



# Fairfield County Community Development

Planning, Building, and Zoning Office

250 N. Walnut St | PO Drawer 60

Winnsboro, SC 29180

Office: 803-712-6596

Fax: 803-635-0114



## PROPERTY OWNER AFFIDAVIT FOR FARM STRUCTURE

PERMIT NUMBER: \_\_\_\_\_

PARCEL NUMBER: \_\_\_\_\_

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 Fairfield County Community Development other than the electrical point-of-delivery if required.

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

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

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

Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_



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## 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:





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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

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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 1410(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 Non-mechanical 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.





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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
3. occupancies as defined by the Standard Building Code regardless of area are not exempt from the provisions of this chapter and
4. 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.