

Construction and Codes Board of Appeals

Article I

Organization

Section 1. Rules. These rules of procedure are adopted pursuant to the Town of Edisto Beach code 14-300 for the Construction Board of Appeals and Adjustments which consists of five members and two alternate members all of whom are appointed by Council.

Section 2. Term of Office. The initial terms of the board members are to be staggered so that the terms of all board members will not end simultaneously. After this initial term, all future terms will be for three years.

Section Officers. The officers of the Board shall be a chairman and vice-chairman elected for one year terms at the first meeting of the Board for each calendar year. A member of staff other than the Building Official shall serve as secretary for the Board.

Section 3. Chairman. The chairman shall be a voting member and shall:

- Call meetings of the Board;
- Preside at meeting and hearings;
- Sign documents for the Board;
- Perform other duties as approved by the Board.

Section 4. Vice-chairman. The vice-chairman shall exercise the duties of the chairman in the absence, disability, or disqualification of the chairman. If both the chairman and vice-chairman are absent, an acting chairman shall be elected by the members present.

Section 5. Disqualification of Member. A member shall not hear an appeal in which the member has a personal, professional, or financial interest.

Section 6. Alternate Member. The secretary shall notify an alternate member if one of the primary board members will be unavailable for a hearing due to illness, scheduling conflict, or disqualification.

Section 7. Secretary. The secretary shall:

- Provide notice of meetings;
- Assist the chairman in the preparation of the agenda;
- Keep minutes of the meeting;

- Maintain Board records as public records;
- Attend to Board correspondence in accordance with policies of the Town of Edisto Beach and its council;
- Perform other duties normally carried out by a secretary.

Article II

Appeal Hearings

Section 1. Time and Place. The secretary shall notify the board as soon as an appeal is filed and coordinate a time for the hearing with the chairman and the board members. The board shall schedule an appeal hearing within 10 business days of the filing of an appeal. The secretary will send written notice to the appellant specifying hearing time and location. All meetings and hearings will be open to the public.

Section 2. Agenda. A written agenda along with a copy of the appellant's application for appeal will be furnished to each board member by the secretary. Notice of the meeting will also be posted at least 24 hours before the hearing.

Section 3. Procedure. The chairman will open the hearing and the building official will call the role to verify which members are present. The chairman will give the building official 15 minutes to present the first case to board. Once the building official has completed his presentation, the appellant or an expert witness will be given 15 minutes to present their countering reason(s) for not applying the code section to their project. The chairman may extend the presentation times if needed. The chairman will then open the floor for the board members to discuss the project and/or direct questions to either the building official or the appellant. At his discretion, the chairman will close the discussion and either call for an immediate vote or reconvene the board at a later date to allow the members to research the issue or visit the job site.

Section 4. Limitations on Authority. The board shall have no authority to waive requirements of the building codes. Appeals shall be based on a claim that the true intent of the code is incorrectly interpreted, the provisions of the code do not fully apply, or an equally good or better form of construction is proposed.

Section 5. Board Decision. The board shall modify or reverse the decision of the building official by a concurring vote of three out of five board members.

- **Resolution.** The decision of the board shall be by resolution. Certified copies shall be furnished to the appellant and to the building official.
- **Administration.** The building official shall take immediate action in accordance with the decision of the board.

Article III

Records

Section 1. Minutes. The secretary shall record all meeting and hearings of the board on tape which shall be preserved until final action has been taken on all matters presented. The secretary shall prepare minutes of the meeting for approval by the board. Minutes shall be maintained as public records.

Section 2. Reports. The secretary shall assist in the preparation and forwarding of all reports and recommendations of the board in the appropriate form. Copies of all notices, correspondence, reports and forms associated with this board shall be maintained as public records.

Section 3. Attendance. The minutes shall show which members were in attendance at each meeting or hearing. The board may recommend to the governing body the removal of any member who is absent from three consecutive meetings or hearings.

Article IV

Adoption and Amendment.

Section 1. Amendment. These rules may be amended by written concurrence of the Board by a majority of the primary members provided that the proposed amendment is in compliance with all adopted codes and ordinances.

Section 2. Adoption. These rules were adopted by a written concurrence of the majority of the members of the Board on _____.

Attest.

Secretary

Chairman