

**SOUTH CAROLINA BUILDING CODES COUNCIL  
110 CENTERVIEW DRIVE, ROOM 105  
COLUMBIA, SOUTH CAROLINA  
November 20, 2006  
9:00 AM – 9:47 AM**

**CONFERENCE CALL MEETING**

**MEMBERS PRESENT**

Frank Hodge, Chair  
Gregory P. Parsons  
Chris Cullum (new member)  
Ernest F. Dorsey – late call in  
Douglas Darby  
Wendell Davis  
Richard Sendler  
Thomas Brock  
Van M. McAlister  
William McDowell  
James A. Ham, Jr.

**MEMBERS ABSENT**

Gable D. Stubbs  
Lloyd Schumann  
Frank Hill

**STAFF PRESENT**

Gary Wiggins  
Jennie Meade  
Rick Wilson  
Roz Bailey-Glover

**OTHERS PRESENT**

Leslie Pope  
Julian Barton, Home Builders Association

**NOTE:** The Notice and Agenda for the November 20, 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**

A speaker phone was made available for public participation in room 201-35 of the Kingstree Building, Synergy Business Park, Columbia, SC. Mr. Gary Wiggins called the roll of members. Chairman Frank Hodge reminded members of the ground rules to properly identify themselves, before speaking, for the record.

The November 20, 2006 conference call meeting of the S.C. Building Codes Council was called to order at 9:00 AM by Chairman Hodge in accordance with Section 30-4-80 of the 1976 amended Code, relating to the Freedom of Information Act.

## **2. Approval of Agenda**

Chairman Hodge asked for the approval of the agenda, but first wanted to know if the residential elevator issue from the August 23<sup>rd</sup>, 2006 meeting was resolved. Mr. Wiggins explained that the Elevator Committee had one meeting and planned to schedule a second meeting in January, 2007 to review the issue. Chairman Hodge also mentioned a letter received via email from Mr. Vaughn Wicker, copy of a residential elevator proposed law for NC. Mr. Wiggins acknowledged that a copy of the proposal was already presented to the Committee. Chairman Hodge asked if there were any other additions to the agenda. Mr. Richard Sandler moved to except the agenda as submitted, Mr. Van McAlister seconded and the vote was unanimous.

## **3. Introduction of New Member**

Chairman Hodge recognized the newest member of the Council, Mr. Chris Cullum, President of Cullum Constructors in Charleston, South Carolina. Cullum Constructors is an HVAC and plumbing contractor company primarily responsible for commercial construction. Mr. Cullum will represent the Mechanical / Gas Industry, replacing Mr. Kenneth Padgett.

## **4. Approval of Minutes**

Chairman Hodge asked for any additions or corrections to the August 23, 2006 minutes as presented. There being none, Mr. Sandler motioned to approve the minutes as presented. Mr. Greg Parsons seconded. The vote was unanimous.

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

Chairman Hodge reminded the Council about the importance of attending each meeting and having a quorum in order to conduct Council business. Chairman Hodge also asked Council members to promptly notifying staff of an impending absence. Mr. Wiggins stated that the Council had a quorum up until the morning of the November 15<sup>th</sup> meeting. Two members had an emergency on the morning of the 15<sup>th</sup> and could not make it to the meeting. Mr. Wiggins called the roll again. Four members were absent as follows: Mr. Gable Stubbs, out of the country, Mr. Frank Hill, prior commitment, Mr. Lloyd Schuman, no reason given and Mr. Ernest Dorsey no reason given. Mr. Sandler motioned to approve all absences since the Council had a quorum. Mr. Parsons seconded. The motion did not carry. Chairman Hodge reminded the Council that absent members must have

three unexcused absences in a row to be taken off the Committee. Mr. Rick Wilson agreed and suggested the Council act on excused absences only. Chairman Hodge stated that absent members should not be excused unless they have a valid excuse. After further discussion, Mr. McAlister made a motion that the Council disapprove the absent members until they provide an excuse for being absent. Mr. Wendell Davis seconded. Chairman Hodge reiterated the motion on the floor to approve all absences as indicated. Mr. Wiggins called the roll. Two members voted in favor and eight members opposed the motion. During the vote, Mr. Dorsey called into the meeting. Mr. Rick Wilson stated that the Council only needed to act on the excused absences. Mr. Parsons restated the motion, the two members that called in with a reason should be considered excused. Anyone calling into the meeting before it is over would not be considered an unexcused absence. Mr. William McDowell seconded the motion. The vote was unanimous. Chairman Hodge asked if there were any comments or further discussion. There were none.

## **6. Old Business**

### **A. Proposed Statutory Amendment to Register Special Inspectors –**

Chairman Hodge stated that Mr. Steve Landrith, Chairman of the Special Inspectors Committee made a presentation to the Ad Hoc Committee on November 15<sup>th</sup>. Mr. Wiggins presented the highlights of Mr. Landrith's presentation and asked Mr. Wilson to present his proposed modifications to put the language in legislative format. Chairman Hodge asked for additional discussion or comments. There were none. Mr. Parsons made a motion that the Council accept and endorse the language and changes made during the Special Inspectors Committee meeting as indicated by the revised document under Attachment A, which is made part of these minutes. The motion was seconded by Mr. Davis and the vote was unanimous.

### **B. Proposed Statutory Amendment to Allow for Emergency Code**

**Modifications** – Mr. Gary Wiggins stated that the changes in the proposed statutory amendment that were made by Council were reviewed by Mr. Wilson and language put in legislative format as indicated by the revised document under Attachment B, which is made part of these minutes. Chairman Hodge asked if there were any additional comments. There were none. Mr. Sandler motioned that the proposed statutory amendment be accepted and endorsed by the Council. Mr. Dorsey seconded the motion. Chairman Hodge stated that in the Ad Hoc Committee meeting there was a brief discussion covering how an emergency modification would be treated in a subsequent code change cycle. Mr. Wiggins stated that the current statute requires a modification made in the past to be continued unless a formal request is made to have the issue reheard. He went on to say that an emergency modification would be considered the same as any other modification and would carry over automatically unless there was a formal request to rehear the issue. Chairman Hodge asked if there were any other comments. There were none. He then called for a vote and the motion

was carried unanimously.

**C. Additional Appointments for the 2006 IBC Code Study Committee -**

Chairman Hodge recognized Mr. Wiggins to review the additional nominees, Mike Hallasy, Jeff Barrett and Jimmy Jones and their qualifications. Mr. Wiggins recommended Mr. Hallasy as the alternate architect on the commercial and residential core committees, Mr. Jones as the structural engineer for the commercial core committee, and Mr. Barrett the alternate structural engineer for the residential core committee. Chairman Hodge asked if there were any other comments. There were none. Mr. Dorsey motioned to accept the nominees for the seats requested. The motion was seconded by Mr. Sendler and the vote was unanimous.

**7. New Business**

**A. Modular Building Variance Request – Professional Building Systems of NC.**

Chairman Hodge asked Mr. Wiggins to introduce the variance request. Mr. Wiggins explained that the modular building is a single family residence and did not reach the 5 in 12 roof pitch requirements as required by the Building Codes Council's Practice Act. Mr. Wiggins pointed out that the intent of the statute is to provide a distinction between modular housing and manufactured housing in the smaller 2 and 3 box configurations. He went on to say that the law was never intended to slow down production of larger, customized, single family residences. Mr. Wiggins said that the Ad Hoc Committee recommended approval of a variance for two homes. Chairman Hodge asked if there were any other questions.

Mr. James Ham made a motion to approve the two variances as requested. Mr. Dorsey seconded and the vote was unanimous.

**B. Clarification of Adoption date for the 2006 ICODES.** Chairman Hodge asked Mr. Wiggins to explain the request. Mr. Wiggins stated that the six-month hearing segment for the code adoption process would start December 1, 2006. He also stated that the Code Study Committees should complete their work in January 2007. Mr. Wiggins said that based on the statutory process, the earliest date the codes could be implemented would be July 1, 2008. He went on to say that the modifications had to be placed in regulation in compliance with the Administrative Procedures Act and could not be implemented before January 1, 2009. Mr. Wiggins stated that only the modifications must go through regulatory process. He then suggested keeping the codes and modifications on the same cycle and not implementing separately.

After some discussion about the time required for the code adoption process, Mr. Parsons made a motion that the Council establish July 1, 2008 as the date for implementation of the 2006 International Code Series, and January 1, 2009 as the implementation date for the modifications, as recommended by the Ad

Hoc Committee. Mr. Davis seconded the motion, and the vote was unanimous.

#### **8. Public Comments**

Chairman Hodge asked if there were any comments and there were none.

#### **9. Date of Next Meeting**

February 28, 2007.

#### **10. Adjournment**

Mr. Dorsey made a motion that the meeting be adjourned. Mr. Chris Cullum seconded the motion and the meeting was adjourned at 9:47 AM.

## **ATTACHMENT A**

### **CODES ENFORCEMENT OFFICERS**

#### **NOTE!**

This document is unofficial and must not be used for legal reference. Although the text and section numbering is believed to be accurate, the format has been modified in various particulars to make the document more readily usable. For legal reference, refer to the official version.

#### **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 provides inspection services to local jurisdictions on a contract basis.

(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) “Entity” means a sole proprietorship, partnership, limited liability partnership, limited liability company, association, joint venture, cooperative, corporation, or other legal entity authorized by law.

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

(6) “Special inspection agency” means an entity that provides special inspectors.

(7) “Special inspector” means a person certified to perform special inspections in one or more disciplines in accordance with the International Building Code.

(8) “Specialty registration” means a current authorization issued by the council for a person who holds a certification by a recognized code organization, approved by council, in a single construction trade discipline.

(9) “General registration” means a current authorization issued by the council for a person who holds a certification by a recognized code organization, approved by council, in two or more construction trade 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 pending certification ~~from the date of issuance~~. The provisional ~~certificate of~~ registration may not be renewed.

**6-8-40.** (A) 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. However, an architect currently licensed by the South Carolina Board of Architectural Examiners or an engineer currently registered by the South Carolina Board of Professional Engineers and Land Surveyors may practice as a special inspector without additional registration as provided in this chapter.

(B) 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 [Administrative Law Court](#) ~~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 [construction trade discipline](#) ~~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.

## ATTACHMENT B

**Section 6-9-40.** (A) 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 determined by council at any time, that a building code 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 public hearing to consider an emergency modification must be conducted during an open council meeting, and proponents and opponents must be afforded a reasonable opportunity to state their positions prior to Council action.

(4) An emergency modification takes effect on the date established by the council.

(5) An emergency modification approved by the council shall be published in the State Register as a Notice of General Interest and placed on websites published by the Department of Labor, Licensing and Regulation.

~~(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."



