

## EXHIBIT A

### **Sec. 2-116. Reserved. Powers of Town Manager during a state of emergency.**

- (a) ~~Upon the declaration of a state of emergency by the Mayor of the Town of Bluffton in accordance with subsection 2-202(a), and during the continuance of such state of emergency, the Town Manager is authorized to immediately implement local emergency measures as set forth herein to protect life and property or to bring the emergency situation under control as provided herein.~~
- (b) ~~When practical, the actions of the Town Manager shall be accomplished by a written executive order immediately implementing the emergency response and emergency recovery powers provided herein. As soon as practical, the Town Manager shall present his orders to a quorum of Town Council, duly assembled upon emergency basis, in person or electronically, telephonically or via other means. When not practical, the actions of the Town Manager in implementing the emergency response and emergency recovery powers shall be subject to ratification by Town Council, duly assembled as soon as practical.~~
- (c) ~~In exercising this authority, the Town Manager may cause to become effective any of the sections of this Section as needed by an appropriate executive order preapproved by Town Council herein.~~
- (d) ~~If any of these sections of this Section are included in a declaration of local emergency, the same shall be filed with the Town Clerk and shall be in effect until the declaration of local emergency has terminated.~~
- (e) ~~The Town Manager shall have and may exercise for such period as the declared emergency exists or continues, and subject to ratification by Town Council, the following emergency powers:~~
  - (1) ~~To administer the provisions of the Town Code and this Section and to temporarily modify provisions of the Code dealing with building and occupancy permits, demolition permits, and restrictions on the use, development or occupancy of private property, provided that such action is reasonably justifiable for protection of life and property, mitigation of hazardous conditions, avoidance of undue displacement of households or businesses, or prompt restoration of public infrastructure.~~
  - (2) ~~To transfer the direction, personnel or functions of any Town departments and agencies or units thereof for the purpose of performing or facilitating emergency services.~~
  - (3) ~~To utilize all available resources of the Town and subordinate agencies over which the Town has budgetary control as reasonably necessary to cope with the emergency or disaster.~~
  - (4) ~~To utilize public property when necessary to cope with the emergency or disaster or when there is compelling necessity for the protection of lives, health and welfare; and/or the property of citizens;~~
  - (5) ~~To waive, adjust or suspend any law, code provision or regulation prescribing the procedures for conduct of Town business, or the orders, rules or regulations of any Town department, including but not limited to fees, policies and procedures, if strict compliance with any ordinance, resolution, order, rule or regulation would in any way prevent, hinder or delay necessary action in coping with the emergency or disaster, provided that such suspension shall provide for the minimum deviation from the requirements under the circumstances and further provided that, when practicable, specialists shall be assigned to avoid adverse effects resulting from such suspension.~~
  - (6) ~~To provide benefits to citizens upon execution of an intergovernmental agreement for grants to meet disaster-related necessary expenses or serious needs of individuals or families adversely affected by an emergency or disaster in cases where the individuals or families are unable to meet the expenses or needs from other means, provided that such grants are authorized primarily when matching state or federal funds are available for such purposes.~~
  - (7) ~~To perform and exercise such other functions, powers and duties as may be deemed necessary to promote and secure the safety and protection of the civilian population, including individuals with household pets and service animals prior to, during, and following a major disaster or emergency.~~
  - (8) ~~To conduct the affairs and business of the Town at places other than the regular or usual location, within or outside of the Town, when it is not prudent, expedient or possible to conduct business at the regular location. When such meetings occur outside of the Town, all actions taken by Town Council shall be as valid and binding as if performed within the Town. Such meetings may be called by the presiding officer or any two members of the governing body without regard to or compliance with time consuming procedures and formalities otherwise required by law.~~
  - (9) ~~To suspend the purchasing ordinances, regulations or policies, while continuing to seek to obtain the best prices during the state of local emergency.~~

# EXHIBIT A

(CONTINUED)

- ~~(10) To temporarily suspend the enforcement of the ordinances of the Town, or any portion thereof, where the emergency is of such nature that immediate action outside the Code is required, such suspension is consistent with the protection of the public health, safety and welfare, and such suspension is not inconsistent with any federal or state statutes or regulations.~~
- ~~(11) To temporarily reduce or suspend any permit fees, application fees or other rate structures as necessary to encourage the rebuilding of the areas impacted by the disaster or emergency. The term "fees" include fees or rates charged by the Town for building permits, land disturbance permits, zoning applications, special land use permits, temporary land use permits and other fees relating to the reconstruction, repair and clean up of areas impacted by the disaster or emergency. The term "fees" does not include fees collected by the Town on behalf of the County, state or federal government or fees charged by the Town pursuant to a state or federal statute or regulation.~~
- ~~(12) To issue temporary mobile home, trailer, recreational vehicle or other temporary dwelling structures or parks in any zoning district, even though not otherwise permitted by development code, while the primary dwelling is being repaired. The temporary permit shall not exceed six months in duration. Upon expiration of the temporary permit and/or extension, the temporary dwelling must be removed.~~
- ~~(13) To implement the registration of building and repair services as set forth herein.~~
- ~~(f) The Town Manager shall have the legal authority to exercise the powers and discharge the duties conferred by law, including the implementation of the applicable local emergency operations plan, coordination of the emergency responses of public and private agencies and organizations, coordination of recovery efforts with county, state and federal officials, and inspection of emergency or disaster sites.~~
- ~~(g) The Town Manager is authorized to execute a right of entry and/or agreement to use property for these purposes on behalf of the Town; however, any such document shall be later presented for ratification by Town Council.~~

## Sec. 2-274. Emergency procurements.

- (a) *Use of Emergency Procurements Generally.* The Town Manager or designee may make or authorize others to make emergency procurements of supplies, services, or construction items when there exists a threat to the functioning of Town government; for the preservation or protection of property; or for the health, welfare or safety of any person, provided that such emergency procurements shall be made with such competition as is practicable under the circumstances. Any such procurement shall be reported to Town Council.
- (b) *Local Civil Emergency.* The Town Manager or their designee may make or authorize others to make emergency procurements of supplies, services, or construction items during a Local Civil Emergency ("LCE") as established in Chapter 21 of the Town Code. At the earliest practical time, but no later than ninety (90) days following the termination date of the LCE declaration, all emergency procurements made during an LCE shall be reported to Town Council.

## Chapter 21 EMERGENCY MANAGEMENT (CIVIL EMERGENCIES)

### ARTICLE I. ADMINISTRATION GENERAL PROVISIONS

#### Sec. 21-1. Definitions.

As used in this Chapter, the following definitions shall apply:

- (a) *Local Civil Emergency ("LCE")* means a determination that an event or time period in the foreseeable near future such as a great public crisis, natural disaster, cyberattack, rioting, civil disturbances, or catastrophe which will likely occur and cause widespread or severe damage, injury, or loss of life or property in the Town's jurisdiction.
- (b) *Local Civil Emergency Event ("LCE Event")* means the action or occurrence responsible for the Town's declaration of a Local Civil Emergency. A LCE Event may include but is not limited to a natural disaster, protest, riot, pandemic, or any other occurrence creating a public disruption; or when public safety authorities are unable to maintain public order or afford adequate protection for lives, safety, health, welfare or property; or during a declared state of emergency by Beaufort County or the State of South Carolina.

# EXHIBIT A

(CONTINUED)

- (c) Governing Authority means the Mayor as presiding officer, and then in succession Mayor Pro-Tem, and in order the most senior of elected municipal official.
- (d) Town Manager means the individual appointed to the position of Town Manager, then in succession the most senior of Assistant Town Managers, the Chief of Police, the Director of Public Works.

## **Sec. 21-12. Town authority to act to protect public health and safety.**

When there is ~~an emergency~~ a Local Civil 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 event to protect the health and safety of persons and property, and provide emergency assistance to the victims of the LCE Event. ~~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 Chapter in the light of an extreme emergency ~~situation~~ event, without regard to time-consuming procedures and formalities prescribed by law, except mandatory constitutional requirements. Pursuant to the powers vested in the Town Council under the Constitution and the laws of the State of South Carolina, this Chapter shall not be construed to interfere with the powers of the Governor, or conflict with any State or Federal laws or regulations.

## **Sec. 21-3. Declaration and Proclamation of a Local Civil Emergency (“LCE”).**

- (a) Declaration by Governing Authority. The Governing Authority shall take all actions necessary to be fully informed of the potential LCE event and evaluate whether the event is threatening or endangering the lives, safety, health and welfare of the people within the Town, or threatening damage to or destruction of property within the Town. Following an informed evaluation, the Governing Authority shall make their best effort to convene a quorum of Town Council in order to declare a LCE, at minimum the Governing Authority shall request in writing a quorum through electronic mail and text messaging. If a quorum of Town Council is unable to convene two (2) hours after the initial written request for a quorum is sent by the Governing Authority, then the Governing Authority at their sole discretion is hereby authorized and empowered to declare a Local Civil Emergency by proclamation in accordance with terms of this Chapter.
- (b) Proclamation by Governing Authority. Pursuant to Sec. 21-2(a) the Governing Authority is hereby authorized and empowered to issue a public proclamation declaring to all persons the existence of an LCE. The proclamation shall be signed by the Governing Authority, filed in the Office of the Town Clerk, and shall be immediately communicated to the citizens and general public using the most effective and efficient means available to reach the greatest number of individuals as promptly as possible. Such a proclamation shall be subject to ratification, alteration, modification or repeal by Town Council. Subsequent actions of Town Council shall not affect the validity of prior actions taken by the Governing Authority.
  - (1) Minimum Requirements. The proclamation declaring an LCE shall include at a minimum the following information and statements:
    - i. Provide a description of the LCE Event; and,
    - ii. the conditions that require the declaration; and,
    - iii. the specific regulations in place due to the declaration; and,
    - iv. termination date of the LCE in accordance with this Chapter.
  - (2) Permitted Prohibitions. The Governing Authority is authorized and empowered to impose those certain restrictions provided for in this Section without a vote of Town Council; and such restrictions may be for such times, upon such conditions, with exceptions and in such areas of the Town believed to be necessary to address the LCE Event. The proclamation declaring a LCE may include any or all of the following:
    - i. Restrict or prohibit the use of streets, highways, or public ways by the public. This prohibition may be for specific rights of ways or for designated areas of the Town; and,
    - ii. Restrict any number of persons from assembling or gathering on the public streets, in the public parks, or other open areas of the Town. This restriction may be implemented for specific time periods of the day or for a portion of or the entire duration of the LCE; and,
    - iii. Establish a curfew to more effectively protect the lives, safety and property of the people within the Town, to define and impose a curfew applicable to all persons within the jurisdiction of the Town. The curfew authorized in this section may apply to all of the Town or only to a certain designated portion thereof; and,
    - iv. Establish a temporary building moratorium as established in Section 21-6 of the Town Code; and,

# EXHIBIT A

(CONTINUED)

- v. Such other activities as reasonably believed to be necessary in order to help preserve and maintain life, health, property, or the public peace.
- (3) Violations of the Proclamation. Any person willfully violating any provision of a proclamation declaring an LCE shall be guilty of a civil penalty for each infraction. This should not be construed to limit the authority of law enforcement for any and all other code violations or criminal activity.
- (c) Town Council Action. Should a quorum of Town Council convene and vote prior to the declaration of an LCE by the Governing Authority, then no further action is necessary unless to extend or amend a declaration of a LCE. When a quorum of Town Council is unable to convene prior to a declaration of an LCE by the Governing Authority, then the Governing Authority shall request for a quorum of Town Council to convene as soon as reasonably possible; but in any event, no later than forty-eight (48) hours after the issuance of the declaration of an LCE. The dually assembled Town Council may decide through adoption of an emergency ordinance to terminate the proclamation, to extend the time covered by the proclamation, or leave to the discretion of the Governing Authority the termination or extension of the proclamation. Subsequent actions of Council shall not affect the validity of prior actions taken by the Governing Authority.
- (1) Inability to Convene. If due to the LCE Event, the Town Council is unable to convene with a quorum as required in the above section then a meeting of Town Council shall occur as soon as reasonably possible.

## **Sec. 21-4. Local Civil Emergency Powers of Town Manager.**

Following the Governing Authority's proclamation declaring a LCE, the Town Manager is automatically invested with the powers, authorities and rights as established in this Section.

When practical, the actions of the Town Manager shall be accomplished by a written executive order immediately implementing the emergency response and emergency recovery powers provided herein. Said executive order shall be communicated to the citizens and general public using the most effective and efficient means available to reach the greatest number of individuals as promptly as possible. As soon as practical the Town Manager shall present their orders to a quorum of Town Council. The actions of the Town Manager in implementing the emergency response and emergency recovery powers shall be subject to ratification by Town Council, duly assembled as soon as practical.

The Town Manager shall have and may exercise for such period as the declared LCE exists or continues the emergency powers established in this Section, subject to ratification by Town Council. Specifically, the Town Manager is authorized to:

- (1) immediately implement local emergency measures as established in the LCE proclamation and as set forth herein to protect life and property or to bring the LCE Event under control. The Town Manager has the authority to implement the applicable local emergency operations plan; coordinate the emergency responses of public and private agencies and organizations; coordinate recovery efforts with municipal, county, state and federal officials; and organize and conduct inspections of emergency or sites effected by the LCE Event; and,
- (2) utilize all available resources of the Town and subordinate agencies over which the Town has budgetary control as reasonably necessary to cope with the LCE Event; and,
- (3) transfer the direction, personnel or functions of any Town department and agencies or units thereof for the purpose of performing or facilitating emergency services in response to the LCE Event; and,
- (4) utilize public property when necessary to cope with the LCE Event or when there is compelling necessity for the protection of lives, health and welfare; and,
- (5) conduct the affairs and business of the Town at places other than the regular or usual location, within or outside of the Town when it is not prudent or possible to conduct business at the regular location. When meetings occur outside of the Town, all actions taken by Town Council shall be made in accordance with the Town Council Operating and Administrative Procedures Manual and be deemed as valid and binding as if performed within the Town; and,
- (6) suspend the ordinary procurement processes and approve emergency procurements as established in Section 2-274 of the Town Code while continuing to obtain the best prices during the LCE; and,
- (7) perform and exercise such other functions, powers and duties as may be deemed necessary to promote and secure the safety and protection of the civilian population, including individuals with household pets and service animals prior to, during, and following a LCE Event; and,
- (8) administer the provisions of this Chapter and all other applicable Sections of the Town Code to temporarily adjust the requirements of the Town Code dealing with building and occupancy permits, demolition permits, and restrictions on the use, development or occupancy of private property, provided that such action is reasonably justifiable for protection of life

# EXHIBIT A

(CONTINUED)

and property, mitigation of hazardous conditions, avoidance of undue displacement of households or businesses, or prompt restoration of public infrastructure; and,

- (9) temporarily reduce or suspend any permit fees, application fees or other rate structures as necessary to encourage the rebuilding of the areas impacted by the disaster or emergency. The term "fees" includes fees or rates charged by the Town including, but not limited to, building permits, land disturbance permits, zoning applications, special land use permits, temporary land use permits and other fees relating to the reconstruction, repair and clean-up of areas impacted by the disaster or emergency. The term "fees" does not include fees collected by the Town on behalf of the County, state or federal government or fees charged by the Town pursuant to a state or federal statute or regulation; and,
- (10) issue temporary mobile home, trailer, recreational vehicle or other temporary dwelling structures or parks in any zoning district, even though not otherwise permitted by development code, while the primary dwelling is being repaired. The temporary permit shall not exceed six (6) months in duration. Upon expiration of the temporary permit or extension, the temporary dwelling must be removed; and,
- (11) implement the registration of building and repair services as established in this Chapter; and,
- (12) execute a right of entry or enter into an agreement to use property for any purpose on behalf of the Town to protect life, health and welfare during an LCE; however, any such document shall be later presented for ratification by Town Council.

## **Sec. 21-5. Status and Termination of a Local Civil Emergency ("LCE").**

The Governing Authority shall keep the Town Council fully advised as to the status of the LCE. The Governing Authority shall declare the termination of an LCE at the earliest possible date that conditions warrant, or when directed to do so by the Town Council through a resolution. Upon the declaration by the Governing Authority terminating the existence of the LCE, by operation of law all related rules, regulations, orders, and directives shall immediately terminate and be of no further force or effect.

## **Sec. 21-36. Temporary building moratorium.**

A proclamation declaring a Local Civil Emergency ("LCE") may establish a temporary building moratorium for all or part of the Town as determined necessary by the Governing Authority to protect the health and safety of persons and property. There may be established in the emergency LCE Event effected 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 their property, and on the issuance of any development, building, or other such town permits, until such time as the declaration of a state of emergency LCE has been terminated. ThisAny moratorium issued pursuant to this Chapter shall terminate 45 days from the date of such declaration unless extended or shortened by the Town Council.

## **Sec. 21-4. 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.~~

## **Sec. 21-5. 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~~

# EXHIBIT A

(CONTINUED)

- ~~(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.~~

## **~~Sec. 21-6. 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 Local Emergency Event 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 civil penalty.~~

## **~~Sec. 21-7. 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.~~

## **~~Secs. 21-78—2-17. Reserved.~~**

## **Sec. 21-18. Preparation of construction sites and developed sites for a Local Civil Emergency Event or Other severe weather events.**

- (a) *Intent.* The provisions of this section apply at the direction of the ~~€Town~~ Manager, or designee, by way of a written executive order during a Local Civil Emergency or 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.

# EXHIBIT A

(CONTINUED)

---

(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.

## Sec. 21-19. 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~~ a Local Civil 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.

# EXHIBIT A

(CONTINUED)

## ARTICLE II. EMERGENCY PERMITTING GENERAL PROVISIONS

### Sec. 21-20. 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~~ Local Civil Emergency Event is declared by the ~~Mayor~~ Governing Authority pursuant to Chapter 21 of the Town Code. ~~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.

### Sec. 21-101. Purpose.

The Town of Bluffton realizes that in the event of a disaster, or a LCE Event, 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.

### Sec. 21-102. Applicability.

This ~~chapter~~ Article 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~~ Local Civil Emergency Event by the ~~Mayor~~ Governing Authority pursuant to this 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.

### Sec. 21-103. Application acceptance after declaration of ~~emergency~~ a Local Civil Emergency Event.

After the assessment of the ~~disaster~~ LCE Event, the ~~Mayor~~ Governing Authority 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~~ Governing Authority will declare when the Town is ready to accept applications for new structures and development.

## ARTICLE III. ZONING AND DEVELOPMENT PROCEDURES

### Sec. 21-201. Placards and safety assessment for the purpose of this ~~Chapter~~.

Following a ~~declared disaster~~ Local Civil Emergency Event, 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~~ LCE Event. 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.



# EXHIBIT A

(CONTINUED)

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.

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

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

## **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~~ Governing Authority has declared the Town shall begin receiving applications for permits after a declared ~~state of emergency~~ Local Civil Emergency Event due to a disaster;
  - (4) Location of meetings will be determined by the Administrator.

## **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~~ Governing Authority declares the Town shall begin receiving applications for permits after ~~the declared state of emergency~~ a Local Civil Emergency Event due to a disaster.

## EXHIBIT A

(CONTINUED)

---

### 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~~ Local Civil Emergency Event 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~~ Governing Authority declares the Town shall begin receiving applications for permits after the declared ~~state-of-emergency~~ Local Civil Emergency Event 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.

### 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~~ Local Civil Emergency Event 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~~ Local Civil Emergency Event 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~~ Governing Authority declares the Town shall begin receiving applications for permits after the declared ~~state-of-emergency~~ Local Civil Emergency Event 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~~ Local Civil Emergency Event 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~~ Local Civil Emergency Event 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.

## EXHIBIT A

(CONTINUED)

- (6) Emergency construction applications shall be submitted within 18 months of the date the ~~Mayor~~ Governing Authority declares the Town shall begin receiving applications for permits after the declared ~~state of emergency~~ Local Civil Emergency Event 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.

### ARTICLE V. APPLICATIONS AND PERMITS IN PROGRESS

#### **Sec. 21-401. Applications under review at the time of a ~~state of emergency~~ Local Civil 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~~ Local Civil Emergency due to a disaster declaration by the ~~Mayor~~ Governing Authority 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~~ Local Civil Emergency due to a disaster declaration by the ~~Mayor~~ Governing Authority 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~~ Governing Authority declares a ~~state of emergency~~ Local Civil Emergency Event 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~~ Local Civil 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~~ Local Civil 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~~ Governing Authority declares the Town shall begin receiving applications for permits after the declared ~~state of emergency~~ Local Civil Emergency due to disaster.
- (3) All fees paid for previously submitted plans shall be applied to the fee for the new submission.

#### **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~~ Local Civil 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 ~~a~~Article I of ~~c~~Chapter 5.

## EXHIBIT A

(CONTINUED)

- 
- (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~~ Governing Authority declares the Town shall begin receiving applications for permits after the declared ~~state of emergency~~ Local Civil Emergency due to disaster.
  - (3) All fees paid for previously submitted plans shall be applied to the fee for the new submission.

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

#### **Sec. 21-501. Procedures for Construction Board of Adjustments and Appeals during the ~~state of emergency~~ Local Civil Emergency Event 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~~ Governing Authority has declared the Town shall begin receiving applications for permits after a declared ~~state of emergency~~ Local Civil Emergency due to a disaster.
  - (5) Location of meetings will be determined by the Building Official.