

**AN ORDINANCE**

**TO REPEAL ORDINANCE NO. 1848 AS LAST AMENDED BY ORDINANCE NO. 2055, RELATING TO THE BUILDING AND HOUSING BOARD OF ADJUSTMENTS AND APPEALS, TO CREATE THE CONSTRUCTION BOARD OF APPEALS, TO DEFINE ITS MEMBERSHIP QUALIFICATIONS AND RESPONSIBILITIES, AND TO AMEND ORDINANCE NO. 2001 AS TO THE NAME OF THE BOARD CONTAINED THEREIN.**

**WHEREAS**, there is a need for a County Council appointed appellate body to hear matters arising from a county official’s application of adopted codes which are the County authority for building, electrical, energy conservation, fire, fuel gas, mechanical, plumbing, property maintenance regulations, and the code for one and two family dwelling, as well as the Flood Damage Prevention Ordinance and other ordinances as assigned by Council; and

**WHEREAS**, Ordinance No. 1848, which created the Greenville County Building and Housing Board of Adjustments and Appeals in 1998, is in need of updating to remove outdated references to standard codes, to reflect the current matters that are heard on appeal by this board, to rename the board, and to clarify and define the board members’ qualifications and duties.

**NOW, THEREFORE, BE IT ORDAINED BY THE GREENVILLE COUNTY COUNCIL:**

**Section 1. Repealer.** Ordinance No. 1848, which was amended by Ordinance No. 2055, is hereby repealed.

**Section 2. Creation of Board.** There is hereby created a board to be called the Construction Board of Appeals (hereinafter referred to as the “Board”) consisting of five (5) members appointed by Greenville County Council.

**Section 3. Jurisdiction.** The Board shall be considered and shall act as the “Board of Appeals” referred to in any adopted code which is the current County authority for building, energy conservation, fire, fuel gas, mechanical, plumbing, property maintenance regulations, and residential code for one and two family dwelling. The Board shall also hear all appeals pertaining to the Greenville County Flood Damage Prevention Ordinance and any other ordinances and regulations as assigned by County Council.

**Section 4. Qualifications of Board Members.**

The Board of Appeals shall consist of five (5) individuals, one from each of the following professions or disciplines:

1. Registered design professional with architectural experience or a builder or superintendent of building construction with at least ten years’ experience, five of which shall have been in responsible charge of work.
2. Registered design professional with structural engineering of building construction, or civil engineering of site design with at least ten years’ experience, five of which shall have been in responsible charge of work.

3. Registered design professional with mechanical and plumbing engineering experience or a mechanical contractor with at least ten years' experience, five of which shall have been in responsible charge of work.
4. Registered design professional with electrical engineering experience or an electrical contractor with at least ten years' experience, five of which shall have been in responsible charge of work.
5. Registered design professional with fire protection engineering experience or a fire protection contractor with at least ten years' experience, five of which shall have been in responsible charge of work.

Additionally, County Council shall appoint two (2) alternate members who shall be called by the Board chairperson to hear appeals during the absence or disqualification of a member. Alternate members shall possess at least one of the qualifications required for membership on the Board and shall be appointed for four (4) year terms.

**Section 5. Terms of Office.** Current members of the Building and Housing Board of Adjustments and Appeals shall serve as members of the Board until their current appointment to the Building and Housing Board of Adjustments and Appeals expires. Upon the expiration of those appointments, County Council shall appoint new members to the Board meeting those qualifications set forth in Section 4 above. All members shall be appointed for four (4) year terms. Vacancies shall be filled for an unexpired term in the manner in accordance with the Greenville County Council Policy for Board and Commission Appointments. Members may be removed for cause by County Council.

**Section 6. Quorum.** Three (3) members of the Board shall constitute a quorum. In modifying an order of the code official, affirmative votes of the majority present, but not less than three (3) affirmative votes, shall be required. A Board member shall not act in a case in which he has a personal interest.

**Section 7. Procedure.** The Board shall establish rules and regulations for its own procedure not inconsistent with the provisions of this Ordinance. The Board shall meet at regular intervals, to be determined by the Chairman. In any event, the Board shall meet within forty five (45) days after notice of appeal has been received, unless this time is extended by the Chairman. Every decision shall be promptly filed in writing in the appropriate County office, and shall be open to public inspection, and a certified copy shall be sent by mail or otherwise to appellant and a copy shall be kept publicly posted in the office of the Secretary of the Board for two (2) weeks after filing.

**Section 8. Secretary of the Board.** The chief administrative officer of the County shall designate a qualified clerk to serve as secretary to the Board. The secretary shall file a detailed record of all proceedings in the appropriate County office.

**Section 9. Amendment to Ordinance No. 2001.** All references to the "Building and Housing Board of Adjustments and Appeals" contained in Ordinance No. 2001 shall be changed

to the “Construction Board of Appeals.”

**Section 10. Conflicting Ordinances.** Any existing ordinances in conflict with this Ordinance, or inconsistent with its provisions, are hereby repealed or superseded to the extent necessary to give this Ordinance full force and effect.

**Section 11. Effective Date.** This Ordinance shall take effect upon the date of its adoption.

**DONE IN REGULAR MEETING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012.**

\_\_\_\_\_  
Herman G. Kirven, Jr., Chairman  
Greenville County Council

\_\_\_\_\_  
Joseph M. Kernell  
County Administrator

ATTEST:

\_\_\_\_\_  
Theresa B. Kizer  
Clerk to Council

First Reading \_\_\_\_\_  
Second Reading \_\_\_\_\_  
Third Reading \_\_\_\_\_  
Public Hearing \_\_\_\_\_