



## CHESTER COUNTY

### *Farm Structure Building Permit Affidavit*

Under various titles and sections of the South Carolina Code of laws, certain "farm buildings" and "farm structures" are exempt from some building code and contractor licensing requirements.

In order to be exempt from the building code requirements, SECTION 6-9-65 (C) of the South Carolina Code of laws requires that "before constructing a farm structure, the person owning the property on which the structure is to be constructed files an affidavit with the county or municipal official responsible for enforcing the building code stating that the structure is being constructed as a farm structure. The affidavit must include a statement of purpose or intended use of the proposed structure or addition."

I do hereby certify and affirm that I am the legal owner of the property described below and that I have read and understand the various titles and sections of the South Carolina Code of Laws affecting the applicability of the building code and contractor licensing requirements as they apply to "farm buildings" and "farm structures", copies of which are attached to this affidavit. I further certify and affirm that the structure to be constructed pursuant to the issuance of this "Building Permit" complies fully with the definitions of "farm buildings" and "farm structures" as used in these sections. The following is a "statement of purpose" or intended use of the proposed structure or addition" as required by SECTION 6-9-9S(C).

I also understand that the construction of this structure will NOT be inspected in anyway by the Chester County Building Department other than the electrical point-of-delivery if required.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Tax Map #: \_\_\_\_\_

#### CHESTER COUNTY

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# South Carolina Code of Laws: Farm Buildings

## **SECTION 6-9-65.**

Regulation of construction or improvement of farm structure; authority to issue building permits.

- (A) For purposes of this section, "farm structure" means a structure which is constructed on a farm, other than a residence or a structure attached to it. For use on the farm including, but not limited to, barns, sheds, and poultry houses, but not public livestock areas. For purposes of this SECTION, "farm structure" does not include a structure originally qualifying as a "farm structure" but later converted to another use.
- (B) The governing body of a county or municipality may not enforce that portion of a nationally recognized building code which regulates the construction or improvement of a farm structure. The standards published by the Federal Emergency Management Agency for the National Flood Insurance Program shall apply.
- (C) The provisions of this section do not apply unless, before constructing a farm structure, the person owning the property on which the structure is to be constructed files an affidavit with the county or municipal official responsible for enforcing the building code stating that the structure is being constructed as a farm structure. The affidavit must include a statement of purpose or intended use of the proposed structure or addition.
- (D) This section does not affect the authority of the governing body of a county or municipality to issue building permits before the construction or improvement of a farm structure.

## **SECTION 40-11-360 (A 7 & B).**

- (A) This chapter does not apply to: (7) An owner constructing a wood-framed farm structure with less than five thousand square feet of floor space and not used for human habitation or office facilities.
- (B) The board shall distribute posters to each building permit office in the State requesting that the posters be placed in a conspicuous location to be read by applicants. The posters shall state the following: The project is a wood framed farm building less than five thousand square feet used solely for livestock or storage.

## **SECTION 40-22-280.**

- (A) If drawings and specifications are signed by the authors with the true title of their occupations, this chapter does not apply to the preparation of plans and specifications for: farm buildings not designed or used for human occupancy;

## **SECTION 46-1-10.** Definitions.

1. The terms "agriculture, agricultural purposes, agricultural uses, farm crops, cultivated crops" or words of similar import shall include horticulture, floriculture, and aquaculture. Words of similar import applicable to agriculture are likewise applicable to horticulture, floriculture, and aquaculture.
2. The term "aquaculture" means the cultivation, production or marketing of domesticated aquatic organisms.
3. The term "domesticated aquatic organism" means any fish, aquatic invertebrate, or aquatic plant that is spawned, produced, or marketed as a cultivated crop in the waters of this State.

## **SECTION 46-1-140.** Requirement that irrigation systems designed or used for application of fertilizer, pesticide, or chemicals be equipped with anti-syphon device.

Any irrigation system which is designed or used for the applications of fertilizer, pesticide, or chemicals must be equipped with an anti-syphon device adequate to protect against contamination of the water supply. The minimum acceptable anti-syphon device shall include a check valve, vacuum breaker, and low pressure drain on the irrigation supply line between the irrigation pump and the point of injection of fertilizer, pesticide, or chemicals. The vacuum breaker must be upstream from the check valve. The low pressure drain must be upstream from the vacuum breaker. The injection pump must be tied to the irrigation pump either mechanically or electrically so that the injection pump shall stop operating if the irrigation pump fails to function. Any person who uses an irrigation system for the application of fertilizer, pesticide, or chemicals which is not equipped with an anti-syphon device as required by this section is subject to a civil penalty of not more than five hundred dollars. Each day's violation is subject to an additional fine.

The Division of Regulatory and Public Service Programs at Clemson University shall promulgate regulations with the advice of the Department of Health and Environmental Control as it considers necessary to implement this SECTION and is also charged with enforcing this section. The provisions of this section do not apply to residential yard use.

## **CHAPTER 45.**

### *NUISANCE SUITS RELATED TO AGRICULTURAL OPERATIONS SECTION*

#### **4645-10.** Legislative findings.

The General Assembly finds that:

1. The policy of the State is to conserve, protect, and encourage the development and improvement of its agricultural land and facilities for the production of food and other agricultural products.
2. When nonagricultural land uses extend into agricultural areas, agricultural operations often become the subject of nuisance suits and as a result (a) agricultural facilities are sometimes

- forced to cease operations, and (b) many persons are discouraged from making investments in farm improvements or adopting new technology or methods.
3. This chapter is enacted to reduce the loss to the State of its agricultural resources by limiting the circumstances under which agricultural facilities and operations may be considered a nuisance.
  4. The purpose of this chapter is to lessen the loss of farm land caused by common law nuisance actions which arise when nonagricultural land uses expand into agricultural areas. This purpose is justified by the stated social desire of preserving and encouraging agricultural production.

**SECTION 46-45-20.** "Agricultural facility" and "agricultural operation" defined.

(A) For purposes of this chapter, "agricultural facility" includes, but is not limited to, any land, building, structure, pond, impoundment appurtenance, machinery, or equipment which is used for the commercial production or processing of crops, trees, livestock, animals, poultry, honeybees, honeybee products, livestock products, poultry products, or products which are used in commercial aquaculture.

(B) For purposes of this chapter "agricultural operation" means:

1. The plowing, tilling, or preparation of soil at the agricultural facility;
2. The planting, growing, fertilizing, or harvesting of crops;
3. The application of pesticides, herbicides, or other chemicals, compounds, or substances to crops, weeds, or soil in connection with the production of crops, livestock, animals, or poultry;
4. The breeding, hatching, raising, producing, feeding, keeping, slaughtering, or processing of livestock, hogs, aquatic animals, equines, chickens, turkeys, poultry or other fowl normally raised for food, mules, cattle, sheep, goats, rabbits, or similar farm animals for commercial purposes;
5. The production and keeping of the honeybees, the: production of honeybee products, and honeybee processing facilities;
6. The production, processing, or packaging of eggs or egg products;
7. The manufacturing of feed for poultry or livestock;
8. The rotation of crops;
9. Commercial aquaculture;
10. The application of existing, changed, or new technology, practices, processes, or procedures to an agricultural operation;
11. The operation of a roadside market; and
12. Silviculture.

**SECTIONS 46-45-30.** Repealed 063) by **SECTION 47-20-165(E).**

**SECTION 46-45-40.** Established date of operation

For the purposes of this chapter, the established date of operation is the date on which an agricultural operation commenced operation. If the physical facilities of the agricultural operation are expanded subsequently or new technology adopted, the established date of operation for each change is not a separately and independently established date of operation and the commencement of the expanded operation does not divest the agricultural operation of a previously established date of operation.

**SECTION 46-45-50.** Liability for pollution and flooding.

The provisions of SECTION 46-45-70 do not affect or defeat the right of a person to recover damages for any injuries or damages sustained by because of pollution of, or change in condition of, the waters of a stream or because of an overflow on his lands.

**SECTION 46-45-60.** Local ordinances to contrary null and void.

An ordinance of a unit of local government that makes the operation of an agricultural facility or an agricultural operation at an agricultural facility a nuisance or providing for abatement as a nuisance in derogation of this chapter is null and void. The provisions of this section do not apply whenever a nuisance results from the negligent, illegal, or improper operation of an agricultural facility. The provisions of this section do not apply whenever a nuisance results from an agricultural facility or agricultural operation at an agricultural facility located within the corporate limits of a city.

**SECTION 46-45-70.** Established agricultural facility as nuisance; changed conditions in surrounding locality.

No established agricultural facility or any agricultural operation at an established agricultural facility is or may become a nuisance, private or public, by any changed conditions in or about the locality of the facility or operation. This section does not apply whenever a nuisance results from the negligent, improper, or illegal operation of an agricultural facility or operation.

**SECTION 40.11-360.** Exemptions from application of chapter; content of posters to be distributed to building permit offices.

(A) This chapter does not apply to:

1. An entity which installs fire sprinkler systems if the entity is licensed under Chapter 45 of Title 23, or burglar and fire alarm systems if the entity is licensed under Chapter 79 of Title 40;
2. The installation of finished products, materials, or articles of merchandise that are not fabricated into and do not become a permanent fixed part of the structure. Work requiring licensure must be installed by a licensed contractor;

3. Construction, alteration, improvement, or repair carried on within the limits of a site, the title to which is in the name United States of America or with respect to which federal law supersedes this chapter;
4. Contractors performing construction work for the State Department of Transportation pursuant to that department's prequalification requirements with the exception of public/private partnerships performing work pursuant to SECTION 57-3-200;
5. An owner of residential property who improves the property or who builds or improves structures or appurtenances on the property if he does the work himself, with his own employees, or with licensed contractors; provided that the structure, group of structures, or appurtenances, including the improvements, are intended for the owner's sole occupancy or occupancy by the owner's family and are not intended for sale or rent, and provided further, that the general public does not have access to this structure. In an action brought under this chapter, proof of the sale or rent or the offering for sale or rent of the structure by the owner-builder within two years after completion or issuance of a certificate of occupancy is prima facie evidence that the project was undertaken for the purpose of sale or rent and is subject to the penalties provided in this chapter. As used in this item, "sale" or "rent" includes an arrangement by which an owner receives compensation in money, provisions, chattel, or labor from the occupancy, or the transfer of the property or the structures on the property;
6. An owner of nonowner-occupied property who improves the property or who builds or improve structures of less than five thousand square feet or other appurtenances on the property, either by himself or with the owner's employees, if all structural and mechanical work is performed by licensed contractors regardless of the cost of construction and if the property is not sold for two years after completion of the improvements. For purposes of this item, "structural" means foundation, pier, land-bearing partition, perimeter wall, internal wall exceeding ten feet roof, floor, and any other work deemed by the board to be structural. "Mechanical" means work described in SECTION 40-11-410(5);
7. An owner constructing a wood-framed farm structure with less than five thousand square feet of floor space and not used for human habitation or office facilities:
8. Public owners performing all or a portion of any work on a project themselves as long as the work performed falls within the limitations of License Group 3 General Contractor or a License Group 4 Mechanical Contractor, as adjusted by an inflation factor reflecting the Department of Labor's Consumer Price Index.
9. Renovations and maintenance projects of the South Carolina Department of Corrections whereby all labor is supplied from that department's own labor forces.
10. The South Carolina Public Service Authority when performing maintenance and renovations to existing facilities and when performing work in accordance with SECTION 40-1 I-410(4)(n).

(B) The board shall distribute posters to each building permit office in the State requesting that • the posters be placed in a conspicuous location to be read by applicants. The posters shall state the following:

“The South Carolina Contractor's Licensing Act requires general and mechanical construction to be performed by licensed contractors. Both the owner and the contractor are subject to penalties for

violations of the law. Work performed on projects is exempt from this requirement only for the following reasons:

1. The total cost of construction is less than \$5,000.00;
2. The property will be used solely by the owner and his immediate family as a residence for a period of at least two years;
3. For nonresidential projects, work performed by the owner is limited to nonstructural and nonmechanical portions of the project, or:
4. The project is a wood-framed farm building less than five thousand square feet used solely for livestock or storage.

All other work must be performed by properly licensed contractors. All persons directly employed by the owner to perform work on the project are subject to state and federal laws covering occupational safety, family and medical leave, workers' compensation, social security, income tax withholding and minimum wage requirements. Work performed must comply with all applicable laws, ordinances, building codes, and zoning regulations."

**SECTION 40-11-370** License required to use term "licensed contractor"; engaging in construction under assumed name; enforcement of contract.

- (A) It is unlawful to use the term "licensed contractor" or to perform or offer to perform general or mechanical construction without first obtaining a license as required by this chapter.
- (B) It is unlawful to engage in construction under a name other than the exact name which appears on the license issued pursuant to this chapter. "Engaging in construction" includes marketing, advertising, using site signs, and submitting contracts. This requirement does not include advertising on vehicles, which may use an abbreviated version of the license name so long as the advertising is not misleading.
- (C) An entity which does not have a valid license as required by this chapter may not bring an action either at law or in equity to enforce the provisions of a contract. An entity that enters into a contract to engage in construction in a name other than the name that appears on its license may not bring an action either at law or in equity to enforce the provisions of the contract.

**SECTION 40-22-280.** Exceptions from application of chapter. [SC ST SEC .40-22-280]

- (A) This chapter may not be construed to prevent or to affect:
  1. The practice of any other regulated profession or trade where the practice of the profession or trade may legitimately overlap the professions regulated by this chapter;
  2. The work of an employee or other subordinate of a person holding a certificate of registration under this chapter.
  3. The engineering work of regular employees of the government of the United States officially performing their duties for their employer on federal lands within this State, in the practice of engineering for the government, and where specified by federal statute;



4. The land surveying work of regular employees of the government of the United States officially performing their duties for their employer on lands within this State, in the practice of land surveying for the government, and where specified by federal statute;
5. The work or practice of a regular employee of a public utility, a telephone utility or an electrical utility by rendering to the employing company engineering service in connection with its facilities which are subject to regulation, supervision and control in order to safeguard life, health, and property by the Public Service Commission of this State, so long as the person is actually and exclusively employed. Engineering work not related to the exemption in this item when: the safety of the public is directly involved must be accomplished by or under the responsible charge of a professional engineer;
6. The work or practice of a regular employee of an electric cooperative, when rendering to the employing cooperative engineering service in connection with its facilities which are subject to regulations and inspections of the Rural Electric Administration, if the person is actually and exclusively employed. Engineering work not related to the exemption in this item where the safety of the public is directly involved must be accomplished by or under the responsible charge of a professional engineer;
7. The work or practice of a regular employee of a state authority which is licensed by and subject to the safety regulations of the Federal Energy Regulatory Commission and which sells and distributes electric power to consumers, so long as the person is actually and exclusively employed. .Engineering work not related to the exemption in this item when: the safety of the public is directly involved must be accomplished by or under the responsible charge of a registered professional engineer: and
8. The work of a general contractor, specialty contractor, or material supplier in the preparation and use of shop drawings or other graphic descriptions used to detail or illustrate a portion of the work required to construct the project in accordance with plans and specifications prepared under the requirements of this chapter.

(B) If drawings and specifications are signed by the authors with the true title of their occupations, this chapter does not apply to the preparation of plans and specifications for:

1. Farm buildings not designed or used for human occupancy;
2. Buildings and structures less than three stories high and less than five thousand square feet in area, except that buildings of assembly, educational, hazardous, and institutional occupancies as defined by the Standard Building Code regardless of area are not exempt from the provisions of this chapter and
3. Alterations to a building to which this chapter does not apply, if the alterations do not result in a change which would otherwise place the building under the application of this chapter.

(C) This subsection may not be construed to prejudice a Law, ordinance, regulation. Or other directive enacted by another political body or a requirement by a contracting authority which would otherwise require preparation of plans and specifications under the responsible charge of a professional engineer or professional land surveyor.



**SECTION 40-3-290.** Exceptions from coverage of chapter. [SC ST SEC 40-3-290]

- (A) Nothing in this chapter prohibits a general contractor or a home builder from the preparation and use of details and shop drawings, assembly or erection drawings, or graphic descriptions used to detail or illustrate a portion of the work required to construct the project in accordance with the plans and specifications prepared or to be prepared under the requirements of this chapter.
- (B) Nothing in this chapter prevents or affects the practice of any other legally recognized profession.
- (C) If the drawings in this chapter prevents or affects the practice of any other legally recognized profession.
  - 1. A building which is to be used for farm purposes only;
  - 2. A building less than three stories high and containing fewer than five thousand square feet of total floor area except buildings of assembly, institutional, educational, and hazardous occupancies as defined by the Standard Building Code, regardless of area;
  - 3. detached single-family or two-family dwelling, as defined in Group R3 of the Standard Building Code, regardless of size, with each unit having a grade level exit and sheds, storage buildings, and• garages incidental to the dwelling;
  - 4. Alterations to a building to which this chapter does not apply, if the alterations do not increase the areas and capacities beyond the limits of this chapter or affect the structural safety of the building.
- (D) Nothing in this chapter prevents or affects the practice of engineering, as defined in Chapter 22 of Title 40, or architectural work incidental to the practice of engineering.