

**SOUTH CAROLINA BUILDING CODES COUNCIL**  
**110 CENTERVIEW DRIVE, ROOM 105**  
**COLUMBIA, SOUTH CAROLINA**  
**August 22, 2007**  
**10:30 AM – 12:10 PM**

**MEMBERS PRESENT**

Frank Hodge, Chair  
Gregory P. Parsons  
Chris Cullum  
Ernest F. Dorsey  
Lloyd Schumann  
Richard Sandler  
James A. Ham, Jr.  
Frank Hill  
William McDowell  
John White  
Gable D. Stubbs  
Van M. McAlister

**MEMBERS ABSENT**

Wendell Davis  
Thomas Brock

**STAFF PRESENT**

Gary Wiggins  
Jennie Meade  
Sheridon Spoon  
Roz Bailey-Glover

**OTHERS PRESENT**

Robert Yarnall  
Robert Harkins  
Gary Mason  
Buddy Skinner  
John Humphries  
Robert Lowe  
John Reich  
Julian Barton  
Matt Sigler  
Brian Pietras  
John Wasson, Jr.

Allen Hutto  
John Pruett  
Brian S. Smith  
Ronald L. Brewer  
Angela McJunkin  
Channon Chambers  
John McLeod  
Ira Coltharp  
Roland Temple  
Theodore R. Reed  
Kevin Shelton

Douglas M. Smits  
Sonny DuBose  
Gene Nelson  
Billy J. Sawyer  
Michelle Hawkins  
Tony Longino  
Ward Braswell  
R. F. Eskridge  
Don Wood  
Chip Smith

**NOTE!** The Notice and Agenda for the August 22, 2007 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**

The August 22, 2007 meeting of the S.C. Building Codes Council was called to order at 10:30 AM by Chairman Frank Hodge.

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## **2. Approval of Agenda**

Chairman Hodge asked for approval of the agenda. Mr. Chris Cullum moved to accept the agenda as submitted, Mr. Ernest Dorsey seconded and the vote was unanimous.

## **3. Approval / Disapproval of Absent Members**

Chairman Hodge asked staff for an accounting of absent members. Staff reported that Mr. Wendell Davis would not be attending as his term expired, and Mr. Thomas Brock was on vacation.

## **4. Approval of Minutes**

Chairman Hodge asked for any additions or corrections to the May 23, 2007 meeting minutes as presented. There being none, Mr. Dorsey motioned to approve the minutes as presented. Mr. Greg Parsons seconded. The vote was unanimous.

## **5. Old Business**

**A. Proposed Amendments to the BCC Regulations** – Chairman Hodge recognized Mr. Gary Wiggins who explained that at the last meeting, there was a proposal to change the modular statute to include licensing for modular dealers and sales people. He continued to say, Council asked staff to put together a task force with members of the industry to study the proposal and develop a recommendation. Mr. Wiggins said the task force consisted of modular representatives, contractors, residential builders and other interested parties. He said the task force agreed to address the issue by regulation, through stronger, more concise requirements governing the sale of modular buildings. Mr. Wiggins presented the regulatory amendments (included with and made part of these minutes) to the Council and requested its approval.

Chairman Hodge recognized Mr. Allen Hutto, Attorney with the SC Modular Institute, who voiced the Institute's support for the proposal and felt that it would close the loopholes on unlicensed individuals while providing high standards for the industry, licensed builders and contractors.

Chairman Hodge asked if there were any additional questions from the Council or the audience. There being none, Mr. Parsons motioned to approve the proposed amendments to the regulations. The motion was seconded by Mr. Dorsey and the vote was unanimous.

**B. Continuing Education Policy** – Chairman Hodge opened the item and turned the floor over to Mr. Wiggins. Mr. Wiggins explained that at its last meeting, Council asked staff to review the continuing education policy and prepare a recommendation to clarify the language that addresses the requirements for registration reinstatement. He went on to say the issue surfaced when a code enforcement officer requested, and was granted, reinstatement in a new position without having submitted the required continuing education credits

for the former position. Mr. Wiggins said the policy was reviewed and compared with the requirements of other boards within LLR having similar policies. He said staff prepared a revision to the existing policy (included with and made part of these minutes) for Council's consideration. Mr. Wiggins also explained that the policy is a guideline to assist staff in administering the registration program and recommended its approval by Council.

The Council reviewed the proposed policy revisions and discussed the possibility of re-certification of a registrant who wanted to be reinstated after being absent from the profession for several years.

Mr. Richard Sendler made a motion to strike the existing continuing education language in the policy and replace it with the language suggested by staff and that a sub-committee be appointed to determine the length of time that is reasonable for a person to be out of the profession before having to go through recertification. The motion was seconded by Mr. Cullum. Chairman Hodge recognized Mr. William McDowell who amended the motion to add the code cycle time-limit on CEUs to the sub-committee's agenda for recommendation. The amendment was seconded by Mr. Cullum. All were in favor and the motion was unanimous.

## **6. New Business**

**A. Blue Ridge Homes Roof Pitch Variance Request** – Chairman Hodge turned the floor over to Mr. Wiggins who explained that the item was a routine single family modular roof pitch variance.

Chairman Hodge recognized Mr. Chip Smith, Owner of Blue Ridge Homes. Mr. Smith explained the building design and the nature of the variance request.

After some discussion, Mr. Wiggins stated that later on the agenda, the Council would be reviewing the current method for calculating total roof area for the purpose of determining the predominant roof area.

Mr. Parsons made a motion to table the item until after the Council addresses the definition of predominant roof area. Mr. Dorsey seconded the motion and the vote was unanimous.

**B. Nationwide Homes Roof Pitch Variance Request** – Item was held for discussion until after agenda item C was concluded.

**C. Definition of "Predominant" as used in Section 23-43 85** – Chairman Hodge turned the floor over to Mr. Wiggins who stated that staff has interpreted the word "predominant" as referenced in Section 23-43-85, as meaning the greatest combined roof area for the building. Therefore, to comply with the section, the building must have a minimum of 51% of the combined roof area at a pitch of 5 in12 or greater.

After further discussion, Mr. Dorsey made a motion to endorse staff's definition of the word predominant as it had been used. The motion was seconded by Mr. Parsons. Chairman Hodge asked if there was any discussion. Mr. Sandler asked if the motion could also state that no less than 51% of the total roof area can be less than a 5 in12 pitch. Mr. Dorsey and Mr. Parsons accepted the change in wording for the motion. Chairman Hodge called for a vote and all members voted in favor.

**D. Staff Request to Grant Roof Pitch Variances** – Chairman Hodge turned the floor over to Mr. Wiggins who requested the Council delegate its authority to grant roof pitch variances to staff. He went on to say that the roof pitch requirements only applied to single family, modular residences.

Mr. James Ham stated that the statute was initially created to prohibit modular building manufacturers from shipping single family residences that resembled HUD labeled manufactured homes into the state. He also said that the minimum roof pitch was one of several elements intended to assure modular homes were compatible in appearance to site built homes, but not intended to limit architectural design.

Chairman Hodge pointed out that if anyone had a disagreement with staff's decision, an appeal can be made to Council. He then asked for comments from the audience.

Mr. Gene Nelson, Building Official from the City of Orangeburg expressed concern about the appearance of modular homes with less than a 5X12 pitch.

Mr. Allen Hutto, Attorney for the SC Modular Housing Institute, stated that the sole intent of the statute was to prevent low-end modular homes that resemble manufactured homes; not to prevent higher end homes from being built with varying roof lines; and voiced support for staff having the discretion to grant variances.

Mr. Cullum made a motion to allow staff the authority to grant roof pitch variances on modular single family residences. The motion was seconded by Mr. Frank Hill. Chairman Hodges asked for a vote and all were in favor.

**Return to Blue Ridge and Nationwide Homes Roof Pitch Variance Requests**  
Chairman Hodge reopened the Blue Ridge Homes and Nationwide Homes roof pitch variance requests. Mr. Dorsey made a motion to grant Blue Ridge Homes and Nationwide Homes the roof pitch variance as requested. The motion was seconded by Mr. John White. Chairman Hodges asked for a vote and all were in favor.

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**E. Proposed Amendments to the Modular Regulations** – Chairman Hodge opened the item and turned it over to Mr. Wiggins. Mr. Wiggins stated that under the prior statutory language, code modifications adopted by Council had to be placed in the BCC regulations. He went on to say, the statutory amendment that was adopted during the last legislative cycle reduced the time period for the implementation of code modifications by eliminating the Administrative Procedures Act process. He said it was within that process that the Council was required to place the code modifications in regulatory form. Mr. Wiggins said, since a number of the modifications will differ between the 2003 and 2006 Codes and the process of placing the modifications in regulatory form had been removed, it would be necessary to delete all of the existing modifications from the regulations and maintain them at the Council level.

Mr. Sheldon Spoon, LLR Assistant General Council, confirmed Mr. Wiggins' suggestion.

Chairman Hodge asked for other comments and there were none. Mr. Cullum made a motion that the Council propose an amendment to delete all of the modifications to the building codes that are in its regulations. The motion was seconded by Mr. Dorsey. Chairman Hodges asked for a vote and all were in favor.

## **7. Public Comments**

**A. Home Inspectors** – Chairman Hodge opened the floor with a concern that was passed on to him regarding private home inspectors and how they are regulated. He explained that some inspectors are using the existing codes to conduct inspections rather than the codes that were in effect when the structure was built. He continued by saying the public believes that private home inspectors are not as accountable as the code enforcement officers and not subject to continuing education requirements.

Mr. Wiggins explained that private home inspectors are licensed and regulated by the Residential Builders Commission; are not required to have continuing education; must use the codes in effect when the structure was built; can not perform a structural analysis; cannot design a repair for a house they inspect, and, cannot render a code interpretation or override a building official's interpretation in a home inspection report.

Chairman Hodge asked for comments from the audience.

Mr. Darbis Briggman, Building Official for the City of North Charleston stated that private home inspectors are causing the loss of home sales with their opinions.

Mr. Dorsey agreed that the problem is greater than what is being reported.

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Mr. Robert Yarnall, Building Official for the City of Goose Creek stated that a home inspector should not quote the code to a customer unless he is qualified as a code enforcement officer.

Chairman Hodge stated that building officials who experience problems with private home inspectors can file a complaint with the Residential Builders Commission. He also commented that if a home inspector cites a code violation, the code referred to must be supplied to the building official for final determination.

**8. Date of Next Meeting: November 28, 2007**

**9. Adjournment** - A motion was made by Chairman Hodge to adjourn the meeting. The motion was seconded by Mr. Dorsey. The meeting adjourned at 12:10 p.m.

## Exhibit 1

### 19-460.20. License Application Requirements.

(1) Every manufacturer that produces modular buildings to be ~~installed~~ erected in South Carolina, must be licensed in accordance with the Act and these regulations. The application for a modular building manufacturer's license shall include, but not be limited to the following:

- (a) the name of the business; and
- (b) the address or location of the business; and
- (c) the state in which the manufacturer is incorporated; and
- (d) a statement of the business history of each owner, partner, or officer of the manufacturing firm or corporation, for the past seven (7) years.

(2) Every manufacturer shall employ at least one (1) representative, who will be responsible for the sale of modular buildings or components. All manufacturer's representatives must be licensed in accordance with the Act and these regulations. The application for a modular building manufacturer's representative license shall include, but not be limited to:

- (a) the name of the applicant; and
- (b) the residence address of the applicant; and
- (c) the names and addresses of previous employers for the past three (3) years.

(3) Manufacturer's representatives shall be directly employed by the manufacturer.

~~(4) Only licensed manufacturer's representatives are permitted to sell modular buildings or components to consumers on a retail basis.~~

~~(5) General contractors and home builders, licensed by the applicable state board or commission, may purchase modular buildings from a manufacturer's representative on a wholesale basis, to be erected on a site and resold with the property as a complete project. In such instances, all manufacturer's warranty periods will begin the day the consumer takes possession of the property, and, the general contractor or home builder shall assume the same responsibilities and liabilities for the work which they perform, as if the buildings were constructed in a conventional manner.~~

### NEW SECTION

#### 19-460.21. Sale of Modular Buildings.

(1) Only South Carolina licensed manufacturer's representatives or South Carolina licensed homebuilders or South Carolina licensed general contractors in the building classification within the group limitations of the license, are permitted to sell modular buildings or components to consumers on a retail basis, provided that;

(a) if the modular building is purchased by a residential builder operating as a firm, the firm must meet the requirements of Sections 40-59-400 and 40-59-410, including, when applicable, the requirement to hold a residential business certificate of authorization issued by the Residential Builders Commission, or

(b) if the modular building is purchased by a company operating as a licensed general contractor, the company must meet the definition of an entity in Section 40-11-20 (7) and have a designated primary qualifying party, as required under Section 40-11-230. The primary qualifying party shall serve as the principal individual responsible for directing or reviewing work performed by the licensee in a particular license classification or subclassification; and,

(c) the general contractor or residential builder must sell the modular building directly to the consumer and perform, and take responsibility for, erection of the structure and all its related

systems and site work or must contract to have this work performed by a properly licensed general contractor or residential builder. A sales contract is required and must identify the seller and buyer by name.

~~19-460.21.~~ 19-460.22. License Issued.

(1) A license shall be issued by the Council when it is determined that the information contained on the application is in compliance with these regulations.

(2) Any change in the information presented on the original application shall be submitted to the Council within twenty (20) days.

~~19-460.22.~~ 19-460.23. Security Requirement.

Before any license may be issued, a corporate surety bond designating the applicant as principal or other security approved by the council must be provided. Bonds shall be in the amount of seventy-five thousand dollars (\$75,000.00) for manufacturers and ten thousand dollars (\$10,000.00) for manufacturer's representatives. All bonds shall be to the Council and in favor of any person who suffers loss as a result of any violation of the Act or these regulations. A new bond or proper continuation certificate shall be delivered to the Council at the beginning of each license period. The aggregate liability of the bond or security in any one (1) year shall not exceed its total annual amount. No applicant shall be required to have more than one (1) bond.

~~19-460.23.~~ 19-460.24. Duties and Responsibilities of Council.

(1) The Council shall keep minutes and records of all its transactions, proceedings and meetings, and duly certified copies thereof shall be sufficient to comply with the rules of evidence.

(2) The Council shall investigate on its own initiative or upon written complaint, allegations of wrongful acts involving a manufacturer, or manufacturer's representative.

~~19-460.24.~~ 19-460.25. Denial, Revocation or Suspension of License.

The Council shall have the power to deny issuance of or revoke or suspend any license issued for any of the following reasons:

- (a) providing false or inaccurate information on any license application; or
- (b) willfully or intentionally failing to comply with any provision of the Act or these regulations; or
- (c) failing to have an established place of business; or
- (d) employment of fraudulent methods or practices; or
- (e) using unfair methods of competition or deceptive acts or advertising; or
- (f) failing to obtain a license before doing business in South Carolina; or
- (g) failing to appear before the Council upon due notice or follow directives of the Council or Department; or
- (h) failing to comply with adopted codes or standards in the manufacture, sale, or delivery of modular buildings; or
- (i) offering for sale unlicensed manufacturer's products, either wholesale or retail; or,
- (j) selling a modular building or component, for the purpose of resale, to an individual or entity other than a general contractor or residential builder.

~~19-460.25.~~ 19-460.26. Installation Erection.

~~(1) All modular Modular buildings shall be installed erected by South Carolina licensed general contractors or residential builders within the limitations of their license classifications in accordance with the manufacturer's recommended installation erection procedures and the building codes adopted in these regulations. Upon completion of installation erection, modular~~

buildings shall be considered equal to structures constructed on site in a conventional manner. The general contractor or residential builder must assume the same responsibilities and liabilities for the work which they perform, as if the buildings were constructed on-site. All manufacturers, and installers of modular buildings or components, general contractors and residential builders to the extent of their work, shall be subject to the provisions of Section 15-36-40 15-3-630.

~~(2) If the valuation, as defined in these regulations, of any modular building, exceeds the limits established by the South Carolina Residential Builders Commission or the South Carolina Contractors' Licensing Board, then the installer shall be licensed in accordance with the provisions of the respective entity before installation begins.~~

(2) All warranty periods offered by the manufacturers of modular buildings, building systems, building components and appliances will begin at the time the consumer takes possession of the building.

## Exhibit 2

At its last meeting, the Council granted a request to excuse the obligation of a code enforcement officer to show proof of obtaining continuing education for the reinstatement of his expired license. At the conclusion of the item, staff requested specific direction from the Council as to how it wanted continuing education to apply to expired licenses from that point forward. Council requested staff to develop a policy to address continuing education for expired licenses.

Staff reviewed the existing policies, which were approved by Council on May 23, 2001, to address registration renewal and continuing education (copies included).

A fair reading of both policies indicate that it was the original intent of Council to require continuing education prior to the reinstatement of an expired license (Registration Renewal Policy, third sentence and Continuing Education Policy, sixth sentence).

Staff also reviewed the requirements for other licensing boards with continuing education (or retesting) associated with reinstatement (findings/comparison included).

Staff's conclusion is that the existing Continuing Education Policy needs clarification. The 90 day time period included in sentence four of the Continuing Education Policy was originally intended as a grace period for active registrants. The language conflicts with sentence three, however, and should be deleted.

Staff, therefore, recommends the following modifications. Delete sentence four of the Continuing Education Policy and replace it with the following language.

"An expired registration will be reinstated upon proof that continuing education, at the rate of one hour per month, for every month the registrant was employed by a municipality or county, has been submitted along with the appropriate application and fee."

## REGISTRATION RENEWAL POLICY (EXISTING)

All registrations for Code Enforcement Officers expire at the close of business on June 30 of each odd numbered year.

A person, whose registration has expired, must cease all activity as a code enforcement officer and not resume practice until reinstated by the Building Codes Council.

An expired registration will not be reinstated until a complete and correct renewal application, proof of continuing education and appropriate fee has been received by staff.

All renewal applications received by staff after June 30 but before July 31 will be processed without examination.

All renewal applications received by staff after July 31 will not be processed until the person's application and qualifications are reviewed and approved by the Council.

Adopted by Council 5/23/01

## CONTINUING EDUCATION POLICY (EXISTING)

All required continuing education must be accrued by the close of business on June 30 of each odd numbered year.

Proof of continuing education must be submitted with the application for registration renewal on a form provided by the Building Codes Council.

If continuing education is not accrued by June 30 of each odd numbered year, the registration will expire and not be renewed.

An expired registration will be reinstated upon proof that the required continuing education has been accrued within 90 days after expiration.

Costs for continuing education will not be paid or reimbursed by the Council while a registration is expired.

Continuing education accrued to qualify for registration reinstatement shall not count towards the required continuing education for the new registration cycle.

Continuing education that is not approved and scheduled in advance by the Council will not be eligible for reimbursement.

One manual or set of study materials approved for continuing education will be eligible for payment by the Council. All manuals or study materials will be ordered and purchased by the Council, in the name of the building official.

Council must receive requests for approved continuing education by the course registration date. Requests received after the registration date will be forwarded to the course provider with the understanding that the Council will pay for the advance registration fee. Any additional or late fees must be paid by the attendee/jurisdiction.

Council may establish a maximum payment per credit hour. For courses with a higher cost per hour, the costs in excess of the per hour maximum, must be paid by the attendee/jurisdiction.

Council may approve continuing education courses for credit hours, but not payment. For such courses, all costs must be paid by the attendee/jurisdiction.

Council may limit payment of continuing education to a maximum of 12 hours per registrant per year.

Continuing education courses will be reevaluated periodically to ensure quality and applicability of the information.

Adopted by Council 5/23/01

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## Findings and Comparison

BOARD	# HOURS REQUIRED	REQUIREMENT FOR REINSTATEMENT
Accountancy	40	Must provide proof of all past CE hours.
Architectural	12	Must provide proof of CE for 1 year after license lapses.
Auctioneers	4	Must be re-examined if the license is not renewed prior to September 30.
Chiropractic	24 every 2 years	Must provide proof of CE for 3 years after license lapses. After 3 years application as a new licensee, CE not required.
Counselors	40 every 2 years	If lapsed between 4 months and 2 years, must provide required CE for reinstatement.
Dentistry	Dentists – 14 Hygienists – 7 Technicians – 4	Must provide proof of CE for 6 years. Over 6 years of inactive license, retesting required.
Engineers	30	Must provide proof of all past CE hours.
Environmental	12 every 2 years	Must reapply and retake all exams if inactive over 3 months.
Foresters	10	Must provide proof of all past CE hours.
Funeral Service	3	Over 5 years of inactive license, national exams and state law exam required.
Geologists	32 every 2 years	Must provide proof of all past CE hours.
Medical Examiners	MD & DO – 40 every 2 yrs RCP – 30 every 2 yrs	If inactive less than 4 years, 40 hours that includes 30 hours specialized training.
Pharmacy	R.PH – 15/6 must be live hrs Tech – 10/4 must be live hrs	Over 3 years of inactive license and not actively practicing pharmacy in another state, must provide proof of at least 1,000 hours of practice under the on-site supervision of a SC licensed pharmacist, pass the Multistate Pharmacy Jurisprudence Examination and submit proof of 60 hours of CE plus any applicable penalty.
Psychology	24 every 2 years	After 2 months, request for reinstatement goes before board which may require CE and additional proof of competency.
Real Estate Appraisers	14	Must provide proof of all past CE or must retake exam dependent on time frame
Real Estate	8 every 2 years	Must retake the exam and may have to take pre-licensing courses.

## Exhibit 5

Section 23-43-85 of the Modular Building Construction Act was established to provide minimum appearance standards for single family modular homes. The section is intended to require certain visual elements that are typical for, and more compatible with, site built homes. Subsection (A)(1) provides the definition of "roof pitch" as it applies to modular homes. The definition states: "Roof pitch. For homes with a single predominant roofline, the pitch of the roof must be at least five feet rise for every twelve feet of run;"

Prior to the implementation date for Section 23-43-85, staff explored the possible meanings for the word predominant and determined that, based on who was viewing the building plan, predominant could mean the; highest roofline, longest roofline, widest roofline, most visible roofline from any specific direction or the roofline with the highest percentage of area.

In an effort to enforce the roof pitch requirements in an effective and consistent manner, staff settled on area as the determining factor. Using staff's method, all sections of the roof are separated by roof pitch; 5/12 and greater and less than 5/12. To comply as a predominant roofline, therefore, requires 51% of the total roof area to have a 5/12 or greater pitch.

Staff is requesting Council to sanction the definition of predominant as presently used.

## Exhibit 6

### Proposed Amendments to the Building Codes Council's Regulations

Delete Article 3, International Fuel Gas Code in its entirety.

Delete Article 4, International Residential Code in its entirety.

Delete Article 5, National Electrical Code in its entirety.

#### Reason:

Act 54, which became effective on June 6, 2007, streamlined the building code modification process and eliminated the requirement for modifications to be placed in state regulations. In addition, several of the modifications to the 2003 codes have been amended or deleted in the 2006 editions, thus rendering them obsolete.

**SECTION 23-43-85.** Standards for placement of modular homes.

(A) A single-family modular home manufactured after January 1, 2005, must meet the following standards to be certified for placement in this State:

(1) Roof pitch. For homes with a single predominant roofline, the pitch of the roof must be at least five feet rise for every twelve feet of run;

(2) Eave projections. The eave projections of the roof must be at least ten inches, not including a gutter around the perimeter of the home unless the roof pitch is at least seven feet rise for every twelve feet of run;

(3) Exterior wall. The height of the exterior wall must be at least seven feet six inches for the first story;

(4) Siding and roofing materials. The materials and texture of the exterior materials must be compatible in composition, appearance, and durability to the exterior materials commonly used in standard residential construction.

(B) A single-family modular home placed in the State after January 1, 2005, must meet the foundation requirements provided by the State in this subsection.

(1) A perimeter wall located under the exterior walls of the home, whether load-bearing or non load-bearing, must be constructed of brick, masonry, or other permanent material commonly used in standard residential construction, consistent with surrounding residential structures, and in accordance with the International Residential Code as adopted by the South Carolina Department of Labor, Licensing and Regulation. All modular manufacturers shall submit with the plan set for each building to the department's Modular Buildings Program a minimum foundation design.

(2) A home located in a coastal or flood plain area may require piling or other special foundation designs. These foundations must be designed by a registered professional engineer or architect and are subject to review and approval by the local jurisdiction and not by the Modular Buildings Program. A perimeter wall constructed of brick, masonry, or other materials to enclose the foundation of the home may be a requirement of the design.

(C) An appeal for a variance from a certification standard or a foundation requirement described in this section may be taken in the same manner as provided in Section 23-43-120.