

SOUTH CAROLINA BUILDING CODES COUNCIL
Synergy Business Park, Kingstree Building
110 Centerview Drive, Kingstree Building, Room 108
Columbia, South Carolina 29210
Minutes

Wednesday, May 27, 2009

10:30 a.m.

Public Notice:

Public notice of the meeting was properly posted on the bulletin boards at the main entrance of the Kingstree Building and by notice mailed to all requesting persons, organizations and news media in accordance with §30-4-80 of the South Carolina Freedom of Information

Call To Order:

Chairman Hodge called the regular meeting of the Building Codes Council to order at 10:30 a.m. Council members present for the meeting included: Gregory Parsons, Ernest F. Dorsey, Lloyd Schumann, Richard Sendler, Frank Hill, William McDowell, Gable Stubbs, Van McAlister, Thomas Brock, Chris Cullum, and John White.

Staff members participating in the meeting included: Sheridan Spoon, Deputy General Counsel, Gary Wiggins, Administrator, Jennie Meade, Program Coordinator, Angela Scott, Administrative, Sandra Dickert, Administrative Assistant, Dottie Buchanan, Administrative Assistant, David Christian, III, Deputy Director, Annette Disher, Office of Licensure, Roz Bailey Glover, Office of Licensure, Betty Gray, Office of Licensure, Sally Green, Office of Licensure, Bryon Ray, Office of Licensure, Sherry Wilson, Office of Licensure, Laura McDaniel, Office of Licensure, Pam Duncan, Office of Licensure, Dwight Hayes, Office of Licensure, Robbie Boland, Office of Licensure and Connie Huffstetler, Customer Care Center.

Others present participating in the meeting included: Bruce D. Spicher, H I. Butch Avins, Cleston Bridges, Tom Scholtens, John Pruett, Les Ielke, Don Houck, Douglas M. Smits, Wesley Culler, Janice Pitts, Vaughn Wicker, Robert J. Klein, James Whittaker, Tonny Phipps, Mike Smith, Brian Pietras, David Nichols, Gary Mason, Stephen Grant, Jonathan Jackson, Scott Schiff, Jesse Burke, John Minick, Paul Moulton, Shaw Brashear, Eddie Althrum, Herb Yingling, Clay Pendrarvis, Tim Richardson, Anthony Rivern, Jeannie Schumann, Darbis Briggman, Randy Safer, Michelle Hawkins, Dimiteia Rizos, Richard Hullman, Denise Fincher, Eay Hoshall, Donald Brown, Rich Palmer, Melissa Berry, Bruce Burlneau, Ward Braswell, Roni Abdella, Michael Lowman, Steve Smith, Lisa James, Robert Yarnall, John Larsson, Reggie McBeth, Ann Roberson, John W. Ray, Chad Kennedy, and Busby Skinner.

Approval of Agenda:

Mr. Sendler moved to approve the agenda. Mr. McDowell seconded the motion, which carried unanimously

Approval of Minutes: - Wednesday, February 25, 2009, Meeting

Mr. Brock moved to approve the Wednesday, February 25, 2009, meeting minutes as presented. Mr. Cullum seconded the motion, which carried unanimously.

Mr. Brock moved to approve the March 30, 2009, Teleconference meeting minutes as presented. Mr. Schumann seconded the motion, which carried unanimously.

Approval/Disapproval Absent Member:

Mr. Dorsey received an excused absence.

Chairman's Remarks:

Chairman Hodges reported that the Building Codes Council meeting is being recorded and asked that all parties speaking to please come to the podium.

Administrator's Remarks for Information:

- A. Advisory Opinions – Sheridan Spoon
None
- B. Legislative Updates – Robert Selman

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- None
- C. Office of Licensure Telephone List – Mr. Wiggins informed Council that a copy of the Office of Licensure Telephone Listing was sent via e-mail and placed in their booklets for informational purpose.
 - D. Mr. David Christian, III, reported in August 2008, LLR consolidated all the licensure boards. Currently they do not issue all the license but will be by January 2010. He introduced his staff Annette Disher, Program Coordinator responsible for renewal licenses; Roz Bailey-Glover, Initial Licensing Manager, Betty Gray, Office Manager, Sally Green, Business Renewal Manager, Bryon Ray, Health Renewal Manager, Robbie Boland, Program Coordinator, responsible for Special Projects; Laura McDaniel, responsible initial applications; Sherrie Wilson, Appliance Manager, Dwight Hayes, Legal Counsel and Pam Dunkin, Mail Room Supervisor.
 - E. Mrs. Connie Huffstetler, Customer Care reported that the Customer Care Center is a part of the Office of Communication. The staff comes from different areas within the agency and brings forth a very broad range of knowledge, skills and experience in customer service and different program areas. They have had technical, board specific and customer service training and all training should be completed within the next few weeks. The Customer Care Center will begin with three Boards but eventually accept all calls that come into agency. Some calls may be referred to the Board's administrator for technical assistance or the licensing section. Mr. Huffstetler presented the Commissioners with the Customer Care Center Telephone Listing and informed them if the staff of the Customer Care Center could be of assistance to then please do not hesitate to contact them.

Old Business:

Wind/Seismic Study Report – Scott Schiff and Tim Mays

Mr. Tim Mays informed Council the seismic research was completed. He reported a literature review was conducted focusing on the seismic provisions contained in the 2006 IRC. In cooperation with Chris Cramer, Ph.D. (Research Associate Professor with the Center for Earthquake Research and Information at the University of Memphis) whom developed the South Carolina USGS maps used in the 2006 IRC, they examined the impact of the following primary factors on Seismic Design Category Maps in South Carolina: earthquake magnitude; recurrence rate; source region; and attenuation. After the review of the seismic provisions and rationale for the seismic provisions contained in the code they concluded the following:

- None of the prescriptive detailing provisions in the 2006 IRC are overly stringent for the seismic loads considered by this code
- Seismic accelerations considered in the 2006 IRC are overly conservative for SC and do not represent the best and current scientific knowledge of seismic hazard.

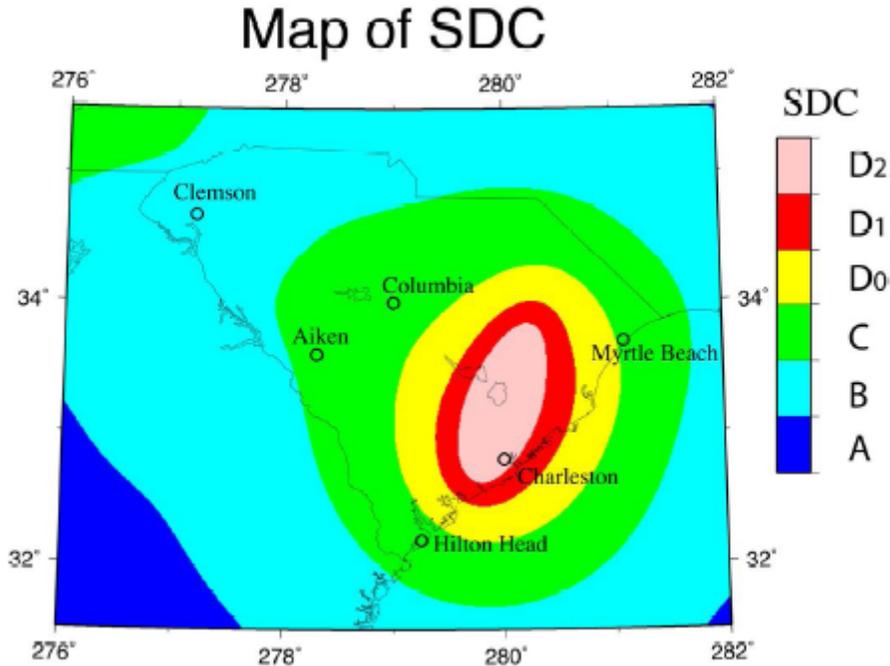
Mr. Mays recommended the following changes:

- Recommendation #1: Replace Figure R301.2(2) in the 2006 IRC (SC only) with the following figure:

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Mr. Mays stated that rationale for the change is based solely on the 2008 United States Geological Survey (USGS) Seismic Hazard Maps. The maps will be incorporated into the 2012 IBC and 2012 IRC. The maps was developed using the procedures outlined in the 2006 IRC. He stated according to Chris Cramer, the 2008 USGS (National Seismic Hazard Maps) represents the best current estimate seismic hazard expected value within South Carolina. The 2006 IRC and 2009 IRC are based on the 2002 USGS maps, and do not represent the current best estimate seismic hazard within South Carolina. In addition, it is extremely important to note nationally that the recommendation is in direct accordance with FEMA. He read from a statement written by FEMA stating: In their opinion, a suitable compromise will be to allow the use of the proposed IRC Maps until the 2012 IRC is published with the new IRC maps, which will actually have lower values. The new IRC using lower values and have the State adopt them and any future additions of the IRC without amendments. It should be noted that recommendation 1 in no way lessens the intent of the seismic provision of the 2006 IRC. The proposed maps will have a direct impact on the residential construction industry in South Carolina, in contrast with the maps appearing in the 2006 IRC and 2009 IRC. The maps are based on the current best estimate of seismic hazard to be sufficiently included in the 2012 IRC, which will be result in lower ratings across the State of South Carolina. As a result, approximately 25% of the State will be moved to Seismic Design Category B. Major cities outside of Charleston will be reduced to Seismic Design Category C and Seismic Design Category E will no longer exist in South Carolina. The cost of the impact on South Carolina Residential Structures will vary across the State. In areas indicated in the Seismic Design Category B and C cost savings will vary significantly since Seismic Design in the 2006 IRC will not apply to 1 & 2 Family Dwelling as indicated in the code. Town homes in Seismic Design Category C must still meet some of the provisions. Inland areas will see the most cost savings since many structures near the coast are still being designed to resist high wind pressure. Cost savings associated with masonry, concrete construction will be significant if these lower seismic design categories where prescriptive detailing applies. In addition, design flexibility and design options for residential designers will be greatly expanded since the regulatory provision as mentioned in the

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2006 IRC will no longer apply. For structures in design categories D₀, D₁ and D₂, the cost savings will be primarily for structures not designed by design professionals and prescriptive designed structural will likely have redundant design features required by the prescriptive code that changes in seismic design category D is reduced.

Mr. Sendler asked whether Council could adopt the 301.2 figure to go into the 2006 Code.

Mr. Cullum stated if the process is not adopted it will not go into effect until 2014.

Mr. Wiggins reported that the adoption process would have to go through the same process as any other code change unless it is an emergency provision. The adoption process will take 12 to 14 months and statutory research is needed prior to the adoption. Mr. Wiggins stated that staff could conduct the research and present a report to Council at a telephone conference meeting.

Mr. Scott Schiff reported the following information to Council regarding the Assessment of the Wind and Seismic Provisions in the 2006 International Residential Code research conducted by Clemson University Investigators:

- The early adoption of the new maps, coupled with using the new requirements for conventional construction and the 102.8 mph contour line to define the limit of applicability of the SC modified 2006 IRC:
 1. Expand the geographic area allowed to use the 2006 IRC, but still a reduction from the 2003 IRC.
 2. Maintain acceptable structural performance of buildings with consideration of both life-safety and property protection during design wind and seismic events in South Carolina.
- If recommendations are not implemented with the 2006 IRC, then they should be considered as modifications to the 2009 IRC.
 1. Expand the area allowed to use the 2009 IRC over the published version of the 2006 IRC.
 2. Maintain acceptable structural performance of buildings with consideration of both life-safety and property protection during design wind and seismic events in South Carolina.

Mr. Schiff stated that this was an interesting project given the need to consider both technical and non-technical (political) issues. He appreciated the efforts of various stakeholders to provided feedback prior to and after the draft final report was issued. The recommended changes as given in the final report are expected to be implemented in the 2012 IRC.

After the presentation, Chairman Hodge gave the opportunity to Council and the audience to asked question off Mr. Schiff. Topic covered was:

- Additional language and maps for the 2012 I series and preparatory work.

Mr. Wiggins stated that the Budget Proviso established for both wind and seismic and he recommended that council and staff get together to see if wind and seismic should be considered and report back at the next meeting.

New Business

Introduction to the 2009 International Codes

Mr. Wiggins presented the 2009 International Code to Council. He reported that the adoption process can not start until the codes are in the possession of council and he asked Council to allow staff to begin the adoption process effective June 1, 2009.

Mr. Darbis Briggman asked whether staff received information from ICC as to when will the testing of the new code begin.

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Mr. Vaughn Wicker reported that testing of the new code would begin January 2010.

MOTION:

Mr. Stubbs made a motion to start the adoption process. Mr. Cullum seconded the motion, which carried unanimously.

Uniformity of Building Permit Issuance – Greg Parsons

Mr. Parsons reported at the last meeting Council discussed the variation amongst local jurisdiction for criteria for issuing a building permit. He reported that Mr. Wiggins sent out an email to all jurisdictions asking the following questions:

- Whether the jurisdiction use the criteria specified in the IBC and IRC as outlined. If so simply respond stating they do.
- Whether the jurisdiction uses some variation of the criteria, identify by specifying the variation.
- Whether the jurisdiction uses some other type of such as dollar amount, specify by stating the criteria.

Mr. Parsons reported that most of the jurisdictions indicated that they use the criteria IBC and IRC. Mr. Parsons asked Council to establish criteria for issuing building permits as it is specified in Chapter 1 of the IRC and IBC. The criteria or some modification that would accommodate all of the jurisdictions as a minimum standard of issuing building permits in South Carolina and leaving the jurisdiction the ability to issue building permits for more things other than the minimum criteria.

Mr. Wiggins reported that he would meet with the Insurance Reserve Fund Attorneys to see whether they would agree to allow Council to place Chapter 1 back in the code for Building Codes Council adoption and allow jurisdictions to exceed Chapter 1 if they so desire. Mr. Wiggins asked whether the Building Officials would be satisfied with reinstating Chapter 1 into the code. Mr. Wiggins suggested adding this as an agenda item for the next meeting.

Opinion Request – Arc-Fault Protection

Mr. Don Houck, Building Official City of Rock Hill, requested an opinion from Council regarding the following:

- The 2006 International Residential Code does not have a requirement for arc-fault protection for any areas other than bedrooms nor does it require tamper resistant receptacles. The 2008 National Electrical Code, which was recently adopted, requires tamper resistant receptacles and arc-fault protected receptacles throughout the interior spaces of dwelling units. He asked which of the codes takes precedent for one and two family dwellings regarding this issue. He asked is there a requirement that arc-fault protection in all areas and tamper resistant receptacles per the NEC or not require them based upon the IRC, which is the governing code for one and two family dwellings?

Mr. Wiggins reported that that the legislation adopts the International Residential Codes for One and Two Family Dwelling Construction. The Building Codes Council adopts the code on a three-year cycle for One and Two Family Residential Construction. There is a provision in the IRC (electrical section) 3301.1 and 3301.2 both address the issue of specific requirements that are not specified in the IRC. The problem with those two sections is one contradicts the other. One states that if you look in the IRC and do not find a specific provision you may go to the NEC for coverage. The other is that a building official may use an alternate document or standard.

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Mr. Ray Hoshall, State Fire Marshall Office, was present representing the State Fire Marshall, John Reich who could not be present because of a prior commitment. He reported that Mr. Reich testified in opposition to a proposed modification to NEC adoption concerning arc-fault circuit protection and tamper resistant receptacles at the November 19, 2008, Code Study Group meeting and the February 25, 2009, Building Codes Council meeting. Mr. Randy Shaffer, National Fire Protection Association also provided testimony at both of those meetings relating to the importance of two devices in dwellings. The study group concurred with the value of these devices to the citizens by recommending that the modifications be denied. In February 2009, Council concurred by voting unanimously to deny the modification. The issue is whether or not the dwelling units, fire and life safety provision of the NEC that council voted to retained in the NEC adoption actually be allowed to apply to dwelling units in South Carolina. The Office of Fire Marshall feels that they do not reduce the importance of effectiveness of the nationally recognized consensus standard and lower the bar of fire and life safety standards in South Carolina by not following through the obvious intend of 3301.1.

Mr. Wiggins reported for 3301.1 and 3301.2 to be usable they must be adopted locally because that is an administrative section out of the IRC.

Mr. McDowell reported that the primary issues with arc fault are safety as well as childproof outlets. If Council desired based upon the fact that the issues are due to safety than the change could be made as an emergency regulation change.

MOTION:

Mr. Sendler made a motion that Council approves the opinion that says they are to enforce the 2006 IRC. Mr. Parsons seconded the motion, which carried unanimously.

Amendments to Regulations (Special Inspectors)

Mr. Wiggins presented and reported a list of modifications to the Regulations as a result of the Special Inspector's bill being passed. He reported that this is staff's 1st draft of the revisions and asked Council to review for any questions, corrections, addition and/or deletions and report at the August 2009, meeting.

Mr. Sendler recommended that 8-180 be revised.

Mr. Spoon advised that remove the number and replace it with the majority of members serving.

CHAPTER 8.
BUILDING CODES COUNCIL
ARTICLE 1.
REGISTRATION, FEES AND DISCIPLINARY PROCEDURE

(Statutory Authority: 1976 Code Section 6-8-20)

8-100. Authority.

8-105. Definitions.

When used in these regulations, the following words and terms shall have the meanings so designated.

1. "Act" means Chapter 8 of Title 6 of The Code of Laws of South Carolina, 1976, as Amended.

2. "Approved" means approved by the Council.

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3. "Building Official" means the officer designated by a local jurisdiction, who is charged with the administration and enforcement of Building Codes and their related programs.
4. "Certificate of Registration" means the document issued by the Council, authorizing the person named thereon, to practice ~~as a Code Enforcement Officer~~ in the stated classification.
5. "Certified" means ~~a person employed as a Code Enforcement Officer for a minimum of one year and who has been certified upon~~ qualified by examination administered by a recognized ~~code~~ organization in one or more building, system or component inspection disciplines.
6. "Code Enforcement" means administering a building inspection department, enforcement or rendering interpretations of building, residential, plumbing, electrical, mechanical, fuel gas and energy conservation codes, performing building plans review, or performing inspections on one or more building systems for new construction or renovation, as or under the supervision of a building official.
- ~~6. 7.~~ "Codes" means the ~~most recent~~ editions of the building codes referenced in ~~Sections~~ Section 6-9-50 ~~and 6-9-60~~, Chapter 9 of Title 6 of The Code of Laws of South Carolina, 1976, as Amended that have been adopted by the Council.
- ~~7. "Code Enforcement" means any phase in the process of examination and approval of construction plans, specifications and technical data and the inspection of new construction or renovation for compliance with recognized codes, workmanship, materials and components.~~
- ~~8. "Code Enforcement Officer" means any person employed by a public entity and being responsible in whole or in part for building plan review, building inspection or enforcement of applicable codes within the jurisdiction of the employer.~~
- ~~9. "Combination Inspector" means~~
(a) Residential—any person who performs onsite inspections in two or more construction disciplines on one and two family dwellings; multifamily dwellings of type IV, V or VI construction; or other buildings or structures of type IV, V or VI construction and not exceeding 5,000 sq. feet in total area.
(b) General—any person who performs onsite inspections in two or more construction disciplines for all types of construction in all occupancy groups.
8. "Commercial Inspector" means a person who performs onsite inspections in two or more construction disciplines, as determined by position description for the local jurisdiction for which employed, for all types of construction in all occupancy groups.
- ~~10. 9.~~ "Council" means The South Carolina Building Codes Council.
- ~~11. 10.~~ "Department" means The Department of Labor, Licensing and Regulation for The State of South Carolina.
- ~~12. 11.~~ "Limited Registration" means a renewable registration issued to a ~~non-examined non-certified building~~ code enforcement officer, employed by a ~~municipality or county~~ local jurisdiction on the effective date of the act.
- ~~13. 12.~~ "Practice of Code Enforcement" means the process of administering or enforcing codes and all related standards. The term shall also apply to the process of reviewing plans, specifications and other technical data, as well as inspection of buildings and structures.

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~~14.~~ 13. "Provisional Registration" means a ~~one-year~~, nonrenewable registration issued to a ~~noncertified~~ building code enforcement officer, who is training for certification required for employment or advancement.

~~15.~~ 14. "Recognized code organization" means any state or national organization approved by the Council, which administers ~~an approved~~ a testing and certification program specifically for building code enforcement officers or special inspectors.

~~16.~~ 15. "Registered / Registrant" means approved by Council to practice as a building code enforcement officer, special inspector or contract inspector and listed in a register ~~of South Carolina Code Enforcement Officers maintained by the Department~~.

~~17. "Registered Code Enforcement Officer" means a code enforcement officer as defined by this section, holding a certification and registered in accordance with these regulations.~~

~~18. "Registration " means registered by the Council in one of the following classifications:~~

~~A. General— which designates unrestricted practice;~~

~~B. Speciality— which designates practice within a named discipline only;~~

~~C. Limited— which restricts practice to a single jurisdiction, issued to code enforcement officers not otherwise qualified by certification; and,~~

~~D. Provisional— which designates practice for a one-year period while in preparation for certification.~~

16. "Residential Inspector" means a person who performs onsite building, plumbing, electrical and mechanical inspections on one and two family dwellings, multifamily dwellings three stories or less in height and not exceeding 16 dwelling units per building or other buildings or structures of light frame construction and not exceeding 5,000 square feet in total area.

17. "Single Discipline Inspector" means a person who performs onsite inspections in one construction discipline, as determined by position description for the local jurisdiction for which employed, for all types of construction in all occupancy groups.

~~19. "Specialty Inspector" means any person who performs onsite inspections of buildings or structures in one construction discipline.~~

8-110. Registration Required.

~~On and after July 1, 1998, it shall be~~ It is unlawful for any person to ~~engage in the~~ practice ~~of~~ as a building code enforcement officer, special inspector or contract inspector as defined in these regulations, without first being registered as provided herein.

As evidence of registration, a certificate of registration must be issued by the Council, to each ~~code enforcement officer so~~ qualifying individual. The certificate of registration must set forth the classification for which the ~~code enforcement officer~~ individual is qualified to practice.

8-115. Classifications and Qualifications for Requiring Registration.

~~Any~~ A person applying for registration performing as a building code enforcement officer, special inspector or contract inspector ~~as listed in this section,~~ must be certified ~~and registered~~ in accordance with ~~the act and~~ these regulations, ~~in one or more of the classifications listed below.~~ An applicant is deemed to be qualified for registration upon submittal of the following documentation.

A. ~~General I classification~~ Building Official - A certificate or examination record from a recognized code organization, indicating that the applicant has been certified as a building official.

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B. ~~General II classification~~ ~~General Combination~~ Commercial Inspector - Certificates or examination records from a recognized code organization, indicating that the applicant has been certified in two or more commercial inspector disciplines.

C. ~~General III classification~~ Residential ~~Combination~~ Inspector - Certificates or examination records from a recognized code organization, indicating that the applicant has been certified in the residential building, electrical, plumbing and mechanical inspector disciplines.

~~D. Specialty classifications~~

~~1. Building / Swimming pool Inspector~~

~~2. Electrical Inspector~~

~~3. Plumbing Inspector~~

~~4. Mechanical / Gas Inspector~~

~~5. Housing Inspector~~

~~6. Plans Examiner~~

D. Plans Examiner - Certificates or examination records from a recognized code organization, indicating that the applicant has been certified in the commercial building, electrical, plumbing and mechanical plans examiner disciplines.

~~E. Provisional classification~~

~~Newly hired noncertified Code Enforcement Officer~~

E. Single Discipline Inspector - A certificate or examination record from a recognized code organization, indicating that the applicant has been certified in the discipline for which employed.

F. Provisional - Proof that the building code enforcement officer is presently employed by a municipality or county in South Carolina and is actively in training for a specific certification as a new employee or for advancement to a higher classification.

~~F. G. Limited classification~~

~~Existing noncertified Code Enforcement Officer~~

H. Special Inspector - A certificate or examination record from an approved organization, indicating that the applicant has been certified for the specific type of construction or operation requiring special inspection, for which application is being made, including one or more of the following.

1. Fabrication

2. Welding

3. Steel Frame

4. High Strength Bolting

5. Concrete

6. Masonry

7. Wood

8. Soils

9. Pier / Pile

10. Fire Resistant Coating

11. Exterior Insulation and Finish

12. Smoke Control

I. Contract Inspector – One or more certificates or examination records from an approved organization, indicating that the applicant has been certified as a building official, commercial inspector, residential inspector, plans examiner or single discipline inspector.

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8-120. Maximum Time for ~~Registration~~ Certification.

~~The maximum length of time allowed after employment for any person to qualify as a registered code enforcement officer, must be as stated below for each classification. A person registered in the provisional classification must obtain certification within the time stated below.~~

~~A. General Classifications~~

~~1. A. Building ~~official~~ Official - 24 months~~

~~2. ~~General Combination Inspector—12 months for each certification~~ B. Commercial Inspector - one certification within the first year, then a maximum of one year for each additional certification for all disciplines for which employed, based on the position description for the local jurisdiction~~

~~3. C. Residential ~~Combination~~ Inspector - ~~18 months~~ one certification within the first year, then a maximum of one year for each additional certification~~

D. Plans Examiner - one certification within the first year, then a maximum of one year for each additional certification

~~B. ~~Specialty Classifications~~ E. Single Discipline Inspector - 12 months for the discipline for which employed, based on the position description for the local jurisdiction~~

~~1. ~~12 months for the discipline for which employed~~~~

~~2. ~~additional certifications not required for employment, no limit~~~~

8-125. Application Required.

Application for all classifications of registration must be made upon a form furnished by the Council.

~~All applications~~ Application for registration for building code enforcement officer must contain a statement of employment and must be verified by ~~signature of~~ the Building Official or administrative head of the local jurisdiction for which the applicant is employed.

All applications for registration must be accompanied by the prescribed fee and copies of certificates and/or examination records from a recognized code organization.

The application and supporting documentation must be evaluated by the Department within 30 working days after receipt. The applicant will be notified of the approval or disapproval of the application within 10 working days after the decision. In the event of disapproval, the applicant may request a hearing before the Council to present additional information or demonstrate evidence of qualification.

~~**8-130.** Qualifications for Certification:~~

~~Each applicant meeting the requirements for certification as established in this section, must be considered as having provided satisfactory proof of qualification for code enforcement officer registration, in the specific classification:~~

~~A. General I—A certificate or examination record from a recognized code organization, indicating that the applicant has been certified as a building official:~~

~~B. General II—Certificates or examination records from one or more recognized code organizations, indicating that the applicant has been certified in two or more inspector disciplines:~~

~~C. General III—A certificate or examination record from a recognized code organization, indicating that the applicant has been certified as a residential combination inspector:~~

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~~D. Specialty—A certificate or examination record from a recognized code organization, indicating that the applicant has been certified in the discipline for which employed.~~

~~E. Provisional—Proof that the code enforcement officer is presently employed by a municipality or county in South Carolina and is actively in training for a specific certification.~~

~~F. Limited—Proof that the code enforcement officer is presently, and has been, employed by a municipality or county in South Carolina on the effective date of the act.~~

8-135. Exemptions.

An existing, non-certified [building](#) code enforcement officer employed by a municipality or county on the effective date of the act, is not required to possess prior certification in any discipline. Such [building](#) code enforcement officer, upon meeting all other requirements for registration, may be registered in the limited classification. A limited registration must not jeopardize either the existing position or employment of the [building](#) code enforcement officer.

A limited registration will be valid only as an authorization for the [building](#) code enforcement officer to continue in the position held, and for the [local](#) jurisdiction by which employed, on the effective date of the act. All requirements for maintenance and renewal of registration will apply to the limited classification.

8-140. Registration Renewal.

All ~~code enforcement officer~~ registrations will expire at the close of business on June 30 of each odd numbered year. Renewal of a ~~code enforcement officer certification~~ [registration](#) may, however, be effected at any time during the month of July without penalty or examination.

~~A~~ Registration ~~of any code enforcement officer failing to renew~~ [not renewed](#) by July 31, following expiration, ~~shall be rendered invalid~~ [will lapse](#) and, at the discretion of Council, the ~~officer~~ [registrant](#) may be subject to examination before registration is renewed.

Registration renewal notices ~~and forms~~ must be ~~mailed by Council;~~ [provided](#) to all ~~code enforcement officers~~ [individuals](#) registered during the preceding licensing period in a timely manner.

All applications for registration renewal must be accompanied by the prescribed fee and ~~proof~~ [verification](#) that the applicant has obtained the required continuing education.

8-145. Fees.

The fee for registration ~~of a code enforcement officer~~ is fifty dollars and is not prorated.

8-150. Continuing Education.

~~In order to maintain registration~~ [To qualify for registration renewal](#), ~~all code enforcement officers a~~ [registrant](#), must accumulate a minimum of twelve (12) hours per year, of continuing education. One hour of continuing education shall be awarded for each hour of active participation ~~by a code enforcement officer;~~ in any course, seminar, workshop, session or other training medium approved by Council.

If the first period of registration ~~for a code enforcement officer~~ is less than 24 months, continuing education required for the first registration renewal must be based on the following:

- A. For registrations issued one to four months before expiration, no hours.
- B. For registrations issued four to eight months before expiration, four hours.
- C. For registrations issued eight to 12 months before expiration, eight hours.
- D. For registrations issued 12 to 16 months before expiration, 12 hours.
- E. For registrations issued 16 to 20 months before expiration, 16 hours.
- F. For registrations issued 20 to 24 months before expiration, 20 hours.

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G. For each subsequent registration, a minimum of 24 hours will be required.

Proof of accrued continuing education ~~hours must be submitted by every code enforcement officer at the time of application for registration renewal~~ will be by audit.

8-160. Comity.

The Council may grant registration without examination, in any classification, to ~~a code enforcement officer~~ an individual, who at the time of application, is registered or licensed by a similar Board or Council of another state, district or territory, where standards are acceptable to the Council and not lower than required by the act and these regulations.

8-165. Conflict of Interest.

No registered building code enforcement officer or contract inspector may ~~be subject to personal gain by means of a fee, wage, commission, barter or any other form of compensation in currency, goods or services, in exchange for the furnishing of~~ provide or offer to provide labor, material, appliances, equipment, plans, specifications, consultation or any services related to the construction, alteration, demolition or maintenance of any building or structure within the local jurisdiction for which employed.

No registered building code enforcement officer or contract inspector may engage in any work that conflicts or is perceived to conflict with his/her prescribed duties or the interest of the local jurisdiction for which employed.

8-170. Denial, Suspension and Revocation.

The Council has the power to deny, suspend or revoke the registration of ~~any Code Enforcement Officer~~ a registrant when it has been determined by Council that the person has:

- A. been convicted of a felony or a crime of moral turpitude in any court of competent jurisdiction;
- B. obtained certification or registration through fraud, deceit or perjury;
- C. defrauded the public or attempted to do so;
- D. displayed incompetence, negligence or misconduct in the practice of code enforcement;
- E. refused, failed or displayed the inability to enforce any building code, local ordinance or state or federal law within his/her responsibility;
- F. violated or aided or abetted any person in violation of any provision of the act or these regulations.

8-175. Preferring of Charges and Hearing.

Any person may prefer charges for one or more reasons listed in Section 8-170, against a ~~registered Code Enforcement Officer~~ registrant. Such charges must be in writing and must be sworn or attested to by the person alleging them. All charges must be filed with the Department.

All charges, unless dismissed by the Council as unfounded or trivial, must be heard by Council ~~within three months as soon as practical~~ after the date received. The time and place for such hearings will be fixed by the Council and a copy of the charges, together with notice of the time and place, must be ~~personally served on, or sent by certified mail to, the last known address of the accused Code Enforcement Officer~~ served in a legally acceptable manner, at least thirty days before the date fixed for the hearing.

The accused ~~code enforcement officer~~ registrant may appeal personally or by Counsel, cross-examine witnesses appearing against him/her and produce evidence and witnesses in his/her own defense.

If after ~~such~~ hearing all evidence, a majority of the Council members present vote in favor of finding the accused ~~Code Enforcement Officer~~ registrant guilty, Council may place the ~~officer~~ individual on probation, suspend or revoke his/her registration.

8-180. Appeal From Action of Council.

SOUTH CAROLINA BUILDING CODES COUNCIL
Synergy Business Park, Kingstree Building
110 Centerview Drive, Kingstree Building, Room 108
Columbia, South Carolina 29210
Minutes

Wednesday, May 27, 2009

10:30 a.m.

Any person aggrieved by an action of Council in denying, suspending or revoking a registration, may appeal to ~~an~~ [the](#) Administrative Law ~~Judge~~ [Court](#).

8-185. Registration Reinstatement and Replacement.

For reasons it deems sufficient, Council may reinstate ~~the a~~ registration ~~of a Code Enforcement Officer that has been revoked~~, upon a vote in favor of reinstatement by nine or more members.

A replacement for a revoked, lost or destroyed registration may be reissued by the Council subject to the Act and these regulations.

Public Comments:

NONE

Meeting Dates:

August 26, 2009, and December 9, 2009.

Dates of Next Meeting: Wednesday, August 26, 2009

The next Council meeting is scheduled for Wednesday, August 26, 2009, in conference room 108.

Adjournment:

Mr. Brock moved the meeting of the meeting be adjourned. Mr. Cullum seconded the motion, which carried unanimously.

The May 27, 2009 meeting of the South Carolina Building Codes Council was adjourned at 1:10 p.m.