

ORDINANCE

AMENDING PART 5, CHAPTER 1, ARTICLE A OF THE CODE OF ORDINANCES OF THE CITY OF BEAUFORT, SOUTH CAROLINA, TO REVISE THE PROVISIONS PERTAINING TO THE BUILDING BOARD OF APPEALS

WHEREAS, the City utilizes the International Codes to manage construction activities in the City; and

WHEREAS, the International Building Code sets out the requirements for a building board of appeals; and

WHEREAS, the City's current Building Board of Appeals Ordinance conflicts in several areas with the provisions of the International Building Code; and

WHEREAS, staff has prepared an amendment that revises Part 5, Chapter 1, Article A of the Code of Ordinances to address the discrepancies between the two ordinances and to update the Building Board of Appeals Ordinance consistent with the City's other board and commissions;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Beaufort, South Carolina, duly assembled and by authority of same, that Part 5, Chapter 1 of the *Code of Ordinances of the City of Beaufort, South Carolina*, "Planning and Development; Building Regulation and Code Enforcement," be amended by revising the current Article A, "Building," as follows:

Section 5-1005.1. Building board of appeals established.

There is hereby established in the city a board to be called the building board of appeals, which shall consist of five (5) members. The board shall consist of individuals who are qualified by experience and training to pass on matters pertaining to building construction. It is preferable that the board be composed of one architect, one engineer, one general contractor, and two subcontractors such as electrical, plumbing, or gas contractors. The board shall be appointed by the city council.

Section 5-1005.2. Terms of members.

All terms shall be for four years. At the end of a term, City Council may re-appoint a board member for additional terms. Members shall continue to serve until their successors are appointed. In the event a vacancy occurs during the term of any member, a successor shall be appointed by City Council and begin a four-year term from date of initial appointment.

Section 5-1006. Duties generally.

It shall be the duty of the building board of appeals to hear appeals and perform other duties, all of which are imposed upon it by the various parts of the building code as well as such other duties that may be imposed upon it by the city council.

Section 5-1007. Quorum; number of votes required for affirmative action.

A majority of the seated members of the building board of appeals shall constitute a quorum. The concurring vote of three members of the building board of appeals shall be necessary to decide in favor of the applicant on any matter brought before the board. No board member shall act in a case in which he has a personal interest.

Section 5-1008. Secretary.

The building board of appeals shall designate a person to serve as secretary of the board and such secretary shall make a detailed record of all its proceedings, which shall set forth the reasons for its decisions, the votes of each member participating therein, the absence of any member and any failure of any member to vote.

Section 5-1009. Promulgation of rules and regulations.

The building board of appeals shall establish rules and regulations for its own procedure not inconsistent with the provisions of this article or the various parts of the building code. The board shall meet when necessary.

Section 5-1012. Time limit.

- (a) Notice of appeal shall be in writing and filed within 30 days after the decision is rendered by the building official.
- (b) In case of an installation which, in the opinion of the building official, is unsafe or dangerous, the building official may, on his order, limit the time for such appeal to a shorter period.

Section 5-1013. Procedure generally; what decision to specify.

- (a) The building board of appeals, when so appealed to, and after a hearing, may vary the application of any provision of this article to any particular case when, in its opinion, the interpretation of the building official should be modified or reversed.
- (b) A decision of the building board of appeals to modify an order of the building official shall specify in what manner such modification is made, the condition upon which it is made, and the reasons therefor.

Section 5-1014. Decisions generally.

- (a) Every decision of the building board of appeals shall be final; subject, however, to such remedy as an aggrieved party might have at law or in equity. It shall be in writing and shall indicate the vote upon the decision. Every decision shall be

promptly filed in the office of the building official, and shall be open to public inspection, a certified copy shall be sent by mail or otherwise to the appellant and a copy shall be publicly posted in the office of the building official for two (2) weeks after filing.

- (b) The building board of appeals shall, in every case, reach a decision as soon as possible but not later than ten (10) days after the appeal.
- (c) If a decision of the building board of appeals reverses or modifies a refusal, order, or disallowance of the building official, the building official shall immediately take action in accordance with such decision.

This ordinance shall become effective immediately upon adoption.

(SEAL)

Attest:

BILLY KEYSERLING, MAYOR

IVETTE BURGESS, CITY CLERK

1st Reading

2nd Reading & Adoption

Reviewed by:

WILLIAM B. HARVEY, III, CITY ATTORNEY