

REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: March 16, 2026

Agenda Item: 7A	Prepared by: L. Suzanne Pritchard, PLA, AICP, CFM	
Agenda Section: New Business: Ordinance. First Reading	Date: March 11, 2026	
Subject: Amendments to Chapter 2, Administration, of the Code of Ordinances of North Myrtle Beach, South Carolina, creating a Construction Board Of Appeals [A-26-1]	Division: Planning and Development	
<p><u>Background:</u> The City’s Code of Ordinances references a board to hear appeals of decisions made by the building official and to conduct hearings related to unsafe buildings and structures in Chapter 6. However, the board itself is not formally established as a standalone entity in Chapter 2 (Administration), where the City’s boards and commissions are typically created. The South Carolina Building Code, through Appendix B, provides for the establishment of a Construction Board of Appeals to hear such matters. Creating the board within Chapter 2 clarifies its authority and structure while allowing the procedural requirements contained in the adopted building codes to govern appeals and hearings.</p> <p><u>Proposal:</u> The proposed ordinance creates a Construction Board of Appeals within Chapter 2 of the Code of Ordinances. The ordinance establishes the board’s purpose, membership, and administrative structure, while referencing the procedures and authority contained in the building codes adopted by the City, including Appendix B of the South Carolina Building Code. Related updates to Chapter 6 replace outdated references to the “building board of adjustments and appeals” and clarify that hearings under the unsafe buildings article are conducted by the Construction Board of Appeals established in Chapter 2.</p> <p><u>Recommended Action:</u> Approve or deny the proposed ordinance on first reading</p>		
Reviewed by Department Head	Reviewed by City Manager	Reviewed by City Attorney
<p>Council Action: Motion By _____ 2nd By _____ To _____</p>		

ORDINANCE

AN ORDINANCE OF THE CITY OF NORTH MYRTLE BEACH PROVIDING THAT THE CODE OF ORDINANCES, CITY OF NORTH MYRTLE BEACH, SOUTH CAROLINA, BE AMENDED BY CREATING CHAPTER 2, ADMINISTRATION, ARTICLE V, COMMISSIONS, DIVISION 4, CONSTRUCTION BOARD OF APPEALS AND REVISING OTHER SECTIONS OF SAID CODE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF NORTH MYRTLE BEACH, SOUTH CAROLINA, IN COUNCIL DULY ASSEMBLED, THAT:

Section 1. That *Article V. – Commissions*, be revised to read as follows (*new matter underlined*).

Secs. 2-131—2-134. - Reserved.

DIVISION 4. – CONSTRUCTION BOARD OF APPEALS

Sec. 2-135. Created.

A Construction Board of Appeals is hereby created in and for the city.

Sec. 2-136. Purpose.

The purpose of the Construction Board of Appeals shall be to hear and decide appeals of decisions, determinations, or interpretations made by the building official under the building codes adopted by the city, and to provide an administrative forum for resolving disputes regarding the application of such codes. The board shall exercise those powers and duties provided in the building codes adopted by the city, including Appendix B of the South Carolina Building Code or its successor provisions.

Sec. 2-137. Membership, terms, vacancies, removal.

1. Composition. The Construction Board of Appeals shall consist of five (5) members appointed so as to reflect technical knowledge and experience relevant to construction and building codes. To the extent practicable, members shall possess experience in one or more of the following fields:
 - a. Architecture;
 - b. Structural or civil engineering;
 - c. Building construction or contracting;
 - d. Building inspection or code enforcement;
 - e. Fire protection or related disciplines.
2. Terms. Members shall be appointed by City Council. The term of office shall be four (4) years. Members shall continue to serve until their successors have been appointed.
3. Vacancies. Vacancies shall be filled for the unexpired term in the same manner as the original appointment.
4. Removal. City Council may remove any member for cause.

Sec. 2-138. Powers and duties—Generally.

The Construction Board of Appeals shall:

1. Hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application and interpretation of the building codes adopted by the city.
2. Interpret provisions of the adopted building codes where there is uncertainty regarding meaning or application.
3. Exercise such additional powers and duties as provided in the building codes adopted by the city, including Appendix B of the South Carolina Building Code or its successor provisions.

Sec. 2-139 Staff support.

The Building Division of the Planning and Development Department shall provide administrative support to the Construction Board of Appeals, including scheduling hearings, preparing agendas, maintaining records, and coordinating notice requirements.

Sec. 2-140. Rules and procedures.

The procedures governing appeals, hearings, decisions, and related matters shall be as provided in the building codes adopted by the city, including Appendix B of the South Carolina Building Code, as amended. The City Council may adopt bylaws governing the administrative operation of the Construction Board of Appeals, provided such bylaws are consistent with this Code and the building codes adopted by the city.

Sec. 2-141. Limitations of authority.

The Construction Board of Appeals shall not have the authority to waive requirements of the building codes adopted by the city or to grant variances from such codes. The board may interpret the provisions of the adopted codes and determine the suitability of alternate materials, methods of construction, or design as provided in the adopted building codes.

Section 2. That *Chapter 6, Article 1, Section 6-9. - Housing board of adjustments and appeals*, be revised to read as follows (*new matter underlined, deleted matter struck-through*).

Sec. 6-9. - Housing Construction Board of adjustments and Appeals.

The Construction Board of adjustments and Appeals, as established in ~~Section 105 of the 1991 edition of the Standard Building Code § 2-135 of the Code of Ordinances of the City of North Myrtle Beach~~, shall serve as the housing Construction Board of adjustments and Appeals as established in the adopted building codes Section 106 of the 1991 edition of the Standard Housing Code.

Section 3. That *Chapter 6, Article VI, Section 6-146.1. - Defined*, be revised to read as follows (*new matter underlined, deleted matter struck-through*).

Sec. 6-146.1. - Defined.

As used in this article, "Unsafe building" means any building or structure which has been determined to be unsafe by the building official pursuant to the ~~Standard Building Code building codes~~ adopted by the city ~~in section 6-4.~~

Section 4. That *Chapter 6, Article VI, Section 6-148.1. - Notice of public hearing,* be revised to read as follows (*new matter underlined, deleted matter struck-through*).

Sec. 6-148.1. Notice of public hearing.

Notwithstanding any other provision of this article, when the whole or any part of any building or structure is found to be in a dangerous or unsafe condition, the building official, having ascertained that the time for providing a notice has expired and that the nuisance has not been abated, shall issue a notice to each owner of record or party in interest of record in whose name the property appears on the last local tax assessment record to appear at a hearing before the ~~building~~ Construction Board of adjustments and Appeals, as established in § 2-135 of the Code of Ordinances of the City of North Myrtle Beach, and show cause why the building or structure should not be demolished or otherwise made safe. Notice shall be given to the parties in the same manner as provided for in section 6-147.2 of this article to appear at the hearing on the date, time and place specified in the notice, which shall not be less than ten (10) days after the mailing of this notice. When the whereabouts of such persons are unknown and cannot be ascertained by the building official in the exercise of reasonable diligence, the building official shall make an affidavit to that effect; then the serving of such complaint upon or order upon such person shall be made by publishing it once every week for two (2) consecutive weeks in a newspaper of general circulation printed and published in the county. A copy of such complaint or order shall be filed with the clerk of court in the county in which the dwelling is located, and such filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law.

Section 5. That *Chapter 6, Article VI, Section 6-150. - Recourse,* be revised to read as follows (*new matter underlined, deleted matter struck-through*).

Sec. 6-150. - Recourse.

If the owner or occupant is aggrieved by the decision of the Construction Board of adjustments and Appeals, nothing in this article shall be construed as depriving him/her of seeking redress in civil or other applicable courts. Said appeal must be filed within thirty (30) days from the effective date of the board's final decision.

Section 6. That *Chapter 11, Section 11-11. - Board of adjustments and appeals,* be revised to read as follows (*new matter underlined, deleted matter struck-through*).

Sec. 11-11. - Board of adjustments and Appeals.

The Construction Board of adjustments and Appeals, as established in ~~the Standard Building Code § 2-135 of the Code of Ordinances of the City of North Myrtle Beach~~, shall serve as the Board of adjustments and Appeals as established in Section ~~405~~ 111 of the South Carolina Standard Fire Prevention Code.

DONE, RATIFIED AND PASSED, THIS _____ DAY OF _____, 2026.

ATTEST:

Mayor J.O. Baldwin, III

City Clerk

APPROVED AS TO FORM:

City Attorney

FIRST READING: 3.16.2026
SECOND READING: _____

REVIEWED:

City Manager

ORDINANCE: _____