

**SOUTH CAROLINA BUILDING CODES COUNCIL  
110 CENTERVIEW DRIVE, ROOM 105  
COLUMBIA, SOUTH CAROLINA  
WEDNESDAY, MAY 24, 2006**

**MEMBERS PRESENT**

Frank Hodge, Chair  
Gregory P. Parsons, Vice Chair  
Kenneth Padgett  
Lloyd Schumann  
Earnest F. Dorsey  
James A. Ham, Jr.  
Frank Hill  
Gable D. Stubbs  
Thomas Brock  
Douglas Darby  
William McDowell  
Van M. McAlister  
Richard Sandler

**MEMBERS ABSENT**

Wendell Davis

**STAFF PRESENT**

Gary Wiggins  
Jennie Meade  
Sharon Dantzler

**OTHERS PRESENT**

John Wasson, Jr  
Wayne Wallen  
Gene Nelson  
John McLeod  
Phil Rhoads  
Vaughn P. Wicker  
Carroll Amick  
Ira Coltharp  
Darbis Briggman  
Allen Hutto  
Bruce Lanier  
Don Ferguson

Andrew B. Jordan  
Steve Landrith  
Herb Yingling  
Clay Pendarvis  
Channon Chambers  
Jack Moore  
John Cone  
Ronald L. Brewer  
John England  
Andy Whitfield  
Sonny DuBose  
Matt Sigler

Jeff Burkett  
Leslie Hope  
Richard Palmer  
John Pruett  
Billy Kennett  
Buddy Skinner  
Georgia Toney  
Angela McJunkin  
Steve Martin  
James Shittaker  
Robert Harkins

**NOTE:** The Notice and Agenda for the May 24, 2006 meeting of the South Carolina Building Codes Council were posted in accordance with Section 30-4-80 of the 1976 amended Code, relating to the Freedom of Information Act.

**1. Call to Order**

The May 24, 2006 meeting of the S. C. Building Codes Council was called to order at 10:30 AM by Chairman Frank Hodge.

**2. Approval of Agenda**

Chairman Hodge asked if there were any changes to the Agenda. Mr. Ernest Dorsey made the motion to approve the agenda as written. Mr. Thomas McDowell seconded the motion and the vote was unanimous.

### **3. Approval of Minutes**

Chairman Hodge asked if there were any corrections to the minutes of the February 22, 2006 meeting. Mr. Richard Sendler made the motion to accept the minutes as written. The motion was seconded by Mr. Dorsey. The vote was unanimous.

### **4. Approval/Disapproval for Absent Members**

Staff was notified that Mr. Wendell Davis would be unable to attend due to a conflict with his schedule. The motion to approve his absence was made by Mr. Lloyd Schumann and seconded by Mr. Greg Parsons. The vote was unanimous.

### **5. Old Business**

- A. **Proposed Statutory Amendment to Register Special Inspectors** – Chairman Hodge recognized Mr. Gary Wiggins. Mr. Wiggins stated that at its last meeting, Council requested staff to draft language for a Statutory Amendment that would provide for licensing of special inspectors. He went on to present the first draft (a copy is included and made part of these minutes) of the proposed amendment to the Council. Chairman Hodge asked Council for comments. Mr. Richard Sendler stated that in Section 6-8-20 (B), the words “Applicants and registrants” should be stricken. Mr. Sendler also questioned the inclusion of “entities” in Section 6-8-70 and Mr. Wiggins explained that it was his suggestion that special inspection entities along with individuals should be registered. Mr. Wiggins answered questions from Council concerning the use of registered special inspectors by the jurisdictions. Mr. Wiggins asked for input from legal council and Ms. Sharon Dantzler stated that there are different legal implications between licensing and registering and the proposed draft is for registration. She also stated that the draft is a starting point and not an ending point. After further discussion the motion was made by Mr. Dorsey to send the amendment to a Special Inspections Review Committee as written, with the correction made to Section 6-8-20 (B) “Applicants and registrants” as stated by Mr. Sendler. The motion was seconded by Mr. Sendler and the vote was unanimous.
- B. **Appoint Special Inspections Review Committee** – Chairman Hodge recognized Mr. Wiggins. Mr. Wiggins stated that if Council wished and if there were persons present representing the positions needed, Council could appoint the committee at that time. After further discussion it was decided that Code Enforcement Officers, Architects, Engineers, Special Inspectors and Contractors would be represented on the committee. Mr. Parsons made the motion that Council solicit volunteers from the audience to fill the positions of the Special Inspection Committee. The motion was seconded by Mr. Dorsey and the vote was unanimous. The following persons volunteered and were chosen to be on the committee: Code Enforcement Officer – Mr. Steve Landrith; Architect – Mr. Alex James; Engineer – Mr. Jimmy Chao; Special Inspector – Mr. Andy Whitfield; Contractor – Ms. Leslie Hope would be in contact with staff with a representative. The motion to approve the appointments was made by Mr. Sendler and seconded by Mr. Parsons and the vote was unanimous
- C. **Proposed Statutory Amendment to Allow for Emergency Code Modifications** – Chairman Hodge recognized Mr. Wiggins. Mr. Wiggins stated, at Council’s last meeting, Mr. Sendler asked if a statutory amendment could be drafted to grant Council the ability to adopt building code modifications under emergency conditions. He said that Council asked staff to prepare language for a statutory amendment. Mr. Wiggins went on to present the first draft (a copy is included and made part of these minutes) of the proposed amendment to the Council. During discussion a comment was made to remove the words “enforcement of” and “section or” from the proposed section 6-9-40. Council’s action to approve the proposed amendment will be taken at the next regular meeting.

## **6. New Business**

### **A. Introduction of 2006 International Code Series**

#### **(1) Consider 2006 Codes for Adoption**

- a. International Building Code**
- b. International Residential Code**
- c. International Plumbing Code**
- d. International Mechanical Code**
- e. International Fuel Gas Code**
- f. International Energy Efficiency Code**
- g. International Fire Code**

Chairman Hodge recognized Mr. Wiggins who presented the codes to Council. Mr. Dorsey made the motion to start the code adoption cycle and the motion was seconded by Mr. Frank Hill. After discussion the vote was called for and was unanimous.

**(2) Solicit Members for the 2006 Code Study Committee** – Chairman Hodge recognized Mr. Wiggins. Mr. Wiggins stated that during the last cycle, staff circulated a notice to all of the interested parties that are involved in use of the codes. He said, one member and one alternate were chosen by Council for each position, based on the resumes received. He said the areas covered were core members: code enforcement officer, home builder, general contractor, architect, and structural engineer, and special members; electrical, plumbing, mechanical, gas, energy and fire. Mr. Wiggins said the core members will need to have experience in both commercial and residential construction. Mr. Hill made the motion to increase the code study committee to include a designer or architect, and an engineer specializing in residential construction. The motion vote failed for lack of a second. Mr. Parsons made a motion to add the residential designer as a special member and the motion was seconded by Mr. McDowell. After some discussion this motion and second was withdrawn. Mr. Dorsey made a motion to set up two separate committees, five members each, one for the International Residential Code and one for the International Building Code, and that the International Residential Code committee have a residential designer/residential architect. The motion was seconded by Mr. Van McAlister. Mr. Dorsey amended his motion to include that the Residential Committee will consist of five core members and the Commercial Committee makeup will be finalized at the August meeting with recommendations of staff. The vote was nine for and two against. The motion passed.

**7. Public Comments** - None

**8. Date of Next Meeting** - August 23, 2006.

### **9. Adjournment**

The meeting was adjourned at 11:48am.

## **5 A Attachment**

### **Proposed Statutory Amendment to Register Special Inspectors**

#### **CODES ENFORCEMENT OFFICERS**

#### **NOTE!**

This document is unofficial and must not be used for legal reference.

**6-8-10.** When used in this chapter:

(1) ~~“Building building codes enforcement officer”~~ means a person employed by a local jurisdiction, public entity who is primarily responsible for the administration of a building inspection department, or the overall building plans review, building inspection, the interpretation or enforcement of ~~applicable the~~ building, plumbing, electrical, mechanical, fuel gas and energy conservation codes, as referenced in Section 6-9-50. ~~code requirements within the jurisdiction of the employer~~

(2) **“Contract inspection agency” means an entity that employs contract inspectors.**

(3) “Contract inspector” means a person certified to perform building inspections, other than special inspections, in one or more disciplines for local jurisdictions on a contract basis.

(4) “Local jurisdiction” means a village, town, city or county within South Carolina.

(5) “Special inspection agency” means an entity that employs special inspectors.

(6) “Special inspector” means a person certified to perform special inspections as defined by the International Building Code in one or more disciplines.

**6-8-20.** (A) The South Carolina Building Codes Council is responsible for the registration of building codes enforcement officers, contract inspectors, contract inspection agencies, special inspectors and special inspection agencies pursuant to this chapter. The council or its designated representatives may conduct hearings and proceedings required by law or considered necessary by the council. The Department of Labor, Licensing and Regulation shall employ and supervise personnel necessary for the administration of this chapter. The council may promulgate regulations for the proper enforcement of this chapter.

(B) The council shall keep a record of its hearings and proceedings and publish a roster of its registrants. ~~a register of applications for the certificates of registration showing the date of application, name, qualifications, and addresses of the business and residence of the applicant and whether the certificate is approved or denied. The council shall publish biannually during odd-numbered years the applications in the register, which are approved.~~ Applicants and registrants Registrants shall notify the council of changes in required information within 10 days of a change.

**6-8-30.** (A) Certificates of registration may be issued without examination to building codes enforcement officers employed in codes enforcement on the effective date of this chapter only for the position and locality held at the time of registration pursuant to this section. This registration is valid for two years and may be renewed.

(B) Upon initial employment as a building codes enforcement officer, by a local jurisdiction, political subdivision, an uncertified individual must be granted a provisional ~~certificate of~~ registration without examination which is valid from the date of employment for the time period stated stipulated by regulation for each registration classification ~~from the date of issuance~~. The provisional ~~certificate of~~ registration may not be renewed.

**6-8-40.** No person may practice as a codes enforcement officer contract inspector or special inspector, and no person or entity may practice as a contract inspection agency or special inspection agency in this State unless registered as provided in this chapter. A person or entity violating the provisions of this chapter is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned not more than 30 days. Each day the violation continues is a separate offense.

**6-8-50.** If the council has reason to believe that a person or entity is violating or intends to violate a provision of this chapter, in addition to other remedies, it may order the person or entity immediately to refrain from the conduct. The council may apply to the court of common pleas for an injunction restraining the person or entity from the conduct. The court may issue a temporary injunction ex parte not to exceed 10 days and upon notice and full hearing may issue other orders in the matter it considers proper. No bond is required of the council by the court as a condition to the issuance of an injunction or order pursuant to this section.

**6-8-60.** (A) A person desiring to be registered as a building codes enforcement officer as required by this chapter shall apply upon a form prescribed by the council.

(B) An applicant shall furnish satisfactory proof to the council of valid certification by a recognized code organization or testing agency in the general or special construction trade disciplines ~~capacity for in~~ which he is employed to perform inspections, ~~desires to be registered~~. A special ~~Special certificates of registration~~ registration authorizes ~~authorize~~ the registrant to practice in the named specialty only. A general ~~General certificates of registration~~ authorizes the registrant to practice in each construction trade discipline for which certification has been obtained, ~~are not restricted~~. The council or its designated representatives shall review the guidelines employed by the organization or agency in order to determine their continued compatibility with the requirements considered by the council to be consistent with this chapter.

(C) A local jurisdiction may impose additional requirements upon a person employed as a building codes enforcement officer, contract inspector or contract inspection agency in its jurisdiction.

**6-8-70.** (A) A ~~certificate of~~ registration is valid for two years and expires on July first of each odd-numbered year unless renewed before that date. Renewal of all registrations must be based upon a determination by council of the applicant's participation in approved continuing education programs. The council must promulgate regulations setting forth the continuing education requirements for registrants, ~~building codes enforcement officers~~. A person or entity failing to make timely renewal ~~of his certificate~~ is not registered unless qualified in the manner provided for new registrants and may not practice until registered in accordance with this chapter.

(B) Funding for the certification, training, and continuing education of building code enforcement officers must be appropriated to the Department of Labor, Licensing and Regulation in the manner provided in Section 38-7-35.

## 5 C Attachment

### Proposed Statutory Amendment to Allow for Emergency Code Modifications

#### NOTE!

**This document is unofficial and must not be used for legal reference.**

**Section 6-9-40.** The council is authorized to review, adopt, modify, and promulgate the building codes referenced in Section 6-9-50, provided that:

(1) a notice of intention to adopt a code or a new edition of a code must be published in the State Register as a Notice of General Interest, on web sites published by the Department of Labor, Licensing and Regulation, and must be provided to each local building department with instructions for its prominent display.

(2) the notice must include:

(a) the address to which interested persons may submit written comments; and

(b) a period of not less than one hundred eighty days during which comments may be received;

(3) comments must be assigned to a study committee appointed by the council which shall publish Notice of General Interest in the same manner as provided in item (1) setting out the committee's scope of review. The notice must give instructions for filing an intention to appear before or provide evidence or comments to the committee, or both. The committee must be comprised of at least three people with different technical backgrounds;

(4) the committee shall hold at least one public meeting, accept evidence and comments, and make a written recommendation to the council. Within one hundred eighty days from the end of the comment period, the council shall adopt, modify, or deny the recommendations from the committee. The council may modify or amend the code after a finding on the record that the modifications provide a reasonable degree of public health, safety, and welfare;

(5) the council shall promulgate modifications to the building codes referenced in Section 6-9-50 using the provisions of Chapter 23, Title 1 (Administrative Procedures Act); and

(6) the promulgated code becomes effective on the first day of January or July which is more than six months from the effective day of the regulation.

(B) (1) If it is discovered at any time, that enforcement of a building code section or requirement constitutes a threat to the life or safety of building occupants, an emergency modification may be made by the council.

(2) Notice of a request for an emergency modification must be provided in the same manner as required for a regular council meeting.

(3) A hearing to consider an emergency modification must be conducted during an open council meeting, and all proponents and opponents must be given ample time to state their positions.

(4) An emergency modification will take effect on a date established by the council without further action.

~~(B)~~ (C) Modifications promulgated pursuant to this section do not require readoption by the council for subsequent editions of the building codes. Upon submission of a formal request, existing modifications shall be reconsidered each time a new edition of the building code is considered for adoption by the council." (New paragraph signed into law 3/22/05)