AN ORDINANCE

TO AMEND THE YORK COUNTY CODE OF ORDINANCES, CHAPTER 150, BUILDING REGULATIONS, IN ITS ENTIRETY, TO INCORPORATE CERTAIN PROVISIONS OF THE INTERNATIONAL BUILDING CODE, INTERNATIONAL RESIDENTIAL CODE, NATIONAL ELECTRICAL CODE, INTERNATIONAL FUEL GAS CODE, INTERNATIONAL PLUMBING CODE, INTERNATIONAL MECHANICAL CODE, INTERNATIONAL ENERGY CONSERVATION CODE, AND INTERNATIONAL EXISTING BUILDING CODE, AS MODIFIED AND ADOPTED BY THE SOUTH CAROLINA BUILDING CODES COUNCIL FOR MANDATORY ENFORCEMENT BY ALL JURISDICTIONS WITHIN THE STATE OF SOUTH CAROLINA; TO REORDER, CLARIFY, AND RESTATE PROVISIONS OF THE EXISTING BUILDING REGULATIONS, INCLUDING, INTER ALIA, THE APPLICATION PROCEDURES, COMPLIANCE REQUIREMENTS, AND FEES FOR BUILDING PERMITS, THEIR SCOPE, REVOCATION, EXPIRATION, AND TERMINATION; THE INSPECTION PROCEDURES FOR CONSTRUCTION AND CERTIFICATES OF OCCUPANCY; THE ADMINISTRATION AND ENFORCEMENT REQUIREMENTS FOR THIS CHAPTER; THE POWERS AND DUTIES OF THE BUILDING OFFICIAL, INCLUDING BUT NOT LIMITED TO, RIGHTS-OF-ENTRY, THE ISSUANCE OF STOP WORK ORDERS, AND THE PROVISION OF ALTERNATIVE MATERIALS AND DESIGN; VARIANCES AND APPEALS RELATED TO THE CHAPTER; THE BUILDING APPEALS BOARD, ITS MEMBERSHIP, POWERS, PROCEDURES, AND RELATED DUTIES AND AUTHORITY; AND, THE PENALTIES AND POTENTIAL REMEDIES FOR VIOLATIONS OF THIS CHAPTER; TO PROVIDE FOR A PUBLIC HEARING; AND TO PROVIDE FOR OTHER MATTERS RELATING THERETO.

BE IT ORDAINED AND ENACTED BY THE COUNTY COUNCIL OF YORK COUNTY, SOUTH CAROLINA:

SECTION 1. Legislative findings.

As an incident to the adoption of this ordinance, the York County Council, as the governing body of York County, South Carolina, has made the following legislative findings:

1.1. The international codes regulating building construction, as modified and adopted by the South Carolina Building Codes Council pursuant § 6-9-50(A) of the South Carolina Code of Laws and as enforced by York County pursuant to § 6-9-10 of the South Carolina Code of Laws have been revised. In order to apply the appendices and administrative provisions within the most recently adopted international codes, York County must adopt the codes as modified by the South Carolina Building Codes Council.

1.3. As part of the building code amendment process, Council finds that there exists an opportunity for the reorganization of the totality of the Building Regulations Chapter in order to clarify the roles, powers, duties, regulatory provisions, requirements, and remedies expressed therein, that will otherwise serve the effective administration of county government and serve the public, health, safety, and welfare.

SECTION 2. Code of York County Amended.

Chapter 150, BUILDING REGULATIONS, is hereby amended in its entirety as established in Exhibit A, attached and incorporated herewith by reference.

SECTION 3. Public Hearing Required.
Pursuant to York County Code of Ordinances § 30.14 and South Carolina Code of Laws § 4-9-130, the York County Council shall conduct a public hearing, which shall be held after publishing a notice of the date, time and place of such hearing at least fifteen (15) days in advance of such hearing and before final legislative action is taken for the adoption of this ordinance.

SECTION 4. Severability.
The provisions of this ordinance are hereby declared to be severable, and if any provision or section of this ordinance is declared to be unconstitutional or unenforceable by the final order of a court of competent jurisdiction, such declaration shall not affect the constitutionality, legality, or enforceability of any other section or provision of this ordinance, which shall be deemed severable, valid, enforceable, and effective.

SECTION 5. Repeal of inconsistent sections and ordinances.
All sections of the York County Code of Ordinances and all York County ordinances in conflict with this ordinance are hereby amended to the extent of such conflict.

SECTION 6. Effective date.
This ordinance shall take effect immediately upon adoption.
ADOPTED THIS 7TH DAY OF February 2022.

YORK COUNTY COUNCIL

BY:

[Signature]
Christi P. Cox, Chairwoman

Attest:

[Signature]
David E. Hudspeth
County Manager

First Reading: December 20, 2021
Second Reading: January 18, 2022
Public Hearing: February 7, 2022
Third Reading: February 7, 2022
CHAPTER 150: BUILDING REGULATIONS

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GENERAL PROVISIONS

§ 150.01 PURPOSE.
The purpose of this chapter is to establish the minimum requirements to provide a reasonable level of safety, public health, and general welfare to life and property from hazards attributed to the building environment within the County.

§ 150.02 APPLICATION AND JURISDICTION.
The applicability of this chapter shall apply only to unincorporated areas of the county.

§ 150.03 COUNTY BUILDING AND CODES DIVISION CREATED.
Within the York County Planning and Development Services Department, there is created a county Building and Codes Division, which shall administer and enforce the provisions of this chapter under the supervision and direction of the Planning and Development Services Director. Any property owner may appeal a decision of any representative of the building codes division directly to the Building Board of Appeals within the time and upon the terms and conditions and subject to the limitations contained in § 150.27 and 150.28 of this chapter.

§ 150.04 BUILDING CODE.
(A) Except as herein amended, the installation, workmanship, construction, maintenance or repair of new non-residential construction, additions, alterations or repairs shall be administered as provided in Chapter 1 of the 2018 Edition of the International Building Code with modifications and Appendix H (signs), as modified by the South Carolina Codes Council is hereby adopted by reference and made an integral part of this chapter.
(B) Except as herein amended, the installation, workmanship, construction, maintenance or repair of new residential construction, additions, alterations or repairs shall be administered as provided in Chapter 1 of the 2018 Edition of the International Residential Code with modifications and Appendices H (patio covers), J (existing buildings), and Q (tiny homes), as modified by the South Carolina Codes Council, is hereby adopted by reference and made an integral part of this chapter.

(‘77 Code, § 4-25) (Ord. passed 3-5-75; Am. Ord. 1985, passed 11-18-85; Am. Ord. 2387, passed 8-3-87; Am. Ord. 890, passed 1-15-90; Am. Ord. 2091, passed 9-3-91; Am. Ord. 2694, passed 6-6-94; Am. Ord. 2695, passed 5-8-95; Am. Ord. 1598, passed 3-16-98; Am. Ord. 3001, passed 7-16-01; Am. Ord. 2402, passed 7-15-02; Am. Ord. 1105, passed 4-18-05; Am. Ord. 4808, passed 7-21-08; Am. Ord. 3309, passed 6-15-09; Am. Ord. 3713, passed 9-3-13; Am. Ord. 5216, passed 9-9-16) Penalty, see § 150.99
§ 150.05 ELECTRICAL CODE.
Except as herein amended, the installation, workmanship, construction, maintenance or repair of all electrical work shall conform to the National Electrical Code, 2017 Edition, with modifications, no appendices, as modified by the South Carolina Codes Council, which is hereby adopted by reference and made an integral part of this chapter.
('77 Code, § 4-27) (Ord. passed 3-5-75; Am. Ord. 2185, passed 11-18-85; Am. Ord. 2587, passed 8-3-87; Am. Ord. 290, passed 1-2-90; Am. Ord. 2595, passed 5-8-95; Am. Ord. 6996, passed 12-16-96; Am. Ord. 4299, passed 5-17-99; Am. Ord. 1406, passed 6-19-06; Am. Ord. 3309, passed 6-15-09; Am. Ord. 3713, passed 9-3-13; Am. Ord. 5216, passed 9-9-16) Penalty, see § 150.99

§ 150.06 ELECTRICITY NOT TO BE FURNISHED WITHOUT PERMIT.
It shall be unlawful for any public utility company or rural electric cooperative to make a new connection of electrical energy to a building, manufactured home or structure requiring a permit unless the structure shall have acquired the necessary building or manufactured home permit from the Building Official.

§ 150.07 GAS CODE.
Except as herein amended, the installation, workmanship, construction, maintenance or repair of all new fuel construction, additions, alterations or repairs shall be administered as provided in Chapter 1 of the 2018 Edition of the International Fuel Gas Code with modifications, as modified by the South Carolina Codes Council, which chapter is hereby adopted by reference and made an integral part of this chapter.
('77 Code, § 4-29) (Ord. passed 3-5-75; Am. Ord. 2385, passed 11-18-85; Am. Ord. 2687, passed 8-3-87; Am. Ord. 190, passed 1-2-90; Am. Ord. 2191, passed 9-3-91; Am. Ord. 2795, passed 5-8-95; Am. Ord. 1898, passed 3-16-98; Am. Ord. 3101, passed 7-16-01; Am. Ord. 1105, passed 4-18-05; Am. Ord. 4808, passed 7-21-08; Am. Ord. 3713, passed 9-3-13; Am. Ord. 5216, passed 9-9-16) Penalty, see § 150.99

§ 150.08 PLUMBING CODE.
Except as herein amended, the installation, workmanship, construction, maintenance or repair of all plumbing work shall be administered as provided in Chapter 1 of the 2018 Edition of the International Plumbing Code, as modified by the South Carolina Codes Council, is hereby adopted by reference and made an integral part of this chapter.
('77 Code, § 4-30) (Ord. passed 3-5-75; Am. Ord. 2485, passed 11-18-85; Am. Ord. 2487, passed 8-3-87; Am. Ord. 390, passed 1-2-90; Am. Ord. 2291, passed 9-3-91; Am. Ord. 2895, passed 5-8-95; Am. Ord. 1798, passed 3-16-98; Am. Ord. 2801, passed 7-16-01; Am. Ord. 1105, passed 4-18-05; Am. Ord. 4808, passed 7-21-08; Am. Ord. 3713, passed 9-3-13; Am. Ord. 5216, passed 9-9-16) Penalty, see § 150.99

§ 150.09 MECHANICAL CODE.
Except as herein amended, the installation, workmanship, construction, maintenance and repair of all heating, air conditioning, refrigeration and ventilation equipment shall be administered as provided in Chapter 1 of the 2018 Edition of the International Mechanical
Code, as modified by the South Carolina Codes Council, is hereby adopted by reference and made an integral part of this chapter.
(77 Code, § 4-31) (Ord. 790, passed 1-15-90; Am. Ord. 2391, passed 9-3-91; Am. Ord. 2495, passed 5-8-95; Am. Ord. 1698, passed 3-16-98; Am. Ord. 2901, passed 7-16-01; Am. Ord. 1105, passed 4-18-05; Am. Ord. 4808, passed 7-21-08; Am. Ord. 3713, passed 9-3-13; Am. Ord. 5216, passed 9-9-16) Penalty, see § 150.99

§ 150.10 INTERNATIONAL ENERGY CONSERVATION CODE.
Except as herein amended, the installation, workmanship, construction, maintenance and repair of all heating, air conditioning, refrigeration and ventilation equipment shall be administered as provided in Chapter 1 of the 2009 International Energy Conservation Code, which chapter is hereby adopted by reference and made an integral part of this chapter.
(Ord. 1105, passed 4-18-05; Am. Ord. 4808, passed 7-21-08; Am. Ord. 3112, passed 12-17-12) Penalty, see § 150.99

§ 150.11 INTERNATIONAL EXISTING BUILDING CODE.
Except as herein amended, the installation, workmanship, construction, maintenance or repair of existing residential and non-residential construction, additions, alterations or repairs shall be administered as provided in Chapter 1 of the 2018 Edition of the International Existing Building Code, which is hereby adopted by reference and made an integral part of this chapter.
(Ord. 5216, passed 9-9-16)

§ 150.12 RESERVED.

BUILDING PERMITS

§ 150.14 PERMITS REQUIRED.
Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace and electrical, gas, mechanical, or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the Building and Codes Division and obtain the required permit.

§ 150.15 APPLICATION.
Application for a permit shall be made on the form provided by the Building and Codes Division. The applicant shall furnish information as may be required to complete the application.

§ 150.16 CONSTRUCTION DOCUMENTS.
When required by the Building and Codes Division, specifications and drawings shall accompany the application for permit. The drawings and specifications shall contain information as to the quality of materials, where quality is essential to conformity with this chapter. The Building Official may require details, computations, diagrams and other data necessary to describe the construction or installation and basis of calculations. The plans submitted shall apply with all applicable state architecture and engineering licenses and boards.

§ 150.17 ZONING COMPLIANCE.
If proposed construction, for which a building permit is applied, is required to comply with zoning regulations, the Zoning Division shall also check the application for compliance with the York County Zoning and Land Development codes before the permit shall be issued. Refer to Chapters 154 and 155, of the York County Code of Ordinances for specific requirements. If the application does not comply with these regulations, the permit shall not be issued.

§ 150.18 FLOODPLAIN AREAS.
A permit shall not be issued for any construction on lands that are deemed to be situated within a floodplain area unless the conditions of Chapter 151, Floodplain Management, of the York County Code of Ordinances have been met. It shall be the responsibility of the applicant to provide ample information to meet these requirements. All final documentation, which may be required as a result of meeting Chapter 151 stipulations, shall be submitted prior to a Certificate of Occupancy being issued for the permitted area.

§ 150.19 FEES.
(A) No permit shall be issued until the required fees are paid, nor shall an amendment to a permit be approved until the additional fee, if any, due to an increase in the estimated cost of the building or structure is paid.
(B) Fees for permits, inspections, appeals, amendments and other matters pertaining to this subchapter shall be paid in accordance with the fee schedule in Chapter 31 - County Policies Section 31.01
(C) Refunds. If work has not commenced, a refund may be requested in writing within six (6) months of permit issuance (but not thereafter) by submitting a completed York County Refund Request form. York County will deduct applicable administrative fees from the balance. If a refund is received, the permit is void.
(D) When the County shall review plans for commercial construction, the person or entity submitting the plans or applying for the review shall pay a fee for the review of the plans in an amount equal to 50% of the building permit fee under this code for a building permit for the improvements for which the commercial plans were submitted. Refer to the fee table within Chapter 31, § 31.01(A) of the York County Code of Ordinances.

§ 150.20 ISSUANCE OF PERMIT; SCOPE; REVOCATION; EXPIRATION; TERMINATION OF WORK.
(A) The Building and Codes Division shall act upon an application for a permit without unreasonable or unnecessary delay.

(B) A permit issued shall be construed to be an authorization to proceed with the work and shall not be construed as authority to violate, conceal, alter or set aside any of the provisions of this chapter, nor shall the issuance of a permit prevent the department from thereafter requiring correction of errors in plans or in construction or of violations of this chapter.

(C) The Building Official is authorized to suspend or revoke a permit issued under the provisions of this chapter wherever the permit is issued in error or on the basis of incorrect, inaccurate, or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

(D) Revoke permits. In case of false statements or misrepresentation as to a material fact in the application or plans on which a permit or approval is based, the Building Official may revoke the permit or approval issued under the provisions of this chapter. In such cases, no permit fee shall be refunded.

(E) All permits issued shall become invalid unless the work authorized by it is commenced and the initial inspection is made within 180 days after its issuance, or, if following the initial inspection, the work authorized by the permit is suspended, abandoned or no inspection is performed for a period of 180 days after the time the work is commenced; provided, that for cause, one or more extensions of time periods not exceeding 180 days each may be allowed in writing by the Building Official.

(F) Should any person to whom a permit is issued quit the construction or installation for any reason, the person shall notify the department and state the reason. If the construction or installation is partially completed, the person to whom the permit was issued, upon quitting the construction or installation, shall notify the department and request an inspection. Acceptance of, or violations against, the work shall be recorded by the inspector on the permit record. No refund of the permit shall be granted.

(G) If the holder of a permit quits an installation or construction and fails to notify the department, the owner or the owner's agent may notify the department and request inspection. Upon inspection, the holder of the permit shall be sent a notice of any violation. The owner may then secure another qualified person to proceed with the work.

§ 150.21 POSTING OF PERMIT.
Work requiring a building permit shall not begin until the permit holder or the permit holder's agent shall have the building permit on site of a permitted activity. The permit shall be protected from the weather and in such position as to allow an inspector to conveniently review. The permit, or a copy, shall be kept on the site of work by the permit holder until completion of the permitted work.

§ 150.22 RESERVED.

INSPECTIONS

§ 150.23 INSPECTIONS; REQUIRED, INTERVALS.
(A) The Building Official or a representative of the building and codes department shall inspect or cause to be inspected all construction, installations or work for compliance with the provisions of this chapter.

(B) The inspections shall be made at the minimum following specified intervals:

1. Footing, slab, and foundation inspection. This inspection is to be made after trenches are excavated and forms erected and any required reinforcing steel is in place.
2. Concrete slab and under-floor inspection. This inspection shall be made after inslab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.
3. Lowest floor elevation. In flood hazard areas, upon placement of the lowest floor, including the basement or crawl-space, and prior to further vertical construction, the elevation certification shall be submitted to the floodplain manager.
4. Framing inspection. This inspection is to be made after the roof, all framing, fire-blocking, draft-stopping and bracing are in place and all pipes, chimneys and vents are complete.
5. Rough-in inspection. This inspection is to be made before any framing, electrical, gas, heating, air conditioning, plumbing or other work regulated by this chapter is covered or concealed.
6. Other inspections. In addition to inspections required in this section, the building official shall have the authority to make or require any other inspections to ascertain compliance with this code and other laws enforced by the building official.
7. Final inspection. This inspection is to be made upon completion of all work and prior to occupancy.

(C) Inspections. It shall be the duty of the permit holder to give reasonable advance notice to the department when work is ready for inspection and testing. A log of all requests for inspections shall be kept by the department so that a permanent record can be had of the times and dates when the requests for inspections were made.

§ 150.24 CERTIFICATE OF COMPLETION OR OCCUPANCY.

(A) Upon completion of building or installation in accordance with approved plans and after the final inspection herein referred to, the Building and Codes Division shall issue a certificate of completion or occupancy.

1. No new building shall be lawfully occupied and no change in occupancy of a building or part of a building shall be made until after a certificate of occupancy has been issued.

(B) The Building Official may issue a Temporary Certificate of Occupancy, which shall only be valid for the period stated on the certificate, for a specified portion or portions of a building, which may safely be occupied prior to final completion of the entire building and/or site. Any conditions that are attached to the Temporary Certificate of Occupancy must be completed prior to the expiration of the certificate. When such conditions have not been completed prior to the expiration date of the conditional certificate, the Certificate
of Occupancy shall immediately expire. Upon receipt of a written application to the
Building Official stating satisfactory reasons for the failure to complete work within the
given time period, the Building Official may renew the certificate for a specified period of
time, not to exceed ninety (90) days.

§ 150.25 RESERVED.

ADMINISTRATION AND ENFORCEMENT

§ 150.26 BUILDING OFFICIAL.
The duties of the building official are expanded to include:
(A) Administering and enforcing the provisions of this chapter through the Building and
Codes Division and its personnel; and
(B) Performing any related duties as directed by the Planning and Development Services
Director.

§ 150.27 POWERS AND AUTHORITY OF BUILDING OFFICIAL AND BUILDING AND CODES
DIVISION PERSONNEL.
In the performance of the duties set forth in § 150.26, the Building Official or an authorized
agent or representative of the Building and Codes Division shall have and may exercise the
following powers:
(A) Issue building permits. This division is charged with the responsibility of issuing
building permits in accordance with the provisions of this chapter.
(B) Perform inspections. This division shall inspect or cause to be inspected all
construction, installation or work for compliance with the provisions of this chapter.
(C) Right-of-entry. Where it is necessary to make an inspection to enforce the provisions
of this code, or where the Building Official has reasonable cause to believe that there exists
in a structure or on a premises a condition that is contrary to or in violation of this code
that makes the structure or premises unsafe, dangerous or hazardous, the Building Official
is authorized to enter the structure or premises at reasonable times to inspect or to
perform the duties imposed by this code, provided that such structure or premises be
occupied that credentials be presented to the occupant and entry requested. If such
structure or premises is unoccupied, the Building Official shall first make a reasonable
effort to locate the owner or other person having charge or control of the structure or
premises and request entry. If entry is refused, the Building Official shall have recourse to
the remedies provided by law to secure entry.
(D) Issue stop work orders. Upon notice from the Building Official that work on any
building, structure or installation is being done contrary to the provisions of this chapter or
in a dangerous or unsafe manner, the work shall be stopped immediately. Stop notices
shall be in writing and shall be given to the owner of the property, to the owner's agent or
to the person doing the work and shall state the conditions under which work may be
resumed. Where an emergency exists, a written notice shall not be required. Any work that
continues in or about the structure after having been served with a stop work order, except
such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by § 150.98.

(E) Approve alternate materials, design, and alternate methods of construction. Alternate materials, design, and methods of construction not specifically prescribed by this chapter must be approved and authorized by the Building Official. The Building Official shall approve any such alternative materials, design, or alternate methods of construction, provided they comply with the intent and purpose of this chapter and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed by this chapter in quality, strength, effectiveness, fire-resistance, durability and safety. The Building Official shall require that sufficient evidence or proof be submitted to substantiate any claim that may be made regarding its use. Where an alternative material, design or method of construction is not approved, the building official shall respond in writing, stating the reasons why the alternative was not approved.

(F) Records and reports. The Building Official shall maintain comprehensive records of building permit applications, of permits issued, of certificates of occupancy or completion of all inspections made, of reports rendered and of notices or orders issued. Written reports covering the activities of the division shall be submitted at the request of the County Manager. All records of the Building and Codes Division shall be open to public inspection for good and sufficient reasons during stated office hours, but shall not be removed from the office without the written consent of the Building Official or Planning and Development Services Director. Records are to be maintained in accordance with county retention policies.

§ 150.28 VARIANCES AND APPEALS; CONDITIONS FOR APPEAL.
Whenever the Building Official shall reject or refuse to approve the mode or manner of construction proposed to be followed or materials to be used, when it is claimed that the provisions of this chapter do not apply or that an equally good or more desirable form of construction can be employed in any specific case, or when it is claimed that the true intent and meaning of this chapter or any of the regulations thereunder were misconstrued or wrongly interpreted, the owner of the building or structure, or the owner's duly authorized agent, may appeal the decision to the Building Board of Appeals. Notice of appeal shall be in writing and filed within 30 days after the decision is rendered. If an appeal involves the issuance of a civil fine pursuant to § 150.98, the Building Board of Appeals may not reduce or waive the fine if the Board affirms the building official's determination that the owner or authorized representative violated this chapter.

§ 150.29 APPEALS BOARD.
(A) Membership; alternates.

(1) The Building Codes Appeals Board is established and shall consist of seven members and three alternates. The board shall consist of one architect, one engineer, one contractor and one member each from the building, electrical, gas and plumbing industry. Two alternates shall be selected from the building industry at large and one alternate shall be selected from the general public. All members and alternates shall be residents of the county and shall be appointed by the County Council to serve without compensation. Of the members first appointed, two shall be appointed for two-year terms; two shall be appointed for three-year terms; and three shall be appointed for four-year
terms. Of the alternates first appointed, one shall be appointed for a two-year term; one shall be appointed for a three-year term; and one shall be appointed for a four-year term. Vacancies in the membership of the board and in board alternates shall be filled for the unexpired term in the manner in which the original appointment was required to be made.

(2) Alternate members of the board may attend all meetings of the board, but shall be permitted to vote only in the absence of a member of the board. Alternates shall be entitled to vote on matters coming before the board on a rotating basis.

(3) No member or alternate member shall be appointed to serve more than two full consecutive terms. Previous service for a full term as a member or alternate shall be counted in determining a member's service on the board for purposes of the limitations established by this section, but partial terms of service as a member or alternate member shall not be considered for purposes of the limitation contained in this section. No member or alternate member shall be reappointed to the board after serving two consecutive terms as a member of the board until a minimum of one year has elapsed since the last service of the member or alternate member upon the board.

(B) Quorum. Four members of the board shall constitute a quorum. In varying the application of any provision of this chapter or in modifying an order of the Building Official, affirmative votes of the majority present, but not less than three affirmative votes, shall be required. No board member shall act in a case in which the member has a personal interest.

(C) Secretary, records. An official from the Planning and Development Services Department, designated by the Building Official or Planning and Development Services Director, shall act as secretary of the Appeals Board and shall make a detailed record of all its proceedings, which shall set forth the reasons for its decisions, the vote of each member participating therein, the absence of a member and any failure of a member to vote.

(D) Procedures. The board shall establish rules and regulations for its own procedures not inconsistent with the provisions of this chapter. The board shall meet at regular intervals, to be determined by the chairperson, or in any event, the board shall meet within 15 days after notice of appeal is received from the department.

(E) Decisions of the Appeals Board. The Appeals Board, when so appealed to and after a duly advertised hearing, may vary the application of any provision of this chapter to any particular case when, in its opinion, the enforcement thereof would not do manifest injustice and would not be contrary to the spirit and purpose of this chapter or the public interest, or when, in its opinion, the interpretation of the Building Official should be modified or reversed. A decision of the Appeals Board to vary the application of any provision of this chapter or to modify an order of the Building Official shall specify in what manner the variation or modification is made, the conditions upon which it is made and the reasons therefor. Every decision of the Appeals Board shall be final, subject, however, to such remedy as any aggrieved party may 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 and Codes Division and shall be open to public inspection; a certified copy shall be sent by mail or otherwise to the appellant. The Appeals Board shall, in every case, reach a decision, without unreasonable or unnecessary delay. If a decision of the Appeals Board reverses or modifies a refusal, order or disallowance of the department or
varies the application of any provision of this chapter, the department shall immediately take action in accordance with the decision.

§ 150.31 RESERVED.

PENALTY

§ 150.98 PENALTY.
(A) Any person found to be in violation of any provision of this chapter shall be issued a civil fine in an amount not exceeding $200. If the building official or other authorized code enforcement officer determines a second violation has occurred, the person found in violation of this chapter shall be provided seven calendar days to remedy the violation or submit a plan to correct the violation. If the violation has not been remedied or the plan has not been submitted within the seven calendar days, the building official or other authorized code enforcement officer must issue a civil fine in an amount not to exceed $2,000. Each day a violation continues is a separate offense.
(B) In the event of any violation or proposed violation of this chapter, the county manager, or other appropriate County representative or any adjacent or neighboring property owner who would be damaged by the violation, in addition to other remedies, may apply to a court of competent jurisdiction for injunctive relief, mandamus or other appropriate proceeding to prevent, correct, or abate the violation or threatened violation.

§ 150.99 RESERVED.