

CHAPTER 10-18: BOARD OF APPEALS

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10-18-010. Board of Appeals Established.

There is hereby created a Board of Appeals in Woods Cross City to hear and decide appeals of orders, decisions and determinations made by the Building Official relative to the application and interpretation of the Construction Codes.

10-18-020. Members.

(a) Number and Qualification. The Board of Appeals shall consist of five (5) members who may not be employees of Woods Cross City and who shall be licensed in the State of Utah as a Building Official, Fire Official, architect, contractor, engineer, or otherwise qualified by technical experience and training to act on matters regarding the application and interpretation of the Construction Codes.

(b) Alternates. At least two (2) alternate members shall be appointed to the Board of Appeals. All alternate members shall meet the qualification requirements for regular Members.

(c) Appointment and Term. Members of the Board of Appeals shall be appointed by the Mayor with the advice and consent of the City Council to staggered terms of three (3) years, provided that members may be appointed to terms shorter than three (3) years when necessary to provide for staggered terms.

(d) Compensation. Members of the Board of Appeals shall receive a per diem allowance for each day or portion of a day spent performing Board duties, and all necessary travel and accommodation expenses incurred in the discharge of such duties, as the City Council may approve.

(e) Removal. Members of the Board of Appeals shall serve at the pleasure of the City Council and may be removed with or without cause upon recommendation of the Mayor by a majority vote of the City Council.

10-18-030. Organization and Procedure.

(a) Chairperson. The Board of Appeals shall elect a chairperson who shall administer oaths, compel the attendance of witnesses, and oversee the proceedings of the Board. In the event the Chairperson is absent from any proceeding, a chairperson pro tempore may be appointed by a majority vote of the members present.

(b) Building Official. The Building Official of Woods Cross City shall be an ex officio member of the Board of Appeals. As such, the Building Official shall attend all proceedings of the Board and act as secretary to the Board, but shall not vote upon any matter before the Board.

(c) Rules of Procedure. The Board of Appeals shall adopt rules of procedure for conducting its business.

(d) Meetings. The Board of Appeals shall hold meetings at such times as the Board determines is necessary and as called by the Chairperson or the City Administrator. Except as otherwise provided by law, all meetings of the Board of Appeals shall be open to the public.

(e) Records. The Board of Appeals shall keep minutes of its proceedings, including the vote of each member on each question, or the member's absence or failure to vote, and records of its examinations or other official actions. Such records shall be filed with the City Recorder and shall be open to the public pursuant to the Utah Government Records Access and Management Act, as adopted by the City.

(f) Quorum. A majority of the Members of the Board of Appeals shall constitute a quorum and may act in behalf of the Board.

10-18-040. Filing Appeal.

Unless otherwise provided in the applicable Construction Code, any order, decision or determination of the Building Official relative to application and interpretation of the Construction Codes may be appealed to the Board of Appeals by filing within fifteen (15) days from the date of said decision an original and three (3) copies of a written statement of the grounds for the appeal and a request for a hearing on said decision, if desired, with the City Recorder during regular business hours.

10-18-050. Notice and Hearing.

The Board of Appeals shall fix a reasonable time for a hearing of the appeal, give any required public notice thereof as well as due notice to the parties in interest. The hearing shall be conducted in accordance with the provisions of the relevant Construction Code(s). Any party may appear in person or by authorized agent at the hearing.

10-18-060. Decision.

After the hearing, the Board of Appeals shall make a decision on the matter. Except as provided in Section 10-18-070, the Board of Appeals may, by majority vote, affirm, reverse, or modify the appealed order, decision or determination of the Building Official, provided that any decision granting an appeal shall require votes from at least (3) three Members of the Board in support of such decision. The Board of Appeals shall render its decision and findings in writing to the appellant with duplicate copies to the City Administrator.

10-18-070. Limitation.

The Board of Appeals shall have no authority relative to interpretation of the administrative provisions of the Construction Codes, nor shall the Board of Appeals be empowered to waive any requirements of the Construction Codes.