

Minutes
Building Codes (BDS) Committee
June 6, 2022
1st committee meeting

Committee Members: Diane Kuzniar (Chair), Taft Matney, Frank Allgood

Others present: Brandon Madden, City Administrator and Daniel Hughes, City Attorney. David Dyrhaug was out of town and not present.

1. Call to Order- Chairwoman Kuzniar
2. Public Comment- None
3. Reading and Approval of Minutes
 - a. Building Codes Committee Meeting: May 2, 2022

Motion: Councilman Matney made a motion to approve the minutes with Councilman Allgood seconding.

Vote: The vote was unanimous (3-0).

4. Reports or Communications from City Officers
 - a. BDS Director David Dyrhaug

5. Unfinished Business

- a. An amendment to Chapter 18, Article II (Nuisances) of the Mauldin Code of Ordinances to authorize the codes enforcement official rather than the Building and Zoning Director to enforce certain provisions contained herein and to provide for and establish certain standards to protect against nuisances caused by light glare and light trespass and for other matters related thereto

City Attorney Hughes was present to discuss this proposed ordinance with committee.

Councilman Allgood asked Mr. Hughes about adding a radius into the proposed ordinance. Councilman Allgood does not believe someone who is not an affected party adjacent to the nuisance should be able to issue a complaint. Mr. Hughes said that is not the intent of the ordinance. This is a complaint driven ordinance.

Councilman Matney said this may be an issue that could be addressed by a utility company instead of the neighbors. Chairwoman Kuzniar said she has had a conversation with the utility company about her situation and they have said she needs to talk to the homeowner. The utility workers are issued a work order and it must be completed.

Chairwoman Kuzniar said some people now are just angry and the City should have policies in place to help homeowners and give them some recourse if this issue arises. Mr. Hughes said he has not talked to any other municipalities to see how effective their light nuisance ordinance has been.

Councilman Matney said he would be glad to make a motion to forward this to Council for discussion if Chairwoman Kuzniar would like that. He will motion to forward it for Council's input,

but is not sure he will vote in favor of the ordinance. Chairwoman Kuzniar asked Councilman Matney if there was a nuisance affecting him, and his neighbor would not remedy it, what would his recourse be? Councilman Matney answered that he would handle the issue legally. He has a problem with changing the law for something that can otherwise be settled.

Councilman Allgood would like to have a definition of “nearby.” He would like a more defined radius. Mr. Hughes said any nuisance ordinance is difficult to enforce. What bothers some people does not bother others. If light nuisance is a problem, getting the homeowner to comply is the approach he thinks is best.

If the ordinance states adjacent instead of nearby, the light could affect multiple houses, especially because of how close together houses are built. The language should accomplish what the City wants to accomplish. Councilman Allgood said he would like to define a radius around the light. Mr. Hughes said some of the other ordinances out there are much longer than this one, because of all the standards. To determine a radius, someone would have to measure from light to house, and take into consideration wattage of the bulbs. Mr. Hughes said the direction he received from staff is that the ordinance was not to be overly technical or complicated.

Councilman Allgood said he agrees with Councilman Matney that committee can forward this to Council, but he is not sure he will support it. Councilman Allgood said he is still concerned with who would have the right to complain about nuisance lighting.

Motion: Councilman Matney made a motion to send this item to Council with Councilman Allgood seconding.

Chairwoman Kuzniar asked Councilman Allgood if he was driving near the light in question, would he think it was bright enough to complain? Councilman Allgood answered he doesn’t believe it is his right to complain about it. If the light is within a reasonable defined radius of where a person lives, that person has a right to file a complaint. But a person not within that radius doesn’t have that right.

Chairwoman Kuzniar said if it hinders enjoyment of your property, you should be able to complain. If it encroaches your property, you have a right to complain.

Councilman Allgood said regardless of anything else, the regulations should fall under Codes Enforcement rather than the Building Official. Mr. Hughes said he wasn’t involved in development of that part of the wording, and it is separate from the Section 4 of the ordinance itself. The amendment to change to Codes Enforcement is not subject to the discussion we have had thus far.

Vote: The vote was unanimous (3-0).

6. New Business- None

7. Public Comment

David Kerling: This is my first time sitting on a virtual Council meeting. I agree with one of the Councilmembers..., I am sorry, I can’t tell who is who listening in, but about the adjacent properties. Surely if it is bothering 5 or 6 homes, an adjacent home would reasonably agree it is an issue.

This might get out of hand if someone puts up Christmas lights, so that may be considered. Thank you. That was my only comment.

Chairwoman Kuzniar said she does not have a problem with the ordinance wording "adjacent" homeowners.

Mr. Hughes said holiday lights are exempt from the lighting ordinance.

8. Committee Concerns- None

9. Adjourn- Chairwoman Kuzniar adjourned the meeting at 6:30 p.m.

Respectfully Submitted,
Cindy Miller
Municipal Clerk