

Sponsor: Mike Moran  
First Reading: 7-8-2020  
Second Reading: 8-12-2020

TOWN OF GREENWOOD ORD. **A-19A**

AN ORDINANCE ADOPTING THE 2012 INTERNATIONAL BUILDING CODE AS THE BUILDING CODE OF THE TOWN OF GREENWOOD

WHEREAS, the Town Council of the Town of Greenwood is authorized pursuant to section 29(a)(23) of the Town Charter to “regulate and control the manner of building or removal of dwelling houses and other buildings; to establish a Code for the same and to provide for the granting of permits for the same”; and

WHEREAS, the Town Council desires to adopt the 2012 edition of the *International Building Code*, which regulates and governs the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures in the Town; and provides for the issuance of permits and collection of fees therefor.

NOW THEREFORE, BE IT HEREBY ENACTED by the Town Council of the Town of Greenwood, a majority thereof concurring in Council duly met, as follows:

Section 1. That certain document on file in the Town Hall of the Town of Greenwood being marked and designated as the *International Building Code*, 2012 edition, **including all Appendix Chapters except for Appendices B (Board of Appeals) and M (Tsunami-Generated Flood Hazard)**, as published by the International Code Council, be and hereby is adopted as the Building Code of the Town of Greenwood for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Building Code on file in the office of the Town are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

Section 2. The following sections are hereby revised as follows:

Section 101.1 – Insert: Town of Greenwood

Section 1612.3 – Insert: Town of Greenwood

Section 1612.3 – Amend this section by making insertions as shown by underline and deletions as shown by strikethrough as follows:

1612.3 Establishment of flood hazard areas. To establish *flood hazard areas*, the applicable governing authority shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled "The Flood Insurance Study for the Town of Greenwood [INSERT NAME OF JURISDICTION]," dated [INSERT DATE OF ISSUANCE], as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section.

Section 113 (Board of Appeals) – Delete this section in its entirety and replace it with the following:

- (a) Application. A written application for appeal shall be filed with the Town Manager or Town Clerk within 20 calendar days of the date of the action of the Building Official being appealed.
- (b) Board Membership. The Town Council shall sit as the Board of Appeals.
- (c) Alternate Members. The mayor may appoint an alternate member to hear appeals during the absence of or disqualification of a member. Such alternate member shall be appointed for a period of one year.
- (d) Rules and Procedures. The Board is authorized to establish rules and procedures necessary to carry out its duties.
- (e) Chairperson. The mayor shall serve as chairperson. In the mayor's absence, the mayor may appoint a substitute or, if that has not been done, the Board may select one of its members to serve as chairperson during the absence of the mayor.
- (f) Disqualification of Member. A member shall not hear an appeal in which that member has a personal, professional, or financial interest.
- (g) Secretary. The Board of Appeals shall designate a qualified clerk to serve as secretary to the Board. The secretary shall file a detailed report of all proceedings in the office of the Town.
- (h) Notice of Meeting. The Board shall meet upon notice from the chairperson. Notice of any meeting shall be provided in accordance with the Freedom of information Act.
- (i) Open Hearings. All hearings before the Board of Appeals shall be open to the public. The appellant, the appellant's representative, the Building Official and any person whose interests are affected shall be given an opportunity to be heard.
- (j) Procedure. The Board shall adopt, and make available to the public through the secretary, procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.
- (k) Grounds for Appeal. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of this code.
- (l) Board Decision. The Board shall modify or reverse the decision of the Building Official by a concurring vote of a majority of its members.

(m) Administration. The Building Official shall take immediate action in accordance with the decision of the Board.

Section 3. To the extent any conflict exists between the provisions of the 2012 International Building Code and the provisions of the Town of Greenwood Ordinance C-3 (An Ordinance Establishing a Flood Plain Area, Establishing All Regulations for Construction in the Flood Plain Area and Providing Penalties for Violation Thereof) and the Town of Greenwood Building Permit Ordinance, including any amendments, alterations, or corresponding provisions of law, any such conflict shall be resolved in favor of the Town ordinances referenced herein.

Section 4. The Town hereby repeals in its entirety the Town of Greenwood ordinance entitled, An Ordinance to Adopt: (1) the International Building Code, 2003 Edition and All Subsequent Editions (Including Appendix Chapters A, C, D, G, and J) and (2) the International Residential Code, 2003 Edition (Including Appendix Chapters A, E, and F) with an Effective Date of July 3, 2007, and to Provide for a Board of Appeals.

Section 5. If any section, subsection, sentence, clause or phrase of this legislation is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Town of Greenwood hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 6. Nothing in this legislation or in the Building Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 4 of this law; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation.

Section 7. The Town Clerk shall certify to the adoption of this ordinance, and cause the same to be published as required by law, and this law and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect from and after the date of its final passage and adoption.

#### SYNOPSIS

This ordinance adopts the 2012 International Building Code as the building code of the Town of Greenwood. This ordinance specifies that any conflicts between the International Building Code and certain Town of Greenwood ordinances regarding flood damage regulations and building inspections shall be resolved in favor of the Town of Greenwood ordinances. This ordinance repeals an ordinance previously adopted in 2007 whereby the Town adopted the 2003 International Building Code.

---

This shall certify that this is a true and correct copy of the Ordinance duly adopted by the Town Council of the Town of Greenwood at a duly-noticed and convened meeting at which a quorum was present on Aug. 12, 2020.

Attest:   
Council Secretary

So certifies:   
Mayor