

- (1) If the deck is structurally attached to a building, then the bottom of the lowest horizontal member must be at or above the elevation of the buildings lowest horizontal member.
- (2) If the deck is to be built below the BFE then it must be structurally independent of the main building and must not cause an obstruction.
- (3) If an at-grade, structurally independent deck is proposed then a design professional must evaluate the design to determine if it will adversely affect the building and nearby buildings.

12. Parking areas should be located on a stable grade under or landward of a structure. Any parking surface shall consist of gravel or aggregate.

13. Electrical, ventilation, plumbing, heating and air conditioning equipment (including ductwork), and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of base flood event plus one (1) foot. This requirement does not exclude the installation of outdoor faucets for shower heads, sinks, hoses, etc., as long as cut off devices and back flow prevention devices are installed to prevent contamination to the service components and thereby minimize any flood damages to the building.

No utilities or components shall be attached to breakaway walls.

Article V. **VARIANCE PROCEDURES**

**5.623 Establishment of Appeal Board** – The Town Council of the Town of Yemassee, shall hear and decide requests for variances from the requirements of this ordinance.

**5.624 Right to Appeal** - Any person aggrieved by the decision of the appeal board or any taxpayer may appeal such decision to the Court.

**5.625 Historic Structures** - Variances may be issued for the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

**5.626 Functionally Dependent Uses** – Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this Article are met, no reasonable alternative exist, and the development is protected by methods that minimize flood damage and create no additional threat to public safety.

**5.627 Agricultural Structures** - Variances may be issued to wet floodproof an agricultural structure provided it is used solely for agricultural purposes. In order to minimize flood damages during the base flood and the threat to public health and safety, the structure must meet all of the conditions and considerations of Article V. this section, and the following standards:

**a)** Use of the structure must be limited to agricultural purposes as listed below:

1. Pole frame buildings with open or closed sides used exclusively for the storage of farm machinery and equipment,
2. Steel grain bins and steel frame corncribs,
3. General-purpose barns for the temporary feeding of livestock that are open on at least one side;

**a)** For livestock confinement buildings, poultry houses, dairy operations, and similar livestock operations, variances may not be issued for structures that were substantially damaged. New construction or substantial improvement of such structures must meet the elevation requirements of Article IV.B.2 of this ordinance; and,

**b)** The agricultural structure must be built or rebuilt, in the case of an existing building that is substantially damaged, with flood-resistant materials for the exterior and interior building components and elements below the base flood elevation.

- c) The agricultural structure must be adequately anchored to prevent flotation, collapse, or lateral movement. All of the structure's components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, hydrodynamic, and debris impact forces. Where flood velocities exceed 5 feet per second, fast-flowing floodwaters can exert considerable pressure on the building's enclosure walls or foundation walls.
- d) The agricultural structure must meet the venting requirement of Article IV of this ordinance.
- e) Any mechanical, electrical, or other utility equipment must be located above the base flood elevation (BFE), plus any required freeboard, or be contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with Article IV.A.5 of this ordinance
- f) The agricultural structure must comply with the floodway encroachment provisions of Article IV of this ordinance.
- g) Major equipment, machinery, or other contents must be protected. Such protection may include protective watertight floodproofed areas within the building, the use of equipment hoists for readily elevating contents, permanently elevating contents on pedestals or shelves above the base flood elevation, or determining that property owners can safely remove contents without risk to lives and that the contents will be located to a specified site out of the floodplain.

**5.628**      **Considerations** In passing upon such applications, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:

- h) The danger that materials may be swept onto other lands to the injury of others;
- i) The danger to life and property due to flooding or erosion damage, and the safety of access to the property in times of flood for ordinary and emergency vehicles;
- j) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- k) The importance of the services provided by the proposed facility to the community;
- l) The necessity to the facility of a waterfront location, where applicable;
- m) The availability of alternative locations, not subject to flooding or erosion damage,

for the proposed use;

- n)** The compatibility of the proposed use with existing and anticipated development, and the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- o)** The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
- p)** The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges; and
- q)** Agricultural structures must be located in wide, expansive floodplain areas, where no other alternative location for the agricultural structure exists. The applicant must demonstrate that the entire farm acreage, consisting of a contiguous parcel of land on which the structure is to be located, must be in the Special Flood Hazard Area and no other alternative locations for the structure are available.

**5.628 Findings** - Findings listed above shall be submitted to the appeal board, in writing, and included in the application for a variance. Additionally, comments from the Department of Natural Resources, Land, Water and Conservation Division, State Coordinator's Office, must be taken into account and included in the permit file.

**5.629 Floodways** - Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result unless a CLOMR is obtained prior to issuance of the variance. In order to ensure the project is built in compliance with the CLOMR for which the variance is granted the applicant must provide a bond for 100% of the cost to perform the development.

**5.631 Conditions** - Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance. The following conditions shall apply to all variances:

- a)** Variances may not be issued when the variance will make the structure in violation of other federal, state, or local laws, regulations, or ordinances.
- b)** Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- c)** Variances shall only be issued upon a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship, and a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict

with existing local laws or ordinances.

- d)** Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation (BFE) and the elevation to which the structure is to be built and a written statement that the cost of flood insurance will be commensurate with the increased risk. Such notification shall be maintained with a record of all variance actions.
- e)** The local floodplain administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency (FEMA) upon request.
- f)** Variances shall not be issued for unpermitted development or other development that is not in compliance with the provisions of this ordinance. Violations must be corrected in accordance with Article III.E.5 of this ordinance.

## Article VI. LEGAL STATUS PROVISIONS

### **5.632 Effect on Rights and Liabilities under the Existing Flood Damage Prevention Ordinance -**

This Ordinance in part comes forward by re-enactment of some of the provisions of the flood damage prevention ordinance enacted September 1, 2001 and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued there under are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the flood damage prevention ordinance of the Town of Yemassee enacted on September 1, 2001, as amended, which are not reenacted herein, are repealed.

**5.633. Effect upon Outstanding Building Permits** - Nothing herein contained shall require any change in the plans, construction, size or designated use of any building, structure or part thereof for which a building permit has been granted by the Chief Building Inspector or his authorized agents before the time of passage of this ordinance; provided, however, that when start of construction has not occurred under such outstanding permit within a period of sixty (60) days subsequent to passage of this ordinance, construction or use shall be in conformity with the provisions of this ordinance.

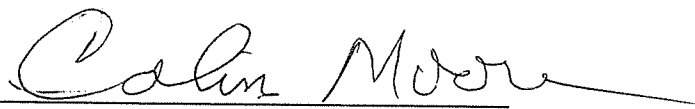
**5.634. Effective Date** -This ordinance shall become effective on March 23, 2021.

PASSED:

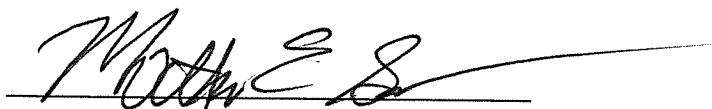
1<sup>st</sup> Reading: February 9, 2021

2<sup>nd</sup> Reading: February 15, 2021

WITNESS my hand and the official seal of the Town of Yemassee this the  
15<sup>th</sup> Day of February 2021.



Colin J. Moore, Mayor



ATTEST: Matthew E. Garnes, Town Clerk

(Seal)









7500 - Map Information Map, 5/15/2010, 10:00 AM (Date and Time)

**FLOOD HAZARD INFORMATION**  
SEE THIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

<b>SPECIAL FLOOD HAZARD AREAS</b>	<b>Without Base Flood Elevation (BFE)</b> Zone A, AO, AR, VE, X With BFE or Depth Zone AE, AH, AR, VE, X <b>Regulatory Floodway</b>
<b>OTHER AREAS OF FLOOD HAZARD</b>	<b>0.2% Annual Chance Flood Hazard</b> , Area of 1% Annual Chance Flood with average depth less than one foot or with drainage areas of less than one square mile <b>Future Conditions 1% Annual Chance Flood Hazard</b> <b>Area with Reduced Flood Risk due to Levee</b> <b>Area with Flood Risk due to Levee</b> <b>NO SCREEN</b> Area of Minimal Flood Hazard <b>Effective LDMs</b> <b>Area of Undetermined Flood Hazard</b>
<b>OTHER AREAS</b>	<b>Channel, Canal, or Storm Sewer</b> <b>Levee, Dike, or Floodwall</b> <b>Cross Sections with 1% Annual Chance Water Surface Elevation</b> <b>Channel Transport</b> <b>Channel Transport Baseline</b> <b>PSMA Baseline</b> <b>Hydrologic Feature</b> <b>Base Flood Elevation Line (BFE)</b> <b>Limit of Study</b> <b>Jurisdiction Boundary</b>

**NOTES TO USERS**

For information and questions about the Flood Insurance Rate Map (FIRM), available products associated with the FIRM, including legend overlays, the current map date for each FIRM panel, how to read products, or the National Flood Insurance Program (NFIP) in general, please call the FEMA Map Information Hotline at 1-877-352-2527 or use the FEMA Flood Map Center website at <http://www.fema.gov>. Available products may include previously issued Letters of Map Change, a Flood Insurance Study Report, and/or digital overlays of the map. Many of these products can be ordered or obtained directly from the website.

Communities wishing to use adjacent FIRM panels must obtain a current copy of the adjacent panel as well as the current FIRM data. These may be ordered directly from the Flood Map Center at the number listed above.

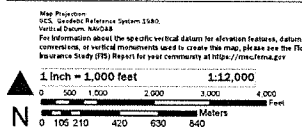
For community and countywide map dates, refer to the Flood Insurance Study Report for the jurisdiction.

To determine if flood insurance is available in this community, contact your insurance agent or call the National Flood Insurance Program at 1-800-455-3823.

Essential information shown on this FIRM was provided in digital format by USGS, Farm Service Agency (FSA). The information was derived from NAD 83 and is not subject to the same accuracy standards as the original data. The NFIP and effective information may change as more information is received. For additional information, please see the Flood Hazard Mapping Update Checklist at <http://www.fema.gov/plan/preload/updates/updates/11/1111>.

This map complies with FEMA's standards for the use of digital flood maps if a not used as described below. The accuracy of these products with FEMA's systems is not guaranteed. This map should not be used for any other purpose than the one for which it was intended. Flood zone labels, legend, scale bar, map creation date, community identifier, FIRM panel number, and FIRM effective date.

**SCALE**

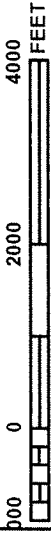


NATIONAL FLOOD INSURANCE PROGRAM  
COMMUNITY IDENTIFICATION PAGE 050

**HAMPTON COUNTY, SOUTH CAROLINA AND INCORPORATED AREAS**  
PANEL 450 or 550

COMMUNITY	NUMBER	PANEL
TOWNSHIP OF YEMASSEE	450101	0450
COLLETON COUNTY UNINCORPORATED AREAS	450099	0450
JASPER COUNTY	450111	0450
HAMPTON COUNTY	450098	0450

MAP SCALE 1" = 2000'



**NATIONAL FLOOD INSURANCE PROGRAM**

PANEL 0425C

**FIRM**  
 FLOOD INSURANCE RATE MAP  
 HAMPTON COUNTY,  
 SOUTH CAROLINA  
 AND INCORPORATED AREAS

PANEL 425 OF 550

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
HAMPTON COUNTY	450095	0425	C

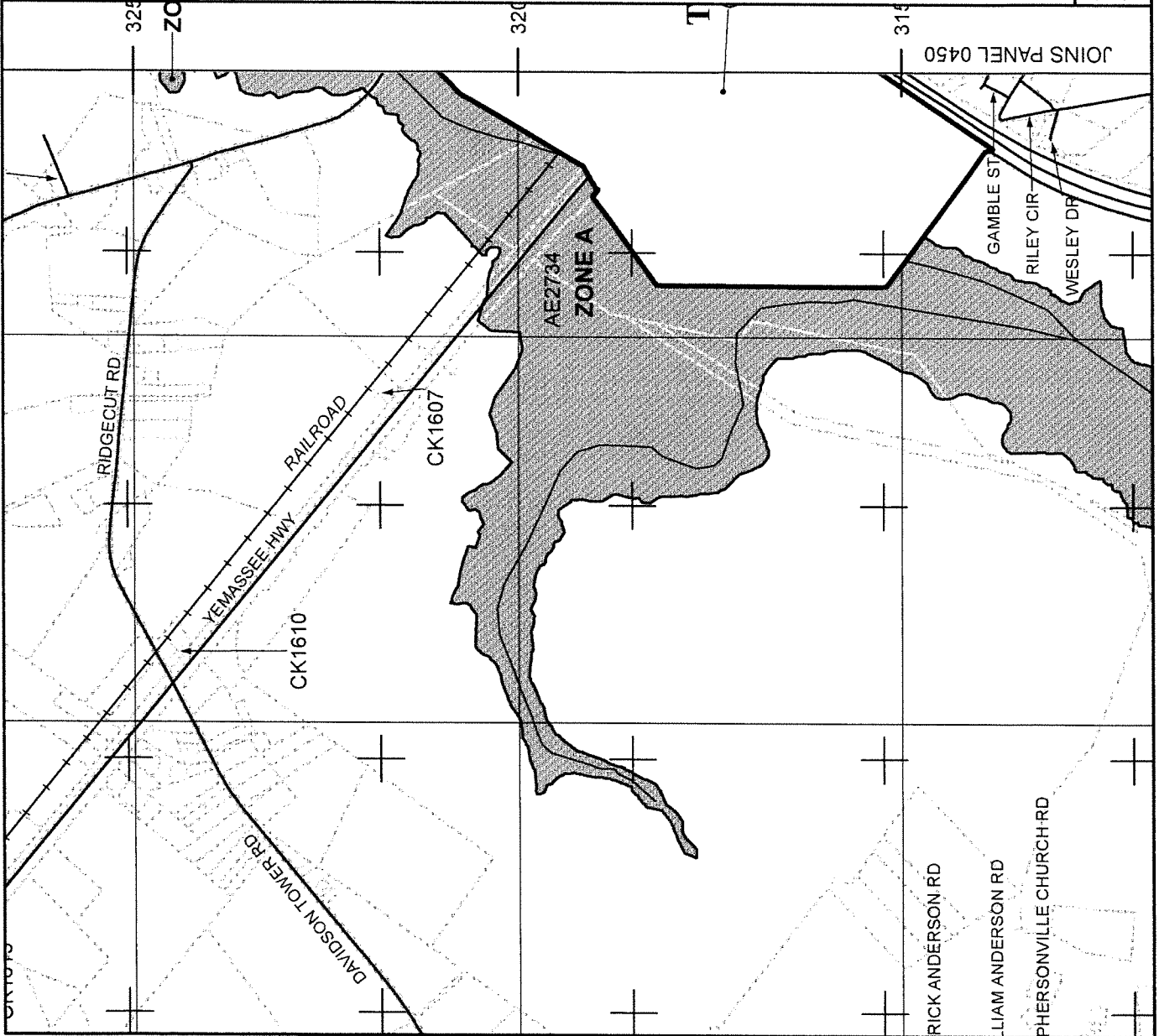
Notice to User: The Map Number shown below should be used when placing map orders. The Community Number shown should be used on insurance applications for the subject community.



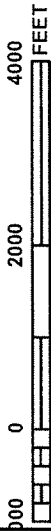
MAP NUMBER  
 45049C0425C  
 EFFECTIVE DATE  
 SEPTEMBER 29, 2010

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps, check the FEMA Flood Map Store at [www.msc.fema.gov](http://www.msc.fema.gov)



MAP SCALE 1" = 2000'



**NATIONAL FLOOD INSURANCE PROGRAM**

PANEL 0450C

**FIRM**  
FLOOD INSURANCE RATE MAP  
HAMPTON COUNTY,  
SOUTH CAROLINA  
AND INCORPORATED AREAS

PANEL 450 OF 550

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:  
COMMUNITY NUMBER 450035  
HAMPTON COUNTY  
FIRM PANEL 0450  
SUFFIX C

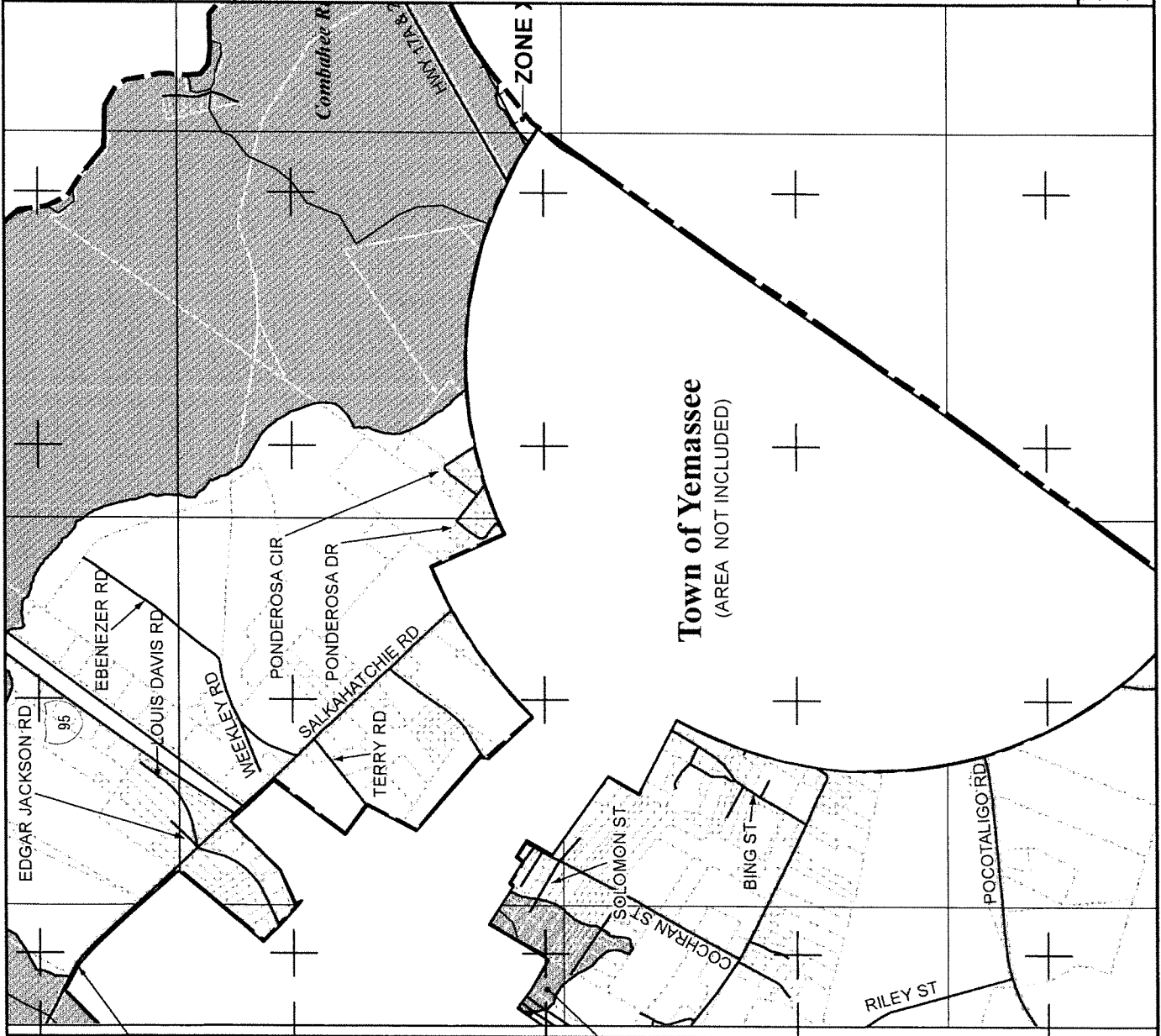
Notice to User: The Map Number shown below should be used when placing map orders. The Community Number shown above should be used on insurance applications for the subject community.



MAP NUMBER  
45049C0450C

EFFECTIVE DATE  
SEPTEMBER 29, 2010

Federal Emergency Management Agency



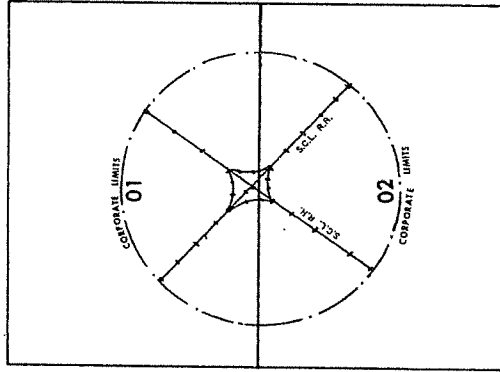
This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at [www.msc.fema.gov](http://www.msc.fema.gov)

BEST AVAILABLE COPY

COMMUNITY No. 450103

These maps may not include all Special Flood Hazard Areas in the community. After a more detailed study, the Special Flood Hazard Areas shown on these maps may be modified, and other areas added.

Consult NFIA Servicing Company or local insurance agent or broker to determine if properties in this community are eligible for flood insurance.



LEGEND

Levee



Sea Wall



Zone Boundary

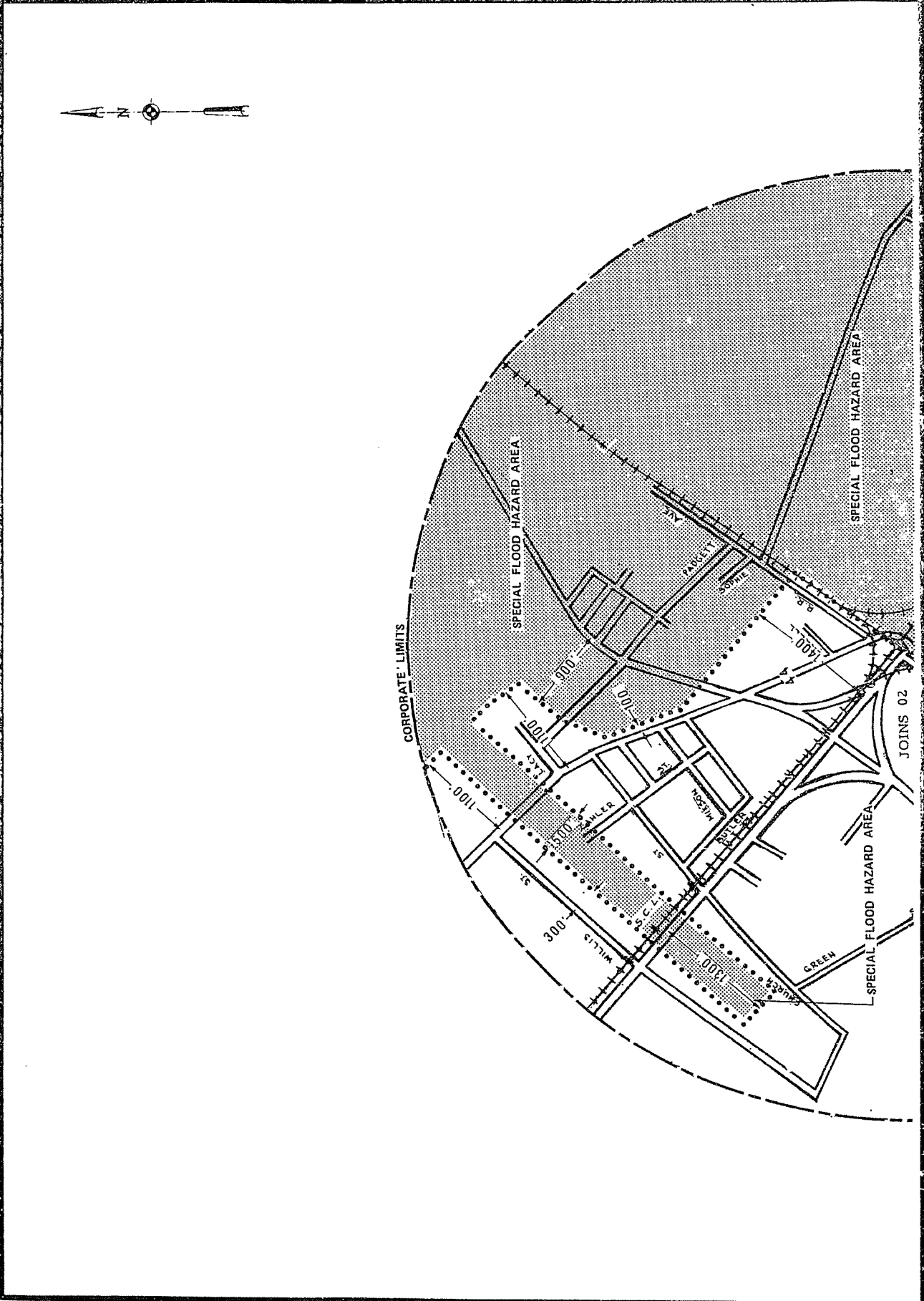


SPECIAL FLOOD HAZARD AREA ZONE A



SPECIAL FLOOD HAZARD AREA  
IDENTIFICATION DATE  
JUNE 21, 1974

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
Federal Insurance Administration  
TOWN OF YEMASEE (SC)  
(HAMPTON CO.)  
MAP INDEX  
FIA FLOOD HAZARD BOUNDARY MAPS  
No. H 01-100  
M. Cronin



Best Available Copy



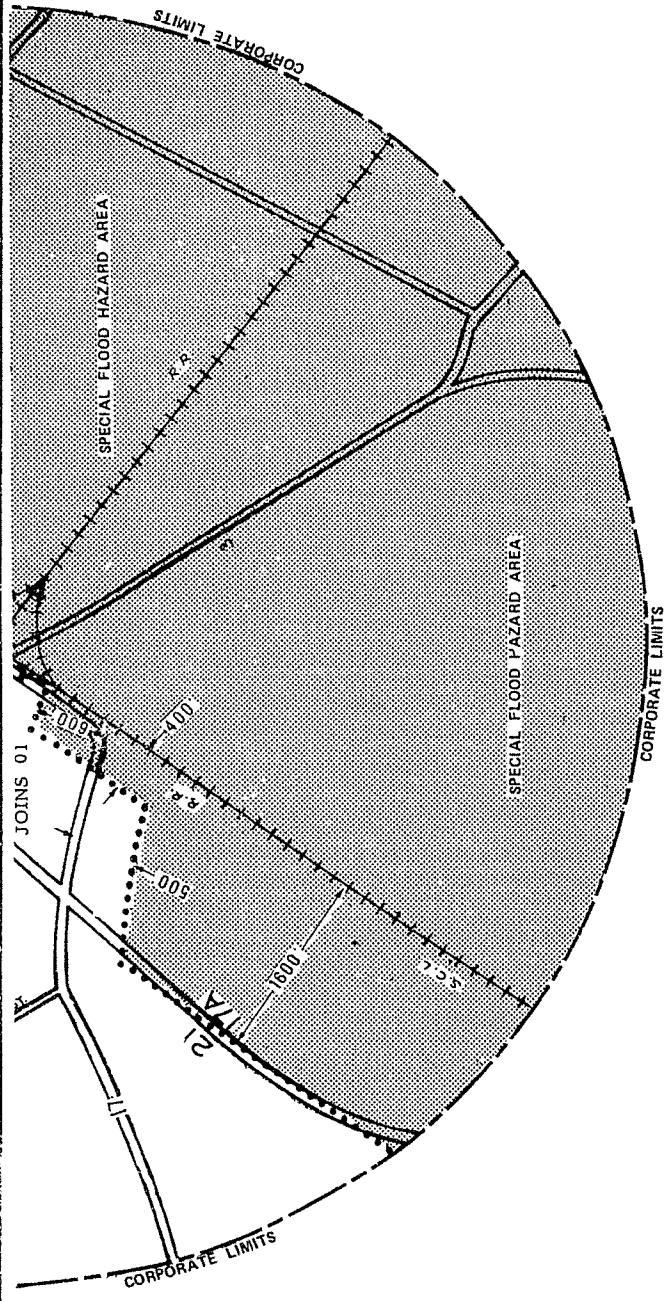
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
Federal Insurance Administration  
TOWN OF YEMASEE, SC  
(HAMPTON CO.)

FIA FLOOD HAZARD BOUNDARY MAP  
No. H02

Effective Date:  
JUNE 21, 1974



APPROXIMATE SCALE



Best Available Copy

## ARTICLE VII. PLANNING, LAND USE, ZONING

Editor's Note. In the data provided by the town to the editors, there was an ordinance entitled *THE UNIFIED LAND DEVELOPMENT ORDINANCE* adopted July 18, 2000. Land use and zoning ordinances are not included in codes or ordinances and are not included in this code. Readers are, therefore, referred to the Town Clerk for reference thereto.

5.701. COMMISSION ESTABLISHED.

There is hereby established a Planning and Zoning Commission to consist of between five (5) and seven (7) members to be appointed by the Mayor and Council for terms of three (3) years.

5.702. SAME. AUTHORITY.

The Commission shall exercise such authority as provided by state laws.

5.703. SAME. SIMILAR ORDINANCES.

In addition to the above-referenced ordinance, all other ordinances pertaining to planning, land use, zoning, etc., are not rescinded by this code. The same shall remain in effect as adopted as if fully set forth herein verbatim.

ARTICLE VIII. PENALTIES

5.801. PENALTY.

a. Any person, persons, firm, company, representative of any firm or company and otherwise violating the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor.

b. Each day during which a violation of the provisions of this chapter occurs, or each separate instance, shall be considered a separate offense punishable by a fine not exceeding five hundred dollars (\$500.00) or imprisonment not exceeding thirty (30) days, or both.

(1976 SC Code §14-25-65)

YEMASSEE TOWN CODE

Chapter 5. Buildings, Flood Control and Planning

**ARTICLE I. ADMINISTRATION**

- 5.101. Authority of Inspectors.
- 5.102. Ordinary Repairs, Maintenance Authorized
- 5.103. Homeowner's Provisions
- 5.104. Liability Not Assumed by Town
- 5.105. Unsafe Buildings. Repairs. Failure to Repair.
- 5.106. Same. Notice to Remove/Correct. Summons Ordinance.
- 5.107. Unfit Dwellings
- 5.108. Utility Connections
- 5.109. Smoke-Free Municipal Building
- 5.110. Appeals
- 5.111. Public Project Applications

**ARTICLE II. CODES**

- 5.201. Authority. Enforcement.

**ARTICLE III. BUILDING AND PROPERTY NUMBERS**

- 5.301. Numbers Required for Buildings and Property.
- 5.302. Same. Assigned

**ARTICLE IV. MOBILE HOMES**

- 5.401. Purpose and Intent of This Article
- 5.402. Definition
- 5.403. Requests
- 5.404. Mobile Home Courts Prohibited. Exception.
- 5.405. General Provisions
- 5.406. Mobile Home Requirements

**ARTICLE V. FAIR HOUSING**

- 5.501. Month Designated.
- 5.502. Program. Minimum Elements

## Chapter 5. Buildings, Flood Control and Planning

This chapter derives from the 1976 South Carolina Code of Laws, Questions 22 through 25 of the Yemassee Questionnaire and generally accepted municipal practices. This article has been included for local guidance.

### Article I. Administration

#### 5.101. Authority of Inspectors.

The Town Council hereby vests the necessary authority for the enforcement of building codes and related provisions in the Town Building Inspector. The Building Inspector shall be appointed by the Town Council.

(YQ 22)

#### 5.102. Ordinary Repairs. Maintenance Authorized.

Ordinary minor repairs and general maintenance may be made, provided such repairs do not violate any of the provisions of this code, county ordinances or state statutes. Examples of minor repairs and general maintenance shall include, but not be limited to, painting, minor carpentry, etc.

#### 5.103. Homeowners Provisions

- a) Nothing in this chapter shall prevent any homeowner from constructing or maintaining buildings, or installing electrical wiring, gas piping or appliances or plumbing within his own property boundaries, provided such work is done by himself and is used exclusively by him or his family.
- b) Such privilege does not convey the right to violate any of the provisions of this chapter, neither is it to be construed as exempting any such property owner from having work inspected, if required.

(Editors Note. Removed)

#### 5.104. Liability Not Assumed by Town

This chapter shall not be construed to relive from or lessen the responsibility of any party owning, operating, controlling, or installing any building, electrical, gas or plumbing equipment from damages to anyone injured thereby, nor shall the town be held as assuming any such liability by reason of inspection authorized, herein, or certificate issued.

5.105. Unsafe Buildings. Repairs. Failure to Repair

- a) Every building which shall appear to the Building Inspector to be dangerous to life or limb or, because of its liability to fire, bad conditions of walls, overloaded construction, decay or other cause shall be held to be unsafe, the Building Inspector shall affix a notice of dangerous character of the structure at a conspicuous place on the exterior wall of the building and shall give immediate notice to the owner or agent of the correction of such condition.
- b) Failure to do so in sixty (60) days, unless extended by **the Mayor and Town Council by Resolution**, shall constitute a misdemeanor.

5.106. Same. Notice to Remove/Correct. Summons Ordinance

The Building Inspector shall report his findings to **the Town Clerk, Mayor & Town Council**, which after consideration, may cause an Ordinance Summons to be issued as set forth in Chapter 14, Article 1, of this code for the immediate correction, removal or discontinuance of the hazard.

5.107. Unfit Dwellings

The Town Council may authorize the repairing, closing or demolition of unfit dwellings.

(1976 SC Code 31-15-20)

5.108. Utility Connections

No supplier of water, **wastewater, gas or electric service shall initiate or reinstate service to any building, unless the Building Inspector has executed the appropriate release form and transmitted the release form to the appropriate utility provider. A copy of the executed release form will be placed into the case file for the permit.**

5.109. Smoke-Free Municipal Building

- a) The Town Hall of the Town of Yemassee, **also known as the Yemassee Municipal Complex**, is hereby declared to be a smoke-free environment.
- b) Violation hereof shall constitute a misdemeanor.

5.110. Appeals

Appeals from decisions of authorized officials shall be made in writing to the **Town Clerk, who will schedule an appeal hearing at an upcoming Council Meeting.**

5.111. Public Projects. Application Required

**The intent of this Section is to provide procedures and standards for the review of Public Project Applications. The review of Public Project Applications will help ensure the project is consistent with the spirit and intent of the Town of Yemassee while ensuring the Town Council, residents and business owners have ample opportunity for feedback regarding the proposed project and have questions regarding the project answered. Any fee for the application submittal shall be noted on the Schedule of Rates & Fees.**

## **Applicability**

- a) This Ordinance applies to any utility expansion or modification (Including, but not limited to, water and wastewater utilities, telecommunication companies, including telecommunications towers, electric and natural gas providers), new Town facilities, or any other infrastructure project of significance on public-rights-of-way in and abutting the Town limits.

## **Application Review Criteria**

The Town of Yemassee shall consider the following criteria in assessing an application for a Public Project:

- a) The application form will be made available on the Town website as well as at the Yemassee Municipal Complex. The Town Clerk will create the form and make any updates to the form as needed.
- b) The application must be completed in its entirety, signed by both the Applicant and Property Owner(s) (where applicable).
- c) The application should list a separate contact person for any necessary communication during the project.
- d) The application must be in conformance with the applicable location and character of the Town of Yemassee.
- e) Public Project Applications will be publicized utilizing the following methods: certified mail to adjacent property owners, posted notice on Town social media platforms and/or the Town website, and posted signage; and
- f) Once a Public Project application is received by Town staff, the submittal items will be reviewed for clarity, content, and completeness before scheduling a Town Council hearing. Town staff may ask for further documentation to ensure the Town Council has ample information to make an informed decision on approval, approval with modifications or denial of the project.

## **Effect and Expiration of Approvals**

- a) Approval of the Public Project shall authorize the applicant to:
  - a. Commence all improvements to the land and the construction of all support facilities as specified by the approval; and
  - b. Apply for any building or other permits required for the construction of all buildings and facilities shown and specified by approval.
- b) Expiration
  - a. Approval of a Public Project shall expire two years from the date of its issue unless an appreciable amount of construction and development commences and proceeds to completion in a timely and customary manner in accordance with the approval.

## **Extensions of Approvals**



Upon request by the Applicant and in conformance with the requirements of this article, the Town of Yemassee shall grant not more than five extensions for a period of one year each.

### **Amendments to Approved Public Projects**

Modifications or amendments to the plan may be approved by the Town of Yemassee where the proposed revision does not substantially alter the basic design approved by the Town of Yemassee. Should the Town of Yemassee determine that the requested amendment alters the approved plan, a new, separate Public Project application shall be submitted.

#### **5.112. Permits. Application Required**

The following building activities require a permit from the Town, and any fees if applicable, shall be maintained in the schedule of rates and fees. Permits shall be valid for six months from the date of issue. A Permit may be renewed once, following a written request to the Town is supplied and Town Staff have submitted a response.

- New Residential Construction
- Residential Addition
- New Commercial Construction
- Commercial Addition
- Mobile Home Placement
- Gas Permit
- Electrical Permit
- HVAC Permit

## Article II. Codes

(Previous editors note has been removed)

### 5.201. Authority & Enforcement

The authority to adopt codes and enforce provisions thereof for the Town of Yemassee, including Building and related provisions such as electrical, plumbing, etc. is hereby delegated to the Building Inspector.

(YQ 25)

DRAFT

### Article III. Building and Property Numbers

(Previous editors note has been removed)

#### 5.301. Numbers Required for Buildings and Property

- a) All buildings and properties located within the corporate limits shall display an address number.
- b) The owner, occupant or agent of each building and property shall place or cause to be placed upon each building and property owned or occupied by him the number assigned, as follows:
  - a. Numbers shall be durable and clearly visible
  - b. Numbers shall be placed conspicuously immediately above to the side of the door facing the street so that the number can be plainly seen from the street. If the building is more than fifty (50) feet from the street, the number shall be placed near the sidewalk, post, tree, or other appropriate place so that the number can be seen plainly from the street.
  - c. If the building has a street-side mailbox, the number may be painted upon or affixed to the mailbox. It shall, as closely as possible, approximate the height of three (3) inches, as space permits, provided it can be plainly seen from the street.
  - d. It shall be the responsibility of the owner, occupant, or agent of each existing or newly acquired or constructed building and property who does not know the number assigned to his building or property to obtain the number.

#### 5.302. Same. Assigned

Properties located within Beaufort County portion of the Town of Yemassee, shall procure their address from the Beaufort County Sheriff's Office E911 addressing office.

Properties located within Hampton County portion of the Town of Yemassee, shall procure their address from the Hampton County Building Department.

## Article IV. Mobile Homes

Editors Note; This chapter derives from the Yemassee Questionnaire, Number 28 and generally accepted municipal practices, to ensure such homes are classified for tax purposes. (See 8.301, this code).

### 5.401. Purpose and Intent of this Article

The purpose and intent of this article shall be to:

- a) Provide a sound and healthy residential environment to meet the unique needs of inhabitants living in mobile homes.
- b) Provide certain standards, provisions and requirements for safe and sanitary needs and methods for present and future inhabitants of mobile homes within the Town of Yemassee.

### 5.402. Definition

Definitions as used in this article:

- 1) Mobile home shall mean any vehicle or similar portable structure having no foundation other than wheels, jacks or skirting, and so designed or constructed as to permit occupancy for dwelling or sleeping purposes.
- 2) Mobile home park shall mean any mobile home park (one parcel of land) where two (2) or more units are used for dwelling or sleeping purposes.
- 3) Mobile home unit shall mean any plot of ground within a mobile home park designed for the accommodation of a mobile home, camper, etc.

(YTC 5.1)

### 5.403. Requests

- a) A request shall be submitted to the Town Clerk, for tax purposes, before a mobile home can be moved into the town.
- b) The applicant shall complete a Town of Yemassee Manufactured / Mobile Home Permit and submit it to the Town for review to ensure compliance with zoning, setbacks and any zoning overlays. The application shall be submitted with a bill of sale and a certificate of title for the mobile home, thereby establishing ownership and registration at the time of application.
- c) The applicant shall complete a Water & Sewer Availability form with Lowcountry Regional Water System to verify if there is water and sewer available in front of the property.
- d) Once a permit is issued, it must be prominently displayed on the property.
- e) This section shall not apply to singlewide mobile homes located in the Town on or before the effective date of adoption of this section of code.

5.404. Mobile Home Courts Prohibited

No mobile home court shall be authorized to operate in the Town, except those in operation prior to the adoption of this article, unless approved by Resolution of the Mayor & Town Council.

5.405. General Provisions

- a) Mobile homes located within the Town shall be entitled to all town services, health and sanitation measures afforded to single family residences.
- b) Mobile homes shall be subject to all tax ordinances applicable to any residence.
- c) Any plumbing used in a mobile home shall hereby be subject to the provisions of Chapter 17 of this code.
- d) To ensure that no provision of this article has been violated, officials of the Town are hereby authorized to enter upon any mobile home lot at reasonable hours for the purpose of inspecting same.
- e) It shall be unlawful to park or store any mobile home on any tract of ground, street, alley, highway, sidewalk or other public place in the Town, except as provided for in this article.

5.406. Mobile Home Requirements

- a) Mobile homes shall be on a permanent brick, permanent block or other concrete reinforced foundation that extends the perimeter of the mobile home on a concrete footing.
- b) Except for electrical and telephone connections, mobile homes shall have permanent utility hookups, water metered at the property line, and water utility connections concealed from view.
- c) Each mobile home shall have separate connections to the water and sewer mains operated by Lowcountry Regional Water System.

(YTC Chapter 15)

## Article V. Fair Housing

Editors Note: The month of April has been set aside nationally and, in many municipalities, to declare that:

### 5.501. Month Designated

- a) The month of April is hereby designated as Fair Housing Month in the Town of Yemassee.
- b) It is the intent of the Town Council that all citizens of Yemassee be afforded to the opportunity to obtain a decent, safe and sound living environment, regardless of race, religion, color, creed, sexual orientation, homelessness; that every citizen be afforded the opportunity to select a home of their choice.
- c) Annually, the Town shall publish its Fair Housing Proclamation and its policy on Non-Discrimination in the newspaper of general circulation, The Beaufort Gazette, each April.

(YQ 26)

### 5.502. Program. Minimum Elements

- a) The Town of Yemassee shall publicize this section to encourage owners of real estate, developers, and builders to become aware of their respective responsibilities and rights under the Federal and State Fair Housing Law and amendments, state laws or local laws and ordinances.
- b) Said program will at a minimum include a printing and publicizing of this policy and other applicable fair housing information through local media and community contacts and the distribution of posters, flyers and any other means that will bring to the attention of those affected the knowledge of their respective responsibilities and rights concerning equal opportunity in housing.

DRAFT



**Article VI**

**Flood Damage Control**

Town of Yemassee.

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## Article I. General Standards

### **5.601 Statutory Authorization**

**Municipality** - The Legislature of the State of South Carolina has in SC Code of Laws, Title 5 and Title 6, and amendments thereto, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Town Council of the Town of Yemassee, South Carolina does ordain as follows:

**5.602 Findings of Fact** The Special Flood Hazard Areas of the Town of Yemassee are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

Furthermore, these flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

**5.603 Statement of Purpose and Objectives** - It is the purpose of this ordinance to protect human life and health, minimize property damage, and encourage appropriate construction practices to minimize public and private losses due to flood conditions by requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction. Uses of the floodplain which are dangerous to health, safety, and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion are restricted or prohibited. These provisions attempt to control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters, and control filling, grading, dredging and other development which may increase flood damage or erosion. Additionally, the ordinance prevents or regulates the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

The objectives of this ordinance are to protect human life and health, to help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize flood blight areas, and to insure that potential home buyers are notified that property is in a flood area. The provisions of the ordinance are intended to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets and bridges located in the floodplain, and prolonged business interruptions. Also, an important floodplain management objective of this ordinance is to minimize expenditure of public money for costly flood control projects and rescue and relief efforts associated with flooding.

Floodplains are an important asset to the community. They perform vital natural functions such as temporary storage of floodwaters, moderation of peak flood flows, maintenance of water quality, groundwater recharge, prevention of erosion, habitat for diverse natural wildlife populations, recreational opportunities, and aesthetic quality. These functions are best served if floodplains are kept in their natural state. Wherever possible, the natural characteristics of floodplains and their associated wetlands and water bodies should be preserved and enhanced. Decisions to alter floodplains, especially floodways and stream channels, should be the result of careful planning processes that evaluate resource conditions and human needs.

**5.604 Lands to Which this Ordinance Applies** This ordinance shall apply to all areas of special flood hazard within the jurisdiction of the Town of Yemassee as identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Rate Map dated September 1, 1986, and its Flood Insurance Studies, dated March 23, 2021 (Beaufort County) and September 29, 2010 (Hampton County) with accompanying maps and other supporting data that are hereby adopted by reference and declared to be a part of this ordinance.

Upon annexation any special flood hazard areas identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study for the unincorporated areas of Beaufort or Hampton, with accompanying map and other data are adopted by reference and declared part of this ordinance.

**5.605 Establishment of Development Permit** A Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities.

**5.606 Compliance** No structure or land shall hereafter be located, extended, converted, or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

**5.607 Interpretation** In the interpretation and application of this ordinance all provisions shall be considered as minimum requirements, liberally construed in favor of the governing body, and deemed neither to limit nor repeal any other powers granted under State law. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions, shall prevail.

**5.608 Partial Invalidity and Severability** If any part of this Ordinance is declared invalid, the remainder of the Ordinance shall not be affected and shall remain in force.

**5.609 Warning and Disclaimer of Liability** The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the

Town of Yemassee or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

**5.610 Penalties for Violation** - Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500.00 or imprisoned for not more than 30 days, or both. Each day the violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Yemassee from taking such other lawful action as is necessary to prevent or remedy any violation.

## Article II. DEFINITIONS

**5.611 General** - Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

- a) Accessory Structure (Appurtenant Structure)** - structures that are located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory Structures should constitute a minimal investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.
- b) Addition (to an existing building)**- an extension or increase in the floor area or height of a building or structure. Additions to existing buildings shall comply with the requirements for new construction regardless as to whether the addition is a substantial improvement or not. Where a firewall or load-bearing wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and must comply with the standards for new construction.
- c) Agricultural structure** - a structure used solely for agricultural purposes in which the use is exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock. Agricultural structures are *not* exempt from the provisions of this ordinance.
- d) Appeal** - a request for a review of the local floodplain administrator's interpretation of any provision of this ordinance.
- e) Area of shallow flooding** - a designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

- f) Area of special flood hazard** - the land in the floodplain within a community subject to a one percent or greater chance of being equaled or exceeded in any given year.
- g) Base flood** - the flood having a one percent chance of being equaled or exceeded in any given year.
- h) Basement** - means any enclosed area of a building that is below grade on all sides.
- i) Building** - see structure
- j) Coastal High Hazard Area** - an area of special flood hazard extending from offshore to the inland limit of the primary frontal dune along an open coast and any other area subject to velocity wave action from storms or seismic sources.
- k) Critical Development** – development that is critical to the community’s public health and safety, is essential to the orderly functioning of a community, store or produce highly volatile, toxic or water-reactive materials, or house occupants that may be insufficiently mobile to avoid loss of life or injury. Examples of critical development include jails, hospitals, schools, fire stations, nursing homes, wastewater treatment facilities, water plants, and gas/oil/propane storage facilities.
- l) Development** - any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.
- m) Elevated building** - a non-basement building built to have the lowest floor elevated above the ground level by means of solid foundation perimeter walls, pilings, columns, piers, or shear walls parallel to the flow of water.
- n) Executive Order 11988 (Floodplain Management)** - Issued by President Carter in 1977, this order requires that no federally assisted activities be conducted in or have the potential to affect identified special flood hazard areas, unless there is no practicable alternative.
- o) Existing construction** - means, for the purposes of determining rates, structures for which the start of construction commenced before October 31, 1975.
- p) Existing manufactured home park or manufactured home subdivision** - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before September 1, 2001.

- q) Expansion to an existing manufactured home park or subdivision** - the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs).
- r) Flood** - a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, or the unusual and rapid accumulation of runoff of surface waters from any source.
- s) Flood Hazard Boundary Map (FHBM)** - an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.
- t) Flood Insurance Rate Map (FIRM)** - an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.
- u) Flood Insurance Study** - the official report provided by the Federal Emergency Management Agency which contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.
- v) Flood-resistant material** - any building material capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is water-soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumbers are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not flood-resistant. Please refer to Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements*, dated 8/08, and available from the Federal Emergency Management Agency. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.
- w) Floodway** - the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
- x) Freeboard** - a factor of safety usually expressed in feet above a flood level for purposes of flood plain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.



- y) Functionally dependent use**- a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.
- z) Highest Adjacent Grade** - the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure.
- aa) Historic Structure** - any structure that is: (a) listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of the Interior (DOI)) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a State inventory of historic places; (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified (1) by an approved State program as determined by the Secretary of Interior, or (2) directly by the Secretary of Interior in states without approved programs. Some structures or districts listed on the State or local inventories **MAY NOT** be "Historic" as cited above, but have been included on the inventories because it was believed that the structures or districts have the **potential** for meeting the "Historic" structure criteria of the DOI. In order for these structures to meet NFIP historic structure criteria, it must be demonstrated and evidenced that the South Carolina Department of Archives and History has **individually determined** that the structure or district meets DOI historic structure criteria.
- bb) Increased Cost of Compliance (ICC)** – applies to all new and renewed flood insurance policies effective on and after June 1, 1997. The NFIP shall enable the purchase of insurance to cover the cost of compliance with land use and control measures established under Section 1361. It provides coverage for the payment of a claim to help pay for the cost to comply with State or community floodplain management laws or ordinances after a flood event in which a building has been declared substantially or repetitively damaged.
- cc) Limited storage** - an area used for storage and intended to be limited to incidental items that can withstand exposure to the elements and have low flood damage potential. Such an area must be of flood resistant or breakaway material, void of utilities except for essential lighting and cannot be temperature controlled. If the area is located below the base flood elevation in an A, AE and A1-A30 zone it must meet the requirements of Article IV.A.4 of this ordinance. If the area is located below the base flood elevation in a V, VE and V1-V30 zone it must meet the requirements of Article IV of this ordinance.

- dd) Lowest Adjacent Grade (LAG)** - is an elevation of the lowest ground surface that touches any deck support, exterior walls of a building or proposed building walls.
- ee) Lowest Floor** -the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.
- ff) Manufactured home** - a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".
- gg) Manufactured Home Park or subdivision** - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- hh) Mean Sea Level** – means, for the purpose of this ordinance, the Nations Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which the base flood elevations shown on a community's Flood Insurance Rate Maps (FIRM) are shown.
- ii) National Geodetic Vertical Datum (NGVD)of 1929** - as corrected in 1929, elevation reference points set by National Geodetic Survey based on mean sea level.
- ji) North American Vertical Datum (NAVD) of 1988** – vertical control, as corrected in 1988, used as the reference datum on Flood Insurance Rate Maps.
- kk) New construction** - structure for which the start of construction commenced on or after September 1, 2001. The term also includes any subsequent improvements to such structure.
- ll) New manufactured home park or subdivision** - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs) is completed on or after September 1, 2001.
- mm) Primary Frontal Dune** - a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and subject to erosion and overtopping from high tides and waves during coastal storms.

The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

**nn) Recreational vehicle** - a vehicle which is: (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and, (d) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

**oo) Repetitive Loss** – a building covered by a contract for flood insurance that has incurred flood-related damages on 2 occasions during a 10 year period ending on the date of the event for which a second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25% of the market value of the building at the time of each such flood event.

**pp) Section 1316 of the National Flood insurance Act of 1968** - The act provides that no new flood insurance shall be provided for any property found by the Federal Emergency Management Agency to have been declared by a state or local authority to be in violation of state or local ordinances.

**qq) Stable Natural Vegetation** - the first place on the oceanfront where plants such as sea oats hold sand in place.

**rr) Start of construction** - for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for footings, piers or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

**ss) Structure** - a walled and roofed building, a manufactured home, including a gas or liquid storage tank that is principally above ground.

**tt) Substantial damage** - damage of any origin sustained by a structure whereby the

cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Such repairs may be undertaken successively and their costs counted cumulatively. Please refer to the definition of "substantial improvement".

**uu) Substantial improvement** - any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures that have incurred repetitive loss or substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- a) any project of improvement to a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or,
- b) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Permits shall be cumulative for a period of five years. If the improvement project is conducted in phases, the total of all costs associated with each phase, beginning with the issuance of the first permit, shall be utilized to determine whether "substantial improvement" will occur.

**vv) Substantially improved existing manufactured home park or subdivision** - where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction, or improvement commenced.

**ww) Variance** - is a grant of relief from a term or terms of this ordinance.

**xx) Violation** – the failure of a structure or other development to be fully compliant with these regulations.

### Article III. ADMINISTRATION

**5.612 Designation of Local Floodplain Administrator** -The Town Clerk or their designee is hereby appointed to administer and implement the provisions of this ordinance.

**5.613 Adoption of Letter of Map Revisions (LOMR)** – All LOMRs that are issued in the areas identified in 5.604 of this ordinance are hereby adopted.

**5.614 Development Permit and Certification Requirements.**

1. **Development Permit:** - Application for a development permit shall be made to the

local floodplain administrator on forms furnished by him or her prior to any development activities. The development permit may include, but not be limited to, plans in duplicate drawn to scale showing: the nature, location, dimensions, and elevations of the area in question; existing or proposed structures; and the location of fill materials, storage areas, and drainage facilities. Specifically, the following information is required:

- a) A plot plan that shows the 100-year floodplain contour or a statement that the entire lot is within the floodplain must be provided by the development permit applicant when the lot is within or appears to be within the floodplain as mapped by the Federal Emergency Management Agency or the floodplain identified pursuant to either the Duties and Responsibilities of the local floodplain administrator of Article III or the Standards for Subdivision Proposals of Article IV and the Standards for streams without Estimated Base Flood Elevations and Floodways of Article IV. The plot plan must be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by it. The plot plan must show the floodway, if any, as identified by the Federal Emergency Management Agency or the floodway identified pursuant to either the duties or responsibilities of the local floodplain administrator of Article III or the standards for subdivision proposals of Article IV and the standards for streams without estimated base flood elevations and floodways of Article IV.
- b) Where base flood elevation data is provided as set forth in Article I or the duties and responsibilities of the local floodplain administrator of Article III the application for a development permit within the flood hazard area shall show:
  - (1) the elevation (in relation to mean sea level) of the lowest floor of all new and substantially improved structures, and
  - (2) if the structure will be floodproofed in accordance with the Non-Residential Construction requirements of Article IV the elevation (in relation to mean sea level) to which the structure will be floodproofed.
- c) Where base flood elevation data is not provided as set forth in Article I or the duties and responsibilities of the local floodplain administrator of Article III, then the provisions in the standards for streams without estimated base flood elevations and floodways of Article IV must be met.
- d) Alteration of Watercourse: Where any watercourse will be altered or relocated as a result of proposed development, the application for a development permit shall include a description of the extent of watercourse alteration or relocation, an engineering study to demonstrate that the flood-carrying capacity of the altered or relocated watercourse is maintained and a

map showing the location of the proposed watercourse alteration or relocation.

## 2. Certifications

- a) Floodproofing Certification - When a structure is floodproofed, the applicant shall provide certification from a registered, professional engineer or architect that the non-residential, floodproofed structure meets the floodproofing criteria in the non-residential construction requirements of Article IV.
- b) Certification During Construction – A lowest floor elevation or floodproofing certification is required after the lowest floor is completed. As soon as possible after completion of the lowest floor and before any further vertical construction commences, or floodproofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the local floodplain administrator a certification of the elevation of the lowest floor, or floodproofed elevation, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by it. Any work done prior to submission of the certification shall be at the permit holder's risk. The local floodplain administrator shall review the floor elevation survey data submitted. The permit holder immediately and prior to further progressive work being permitted to proceed shall correct deficiencies detected by such review. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.
- c) V-Zone Certification - When a structure is located in Zones V, VE, or V1-30, certification shall be provided from a registered professional engineer or architect, separate from submitted plans, that new construction and substantial improvement meets the criteria for the coastal high hazard areas outlined in Article IV.
- d) As-built Certification - Upon completion of the development a registered professional engineer, land surveyor or architect, in accordance with SC law, shall certify according to the requirements of Article III that the development is built in accordance with the submitted plans and previous pre-development certifications.

**5.615 Duties and Responsibilities of the Local Floodplain Administrator** - shall include, but not be limited to:

1. **Permit Review** - Review all development permits to assure that the

requirements of this ordinance have been satisfied.

2. **Requirement of Federal and/or state permits** - Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C 1334.
3. **Watercourse alterations**
  - a) Notify adjacent communities and the South Carolina Department of Natural Resources, Land, Water, and Conservation Division, State Coordinator for the National Flood Insurance Program, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
  - b) In addition to the notifications required watercourse alterations per Article III, written reports of maintenance records must be maintained to show that maintenance has been provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained. This maintenance must consist of a comprehensive program of periodic inspections, and routine channel clearing and dredging, or other related functions. The assurance shall consist of a description of maintenance activities, frequency of performance, and the local official responsible for maintenance performance. Records shall be kept on file for FEMA inspection.
  - c) If the proposed project will modify the configuration of the watercourse, floodway, or base flood elevation for which a detailed Flood Insurance Study has been developed, the applicant shall apply for and must receive approval for a Conditional Letter of Map Revision with the Federal Emergency Management Agency prior to the start of construction.
  - d) Within 60 days of completion of an alteration of a watercourse, referenced in the certification requirements of Article III.C.2.d, the applicant shall submit as-built certification, by a registered professional engineer, to the Federal Emergency Management Agency.
4. **Floodway encroachments** - Prevent encroachments within floodways unless the certification and flood hazard reduction provisions of Article IV are met.
5. **Adjoining Floodplains** - Cooperate with neighboring communities with respect to the management of adjoining floodplains and/or flood-related erosion areas in order to prevent aggravation of existing hazards.
6. **Notifying Adjacent Communities** – Notify adjacent communities prior to permitting substantial commercial developments and large subdivisions to be undertaken in



areas of special flood hazard and/or flood-related erosion hazards.

**7. Certification requirements –**

- a) Obtain and review actual elevation (in relation to mean sea level) of the lowest floor of all new or substantially improved structures, in accordance with administrative procedures outlined in Article III or the coastal high hazard area requirements outlined in Article IV.
- b) Obtain the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been floodproofed, in accordance with the floodproofing certification outlined in Article III.
- c) When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the non-residential construction requirements outlined in Article IV.
- d) A registered professional engineer or architect shall certify that the design, specifications and plans for construction are in compliance with the provisions contained in the coastal high hazard area requirements outlined in Article IV of this ordinance.

**8. Map Interpretation** - Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.

**9. Prevailing Authority** – Where a map boundary showing an area of special flood hazard and field elevations disagree, the base flood elevations for flood protection elevations (as found on an elevation profile, floodway data table, etc.) shall prevail. The correct information should be submitted to FEMA as per the map maintenance activity requirements outlined in Article IV.

**10. Use Of Best Available Data** - When base flood elevation data and floodway data has not been provided in accordance with Article I, obtain, review, and reasonably utilize best available base flood elevation data and floodway data available from a federal, state, or other source, including data developed pursuant to the standards for subdivision proposals outlined in Article IV in order to administer the provisions of this ordinance. Data from preliminary, draft, and final Flood Insurance Studies constitutes best available data from a federal, state, or other source. Data must be developed using hydraulic models meeting the minimum requirement of NFIP approved model. If an appeal is pending on the study in accordance with 44 CFR Ch. 1, Part 67.5 and 67.6, the data does not have to be used.

**11. Special Flood hazard Area/topographic Boundaries Conflict** - When the exact

location of boundaries of the areas special flood hazards conflict with the current, natural topography information at the site; the site information takes precedence when the lowest adjacent grade is at or above the BFE, the property owner may apply and be approved for a Letter of Map Amendment (LOMA) by FEMA. The local floodplain administrator in the permit file will maintain a copy of the Letter of Map Amendment issued from FEMA.

12. **On-Site inspections** - Make on-site inspections of projects in accordance with the administrative procedures outlined in Article III.
13. **Administrative Notices** - Serve notices of violations, issue stop-work orders, revoke permits and take corrective actions in accordance with the administrative procedures in Article III.
14. **Records Maintenance** - Maintain all records pertaining to the administration of this ordinance and make these records available for public inspection.
15. **Annexations and Detachments** - Notify the South Carolina Department of Natural Resources Land, Water and Conservation Division, State Coordinator for the National Flood Insurance Program within six (6) months, of any annexations or detachments that include special flood hazard areas.
16. **Federally Funded Development** - The President issued *Executive Order 11988, Floodplain Management May 1977*. E.O. 11988 directs federal agencies to assert a leadership role in reducing flood losses and losses to environmental values served by floodplains. Proposed developments must go through an eight-step review process. Evidence of compliance with the executive order must be submitted as part of the permit review process.
17. **Substantial Damage Determination** – Perform an assessment of damage from any origin to the structure using FEMA’s Residential Substantial Damage Estimator (RSDE) software to determine if the damage equals or exceeds 50 percent of the market value of the structure before the damage occurred.
18. **Substantial Improvement Determinations** – Perform an assessment of permit applications for improvements or repairs to be made to a building or structure that equals or exceeds 50 percent of the market value of the structure before the start of construction. Cost of work counted for determining if and when substantial improvement to a structure occurs shall be cumulative for a period of five years. If the improvement project is conducted in phases, the total of all costs associated with each phase, beginning with the issuance of the first permit, shall be utilized to determine whether “substantial improvement” will occur.

*The market values shall be determined by one of the following methods:*

- a) the current assessed building value as determined by the county’s assessor’s

office or the value of an appraisal performed by a licensed appraiser at the expense of the owner within the past 6 months.

- b) one or more certified appraisals from a registered professional licensed appraiser in accordance with the laws of South Carolina. The appraisal shall indicate actual replacement value of the building or structure in its pre-improvement condition, *less the cost of site improvements and depreciation for functionality and obsolescence.*
- c) Real Estate purchase contract within 6 months prior to the date of the application for a permit.

#### **5.616 Administrative Procedures**

- a) Inspections of Work in Progress** - As the work pursuant to a permit progresses, the local floodplain administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the floodplain administrator has a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction at any reasonable hour for the purposes of inspection or other enforcement action.
- b) Stop-Work Orders** - Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the floodplain administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.
- c) Revocation of Permits** - The local floodplain administrator may revoke and require the return of the development permit by notifying the permit holder in writing, stating the reason for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of state or local laws; or for false statements or misrepresentations made in securing the permit. Any permit mistakenly issued in violation of an applicable state or local law may also be revoked.
- d) Periodic Inspections** - The local floodplain administrator and each member of his/her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
- e) Violations to be Corrected** - When the local floodplain administrator finds

violations of applicable state and local laws, it shall be his/her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law on the property he owns.

**f) Actions in Event of Failure to Take Corrective Action:** If the owner of a building or property shall fail to take prompt corrective action, the floodplain administrator shall give him written notice, by certified or registered mail to his last known address or by personal service, that:

- 1)** the building or property is in violation of the Flood Damage Prevention Ordinance,
- 2)** a hearing will be held before the local floodplain administrator at a designated place and time, not later than 10 days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and,
- 3)** following the hearing, the local floodplain administrator may issue such order to alter, vacate, or demolish the building; or to remove fill as appears appropriate.

**g) Order to Take Corrective Action:** If, upon a hearing held pursuant to the notice prescribed above, the floodplain administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, he/she shall make an order in writing to the owner, requiring the owner to remedy the violation within such period, not less than 60 days, the floodplain administrator may prescribe; provided that where the floodplain administrator finds that there is imminent danger to life or other property, he may order that corrective action be taken in such lesser period as may be feasible.

**h) Appeal:** Any owner who has received an order to take corrective action may appeal from the order to the local elected governing body by giving notice of appeal in writing to the floodplain administrator and the clerk within 10 days following issuance of the final order. In the absence of an appeal, the order of the floodplain administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

**i) Failure to Comply with Order:** If the owner of a building or property fails to comply with an order to take corrective action from which no appeal has been taken, or fails to comply with an order of the governing body following an appeal, he shall be guilty of a misdemeanor and shall be punished in the discretion of the court.

**j) Denial of Flood Insurance under the NFIP:** If a structure is declared in violation of

this ordinance and after all other penalties are exhausted to achieve compliance with this ordinance then the local floodplain administrator shall notify the Federal Emergency Management Agency (FEMA) to initiate a Section 1316 of the National Flood insurance Act of 1968 action against the structure upon the finding that the violator refuses to bring the violation into compliance with the ordinance. Once a violation has been remedied the local floodplain administrator shall notify FEMA of the remedy and ask that the Section 1316 be rescinded.

**k)** The following **documents** are incorporated by reference and may be used by the local floodplain administrator to provide further guidance and interpretation of this ordinance as found on FEMA's website at [www.fema.gov](http://www.fema.gov):

- a) FEMA 55 Coastal Construction Manual
- b) All FEMA Technical Bulletins
- c) All FEMA Floodplain Management Bulletins
- d) FEMA 348 Protecting Building Utilities from Flood Damage
- e) FEMA 499 Home Builder's Guide to Coastal Construction Technical Fact Sheets

## **Article IV. PROVISIONS FOR FLOOD HAZARD REDUCTION**

### **5.617 General Standards**

Development may not occur in the Special Flood Hazard Area (SFHA) where alternative locations exist due to the inherent hazards and risks involved. Before a permit is issued, the applicant shall demonstrate that new structures cannot be located out of the SFHA and that encroachments onto the SFHA are minimized. In all areas of special flood hazard the following provisions are required:

- i. **Reasonably Safe from Flooding** - Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding
- ii. **Anchoring** - All new construction and substantial improvements shall be anchored to prevent flotation, collapse, and lateral movement of the structure.
- iii. **Flood Resistant Materials and Equipment** - All new construction and substantial improvements shall be constructed with flood resistant materials and utility equipment resistant to flood damage in accordance with Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements*, dated 8/08, and available from the Federal Emergency Management Agency.

- iv. **Minimize Flood Damage** - All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages,
- v. **Critical Development** - shall be elevated to the 500 year flood elevation or be elevated to the highest known historical flood elevation (where records are available), whichever is greater. If no data exists establishing the 500 year flood elevation or the highest known historical flood elevation, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates 500 year flood elevation data,
- vi. **Utilities** - Electrical, ventilation, plumbing, heating and air conditioning equipment (including ductwork), and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of the base flood plus one (1) foot.
- vii. **Water Supply Systems** - All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system,
- viii. **Sanitary Sewage Systems** – New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters,
- ix. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding,
- x. **Gas Or Liquid Storage Tanks** – All gas or liquid storage tanks, either located above ground or buried, shall be anchored to prevent floatation and lateral movement resulting from hydrodynamic and hydrostatic loads.
- xi. **Alteration, Repair, Reconstruction, Or Improvements** - Any alteration, repair, reconstruction, or improvement to a structure that is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance. This includes post-FIRM development and structures.
- xii. **Non-Conforming Buildings or Uses** - Non-conforming buildings or uses may not be enlarged, replaced, or rebuilt unless such enlargement or reconstruction is accomplished in conformance with the provisions of this ordinance. Provided, however, nothing in this ordinance shall prevent the repair, reconstruction, or replacement of an existing building or structure located totally or partially within the floodway, provided that the bulk of the building or structure below base flood elevation in the floodway is not increased and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance,
- xiii. **American with Disabilities Act (ADA)** - A building must meet the specific standards for floodplain construction outlined in Article IV.B, as well as any

applicable ADA requirements. The ADA is not justification for issuing a variance or otherwise waiving these requirements. Also, the cost of improvements required to meet the ADA provisions shall be included in the costs of the improvements for calculating substantial improvement.

#### **5.618 Specific Standards**

In all areas of special flood hazard ( Zones A, AE, AH, AO, A1-30, V, and VE) where base flood elevation data has been provided, as set forth in Article I.D or outlined in the Duties and Responsibilities of the local floodplain administrator Article III.D., the following provisions are required:

- A. Residential Construction** - New construction and substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor elevated no lower than one (1) foot above the base flood elevation. No basements are permitted. Should solid foundation perimeter walls be used to elevate a structure, flood openings sufficient to automatically equalize hydrostatic flood forces, shall be provided in accordance with the elevated buildings requirements in Article IV.
- B. Non-Residential Construction**
- a) New construction and substantial improvement of any commercial, industrial, or non-residential structure (including manufactured homes) shall have the lowest floor elevated no lower than one (1) foot above the level of the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, flood openings sufficient to automatically equalize hydrostatic flood forces, shall be provided in accordance with the elevated buildings requirements in Article IV. No basements are permitted. Structures located in A-zones may be floodproofed in lieu of elevation provided that all areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.
- b) A registered, professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certifications shall be provided to the official as set forth in the floodproofing certification requirements in Article III. A variance may be considered for wet-floodproofing agricultural structures in accordance with the criteria outlined in Article V of this ordinance. Agricultural structures not meeting the criteria of Article V must meet the non-residential construction standards and all other applicable provisions of this ordinance. Structures that are floodproofed are required to have an approved maintenance plan with an annual exercise. The local floodplain administrator must approve the maintenance plan and notification of the annual exercise shall be provided to



it.

**C. Manufactured Homes**

- a)** Manufactured homes that are placed or substantially improved on sites outside a manufactured home park or subdivision, in a new manufactured home park or sub-division, in an expansion to an existing manufactured home park or subdivision, or in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, must be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated no lower than one (1) foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- b)** Manufactured homes that are to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to the provisions for residential construction in Article IV of this ordinance must be elevated so that the lowest floor of the manufactured home is elevated no lower than one (1) foot than above the base flood elevation, and be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement.
- c)** Manufactured homes shall be anchored to prevent flotation, collapse, and lateral movement. For the purpose of this requirement, manufactured homes must be anchored to resist flotation, collapse, and lateral movement in accordance with Section 40-29-10 of the *South Carolina Manufactured Housing Board Regulations*, as amended. Additionally, when the elevation requirement would be met by an elevation of the chassis 36 inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above 36 inches in height an engineering certification is required.
- d)** An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood-prone areas. This plan shall be filed with and approved by the local floodplain administrator and the local Emergency Preparedness Coordinator.

**D. Elevated Buildings** - New construction and substantial improvements of elevated buildings that include fully enclosed areas below the lowest floor that are usable solely for the parking of vehicles, building access, or limited storage in an area other than a basement, and which are subject to flooding shall be designed to preclude finished space and be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

**a) Designs** for complying with this requirement must either be certified by a professional engineer or architect or meet or exceed all of the following minimum criteria:

- a. Provide a minimum of two openings on different walls having a *total net area* of not less than one square inch for every square foot of enclosed area subject to flooding.
- b. The bottom of each opening must be no more than 1 foot above the higher of the interior or exterior grade immediately under the opening,
- c. Only the portions of openings that are below the base flood elevation (BFE) can be counted towards the required net open area.
- d. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- e. Fill placed around foundation walls must be graded so that the grade inside the enclosed area is equal to or higher than the adjacent grade outside the building on at least one side of the building.

**b) Hazardous Velocities** - Hydrodynamic pressure must be considered in the design of any foundation system where velocity waters or the potential for debris flow exists. If flood velocities are excessive (greater than 5 feet per second), foundation systems other than solid foundations walls should be considered so that obstructions to damaging flood flows are minimized.

**c) Enclosures Below Lowest Floor**

- a. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).
- b. The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, must be void of utilities except for essential lighting as required for safety, and cannot be temperature controlled.
- c. One wet location switch and/or outlet connected to a ground fault

interrupt breaker may be installed below the required lowest floor elevation specified in the specific standards outlined in Article IV.

- d. All construction materials below the required lowest floor elevation specified in the specific standards outlined in Article IV should be of flood resistant materials.

**E. Floodways** - Located within areas of special flood hazard established in Article I, are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris and potential projectiles and has erosion potential. The following provisions shall apply within such areas:

- a)** No encroachments, including fill, new construction, substantial improvements, additions, and other developments shall be permitted unless:
  - a. It has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood. Such certification and technical data shall be presented to the local floodplain administrator.
  - b. A Conditional Letter of Map revision (CLOMR) has been approved by FEMA. A Letter of Map Revision must be obtained upon completion of the proposed development.
- b)** If Article IV is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article IV.
- c)** No manufactured homes shall be permitted, except in an existing manufactured home park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring and the elevation standards of Article IV and the encroachment standards of Article IV are met.
- d)** Permissible uses within floodways may include: general farming, pasture, outdoor plant nurseries, horticulture, forestry, wildlife sanctuary, game farm, and other similar agricultural, wildlife, and related uses. Also, lawns, gardens, play areas, picnic grounds, and hiking and horseback riding trails are acceptable uses, provided that they do not employ structures or fill. Substantial development of a permissible use may require a no-impact certification. The uses listed in this subsection are permissible only if and to the extent that they do not cause any increase in base flood elevations or changes to the floodway configuration.

**F. Recreational Vehicles**

- a)** A recreational vehicle is ready for highway use if it is:
- a. on wheels or jacking system
  - b. attached to the site only by quick-disconnect type utilities and security devices; and
  - c. has no permanently attached additions
2. Recreational vehicles placed on sites shall either be:
- a. on site for fewer than 180 consecutive days; or
  - b. be fully licensed and ready for highway use, or
  - c. *meet* the development permit and certification requirements of Article III, general standards outlined in Article IV, and manufactured homes standards in Article IV.

**G. Map Maintenance Activities** – The National Flood Insurance Program (NFIP) requires flood data to be reviewed and approved by FEMA. This ensures that flood maps, studies and other data identified in Article I. accurately represent flooding conditions so appropriate floodplain management criteria are based on current data. The following map maintenance activities are identified:

**a) Requirement to Submit New Technical Data**

- a. For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical or scientific data reflecting such changes be submitted to FEMA as soon as practicable , but no later than six months of the date such information becomes available. These development proposals include; but not limited to:
  - i. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;
  - ii. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;
  - iii. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and

- iv. Subdivision or large scale development proposals requiring the establishment of base flood elevations in accordance with Article IV.
- b. It is the responsibility of the applicant to have technical data, required in accordance with Article IV prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall also be the responsibility of the applicant.
- c. The local floodplain administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:
  - i. Proposed floodway encroachments that increase the base flood elevation; and
  - ii. Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.
- d. Floodplain development permits issued by the local floodplain administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to Article IV.

**b) Right to Submit New Technical Data** - The floodplain administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the local jurisdiction and may be submitted at any time.

#### **H. Accessory Structures**

- a)** A detached accessory structure or garage, the cost of which is greater than \$3,000, must comply with the requirements as outlined in FEMA's Technical Bulletin 7-93 *Wet Floodproofing Requirements or be elevated in accordance with Article IV Section B(1) and B (4) or dry floodproofed in accordance with Article IV B (2)*.
- b)** If accessory structures of \$3,000 or less are to be placed in the floodplain, the following criteria shall be met:
  - o Accessory structures shall not be used for any uses other than the parking of

vehicles and storage,

- Accessory structures shall be designed to have low flood damage potential,
- Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters,
- Accessory structures shall be firmly anchored to prevent flotation, collapse and lateral movement of the structure,
- Service facilities such as electrical and heating equipment shall be installed in accordance with Article IV.
- Openings to relieve hydrostatic pressure during a flood shall be provided below base flood elevation in conformance with Article IV.
- Accessory structures shall be built with flood resistance materials in accordance with Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements*, dated 8/08, and available from the Federal Emergency Management Agency. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

**I. Swimming Pool Utility Equipment Rooms** - If the building cannot be built at or above the BFE, because of functionality of the equipment then a structure to house the utilities for the pool may be built below the BFE with the following provisions:

- Meet the requirements for accessory structures in Article IV.
- The utilities must be anchored to prevent flotation and shall be designed to prevent water from entering or accumulating within the components during conditions of the base flood.

**J. Elevators**

- a)** Install a float switch system or another system that provides the same level of safety necessary for all elevators where there is a potential for the elevator cab to descend below the BFE during a flood per FEMA's Technical Bulletin 4-93 Elevator Installation for Buildings Located in Special Flood Hazard Areas.
- b)** All equipment that may have to be installed below the BFE such as counter weight roller guides, compensation cable and pulleys, and oil buffers for traction elevators and the jack assembly for a hydraulic elevator must be constructed using flood-resistant materials where possible per FEMA's Technical Bulletin 4-93 Elevator Installation for Buildings Located in Special Flood Hazard Areas.

**11. Fill** - An applicant shall demonstrate that fill is the only alternative to raising the

building to meet the residential and non-residential construction requirements of Article IV, and that the amount of fill used will not affect the flood storage capacity or adversely affect adjacent properties. The following provisions shall apply to all fill placed in the special flood hazard area:

- a) Fill may not be placed in the floodway unless it is in accordance with the requirements in Article IV.
- b) Fill may not be placed in tidal or non-tidal wetlands without the required state and federal permits.
- c) Fill must consist of soil and rock materials only. A registered professional geotechnical engineer may use dredged material as fill only upon certification of suitability. Landfills, rubble fills, dumps, and sanitary fills are not permitted in the floodplain.
- d) Fill used to support structures must comply with ASTM Standard D-698, and its suitability to support structures certified by a registered, professional engineer.
- e) Fill slopes shall be no greater than two horizontal to one vertical. Flatter slopes may be required where velocities may result in erosion.
- f) The use of fill shall not increase flooding or cause drainage problems on neighboring properties.
- g) Fill may not be used for structural support in the coastal high hazard areas.
- h) Will meet the requirements of FEMA Technical Bulletin 10-01, *Ensuring That Structures Built On Fill in or Near Special Flood Hazard Areas Are Reasonable Safe from Flooding*.

## **12. Standards for Subdivision Proposals and other development**

- a) All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations.
- b) All subdivision proposals and other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- c) All subdivision proposals and other proposed new development shall have adequate drainage provided to reduce exposure to flood damage.
- d) The applicant shall meet the requirement to submit technical data to FEMA

in Article IV when a hydrologic and hydraulic analysis is completed that generates base flood elevations.

**5.619. Standards for Streams without Established Base Flood Elevations and Floodways -**

Located within the areas of special flood hazard (Zones A and V) established in Article I, are small streams where no base flood data has been provided and where no floodways have been identified. The following provisions apply within such areas:

1. In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and other proposed developments containing at least 50 lots or 5 acres, whichever is less.
2. No encroachments, including fill, new construction, substantial improvements and new development shall be permitted within 100 feet of the stream bank unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
3. If Article IV is satisfied and base flood elevation data is available from other sources, all new construction and substantial improvements within such areas shall comply with all applicable flood hazard ordinance provisions of Article IV and shall be elevated or floodproofed in accordance with elevations established in accordance with Article III.
4. Data from preliminary, draft, and final Flood Insurance Studies constitutes best available data. Refer to FEMA Floodplain Management Technical Bulletin 1-98 *Use of Flood Insurance Study (FIS) Data as Available Data*. If an appeal is pending on the study in accordance with 44 CFR Ch. 1, Part 67.5 and 67.6, the data does not have to be used.
5. When base flood elevation (BFE) data is not available from a federal, state, or other source one of the following methods may be used to determine a BFE For further information regarding the methods for determining BFEs listed below, refer to FEMA's manual *Managing Floodplain Development in Approximate Zone A Areas*:
  - a) Contour Interpolation
    - (1) Superimpose approximate Zone A boundaries onto a topographic map and estimate a BFE.
    - (2) Add one-half of the contour interval of the topographic map that is used to the BFE.
  - b) Data Extrapolation - A BFE can be determined if a site within 500 feet upstream of a reach of a stream reach for which a 100-year profile has been



computed by detailed methods, and the floodplain and channel bottom slope characteristics are relatively similar to the downstream reaches. No hydraulic structures shall be present.

- c) Hydrologic and Hydraulic Calculations- Perform hydrologic and hydraulic calculations to determine BFEs using FEMA approved methods and software.

**5.620. Standards for Streams with Established Base Flood Elevations but without Floodways -**

Along rivers and streams where Base Flood Elevation (BFE) data is provided but no floodway is identified for a Special Flood Hazard Area on the FIRM or in the FIS.

1. No encroachments including fill, new construction, substantial improvements, or other development shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

**5.621. Standards for Areas of Shallow Flooding (AO Zones)** - Located within the areas of special flood hazard established in Article I, are areas designated as shallow flooding. The following provisions shall apply within such areas:

- All new construction and substantial improvements of residential structures shall have the lowest floor elevated to at least as high as the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor shall be elevated at least three (3) feet above the highest adjacent grade.
- All new construction and substantial improvements of non-residential structures shall:
  - Have the lowest floor elevated to at least as high as the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor shall be elevated at least three (3) feet above the highest adjacent grade; or,
  - Be completely flood-proofed together with attendant utility and sanitary facilities to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required as stated in Article III.
- All structures on slopes must have drainage paths around them to guide water away from the structures.

**5.622. Coastal High Hazard Areas (V-Zones)** (this section can be removed if no V Zones) -

Located within the areas of special flood hazard established in Article I or Article III are areas designated as coastal high hazard areas. These areas have special flood hazards associated with wave wash. The following provisions shall apply within such areas:

- All new construction and substantial improvements shall be located landward of the reach of mean high tide, first line of stable natural vegetation and comply with all applicable Department of Health and Environmental Control (DHEC) Ocean and Coastal Resource Management (OCRM) setback requirements.
- All new construction and substantial improvements shall be elevated so that the bottom of the lowest supporting horizontal structural member (excluding pilings or columns) of the lowest floor is located no lower than one (1) foot above the base flood elevation.
- All buildings or structures shall be securely anchored on pilings or columns, extending vertically below a grade of sufficient depth and the zone of potential scour, and securely anchored to the subsoil strata.
- All pilings and columns and the attached structures shall be anchored to resist flotation, collapse, lateral movement and scour due to the effect of wind and water loads acting simultaneously on all building components.
- A registered professional engineer or architect shall certify that the design, specifications and plans for construction are in compliance with the provisions contained in Article IV of this ordinance.
- There shall be no fill used as structural support. Non-compacted fill may be used around the perimeter of a building for landscaping/aesthetic purposes provided the fill will wash out from storm surge, thereby rendering the building free of obstruction prior to generating excessive loading forces, ramping effects, or wave deflection. Only beach compatible sand may be used. The local floodplain administrator shall approve design plans for landscaping/ aesthetic fill only after the applicant has provided an analysis by an engineer, architect, and/or soil scientist that demonstrates that the following factors have been fully considered:
  - Particle composition of fill material does not have a tendency for excessive natural compaction,
  - Volume and distribution of fill will not cause wave deflection to adjacent properties; and
  - Slope of fill will not cause wave run-up or ramping.

- There shall be no alteration of sand dunes that would increase potential flood damage.

8. All new construction and substantial improvements have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Breakaway wall enclosures shall not exceed 299 square feet. Only flood resistant materials shall be used below the required flood elevation specified in Article IV. One wet location switch and/or outlet connected to a ground fault interrupt breaker may be installed below the required lowest floor elevation specified in Article IV.

Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:

- a) Breakaway wall collapse shall result from water load less than that which would occur during the base flood.
- b) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). The water loading shall be those values associated with the base flood. The wind loading values shall be those required by applicable IBC International Building Code.
- c) Such enclosed space shall be useable solely for parking of vehicles, building access, or storage. Such space shall not be used for human habitation, finished or partitioned into multiple rooms, or temperature controlled.

- 9. No manufactured homes shall be permitted except in an existing manufactured home park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring and elevation standards of Article IV.
- 10. Recreational vehicles shall be permitted in Coastal High Hazard Areas provided that they meet the Recreational Vehicle criteria of Article IV and the Temporary Structure provisions of Article IV.
- 11. Accessory structures, below the required lowest floor elevation specified in Article are prohibited except for the following:

a) Swimming Pools

- (1) They are installed at-grade or elevated so long as the pool will not act as an obstruction
- (2) They must be structurally independent of the building and its foundation.
- (3) They may be placed beneath a coastal building only if the top of the pool and any accompanying decking or walkway are flush with the existing grade and only if the lower area remains unenclosed.
- (4) As part of the certification process for V-zone buildings the design professional must consider the effects that any of these elements will have on the building in question and any nearby buildings.

b) Access Stairs Attached to or Beneath an Elevated Building:

- (1) Must be constructed of flood-resistant materials.
- (2) Must be constructed as open staircases so they do not block flow under the structure in accordance with Article IV.

c) Decks

- (1) If the deck is structurally attached to a building, then the bottom of the lowest horizontal member must be at or above the elevation of the buildings lowest horizontal member.
- (2) If the deck is to be built below the BFE then it must be structurally independent of the main building and must not cause an obstruction.
- (3) If an at-grade, structurally independent deck is proposed then a design professional must evaluate the design to determine if it will adversely affect the building and nearby buildings.

12. Parking areas should be located on a stable grade under or landward of a structure. Any parking surface shall consist of gravel or aggregate.

13. Electrical, ventilation, plumbing, heating and air conditioning equipment (including ductwork), and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of base flood event plus one (1) foot. This requirement does not exclude the installation of outdoor faucets for shower heads, sinks, hoses, etc., as long as cut off devices and back flow prevention devices are installed to prevent contamination to the service components and thereby minimize any flood damages to the building.

No utilities or components shall be attached to breakaway walls.

Article V. **VARIANCE PROCEDURES**

**5.623 Establishment of Appeal Board** – The Town Council of the Town of Yemassee, shall hear and decide requests for variances from the requirements of this ordinance.

**5.624 Right to Appeal** - Any person aggrieved by the decision of the appeal board or any taxpayer may appeal such decision to the Court.

**5.625 Historic Structures** - Variances may be issued for the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

**5.626 Functionally Dependent Uses** – Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this Article are met, no reasonable alternative exist, and the development is protected by methods that minimize flood damage and create no additional threat to public safety.

**5.627 Agricultural Structures** - Variances may be issued to wet floodproof an agricultural structure provided it is used solely for agricultural purposes. In order to minimize flood damages during the base flood and the threat to public health and safety, the structure must meet all of the conditions and considerations of Article V. this section, and the following standards:

**a)** Use of the structure must be limited to agricultural purposes as listed below:

1. Pole frame buildings with open or closed sides used exclusively for the storage of farm machinery and equipment,
2. Steel grain bins and steel frame corncribs,
3. General-purpose barns for the temporary feeding of livestock that are open on at least one side;

**a)** For livestock confinement buildings, poultry houses, dairy operations, and similar livestock operations, variances may not be issued for structures that were substantially damaged. New construction or substantial improvement of such structures must meet the elevation requirements of Article IV.B.2 of this ordinance; and,

**b)** The agricultural structure must be built or rebuilt, in the case of an existing building that is substantially damaged, with flood-resistant materials for the exterior and interior building components and elements below the base flood elevation.

- c) The agricultural structure must be adequately anchored to prevent flotation, collapse, or lateral movement. All of the structure's components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, hydrodynamic, and debris impact forces. Where flood velocities exceed 5 feet per second, fast-flowing floodwaters can exert considerable pressure on the building's enclosure walls or foundation walls.
- d) The agricultural structure must meet the venting requirement of Article IV of this ordinance.
- e) Any mechanical, electrical, or other utility equipment must be located above the base flood elevation (BFE), plus any required freeboard, or be contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with Article IV.A.5 of this ordinance
- f) The agricultural structure must comply with the floodway encroachment provisions of Article IV of this ordinance.
- g) Major equipment, machinery, or other contents must be protected. Such protection may include protective watertight floodproofed areas within the building, the use of equipment hoists for readily elevating contents, permanently elevating contents on pedestals or shelves above the base flood elevation, or determining that property owners can safely remove contents without risk to lives and that the contents will be located to a specified site out of the floodplain.

**5.628**      **Considerations** In passing upon such applications, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:

- h) The danger that materials may be swept onto other lands to the injury of others;
- i) The danger to life and property due to flooding or erosion damage, and the safety of access to the property in times of flood for ordinary and emergency vehicles;
- j) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- k) The importance of the services provided by the proposed facility to the community;
- l) The necessity to the facility of a waterfront location, where applicable;
- m) The availability of alternative locations, not subject to flooding or erosion damage,

for the proposed use;

- n)** The compatibility of the proposed use with existing and anticipated development, and the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- o)** The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
- p)** The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges; and
- q)** Agricultural structures must be located in wide, expansive floodplain areas, where no other alternative location for the agricultural structure exists. The applicant must demonstrate that the entire farm acreage, consisting of a contiguous parcel of land on which the structure is to be located, must be in the Special Flood Hazard Area and no other alternative locations for the structure are available.

**5.628 Findings** - Findings listed above shall be submitted to the appeal board, in writing, and included in the application for a variance. Additionally, comments from the Department of Natural Resources, Land, Water and Conservation Division, State Coordinator's Office, must be taken into account and included in the permit file.

**5.629 Floodways** - Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result unless a CLOMR is obtained prior to issuance of the variance. In order to ensure the project is built in compliance with the CLOMR for which the variance is granted the applicant must provide a bond for 100% of the cost to perform the development.

**5.631 Conditions** - Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance. The following conditions shall apply to all variances:

- a)** Variances may not be issued when the variance will make the structure in violation of other federal, state, or local laws, regulations, or ordinances.
- b)** Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- c)** Variances shall only be issued upon a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship, and a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict

with existing local laws or ordinances.

- d)** Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation (BFE) and the elevation to which the structure is to be built and a written statement that the cost of flood insurance will be commensurate with the increased risk. Such notification shall be maintained with a record of all variance actions.
- e)** The local floodplain administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency (FEMA) upon request.
- f)** Variances shall not be issued for unpermitted development or other development that is not in compliance with the provisions of this ordinance. Violations must be corrected in accordance with Article III.E.5 of this ordinance.

## Article VI. LEGAL STATUS PROVISIONS

### **5.632 Effect on Rights and Liabilities under the Existing Flood Damage Prevention Ordinance -**

This Ordinance in part comes forward by re-enactment of some of the provisions of the flood damage prevention ordinance enacted September 1, 2001 and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued there under are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the flood damage prevention ordinance of the Town of Yemassee enacted on September 1, 2001, as amended, which are not reenacted herein, are repealed.

**5.633. Effect upon Outstanding Building Permits** - Nothing herein contained shall require any change in the plans, construction, size or designated use of any building, structure or part thereof for which a building permit has been granted by the Chief Building Inspector or his authorized agents before the time of passage of this ordinance; provided, however, that when start of construction has not occurred under such outstanding permit within a period of sixty (60) days subsequent to passage of this ordinance, construction or use shall be in conformity with the provisions of this ordinance.

**5.634. Effective Date** -This ordinance shall become effective on March 23, 2021.

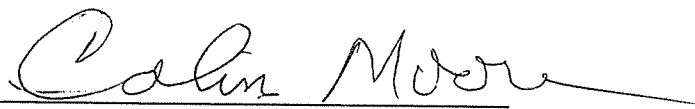
PASSED:

1<sup>st</sup> Reading: February 9, 2021

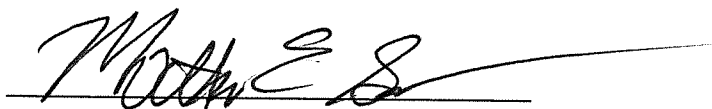
2<sup>nd</sup> Reading: February 15, 2021



WITNESS my hand and the official seal of the Town of Yemassee this the  
15<sup>th</sup> Day of February 2021.



Colin J. Moore, Mayor



ATTEST: Matthew E. Garnes, Town Clerk

(Seal)

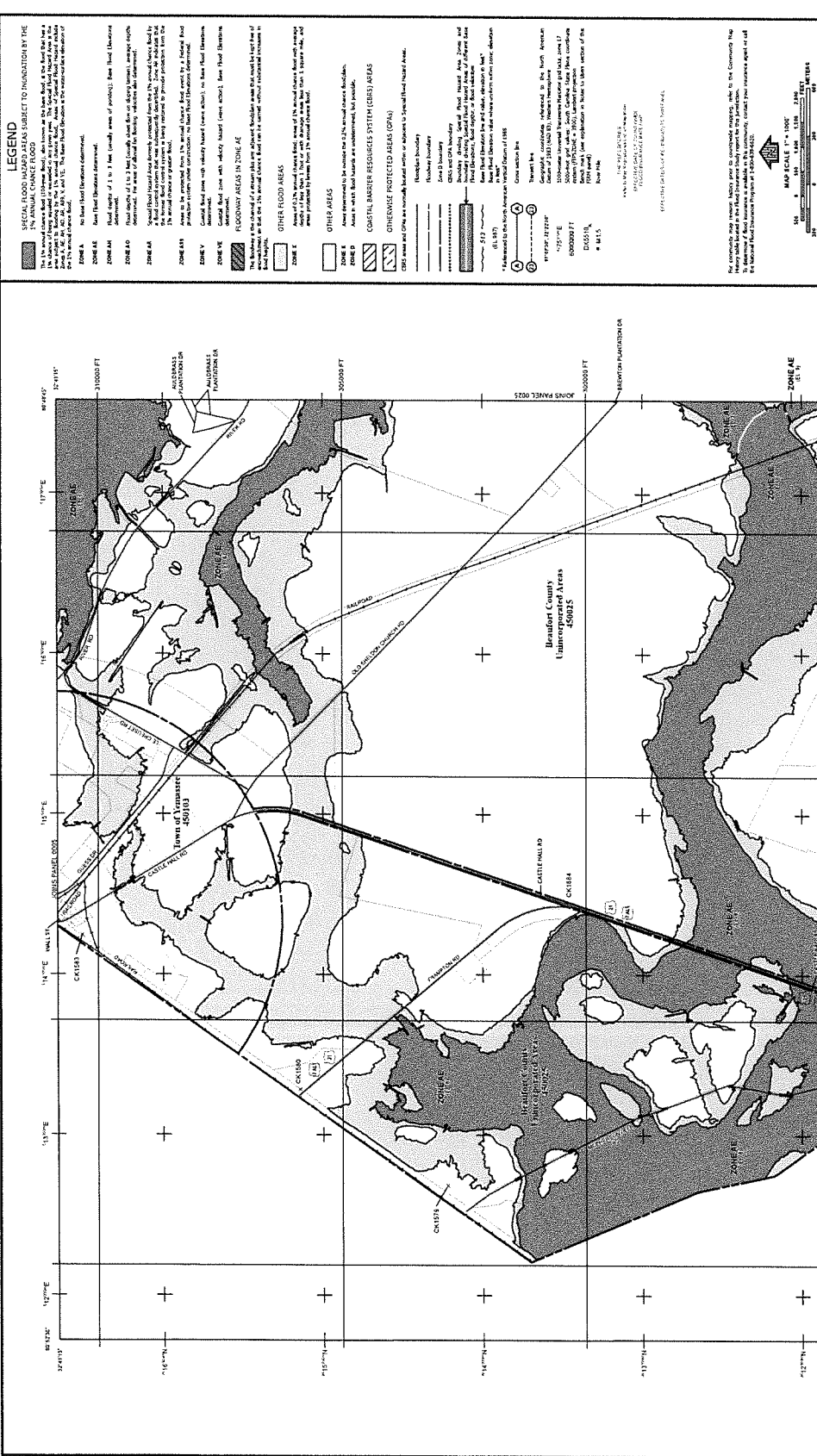
**NOTES TO USERS**

This map is for use in administering the National Flood Insurance Program. It does not constitute a warranty of any kind. The community map is intended to be used for the purpose of determining flood insurance rates. It is not intended to be used for any other purpose. The map is based on the best available data at the time of publication. The map is not a guarantee of accuracy. The map is not a warranty of any kind. The map is not a representation of any kind. The map is not a statement of any kind. The map is not a contract of any kind. The map is not a promise of any kind. The map is not a covenant of any kind. The map is not a deed of any kind. The map is not a will of any kind. The map is not a power of attorney of any kind. The map is not a trust of any kind. The map is not a lease of any kind. The map is not a license of any kind. The map is not a franchise of any kind. The map is not a partnership of any kind. The map is not a joint venture of any kind. The map is not a consortium of any kind. The map is not a syndicate of any kind. The map is not a pool of any kind. The map is not a joint stock company of any kind. The map is not a trust company of any kind. The map is not a bank of any kind. The map is not a savings and loan association of any kind. The map is not a credit union of any kind. The map is not a cooperative of any kind. The map is not a mutual company of any kind. The map is not a non-profit organization of any kind. The map is not a government agency of any kind. The map is not a public utility of any kind. The map is not a common carrier of any kind. The map is not a financial institution of any kind. The map is not a real estate broker of any kind. The map is not a real estate agent of any kind. The map is not a real estate salesperson of any kind. The map is not a real estate licensee of any kind. The map is not a real estate broker-in-charge of any kind. The map is not a real estate broker-owner of any kind. The map is not a real estate broker-partner of any kind. The map is not a real estate broker-officer of any kind. The map is not a real estate broker-director of any kind. The map is not a real estate broker-member of any kind. The map is not a real estate broker-associate of any kind. The map is not a real estate broker-employee of any kind. The map is not a real estate broker-independent contractor of any kind. The map is not a real estate broker-sole proprietor of any kind. The map is not a real estate broker-partner-investor of any kind. The map is not a real estate broker-partner-manager of any kind. The map is not a real estate broker-partner-owner of any kind. The map is not a real estate broker-partner-officer of any kind. The map is not a real estate broker-partner-director of any kind. The map is not a real estate broker-partner-member of any kind. The map is not a real estate broker-partner-associate of any kind. The map is not a real estate broker-partner-employee of any kind. The map is not a real estate broker-partner-independent contractor of any kind. The map is not a real estate broker-partner-sole proprietor of any kind. The map is not a real estate broker-partner-partner-investor of any kind. The map is not a real estate broker-partner-partner-manager of any kind. The map is not a real estate broker-partner-partner-owner of any kind. The map is not a real estate broker-partner-partner-officer of any kind. The map is not a real estate broker-partner-partner-director of any kind. The map is not a real estate broker-partner-partner-member of any kind. The map is not a real estate broker-partner-partner-associate of any kind. The map is not a real estate broker-partner-partner-employee of any kind. The map is not a real estate broker-partner-partner-independent contractor of any kind. The map is not a real estate broker-partner-partner-sole proprietor of any kind.

**LEGEND**

**SPECIAL FLOOD HAZARD AREAS SUBJECT TO FLOODATION BY THE NATIONAL FLOOD INSURANCE PROGRAM**

**Zone AE** Special Flood Hazard Areas (SFHA) subject to floodation by the National Flood Insurance Program (NFIP). The map shows the boundaries of the SFHA and the areas of special flood hazard. The map is based on the best available data at the time of publication. The map is not a guarantee of accuracy. The map is not a warranty of any kind. The map is not a representation of any kind. The map is not a statement of any kind. The map is not a contract of any kind. The map is not a promise of any kind. The map is not a covenant of any kind. The map is not a deed of any kind. The map is not a will of any kind. The map is not a power of attorney of any kind. The map is not a trust of any kind. The map is not a lease of any kind. The map is not a license of any kind. The map is not a franchise of any kind. The map is not a partnership of any kind. The map is not a joint venture of any kind. The map is not a consortium of any kind. The map is not a syndicate of any kind. The map is not a pool of any kind. The map is not a joint stock company of any kind. The map is not a trust company of any kind. The map is not a bank of any kind. The map is not a savings and loan association of any kind. The map is not a credit union of any kind. The map is not a cooperative of any kind. The map is not a mutual company of any kind. The map is not a non-profit organization of any kind. The map is not a government agency of any kind. The map is not a public utility of any kind. The map is not a common carrier of any kind. The map is not a financial institution of any kind. The map is not a real estate broker of any kind. The map is not a real estate agent of any kind. The map is not a real estate salesperson of any kind. The map is not a real estate licensee of any kind. The map is not a real estate broker-in-charge of any kind. The map is not a real estate broker-owner of any kind. The map is not a real estate broker-partner of any kind. The map is not a real estate broker-officer of any kind. The map is not a real estate broker-director of any kind. The map is not a real estate broker-member of any kind. The map is not a real estate broker-associate of any kind. The map is not a real estate broker-employee of any kind. The map is not a real estate broker-independent contractor of any kind. The map is not a real estate broker-sole proprietor of any kind.



**NFIP NATIONAL FLOOD INSURANCE PROGRAM**

**PANEL 0016G**

**FIRM FLOOD INSURANCE RATE MAP BEAUFORT COUNTY, SOUTH CAROLINA AND INCORPORATED AREAS**

**PANEL 15 OF 506**

SEE MAP INDEX FOR FIRM PANEL LAYOUT

DATE: 1997

SCALE: 1" = 1 MILE

MAP NUMBER: 45010016G

EFFECTIVE DATE: 1997

PRELIMINARY: JUN 15 1997

Federal Emergency Management Agency





7500 - Map Information Map Symbols (Scale: 1:12,000) April 27, 2011

**FLOOD HAZARD INFORMATION**  
SEE THIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

<b>SPECIAL FLOOD HAZARD AREAS</b>	<b>Without Base Flood Elevation (BFE) Zone A-1</b> With BFE or Depth Zone A-1, A-2, A-3, A-99, A-99B
	<b>Regulatory Floodway</b>
	<b>0.2% Annual Chance Flood Hazard. Area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile.</b>
	<b>Future Conditions 1% Annual Chance Flood Hazard.</b>
<b>OTHER AREAS OF FLOOD HAZARD</b>	<b>Area with Reduced Flood Risk due to Levee</b> <b>Area with Flood Risk due to Levee</b> <b>NO SCREEN Area of Minimal Flood Hazard</b> <b>Effective Dike(s)</b>
<b>OTHER AREAS</b>	<b>Area of Undetermined Flood Hazard</b>
<b>GENERAL STRUCTURES</b>	<b>Channel, Culvert, or Storm Sewer</b> <b>Levee, Dike, or Floodwall</b> <b>Close Section with 1% Annual Chance Water Surface Elevation</b> <b>Channel Transition</b> <b>Channel Transition Baseline</b> <b>Flow Baseline</b> <b>Hydrographic Feature</b> <b>Base Flood Elevation Line (BFE)</b>
<b>OTHER FEATURES</b>	<b>Limit of Study</b> <b>Jurisdiction Boundary</b>

**NOTES TO USERS**

For information and questions about the Flood Insurance Rate Map (FIRM), available products associated with the FIRM, including legend overlays, the current and past for each FIRM panel, how to read products, or the National Flood Insurance Program (NFIP) in general, please call the FEMA Map Information Act Center at 1-877-FEMA-8473 or visit the FEMA Flood Map Information Center website at <http://www.fema.gov>. Available products may include previously issued Letters of Map Change, a Flood Insurance Study Report, and/or digital overlays of the map. Many of these products can be ordered or obtained directly from the website.

Communities wishing to use adjacent FIRM panels must obtain a current copy of the adjacent panel as well as the current FIRM data. These may be ordered directly from the Flood Map Information Center at the number listed above.

For community and countywide map sales, refer to the Flood Insurance Study Report for the jurisdiction.

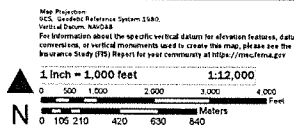
To determine if flood insurance is available in this community, contact your insurance agent or call the National Flood Insurance Program at 1-800-456-7872.

Essential information shown on this FIRM was provided in digital format by USGS, Farm Service Agency (FSA). The information was derived from NAD 83 and is not guaranteed to be accurate.

This map was prepared from FEMA National Flood Hazard (NFH) data on 10/30/2010 10:10 AM and does not reflect changes or amendments subsequent to this date and time. The NFHs and effective information may change or be updated by FEMA and/or other agencies. For additional information, please see the Flood Hazard Mapping Update Checklist at <http://www.fema.gov/nfhs/updates/updateschecklist101010>.

This map complies with FEMA's standards for the use of digital flood maps if a not used as described below. The following items comply with FEMA's minimum accuracy standards. This map depicts a not-for-use or more of the following map elements do not appear: horizontal property, land area table, legend, scale bar, map creation date, community identifier, FIRM panel number, and FIRM effective date.

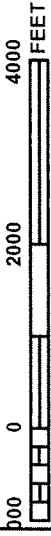
**SCALE**



NATIONAL FLOOD INSURANCE PROGRAM  
FLOOD INSURANCE RATE MAP  
HAMPTON COUNTY, SOUTH CAROLINA  
AND INCORPORATED AREAS  
PANEL 450 or 550

COMMUNITY	NUMBER	PANEL
TOWNSHIP OF YEMASSEE	450101	0450
COLLETON COUNTY UNINCORPORATED AREAS	450099	0450
JASPER COUNTY	450111	0450
HAMPTON COUNTY	450098	0450

MAP SCALE 1" = 2000'



**NATIONAL FLOOD INSURANCE PROGRAM**

**PANEL 0425C**

**FIRM**  
 FLOOD INSURANCE RATE MAP  
 HAMPTON COUNTY,  
 SOUTH CAROLINA  
 AND INCORPORATED AREAS


PANEL 425 OF 550  
 (SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:  
 COMMUNITY NUMBER 450095  
 HAMPTON COUNTY  
 PANEL SUFFIX 3425  
 C

Notice to User: The Map Number shown below should be used when placing map orders. The Community Number shown should be used on insurance applications for the subject community.

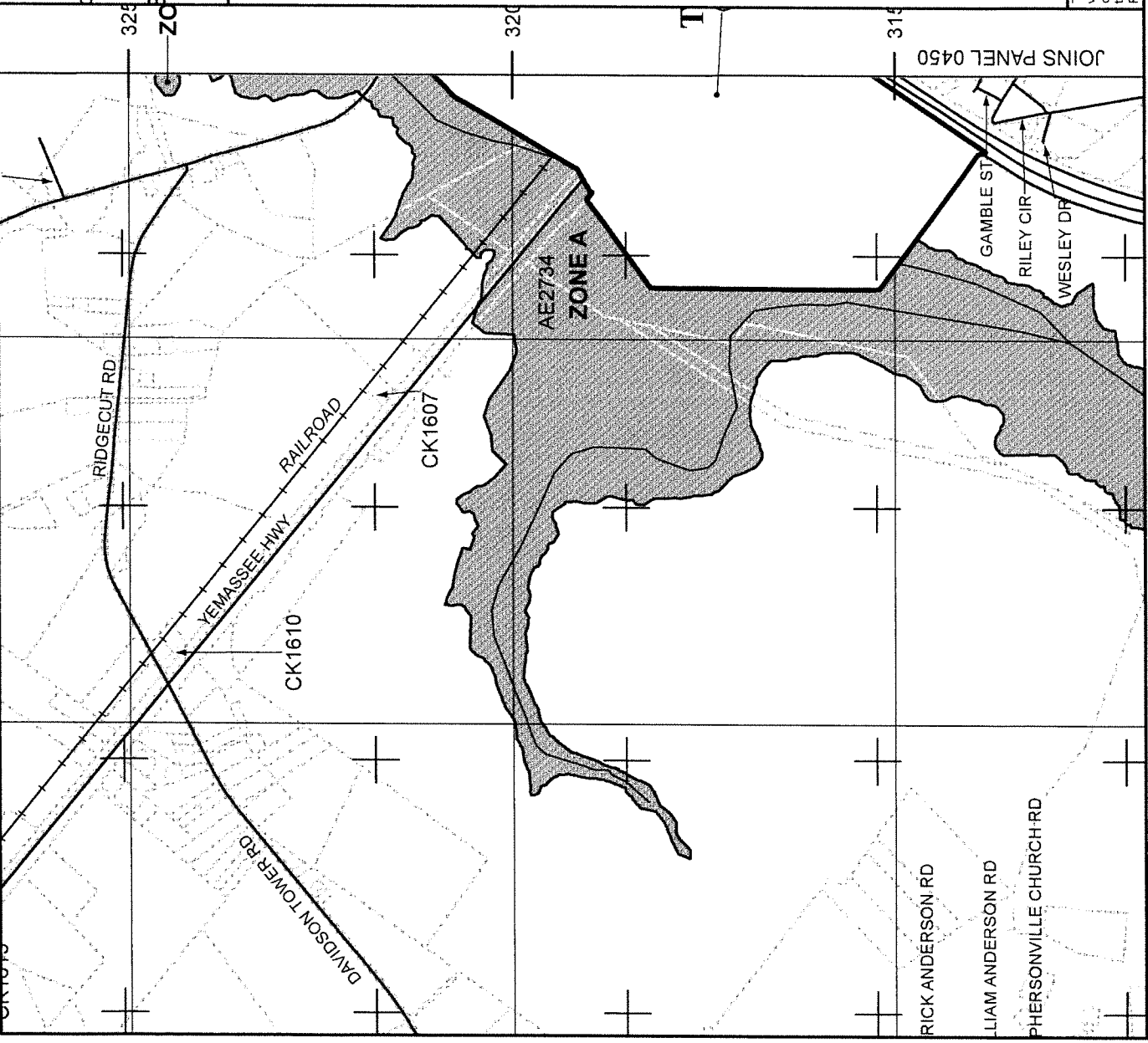
**MAP NUMBER**  
 45049C0425C

**EFFECTIVE DATE**  
 SEPTEMBER 29, 2010



Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at [www.msc.fema.gov](http://www.msc.fema.gov)



MAP SCALE 1" = 2000'



**NATIONAL FLOOD INSURANCE PROGRAM**

PANEL 0450C

**FIRM**  
FLOOD INSURANCE RATE MAP  
HAMPTON COUNTY,  
SOUTH CAROLINA  
AND INCORPORATED AREAS

PANEL 450 OF 550

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:  
COMMUNITY NUMBER 450035  
HAMPTON COUNTY  
FIRM PANEL SUFFIX 0450 C

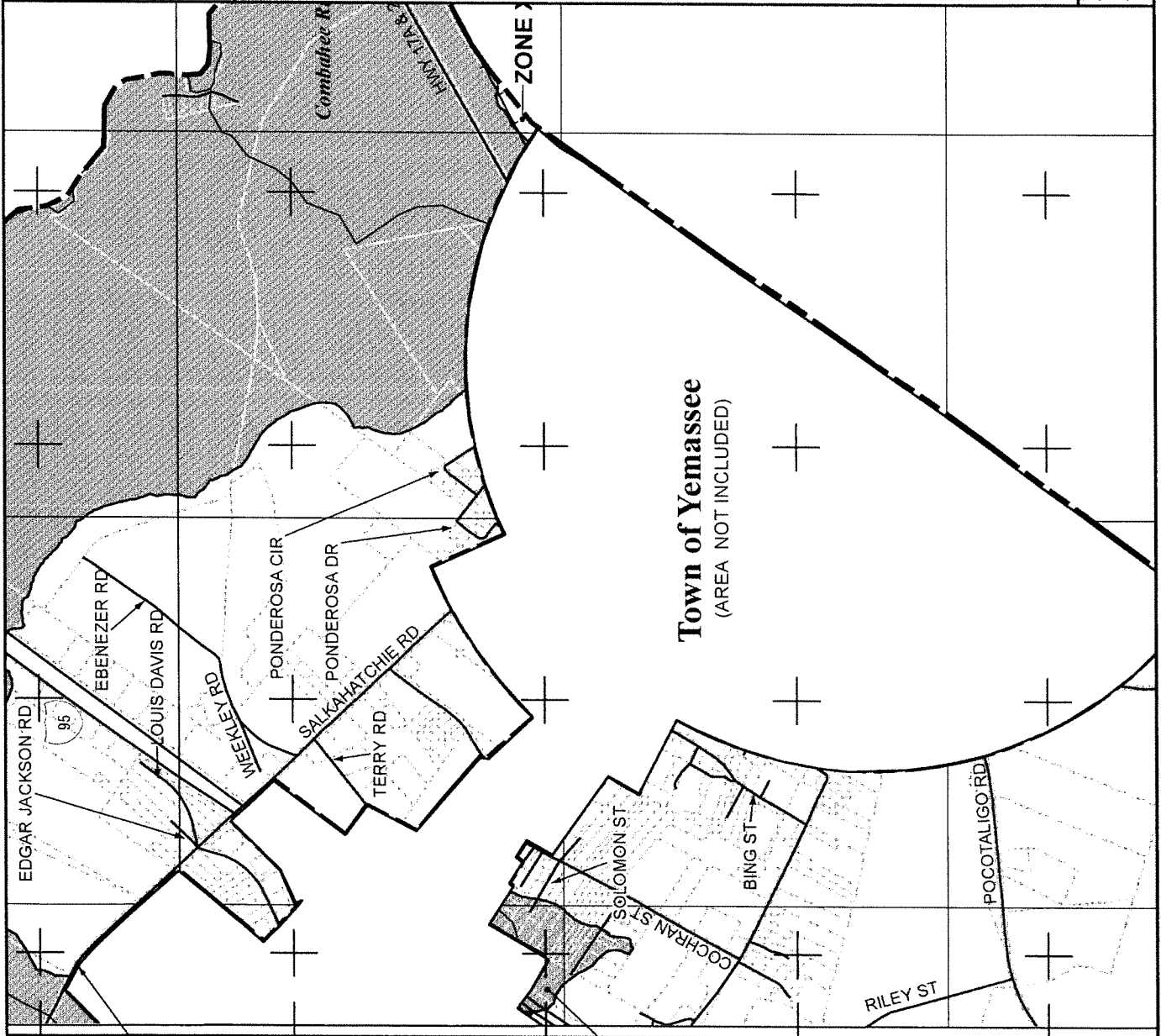
Notice to User: The Map Number shown below should be used when placing map orders. The Community Number shown above should be used on insurance applications for the subject community.



MAP NUMBER  
45049C0450C

EFFECTIVE DATE  
SEPTEMBER 29, 2010

Federal Emergency Management Agency



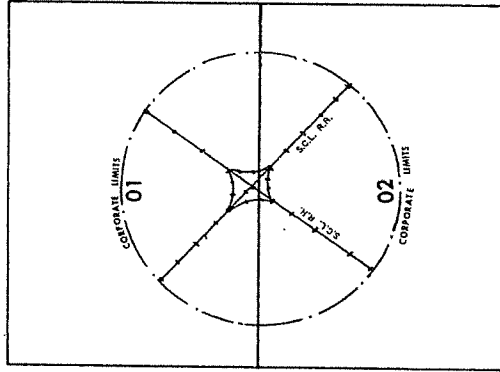
This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at [www.msc.fema.gov](http://www.msc.fema.gov)

BEST AVAILABLE COPY

COMMUNITY No. 450103

These maps may not include all Special Flood Hazard Areas in the community. After a more detailed study, the Special Flood Hazard Areas shown on these maps may be modified, and other areas added.

Consult NFIA Servicing Company or local insurance agent or broker to determine if properties in this community are eligible for flood insurance.



LEGEND

Levee



Sea Wall



Zone Boundary



SPECIAL FLOOD HAZARD AREA ZONE A



SPECIAL FLOOD HAZARD AREA  
IDENTIFICATION DATE  
JUNE 21, 1974

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
Federal Insurance Administration  
TOWN OF YEMASEE (SC)  
(HAMPTON CO.)  
MAP INDEX  
FIA FLOOD HAZARD BOUNDARY MAPS  
No. H 01-100  
M. Cronin

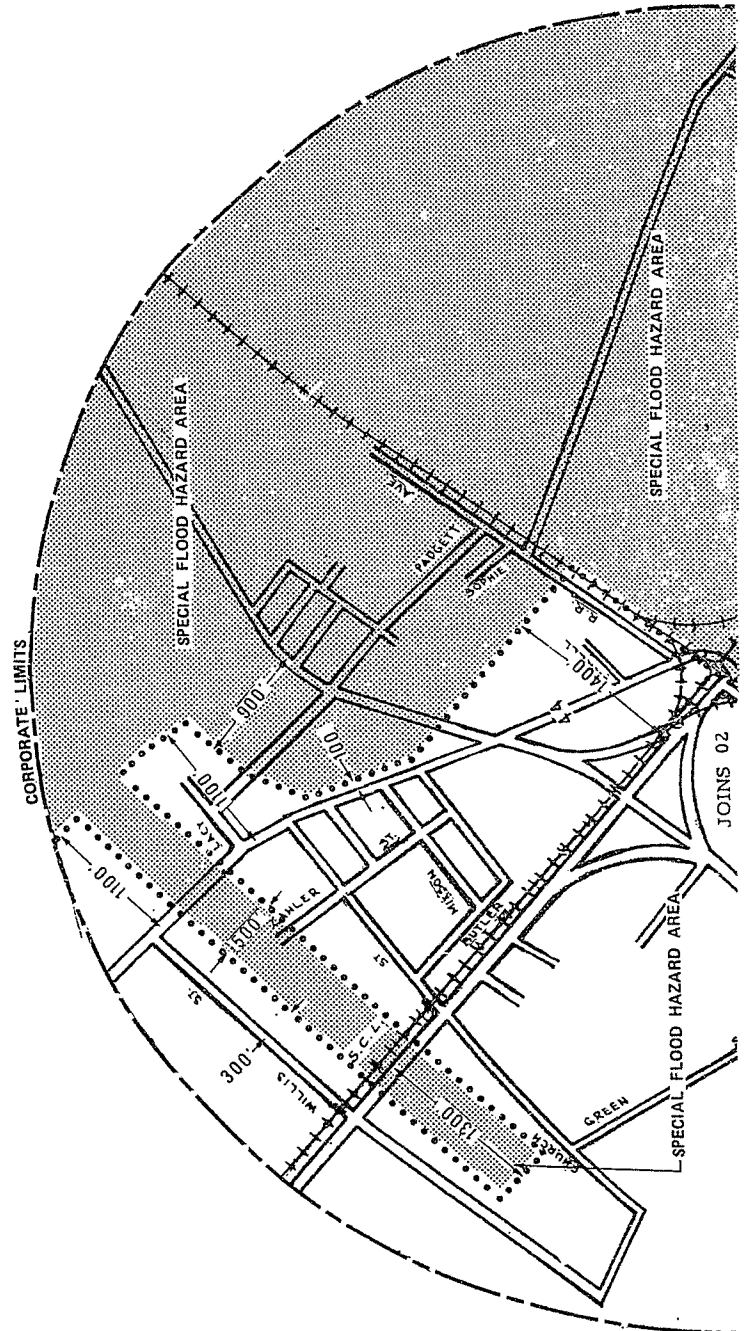
TOWN OF YEMASSEE, SC  
(HAMPTON CO.)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
Federal Insurance Administration

FIA FLOOD HAZARD BOUNDARY MAP  
No. H 01

Effective Date:  
JUNE 21, 1974

APPROXIMATE SCALE  
500 0 1000 2000 3000 FEET



Best Available Copy



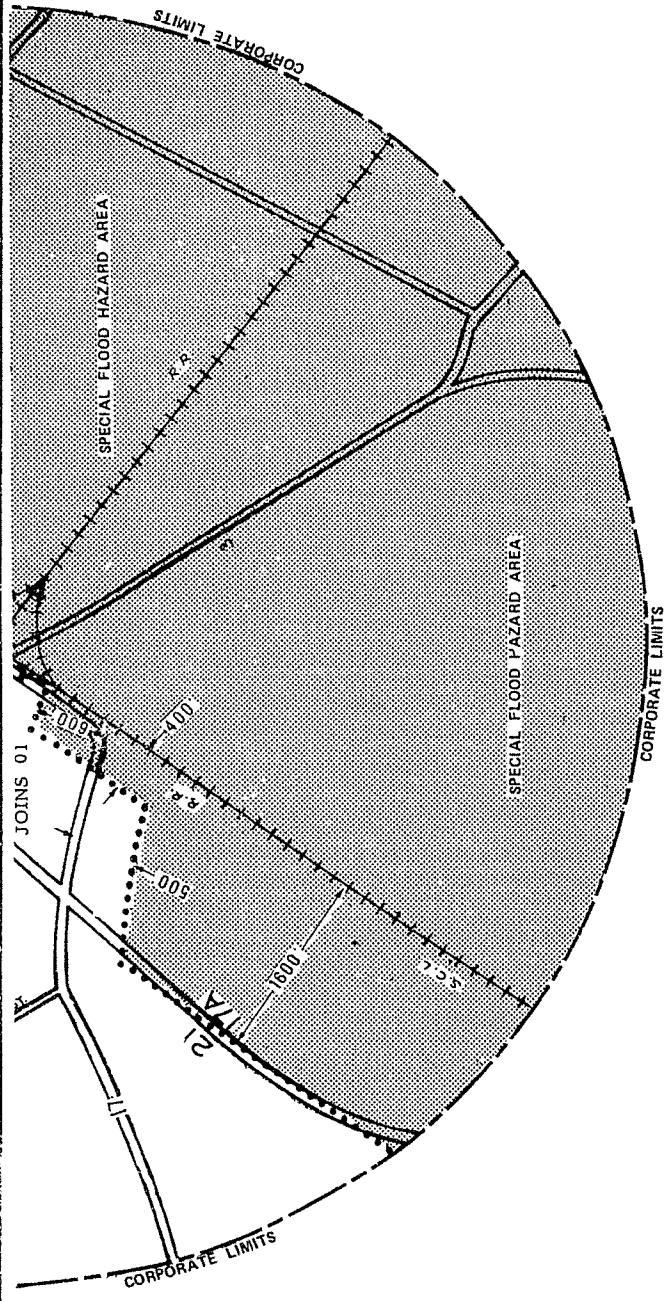
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
Federal Insurance Administration  
TOWN OF YEMASEE, SC  
(HAMPTON CO.)

FIA FLOOD HAZARD BOUNDARY MAP  
No. H02

Effective Date:  
JUNE 21, 1974



APPROXIMATE SCALE



Best Available Copy

## Article VII. Planning, Land Use & Zoning

(Previous Editor's Note removed)

### 5.701. Commission Established

There is hereby established a Planning Commission to consist of five (5) members, who are appointed by the Mayor and Town Council for terms of three (3) years.

### 5.702. Same. Authority

The Commission shall exercise such authority as provided by State Laws. (South Carolina Code of Laws, Chapter 29, Article 1)

### 5.703. Same. Similar Ordinances

In addition to the above referenced ordinance, all other ordinances pertaining to planning, land use, zoning, etc., are not rescinded by this code. The same shall remain in effect as adopted as if fully set forth herein verbatim.

## Article VIII. Penalties

### 5.801. Penalty

- a) Any person, persons, firm, company, representative of any firm or company and otherwise violating the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor.
- b) Each day during which a violation of the provisions in this chapter occurs, or each separate instance, shall be considered a separate offense punishable by a fine not exceeding five hundred dollars (\$500.00) or imprisonment not exceeding thirty (30) days, or both.

(1976 SC Code 14-25-65)

# TOWN OF YEMASSEE

Ordinance No. 21-13

AN ORDINANCE AMENDING PORTIONS OF THE TOWN OF YEMASSEE CODE, WITHIN CHAPTER 5 (BUILDINGS, FLOOD CONTROL & PLANNING), SPECIFICALLY; ARTICES I, II, III, IV, V & VII, TITLED RESPECTIVELY ARTICLE I ADMINISTRATION, ARTICLE II. CODES, ARTICLE III. BUILDING AND PROPERTY NUMBERS, ARTICLE IV. MOBILE HOMES, ARTICLE V. FAIR HOUSING AND ARTICLE VII. PLANNING, LAND USE AND ZONING.

**NOW, THEREFOR, BE IT ORDAINED** by the Town Council of the Town of Yemassee, in Council duly assembled, hereby amends portions of the Town of Yemassee Code, Chapter 5 including the Ordinance Numbers below within Article I, Article II, Article III, Article IV, Article V & Article VII. A copy of the existing text of Chapter 5 is attached and is referenced as “Exhibit A” and the proposed updates are attached and referenced as “Exhibit B”, with modifications highlighted.

## **Section 1.**

The following Ordinances within Chapter 5 have been modified or created:

Text Amendment: **5.101. Authority of Inspectors**

Text Amendment: **5.103. Homeowners Provisions**

Text Amendment: **5.105. Unsafe Buildings. Repairs. Failure to Repair**

Text Amendment: **5.106. Same. Notice to Remove/Correct. Summons Ordinance**

Text Amendment: **5.108. Utility Connections**

Text Amendment: **5.109. Smoke-Free Municipal Building**

Text Amendment: **5.110 Appeals**

Addition: **5.111. Public Projects. Application Required**

Addition. **5.112. Permits. Application Required**

Text Amendment: **5.201. Authority & Enforcement**

Text Amendment: 5.302. **Same. Assigned**

Text Amendment: 5.403. **Requests**

Text Amendment: 5.404. **Mobile Home Courts Prohibited**

Text Amendment: **5.405. General Provisions**

Text Amendment: 5.406. **Mobile Home Requirements**

Text Amendment: 5.501. **Month Designated**

Text Amendment: 5.701. **Commission Established**

Text Amendment: 5.702. **Same. Authority**

## **Section 2.**

All ordinances or part of ordinances, in conflict herewith are to the extent of such conflict, hereby repealed.

## **Section 3.**

Any chapter, article, section, or subsection, sentence, clause, or phrase of this ordinance is for any reason declared to be unconstitutional or invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remaining portions hereof.

## **Section 4.**

No modifications have been made to Article 6, Flood Damage Control

## **Section 4.**

The modified or newly created sections of ordinance shall become effective upon its second reading and adoption.

---

First Reading

---

Second Reading

---

Colin J. Moore, Mayor

---

Peggy O'Banner, Mayor Pro Tem

---

ATTEST: Matthew E. Ganes, Town Clerk

---

Chuckie Simmons, Councilmember

---

Alfred Washington, Council Member

---

Michelle Hagan, Councilmember

(seal)

Colin J Moore  
Mayor  
Peggy Bing-O'Banner  
Mayor Pro Tempore  
Matthew Garnes  
Town Clerk



Council Members  
Michelle Hagan  
Charlie Simmons  
Alfred Washington

## Town Council Agenda Item

**Subject:** Resolution 21-17, Consideration of a Resolution Authorizing the Execution of an Intergovernmental Agreement between the Town of Yemassee and Beaufort County for Special Projects and Associated Services.

**Department:** Administration

Attachments:

Ordinance  Resolution  Motion

Support Documents  Other

---

**Summary:** With the growth the Town is seeing there will undoubtedly be the need for assistance with certain Town projects that is outside of the scope and capability of Town Staff. This Resolution Authorizes the Execution of an Intergovernmental Agreement with Beaufort County to utilize departments such as Engineering, which would be substantially more cost-effective and a quicker turn-around time, should the Town need assistance.

---

**Recommended Action:** Town Council adopt Resolution 21-17, Authorizing the Execution of the Intergovernmental Agreement between the Town of Yemassee and Beaufort County.

---

Council Action:

- Approved as Recommended
- Approved with Modifications
- Disapproved
- Tabled to Time Certain
- Other

**RESOLUTION 21-17**

**A RESOLUTION OF THE TOWN OF YEMASSEE, SOUTH CAROLINA TOWN COUNCIL,  
AUTHORIZING THE TOWN CLERK TO AUTHORIZE THE EXECUTION OF AN  
INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOWN OF YEMASSEE AND  
BEAUFORT COUNTY FOR SPECIAL PROJECTS AND ASSOCIATED SERVICES.**

**WHEREAS**, pursuant to S.C. Code of Laws Sections 4-9-40, and 6-1-20, and Article VIII Section 13 of the State of South Carolina Constitution, cities and counties may enter into agreements to provide for joint services when mutually desirable; and

**WHEREAS**, the Town and County seek to establish an agreement whereby the County and Town may offer aid and assistance to each other for the engineering and construction management of Special Projects and Associated Services; and

**WHEREAS**, the Town and County agree that Special Projects and Associated Services include Project Management, Inspection Services, Community Relations, Utility Service Agency Coordination, Maintenance and Public Affairs related to those projects which have a defined beginning and conclusion; and

**WHEREAS**, both the County and the Town recognize they possess less capability and capacity when operating separately but greater capability and capacity when leveraging their collective strengths together for well-defined projects or tasks; and

**WHEREAS**, pending County Council and Town Council approval of the annual budget, both intend to possess adequate funds to adequately resource anticipated mutual support; and

**WHEREAS**, the County and Town will jointly agree on a timetable for providing support prior to the execution of support by the County or Town for the benefit of the County or Town; and

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Yemassee, South Carolina, that

1. The Yemassee Town Council hereby authorizes Matthew Garnes, Town Clerk, execute the attached Intergovernmental Agreement between the Town of Yemassee & Beaufort County for Special Projects and Associated Services.
2. The Yemassee Town Council authorizes Matthew Garnes, Town Clerk, to be the liaison between the Town and County with matters pertaining to the attached Intergovernmental Agreement.

**ADOPTED**, THIS 13<sup>th</sup> DAY OF April 2021.

---

Colin Moore  
Mayor

**ATTEST:**

---

Matthew E. Garnes  
Town Clerk

(Seal)

**STATE OF SOUTH CAROLINA )**  
**)**  
**)** **INTERGOVERNMENTAL AGREEMENT**  
**)** **SPECIAL PROJECTS AND ASSOCIATED**  
**COUNTY OF BEAUFORT )** **SERVICES**

THIS INTERGOVERNMENTAL AGREEMENT (IGA) is made and entered into this 13<sup>th</sup> day of April, 2021 by and between the Town of Yemassee, South Carolina, (hereinafter referred to as the "Town"), and Beaufort County, South Carolina (hereinafter referred to as the "County").

WHEREAS, the Town and County seek to establish an agreement whereby the County and Town may offer aid and assistance to each other for the engineering and construction management of Special Projects and Associated Services; and

WHEREAS, the Town and County agree that Special Projects and Associated Services include Project Management, Inspection Services, Community Relations, Utility Service Agency Coordination, Maintenance and Public Affairs related to those projects which have a defined beginning and conclusion; and

WHEREAS, both the County and the Town recognize they possess less capability and capacity when operating separately but greater capability and capacity when leveraging their collective strengths together for well-defined projects or tasks; and

WHEREAS, pending County Council and Town Council approval of the annual budget, both intend to possess adequate funds to adequately resource anticipated mutual support; and

WHEREAS, the County and the Town agree to a fee schedule based on an agreed upon hourly rate for the service provided prior to the commencement of the requested support commences; and

WHEREAS, the County and the Town both retain the option of agreeing to execute this IGA or leveraging other solutions based on the best interests of the Town or County respectively; and

WHEREAS, the County and Town will perform a cost benefit analysis for each project or tasking to fully understand the true costs of the service provided before approving execution of support by the County or Town for the benefit of the County or Town; and

WHEREAS, the County and Town jointly agree on a timetable for providing support prior to the execution of support by the County or Town for the benefit of the County or Town; and

WHEREAS, pursuant to S.C. Code of Laws Sections 4-9-40, and 6-1-20, and Article VIII Section 13 of the State of South Carolina Constitution, cities and counties may enter into agreements to provide for joint services when mutually desirable; and



NOW, THEREFORE, the below listed agreement is established to better serve the needs of both the County or Town with respect to Special Projects and Associated Services within the County, Town or both.

## SECTION 1 - DEFINITIONS

A. AUTHORIZED REPRESENTATIVE - Shall be the County Administrator, the Town Manager or a designated employee of entity who is authorized the County Administrator or Town Manager in writing by that government to request, offer, or provide assistance under the terms of this Agreement.

B. PERIOD OF ASSISTANCE: The period of time beginning with the authorization by the County or Town to perform Special Projects or Associated Services following a clear understanding of cost, codified by joint memorandum, by both the County and Town.

## SECTION 2 - PROCEDURES

A. REQUEST FOR ASSISTANCE: The County or the Town may initiate informal discussions at the Staff level with staff counterparts to secure basic support and cost data elements. These informal discussions will provide the facts required for Staff to brief senior management at both the County and Town. Once approved by both the County and Town, a joint memorandum will be drafted by the requesting organization, either the County or Town for signature by authorized representatives of both the County and Town.

C. INSPECTION: Once authorized by the requesting organization to perform work, the organization providing the service will provide weekly updates on the status of the assigned task. The staff member responsible for executing that requested support will inform leadership of the progress in order to ensure projects remain on schedule and within the agreed upon budget.

D. SUPERVISION AND CONTROL: The personnel, equipment and resources of the County or Town shall remain under operational control of the County or Town based on who requests support and who is receiving support for all work being done under this agreement. The designated supervisory personnel of the organization providing support shall: maintain daily personnel time records, material records, and a log of equipment hours; be responsible for the operation and maintenance of the equipment and other resources furnished by the supporting organization; and shall report work progress to the organization receiving the requested support.

E. COMMUNICATIONS: Unless specifically instructed otherwise, the organization providing requested support shall have the responsibility for coordinating communications between the personnel of both the County and the Town.

F. INVOICES: Based on which organization is providing support, invoices shall be submitted to the organization receiving support when a particular project or task has been completed or in a way agreed upon by both the County and Town by way of the project authorization joint memorandum.

G. PAYMENT: Based on which organization provides support, invoices shall be paid, or advise of any disputed items, not later than thirty (30) days following the billing date.

### SECTION 3 - INSURANCE

Each Party to this agreement shall bear the risk of its own actions, as it does with its day-to-day operations, and determine for itself what kinds of insurance, and in what amounts, it should carry. Each party shall be solely responsible for determining that its insurance is current and adequate prior to providing assistance under this Agreement.

### SECTION 4 - LIABILITY

Each Party to this Agreement shall be responsible for any and all claims, demands, suits, actions, damages, and causes of action related to or arising out of or in any way connected with its own actions, and the actions of its personnel, in providing mutual aid assistance rendered or performed pursuant to the terms and conditions of this Agreement.

### SECTION 5 - TERM

The initial term of this Agreement shall be for two (2) years from the date approved by both the County and Town Council, with the option to renew for three additional one (1) year renewal terms, for a total not to exceed five (5) years. This agreement may be terminated upon sixty (60) days advance written notice by the Parties to this agreement. Notice of termination shall not relieve the withdrawing Party from obligations incurred hereunder prior to the effective date of the withdrawal.

### SECTION 6 - SEVERABILITY: EFFECT ON OTHER AGREEMENTS

Should any portion, section, or subsection of this Agreement be held to be invalid by a court of competent jurisdiction, that fact shall not affect or invalidate any other portion, section or subsection; and the remaining portions of this Agreement shall remain in full force and affect without regard to the section, portion, or subsection or power invalidated.

In the event that any parties to this Agreement have entered into other mutual aid agreements or inter-local agreements, those parties agree that said agreements are superseded by this Agreement only for emergency management assistance and activities performed in major disasters, pursuant to this Agreement. In the event that parties to this Agreement have not entered into another mutual aid agreement, and the parties wish to engage in mutual aid, then the terms and conditions of this Agreement shall apply unless otherwise agreed between those parties.

IN WITNESS WHEREOF, the Town of Yemassee, South Carolina and Beaufort County, South Carolina, by and through their duly authorized officers have set their hands and seals on this 13<sup>th</sup> day of April 2021.

**WITNESSES:**

\_\_\_\_\_

\_\_\_\_\_

**BEAUFORT COUNTY**

**By:** \_\_\_\_\_

**Its:** \_\_\_\_\_

**WITNESSES:**

\_\_\_\_\_

\_\_\_\_\_

**TOWN OF YEMASSEE**

**By:** \_\_\_\_\_

**Its:** \_\_\_\_\_

Colin J Moore

*Mayor*

Peggy Bing-O'Banner

*Mayor Pro Tempore*

Matthew Garnes

*Town Clerk*



*Council Members*

Michelle Hagan

Charlie Simmons

*Alfred Washington*

## Administration Monthly Report March 2021

### **Town Operations / Community Events & Meetings**

- Weekly meetings with senior staff team
- Daily meeting with Mayor & Town Clerk
- Attended SoLoCo Meeting virtually on March 22, 2021
- Attended Northern Beaufort County Regional Plan Meeting on March 26, 2021
- Attended the Beaufort Regional Chamber Economic Forecast
- Assisted with COVID-19 testing events each Monday in the month of March 2021.
- Assisted with logistics surrounding the vaccine event in Yemassee on Thursday, April 8, 2021.
- Applied for and awarded a \$25,000 PARD grant for the Willis Street Basketball Court
- Met with Ian Scott of Beaufort Regional Chamber of Commerce and John O'Toole of Beaufort County Economic Development Corp.
- Met with Mayor Moore, John O'Toole and Charlie Stone at the Don Ryan Center in Bluffton.
- Worked with BCEDC on organizing a workforce employment meeting with Alpha Genesis, Ferguson Forest Products and Vetrostone USA.
- Conducted the bid for surplus equipment and subsequently awarded to the highest bidder.

*Yemassee Municipal Complex*

*101 Town Cir P.O. Box 577 Yemassee, SC 29945-0577*

*Telephone (843) 589-2565 Fax (843) 589-4305*

*www.townofyemassee.org*

Colin J Moore

*Mayor*

Peggy Bing-O'Banner

*Mayor Pro Tempore*

Matthew Garnes

*Town Clerk*



*Council Members*

Michelle Hagan

Charlie Simmons

Alfred Washington

## Public Works Monthly Report March 2021

- Placed 18 new trash cans into service. Zone C is mostly complete
- Placed new playground equipment into service at Moore's Park. One more piece to be installed.
- New street signs installed at:
  - Poston Dr
  - Oak Plaza Dr
  - Reeves St
  - St. Clair St
- Posted new Town limit signs at:
  - William A Campbell Rd
  - Bailey Rd
  - Old Sheldon Church Rd
  - US Hwy 17 A (replacement)
- Painted the Community Center and Harold Peeples Ballfield. Shed scheduled for next week.