

ORDINANCE NO. 2023-05

TOWN OF BLUFFTON, SOUTH CAROLINA

AN ORDINANCE AMENDING THE TOWN OF BLUFFTON'S MUNICIPAL CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION, ARTICLE VII. EMERGENCY MANAGEMENT, CHAPTER 5, OFFICIAL CONSTRUCTION CODE, ARTICLE VI. CONSTRUCTION SITE PROPERTY MAINTENANCE AND SITE PREPARATION FOR SEVERE WEATHER EVENTS, AND CHAPTER 21 EMERGENCY PERMITTING

WHEREAS, the Town of Bluffton desires to improve the general safety, welfare, health and properties of the citizens of the Town of Bluffton; and,

WHEREAS, to establish the necessary provisions to accomplish the above, the Town of Bluffton has authority to enact resolutions, ordinances, regulations, and procedures pursuant to South Carolina Code of Laws 1976, Section 5-7-30; and,

WHEREAS, the Town Council shall from time to time examine ordinances to ensure that they are properly regarded, enforced, sufficient and satisfactory to the needs of the community and can further suggest changes as deemed appropriate; and,

WHEREAS, the Town Council desires to ensure the public health, safety, and general welfare at all times and especially during times of emergencies; and,

WHEREAS, the Town Council desires to consolidate all emergency management regulations in one Chapter, including civil emergencies; and,

NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BLUFFTON, SOUTH CAROLINA, in accordance with the foregoing, the Town hereby amends the Code of Ordinances for the Town of Bluffton as follows:

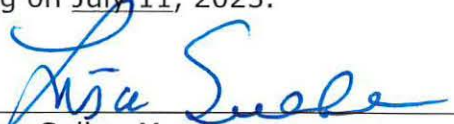
SECTION 1. AMENDMENT. The Town of Bluffton hereby amends the Code Ordinances for the Town Of Bluffton, South Carolina by adopting and incorporating amendments to Chapter 2 – Administration, Article 7, Emergency Management, Chapter 5 – Official Construction Code, Article 6 – Construction Site Property Maintenance and Site Preparation for Severe Weather Events, and Chapter 21, Emergency Permitting as shown on Exhibit A attached hereto and fully incorporated herein by reference.

SECTION 2. REPEAL OF CONFLICTING ORDINANCES. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3. ORDINANCE IN FULL FORCE AND EFFECT. This entire Ordinance shall take full force and effect upon adoption.

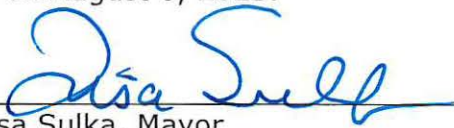
DONE, RATIFIED AND ENACTED this 8th day of August, 2023.

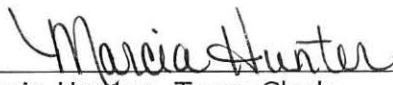
This Ordinance was read and passed at first reading on July 11, 2023.

  
\_\_\_\_\_  
Lisa Sulka, Mayor  
Town of Bluffton, South Carolina

  
\_\_\_\_\_  
Marcia Hunter  
Town Clerk, Town of Bluffton, South Carolina

This Ordinance was passed at second reading held on August 8, 2023.

  
\_\_\_\_\_  
Lisa Sulka, Mayor  
Town of Bluffton, South Carolina

  
\_\_\_\_\_  
Marcia Hunter, Town Clerk  
Town of Bluffton, South Carolina



**EXHIBIT A**

**Chapter 2 ADMINISTRATION**

**~~Article VII. EMERGENCY MANAGEMENT~~**

Staff Note: This section is moved in its entirety to Chapter 21. Reserve this article for future changes and to keep numbering in sequence.

**Chapter 5 OFFICIAL CONSTRUCTION CODE**

**~~Article VII. CONSTRUCTION SITE PROPERTY MAINTENANCE AND SITE PREPARATION FOR SEVERE WEATHER EVENTS~~**

~~Sec. 5-272. – Preparation of construction sites and developed sites for severe weather events.~~

Staff Note: This section is moved in its entirety to Chapter 21. Reserve this section for future changes and to keep numbering in sequence.

**Sec. 5-273. – Notice of violation.**

~~**(b) Emergency situations**~~

Staff Note: The portion of this section related to emergencies is moved to Chapter 21.

## **Chapter 21 EMERGENCY MANAGEMENT (CIVIL EMERGENCIES) ~~PERMITTING~~ PROCEDURES**

Staff Note: This Chapter is retitled and portions of Chapter 2 and Chapter 5 are moved under this Chapter.

### **ARTICLE I. ADMINISTRATION GENERAL PROVISIONS**

#### **Sec. 21-1 ~~2-199~~. Town authority to act to protect public health and safety.**

When there is an emergency due to dangerous or imminent threatening conditions in the Town, designated departments are authorized to enter into contracts and incur obligations necessary to combat such emergency to protect the health and safety of persons and property, and provide emergency assistance to the victims of such disaster. Each designated Town department is authorized to exercise the powers vested in the Emergency Operations Plan adopted by the Town Council, in its related plans, and in this article in the light of an extreme emergency situation, without regard to time-consuming procedures and formalities prescribed by law, except mandatory constitutional requirements.

(Ord. No. 2008-15, § 1, 9-23-2008)

#### **Sec. 21-2 ~~2-200~~. Temporary building moratorium.**

There may be established in the emergency area a temporary moratorium on the construction or reconstruction of any building or other structure, except for such necessary activity as may be undertaken by an individual property owner for the purpose of temporarily protecting the health and safety of his family or preventing further loss to the value of his property, and on the issuance of any development, building, or other such Town permits, until such time as the state of emergency has been terminated. This moratorium shall terminate 45 days from the date of such declaration unless extended or shortened by the Town Council.

(Ord. No. 2008-15, § 1, 9-23-2008)

#### **Sec. 21-3 ~~2-201~~. Recovery Team.**

The Town's Recovery Team shall be activated to oversee the recovery and reconstruction process and to serve as an advisory committee to Town officials responsible for recovery activities. Town departments will support and act upon the recommendation of the Team.

(Ord. No. 2008-15, § 1, 9-23-2008)

#### **Sec. 21-4 ~~2-202~~. Mayoral orders authorized in event of state of emergency.**

- (a) The Mayor, after proclaiming a state of emergency and prior to terminating such, may make and proclaim any or all of the following orders prohibiting:
- (1) Any person being on the public streets, in the public parks, or at any other public place during the hours declared by the Mayor to be a period of curfew;
  - (2) Any number of persons, as designated by the Mayor, from assembling or gathering on the public streets, in the public parks, or other open areas of the Town, either public or private;
  - (3) Price gouging;

- (4) The possession of firearms or any other deadly weapon by a person, other than a law enforcement officer, in a place other than that person's place of residence or business;
  - (5) The sale, purchase, or dispensing of alcoholic beverages;
  - (6) The use of certain streets, highways, or public ways by the public;
  - (7) Business establishments from remaining open; and
  - (8) Such other activities as he reasonably believes should be prohibited to help preserve and maintain life, health, property, or the public peace.
- (b) In imposing the restrictions provided for in this section, the Mayor may impose them for such times, upon such conditions, with such exceptions, and in such areas of the Town he from time to time deems necessary.
- (c) Any person willfully violating any provision of an order issued by the Mayor under this section shall be guilty of a misdemeanor for each infraction, on a per incident or daily basis.
- (Ord. No. 2008-15, § 1, 9-23-2008)Sec. ~~21-5 2-203~~. Failure to leave public property upon lawful direction.

Any person upon any public way or any public property within the area described in the state of emergency who is directed by a public official or peace officer to leave the public way or public property and refuses to do so shall be guilty of a misdemeanor.

(Ord. No. 2008-15, § 1, 9-23-2008)

**Sec. ~~21-6 2-204~~. Status and termination of emergency.**

The Mayor shall keep the Council fully advised as to the status of the emergency. The Mayor shall declare the termination of such local emergency at the earliest possible date that conditions warrant, or when directed to do so by the Town Council. Upon the announcement by the Mayor of the termination of the existence of the local emergency by operation of law, such rules, regulations, orders, and directives shall terminate and be of no further force or effect.

(Ord. No. 2008-15, § 1, 9-23-2008)

**Secs. ~~21-7-17 2-205—2-231~~. Reserved.**

**Sec. ~~21-18 5-272~~. Preparation of construction sites and developed sites for severe weather events.**

- (a) *Intent.* The provisions of this section apply at the direction of the Town Manager, or designee, in the event of significant severe weather conditions, or other similar types of severe weather warnings for any part of Beaufort County.
- (b) *Construction sites.*
  - (1) All construction materials, including roof tiles, within the Town shall be secured, stored or removed so as not to create a safety hazard because of hurricane or tropical storm force winds, or similar severe weather.
  - (2) Media broadcasts or notices issued by the National Weather Service or National Hurricane Center of a hurricane or tropical storm warning shall be deemed sufficient notice to the owner of real property upon which construction is occurring or any contractor responsible for the construction to secure, store or remove loose construction debris and loose construction materials against the effects of high wind.

- (3) Materials stockpiled on top of any structure under construction shall be permanently installed by the property owner or contractor at the direction of the Town Manager, or designee. However, if such installation cannot be timely completed, then the property owner or contractor shall:
  - a. Band together the construction materials and mechanically fasten them to the top of the structure in such a manner so a threat of becoming airborne during a tropical storm or hurricane is not experienced;
  - b. Remove the construction materials from the top of the structure and mechanically tie them down to the ground;
  - c. Remove the construction materials from the job site; or
  - d. Store the construction materials inside a protected structure.
- (4) Interiors of structures under construction shall be secured to prevent materials from becoming airborne.
- (5) All debris on a construction site shall be stored in commercial containers and shall be properly secured.
- (6) Commercial containers and portable toilets must be removed from a construction site or mechanically tied to the ground.
- (7) Piles of dirt, sand, and stone on a construction site shall be located away from rights-of-way, adjoining properties, swales, culverts, inlet grates, creeks, coves and rivers.
- (8) All construction materials or debris required to be secured, stored or removed shall remain secure, stored or removed hereunder from the property until the National Weather Service, National Hurricane Center or other appropriate weather agency has removed all portions of Beaufort County from those areas included in a hurricane or tropical storm warning, or the Town Manager, or designee, lifts an severe weather directive pursuant to this section, whichever event shall first occur.

(c) *Developed sites.*

- (1) On all developed property, all furnishings including, but not limited to, furniture and lawn equipment not secured by a fence or screen enclosure, shall be secured, stored or removed so as to not create a safety hazard due to hurricane force winds.
- (2) Media broadcasts or notice at the direction of the Town Manager, or designee, issued by the National Weather Service or National Hurricane Center of a hurricane or tropical storm warning for Beaufort County shall be deemed sufficient notice to the owner of developed real property to store or secure furnishings or to remove furnishings not secured or stored from the property.
- (3) All materials and furnishings required to be secured, stored or removed shall remain secure, stored or removed hereunder from the property at the direction of the Town Manager, or designee, lifts an severe weather directive pursuant to this section, or until the National Weather Service, National Hurricane Center or other appropriate agency has removed all portions of Beaufort County from those areas included in a hurricane or tropical storm warning, whichever event occurs first.

( Ord. No. 2020-14 § 1(Att. A), 8-11-2020)

**Sec. 21-19 5-273. Notice of violation.**

(a) *Non-emergency situations.*

- (1) Upon the determination of the Town that a construction site is in violation of with any of the terms of this article, or that a construction site poses a health or safety risk, the Town shall provide notice to the property owner, its contractor or agents of the violation.

- (2) The violation may be enforced by the Chief Building Official, or designee, through the issuance of a stop work order in accordance with the procedures set forth in this Code; or an order to repair, restore or demolish the work; to vacate the premises; or otherwise to abate the violation enforceable.
  - (3) Upon due notice, the construction site shall be brought into compliance within the time directed by the Town, but in no event more than 24 hours from the time of notice. If the violation is not corrected within the time directed, the Town shall have the right, but not the obligation, to correct the violation and charge all costs and fees to the permittee or property owner.
- (b) Emergency situations.
- (1) If at any time the Town determines that an emergency situation exists endangering the public health, safety, or welfare; creating a potential liability for the Town; or endangering the Town streets, utilities or other public property, and if the timing or nature of the situation precludes advance notification as provided in subsection (a) of this section, the Town shall have the right to enter the construction site to take whatever emergency action it deems necessary to secure, store or remove all loose construction materials and debris, including, but not limited to, roof tiles and roofing materials.
  - (2) In such circumstances, the Town shall bill the property owner or his/her agent for all charges and expenses incurred to eliminate these potentially unsafe conditions by any means necessary. The securing of an outside contractor to perform these services shall be deemed to be the securing of emergency services and shall not require the Town to utilize a competitive bid process to select a contractor.
  - (3) Any and all loss, damage, costs and expenses, including legal fees and administrative costs, incurred by the Town in the course of exercising its rights pursuant to this section, or incurred in repairing or restoring damage to the public right-of-way or other public property shall be reimbursed by the property owner. The Town shall not be responsible for any loss or damage incurred as a result of exercising its rights under this section.
  - (4) A notice of violation shall be posted at the job site and mailed to the property owner and contractor. The written notice shall constitute a stop work order and shall remain in effect until the bill is paid. Upon receipt of payment, the Chief Building Official, or designee, shall allow resumption of work.

( Ord. No. 2020-14 § 1(Att. A), 8-11-2020)

## **ARTICLE II. EMERGENCY PERMITTING GENERAL PROVISIONS**

### ***Sec. 21-204. Definitions.***

*Appraisals:* Appraisal from South Carolina certified appraiser for type of structure using the fair market value approach as defined by FEMA. (Appraisal must be within 18 months of the application date) or Beaufort County current assessed value plus 25 percent (125 percent of county assessed value).

*Building/structure:* That which is built or constructed which is used or intended for supporting or sheltering any use or occupancy.

*Disaster:* Any occurrence of widespread or severe damage, injury, or loss of life or property resulting from a natural, technological, or national security incident, including but not limited to earthquake, explosion, fire, flood, high water, hostile military action, hurricane, landslide, mudslide, storm, tidal wave, tornado, or wind-driven water, when a state of emergency is declared by the Mayor pursuant to section 2-202 of the Municipal Code of the Town of Bluffton.

*Fair market value:* As defined by FEMA, replacement cost of structure less depreciation.

(Ord. No. 2009-11, att. A(21-701), 6-9-2009)

**Secs. 21-21—21-100. Reserved.**

**Sec. 21-101. Purpose.**

The Town of Bluffton realizes that in the event of a disaster it may be impractical to require all structures which sustain significant damage to rebuild in compliance with the current review and submission requirements of the Unified Development Ordinance, Old Town District Code and the Official Building Code as adopted by Town Council. Furthermore, the community's economy will depend on the ability of all property owners to repair, reconstruct, or rebuild and become operational as quickly as possible following a disaster. The regulations set forth in this chapter allow a measure of leniency to the review and submission requirements contained in the Unified Development Ordinance and the Official Building Code in an attempt to provide incentives for all property owners to repair, reconstruct, or rebuild quickly to the state or condition that existed prior to the disaster.

(Ord. No. 2009-11, att. A, 6-9-2009)

**Sec. 21-102. Applicability.**

This chapter shall apply in all cases where any structure (as defined in the current adopted International Residential or Building Code) is damaged or destroyed as a direct result of any event or disaster (as defined in section 21-701) that has been declared a state of emergency by the Mayor pursuant to chapter 2 (administration), article VII, section 2-202 of the Municipal Code of the Town of Bluffton.

Damage to, or destruction of, any structure by any other means shall be repaired, reconstructed, or rebuilt only in compliance with applicable chapters of the Municipal Code of the Town of Bluffton.

(Ord. No. 2009-11, att. A, 6-9-2009)

**Sec. 21-103. Application acceptance after declaration of emergency.**

After the assessment of the disaster, the Mayor shall declare that the Town will begin accepting applications for the repair of damaged or destroyed structures per the procedures set forth in this chapter. No applications for new structures or development will be accepted during this time. At their discretion, Town Council may extend the application period by resolution.

The Mayor will declare when the Town is ready to accept applications for new structures and development.

(Ord. No. 2009-11, att. A, 6-9-2009)

**Secs. 21-104—21-200. Reserved.**

**ARTICLE III. ZONING AND DEVELOPMENT PROCEDURES**

**Sec. 21-201. Placards and safety assessment for the purpose of this chapter.**

Following a declared disaster, the Town of Bluffton will perform a safety assessment to determine the safety of structures that sustained damage or were destroyed as a result of the disaster. When the safety assessment is completed for the structure, the Town shall attach a placard to the structure informing the owner and officials about the safety of the structure. Placards will be assigned according to a color-coded system.

The following placards will be issued following a safety assessment:

- A. Green placard (inspected, safe): Lawful occupancy is permitted.
- B. Yellow placard (limited entry): Restricted use.
- C. Red placard (unsafe): Unsafe to occupy.

Once a placard has been attached to a building, it shall not be removed, altered or covered until done so by an authorized representative of the Town of Bluffton or upon written notification from the Town of Bluffton.

The planning permitting and approval process will be determined by the extent of damage that a property has sustained as well as the location of the property if it is in an overlay district. Property sustaining minor damage may not require a permit based on the type of damage. Major damage will, in most cases, require a permit.

(Ord. No. 2009-11, att. A, 6-9-2009)

**Sec. 21-202. Planning review not required.**

- (a) Any structure, located outside of the Historic Preservation Overlay District, that sustains damage as a direct result of a disaster and receives a green placard after a safety assessment may be repaired to the state or condition that existed prior to the disaster without the necessity of obtaining an approval of the planning department. The work must be completed within 18 months of when the Mayor declares the Town is ready to begin receiving applications for permits after the declared disaster.
- (b) If a structure located outside of the Historic Preservation District receives a green placard, with the exception of section 21-206, after a safety assessment and the repair is delayed through litigation or other cause beyond the control of the owner, then the time of such delay shall not be considered when computing the 18-month period.
- (c) The requirements of the current state adopted construction codes with amendments and the Flood Damage Prevention Ordinance, of the Municipal Code of the Town of Bluffton shall be met.
- (d) For applicants who do not meet the time period set forth by paragraph (a), any repair that occurs must comply with all requirements of current Unified Development Ordinance.

(Ord. No. 2009-11, att. A, 6-9-2009)

**Sec. 21-203. Planning Department emergency permitting process.**

In order to be reviewed under the remaining sections of this chapter:

- (a) A structure that sustains damage or is destroyed shall be repaired, reconstructed, or rebuilt to the state or condition that existed prior to the disaster.
- (b) A structure that sustains damage or is destroyed and is located in the Historic Preservation District requires Planning and Growth Management approval to repair, reconstruct or rebuild.

(Ord. No. 2009-11, att. A, 6-9-2009)

**Sec. 21-204. Planning Department emergency permitting application.**

The Planning Department emergency permitting application must be submitted within six months of when the Mayor declares the Town is ready to begin receiving applications for permits. At their discretion, Town Council may extend the application period by resolution.

(Ord. No. 2009-11, att. A, 6-9-2009)

**Sec. 21-205. Planning emergency permitting affidavit.**

An affidavit must be submitted as part of the planning emergency permitting application. The affidavit, to be signed by the owner of record and notarized, states that all structures are being built back to the state or condition

that legally existed prior to the disaster. However, if any local, state, or federal regulations require any changes to the structure with regard to height or square footage, the affidavit will allow the owner to build back with changes to comply with those regulations.

(Ord. No. 2009-11, att. A, 6-9-2009)

### **Sec. 21-206. Historic Preservation Overlay District.**

- (a) An application for building permit to repair structures located in the Historic Preservation Overlay District (HPOD) requires a Certificate of Appropriateness. Following a declared disaster the repair of damage to structures in this district may be expedited with administrative approval. This expedited administrative approval may apply to repairs such as:
  - (1) Board for board repairs.
  - (2) Exact replacement of roofing materials.
  - (3) Exact replacement of downspouts and gutters.
  - (4) Window replacement, provided the replacement or repaired window frame is exactly as installed prior to the damage.
  - (5) Repair, or exact replacement, of shutters.
  - (6) Repair and resetting of air conditioning compressors.
  - (7) Fence, step, porch and patio cover repair or reconstruction provided there is no change in the height, length, width, size, location or type of construction or materials.
  - (8) Sign repair or reconstruction provided there is no change in height, length, width, size, location or type of materials.
- (b) The application shall include such information and documentation to demonstrate pre-event conditions to assist the Administrator in determining that no changes will be made from those conditions, including the following items:
  - (1) One copy of all approved plans;
  - (2) One copy of building elevation drawings previously approved by the Town or the County showing all four elevations of all structures on the site prior to the disaster; or
  - (3) Pre-disaster photos showing all four sides of each structure on the property.
- (c) An application for building permit to repair structures located in the HPOD which does not meet the above criteria, may be reviewed by the Historic Preservation Commission (HPC) for approval of a Certificate of Appropriateness prior to issuance of a building permit.
- (d) HPC procedures for emergency permitting.
  - (1) A quorum consisting of four of the seven appointed members must be present to conduct business;
  - (2) There must be a majority vote of members present to issue a Certificate of Appropriateness;
  - (3) HPC shall meet bi-weekly, or more often if necessary, after the Mayor has declared the Town shall begin receiving applications for permits after a declared state of emergency due to a disaster;
  - (4) Location of meetings will be determined by the Administrator.

(Ord. No. 2009-11, att. A, 6-9-2009)

**Sec. 21-207. Single-family or duplex dwelling.**

- (a) Any single-family or duplex dwelling unit, located outside of the Historic Preservation Overlay District, that sustains damage less than 50 percent of the fair market value as defined in section 21-701, shall not require Planning Department approval.
- (b) If the structure sustains damage amounting to 50 percent or more of the fair market value, as defined in section 21-701 the following information shall be required:
  - (1) A planning emergency permitting affidavit as described in section 21-205;
  - (2) An as-built survey; or
  - (3) Pre-disaster photos showing all four sides of each structure on the property.
- (c) The requirements of article III contained herein shall be met.
- (d) For applicants who cannot meet the requirements of this section as applicable and for all applicants who do not meet the time period set forth by section 21-204, any repair, reconstruction, or rebuilding that occurs must comply with all requirements of current Unified Development Ordinance regulations as adopted by the Town.

(Ord. No. 2009-11, att. A, 6-9-2009)

**Sec. 21-208. Nonsingle-family structures (commercial, industrial, institutional, multifamily, etc.).**

- (a) Any structure, other than a single-family or duplex dwelling unit, located outside of the Historic Preservation Overlay District, that sustains damage or is destroyed and receives a yellow or red placard or requires a construction permit must submit a complete planning emergency permitting application per section 21-204 in order to be reviewed under this section. The application shall include such information and documentation as may be reasonably required by the Administrator, including all the following items:
  - (1) A planning emergency permitting affidavit as described in section 21-205.
  - (2) An approved development permit and one copy of all approved plans or an as-built survey.
- (b) If the property is located within the Highway Corridor Overlay District (HCOB):
  - (1) One copy of all approved plans.
  - (2) One copy of building elevation drawings previously approved by the Town or the County showing all four elevations of all structures on the site prior to the disaster or pre-disaster photos showing all four sides of each structure on the property.
- (c) The requirements of article III of this chapter shall be met.
- (d) For applicants who cannot meet the requirements of paragraph (a) and for all applicants who do not meet the time period set forth by section 21-204, any repair, reconstruction, or rebuilding that occurs must comply with the current regulations for zoning and development as adopted by the Town of Bluffton.

(Ord. No. 2009-11, att. A, 6-9-2009)

**Sec. 21-209. Landscape and tree standards.**

Properties that sustain damage or are destroyed as a direct result of a disaster will be required to meet the requirements of the Unified Development Ordinance.

(Ord. No. 2009-11, att. A, 6-9-2009)

**Secs. 21-210—21-300. Reserved.**

## **ARTICLE IV. EMERGENCY CONSTRUCTION PERMITTING PROCEDURES**

### **Sec. 21-301. Application.**

Where a building permit is required, a complete emergency construction building permit application must be submitted within 18 months of the date the Mayor declares the Town shall begin receiving applications for permits after the declared state of emergency due to a disaster.

(Ord. No. 2009-11, att. A, 6-9-2009)

### **Sec. 21-302. Emergency construction building permit not required.**

Any structure, located outside of the Historic Preservation Overlay District, that receives a green placard after a safety assessment as a direct result of a state of emergency due to a disaster shall be repaired, reconstructed, or rebuilt to the state or condition that existed prior to the disaster without the necessity of obtaining an emergency construction building permit. The work must be completed within 18 months of the date the Mayor declares the Town shall begin receiving applications for permits after the declared state of emergency due to a disaster. The repairs must comply with current construction codes as adopted by the state including the Town of Bluffton and the Flood Damage Prevention Ordinance. Work may be completed by the owner unless other sections of the Municipal Code or state law require a properly licensed contractor/sub-contractor.

#### **EXCEPTIONS:**

- (a) If the repair of a structure is delayed due to litigation, then the time of such delay shall not be considered when computing the 18-month period.
- (b) Other causes beyond the control of the owner may be submitted to the Building Official or his designee for a determination as to whether a delay beyond the 18-month period may be granted.

(Ord. No. 2009-11, att. A, 6-9-2009)

### **Sec. 21-303. Emergency construction building permit required.**

- (a) All structures that receive a yellow or red placard as a direct result of a state of emergency due to a disaster with damage amounting to less than 50 percent of the fair market value of the structure prior to the damage as calculated by FEMA rules, regulations, or guidelines, shall be repaired, reconstructed, or rebuilt to the state or condition that existed prior to the declared state of emergency due to a disaster. An emergency construction building permit is required prior to any repairs, reconstruction or rebuilding commencing.
  - (1) Any emergency construction applications for emergency construction building permits shall comply with the current state-adopted construction codes with amendments.
  - (2) Construction drawings shall not be required.
  - (3) Condition of the permit requires that the owner of record and the contractor must sign an emergency construction affidavit stating that all construction will comply with the current state-adopted construction codes with amendments and the Town of Bluffton Flood Damage Prevention Ordinance.
  - (4) All construction must be inspected prior to cover-up.
  - (5) Emergency construction applications must be submitted within 18 months of the date the Mayor declares the Town shall begin receiving applications for permits after the declared state of emergency due to a disaster.

## EXCEPTIONS

- (1) If structures are damaged less than 50 percent and the reconstruction is delayed due to litigation, then the time of such delay shall not be considered when computing the 18-month period.
  - (2) Other causes beyond the control of the owner may be submitted to the Building Official, or his designee, for a determination as to whether a delay beyond the 18-month period may be granted.
- (b) All structures that receive a yellow or red placard as a direct result of a state of emergency due to a disaster with damage equal to or greater than 50 percent of the fair market value of the structure prior to the damage as calculated by FEMA rules, regulations, or guidelines, shall be repaired, reconstructed, or rebuilt to the state or condition that existed prior to the declared state of emergency due to a disaster. An emergency construction building permit is required prior to any repairs, reconstruction, or rebuilding commencing.
- (1) All emergency construction applications for emergency construction building permits shall comply with chapter 5 of the Town Code and the Town of Bluffton Flood Damage Prevention Ordinance.
  - (2) Complete construction drawings for proposed work shall be required.
  - (3) All construction must be inspected prior to cover up.
  - (4) Application documents shall include the following:
    - a. Site plan/as built as approved by the Planning Department.
    - b. Complete application including original notarized mechanical certificates.
  - (5) All structures located in a flood zone must build to the current flood maps adopted by the Town of Bluffton.
  - (6) Emergency construction applications shall be submitted within 18 months of the date the Mayor declares the Town shall begin receiving applications for permits after the declared state of emergency due to a disaster.

## EXCEPTIONS

- (1) If structures are damaged equal to or greater than 50 percent and the reconstruction is delayed due to litigation then the time of such delay shall not be considered when computing the 18-month period.
- (2) Other causes beyond the control of the owner may be submitted to the Building Official, or his designee, for a determination as to whether a delay beyond the 18-month period may be granted.

(Ord. No. 2009-11, att. A, 6-9-2009)

**Secs. 21-304—21-400. Reserved.**

## ARTICLE IV. APPLICATIONS AND PERMITS IN PROGRESS

### **Sec. 21-401. Applications under review at the time of a state of emergency due to a disaster.**

- (a) All applications for development, subdivision, or other approvals that are in progress at the time of a state of emergency due to a disaster declaration by the Mayor shall be suspended for such time as the Administrator

deems necessary, provided that such suspension shall not exceed 18 months. The time frames established for reviews as set forth in the Town of Bluffton Unified Development Ordinance, shall be suspended during this period. All such applications shall be reviewed and acted on based on the provisions of the Unified Development Ordinance in effect at the time the application was deemed complete.

- (b) All applications for approvals or permits that are reviewed and acted on by the Historic Preservation Commission, the Corridor Review Board, the Construction Board of Adjustments and Appeals, the Planning Commission, or the Town Council that are in progress at the time of a state of emergency due to a disaster declaration by the Mayor shall be suspended until such time that the Board, Commission, or Council can reasonably schedule any required public hearings and meetings to review and act on such applications, provided that such suspension shall not exceed 18 months. All such applications shall be reviewed and acted on based on the provisions of the Unified Development Ordinance in effect at the time the application was deemed complete.
- (c) All applications for construction permits that are under review at the time of a Mayor declares a state of emergency due to a disaster shall be suspended for such time as the Building Official deems necessary, provided that such suspension shall not exceed 18 months from the date the Mayor declares the Town shall begin receiving applications for permits after the declared state of emergency due to a disaster. The time frames established for reviews as set forth in chapter 5 of the Town of Bluffton Municipal Code shall be suspended, during this period. All such applications shall be reviewed and acted upon based on the provisions of chapter 5 in effect at the time the application was submitted and deemed complete by the Building Official or his designee.
- (d) In cases in which permits have been issued prior to a declared state of emergency due to a disaster, construction may continue under the previous existing approved plans and inspections.

**EXCEPTIONS:**

- (1) Any deviation from approved plans shall require a new complete application review as required in article I of chapter 5.
- (2) New applications will not be processed until such time as determined by the Building Official or his designee. The suspension of processing new applications shall not exceed 18 months from the date the Mayor declares the Town shall begin receiving applications for permits after the declared state of emergency due to disaster.
- (3) All fees paid for previously submitted plans shall be applied to the fee for the new submission.

(Ord. No. 2009-11, att. A, 6-9-2009)

**Sec. 21-402. Issued permits for which the work has not been completed at the time of a disaster.**

In cases in which permits have been issued prior to a declared state of emergency due to a disaster, construction may continue under the previous existing approved plans and inspections.

**EXCEPTIONS:**

- (1) Any deviation from approved plans will require a new complete application review as required in article I of chapter 5.
- (2) New applications will not be processed until such time as determined by the Building Official or his designee. The suspension of processing new applications shall not exceed 18 months from the date the Mayor declares the Town shall begin receiving applications for permits after the declared state of emergency due to disaster.
- (3) All fees paid for previously submitted plans shall be applied to the fee for the new submission.

(Ord. No. 2009-11, att. A, 6-9-2009)

**Secs. 21-403—21-500. Reserved.**

## **ARTICLE VI. CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS**

### **Sec. 21-501. Procedures for Construction Board of Adjustments and Appeals during the state of emergency due to a disaster.**

- (a) The Construction Board of Adjustments and Appeals will consist of a minimum of three members of the existing board.
  - (1) A minimum of three members must be present to conduct a meeting.
  - (2) There must be a majority vote of members present to overturn the Building Official's interpretation of the code. In no instance may the Building Official's interpretation of the code be overturned by less than three votes.
  - (3) Approval of a variance request shall require a majority vote by the members of the Board present for a decision.
  - (4) The Board shall meet bi-weekly, or more often if necessary, after the Mayor has declared the Town shall begin receiving applications for permits after a declared state of emergency due to a disaster.
  - (5) Location of meetings will be determined by the Building Official.

(Ord. No. 2009-11, att. A, 6-9-2009)

**Secs. 21-502—21-600. Reserved.**

## **ARTICLE VII. UNSAFE BUILDINGS**

### **Sec. 21-601. Unsafe buildings.**

Notwithstanding any other provision of this chapter, any uninhabited/unsafe structure or building that has been determined to be an immediate danger to life, health, safety or property shall be abated immediately in order to protect life, health, safety or property. The Building Official may take whatever steps are necessary to make the uninhabited, unsafe building/structure safe including but not limited to the demolition of the uninhabited/unsafe building/structure.

(Ord. No. 2009-11, att. A, 6-9-2009)

**Secs. 21-602—21-700. Reserved.**