

MINUTES OF THE REGULAR MEETING OF THE CONSTRUCTION BOARD
OF ADJUSTMENTS AND APPEALS HELD ON JANUARY 18, 2005 IN
THE COUNTY COUNCIL CHAMBERS

MEMBERS PRESENT: Andrew Corriveau, Chairman; Don Dean, Herbert Brown and John Catoe were present. John Tuckwiller and Bruce Baxley were absent.

STAFF PRESENT: Arthur L. Cummings and Marjorie Arnold were present.

ELECTRICAL APPLICANTS:

1. Arthur Cummings informed Board members that he has two applicants; Justin H Foster and Bill Davis are asking that their license be reinstated without having to retake the electrical exam. These applicant licenses had expired and were not renewed for two years. He stated that according to the ordinance all electricians must renew their license at the end of each year. There is a provision in the ordinance that says if you let your license lapse for more than one year then you must reapply to take an exam. If licenses are not reinstated within that time frame it shall be eliminated from the county roster. (Section 7.1.8 of the ordinance.)

Andy Corriveau asked if the Board has the authority to grant a variance to this requirement. Mr. Cummings stated that if the applicants could explain their situation as to why, this Board could allow this variance at its discretion. He stated the Board could interpret the ordinance to reinstate an expired license after one year and penalize the applicant by doubling the renewal fee.

Justin H Foster, stated that he had gotten out of the business in 2001 and allowed his license to lapse; but still did work in the electrical field the whole time working for other people. He stated he thought it would be a good idea to get his license, has all of the qualifications, passed the exam and if there are any exceptions he would ask that the board would consider reinstating his license. He presently works for Chris Mixson primarily in Beaufort County.

Andy Corriveau asked if there is a record kept of violations. Mr. Cummings stated that unless it is a real bad situation we don't keep a record of code violations. He said if there is a code violation the inspector will note this and it must corrected before a job could proceed.

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Andy Corriveau asked Mr. Foster when his license expired. He responded 2001. Mr. Corriveau asked if there had been major changes in the code since 2001. Mr. Cummings stated that there had been some changes. Mr. Corriveau asked what he had done to keep up with the changes. Mr. Foster stated that when the county has a change they are made aware of them through Inspection Department.

Don Dean asked how the test now is related to the test in 2001. Mr. Cummings stated it is based on the current code and administered through the Technical College of the Lowcountry.

Mr. Foster obtained his license in 1999.

MOTION: Don Dean made a motion to reinstate his license because this would not be any different than anybody else who kept their license current since 1999; there is no requirement to take continuing education course and he doesn't see any difference other than he left the license lapse. John Catoe second the motion. FOR: Don Dean, Andy Corriveau, John Catoe, and Herbert Brown. The motion was passed.

Bill Davis stated that he just failed to renew his license. He doesn't have any employees and hasn't needed any permits. He would like to be reinstated and not have to retake the exam. He stated that he has never had any job turned down. He said he doesn't have a definite need for the license but would like to get it renewed. It should have been renewed in 2003.

Don Dean made a motion to reinstate Bill Davis' electrical license because he doesn't see a reason to have to be retested as people who keep a current license aren't retested. John Catoe seconded the motion. FOR: Don Dean, Andy Corriveau, John Catoe, and Herbert Brown. The motion was passed.

2. **MINUTES:** The minutes of the November 16, 2004 meeting were approved as presented.

3. **OLD BUSINESS:** Mr. Cummings stated that he asked Buddy Jones, President of the Fire Chiefs Association and Clay Graves, who works with the Bluffton Fire Department to come and discuss an Open Burning Ordinance that is being proposed by the Fire Chiefs Association. This ordinance was drafted by the fire departments. According to the Construction Board of Appeals charter anything that deals with construction needs to be reviewed by the Construction Board of Appeals before going to the Land Management Committee.

Buddy Jones stated this was generated through County Council as they were receiving complaints about outdoor burning. He said they worked for approximately two years on this project meeting with DHEC and the Forestry Commission, and they are very supportive of this document.

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Clay Graves said that some of the requirements in the ordinance come out of the fire codes that are currently adopted and they have put a package together to regulate the way we do open burning in the county. Mr. Graves stated that the way it works right now if someone wants to burn outdoor they have to contact the SC Forestry Commission and talk to a recorder leaving a name and number of address where you wish to burn. He said the recording is in Columbia and they have no idea of the wind conditions on the coast and if the wind is blowing 20 mph; someone has done the right things and contacted the 1-800 number and they can burn. He said with 20mph wind and dry conditions could create a lot of problems. He said the ordinance allows the local fire chief to have control of his fire district and if the chief does not want burning in his district he can prohibit the burning; however, the next district may allow it.

Clay Graves stated that the way the ordinance is written a person would have to come in once a year to register with the local fire department. Once an application was completed someone with the fire department would go visit the person's site and make sure they meet all the distances and water requirements. He said once the applicant has been approved the person is assigned a registration number and on the day they wish to burn they call the fire department to see if it is okay for them to burn. He said if the chief doesn't allow burning that day he would state on a recorder that there would be no burning that day.

Andrew Corriveau asked what would happen if some folks got together on Saturday afternoon and wanted to have an oyster roast, never anticipated an open fire, never got in touch with the fire department about getting a registration number; he asked how they would go about getting permission to have an oyster roast. Clay Graves stated that if they wait until the last minute that may be difficult to get permission on a Saturday. He said if someone calls into the fire station they have the ability to contact the fire marshal's office, off duty and if they can they may go to the site and try to get the individual registered.

Andrew Corriveau stated that he could see individuals that may live in the country wanting to burn the leaves, which they raked up; how would they take care of this without getting a registration ahead of time. He said he believes the process is cumbersome in that if you ever anticipate having a fire you would need to go to the fire station on the days, which you are allowed to go and apply for a registration number. He said then you would have to call the day you wanted to burn and get permission.

Arthur Cummings asked if the Fire Chiefs had considered modifying the Forestry Department procedures and putting something in place to cover the situations discussed by the Chairman?

Clay Graves stated that this ordinance had just passed in the Town of Bluffton and what they came up with there is that there has to be a learning curve and would not slap fines on people for not adhering to the ordinance at least for a first offense. He said someone with the fire department would go and allow them to finish burning, but on Monday morning they would need to get registered. He said they might go out to the fire and let

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them know that the fire is too large and they may have to break the fire down or put it out because this is illegal, but to come in Monday and get registered.

Clay Graves stated that they have created some pamphlets and are going door to door and giving them to every person in the Town of Bluffton in order for everyone to know there is an ordinance giving guidelines, phone numbers and how to register.

Andrew Corriveau asked if people would still have to call the Forestry Commission and Clay Graves stated that they would because that is state law unless you live in a municipality.

Andrew Corriveau stated one thing that came to light during the presentation would be that the local fire chiefs would have control over their area of responsibility. He said it has been his experiences that if there are two people adjacent to each other they may both have different opinions if the day is a good day to burn even though the circumstances are the same. He asked how they would resolve disputes in personalities and perception because there is nothing that describes how the fire chief is going to determine whether or not today is a good day to burn; what will the criteria be.

Clay Graves stated that the fire chiefs would hopefully get together and have similar guidelines.

Andrew Corriveau asked if the registration an individual would get for oyster roast, leaf burning, etc. would cover something like a bonfire.

Clay Graves stated that bonfires, religious fires, ceremonial fires, warming farms, etc. are covered by a special event registration because these are a little different from your typical outdoor burn. He said are usually a one-time event, which may be a weeklong and the chief, could approve this if all the regulations are met. He said it tells on the registration form when it will expire.

Andrew Corriveau asked about some of the wording:

1. Commercial burns – for the purpose of commercial property clearing and all other burning not classified as residential burning, prescribed fire or recreational burning. Clay Graves stated that is basically a commercial push up and usually see a lot of that on new development.

2. Fire Extinguishing Equipment – as connected to a water supply or other approved equipment. Mr. Corriveau stated that the water supply or equipment might not be any where near where they are having their fire. He said then you have to rely on the interpretation of the various fire chiefs as to what is approved fire equipment. He asked if this would be based on size. Clay Graves stated that if you were going to have a bonfire you would need more than garden hoses. He said the fire chief might want to tell the applicant that you can have the bonfire; however, we need to have a manned fire truck on site because of the fire for safety. He said another fire chief might say have six

fire extinguishers would be okay. He stated that he didn't know if you could lock the fire chiefs into some of these items.

3. Open Burning – includes yards, lawns and over grown lots but not to exceed an area equal or less to an area 3 feet in diameter. Mr. Corriveau stated that he didn't know any of these areas that would be less than 3 feet in diameter and wondered why these would be included in open burning definition. John Catoe stated that he thought it should be equal to or greater than 3 feet. Clay Graves stated that they could put in if you are going to burn a pile of leaves the pile should be no bigger than 3 feet x 2 feet.

4. Prohibited Use – Multi family buildings, apartments and other buildings not defined as one and two family dwellings should not operate charcoal burners, outdoor fixed and portable barbecues or open flame devices on combustible balconies or within ten feet of combustible construction. Andrew Corriveau asked what if an apartment complex has a pavilion near their pool where there might be an outdoor cooking arrangement or kitchen with barbecues and bathroom within ten feet of combustible construction. Graves stated that would be a pavilion for the apartments. Andrew Corriveau asked if that could be cleaned up to state the building itself. Clay Graves stated that he didn't know if there was anything he could do because that comes out of the International Fire Code.

5. Registration Notification Required – open burning, recreational fires are restricted to burning natural vegetation which originates on the premise, commercially prepared fireplace logs and charcoal but does not include rubbish. Andrew Corriveau asked if construction companies would be prohibited from burning their onsite material. Buddy Jones stated that they are prohibited now and that is why they must have dumpsters on site.

Andrew Corriveau stated that he supports the efforts of the fire department to put together an open burning ordinance. He said he could see the intent of what is trying to be accomplished, but have a problem with the mechanical application process of getting permission. He said it needs to be easy for the citizens to give the necessary information to determine if they should be burning or not; but preregistering is cumbersome and there will be a lot of people on weekends and evenings who want to be good citizens and call let you know but they aren't going to be able to do what they want to do.

Andrew Corriveau stated that he thinks the Board should table and have more discussion with the fire chiefs and get some feed back to Arthur Cummings.

4. **NEW BUSINESS:** _ The following dates were adopted as Construction Board of Appeals Meeting dates for 2005: January 18, February 15, March 15, April 19, May 17, June 21, July 19, August 16, September 20, October 18, November 15, and December 20.

5. **SECRETARYS REPORT:** As of January 1, 2005 we are under the 2003 International Building Code.

There being no further business the meeting adjourned.