

## CHAPTER 27

### CONSTRUCTION AND HOUSING BOARD OF APPEALS

1. **ESTABLISHED.** There is hereby established a board of appeals to be known and designated as the "Construction and Housing Board of Appeals" consisting of nine residents of the City to be appointed by the Mayor, with the consent of the Council, for terms of four years, and who shall serve without compensation. One member of the Board shall at all times be a professionally trained person familiar with building structures; one member shall be the Chairperson of the Electrical Commission; one member of the Board shall at all times be a professionally trained person familiar with sanitation and health problems; one member of the Board shall at all times be trained in and familiar with electrical installations; and one member of the Board shall at all times be professionally trained person familiar with heating, ventilation, air conditioning and refrigeration systems.

(AMENDED, Ordinance No. 2022-40, September 19, 2022)

(AMENDED, Ordinance No. 2005-15, March 7, 2005)

(AMENDED, Ordinance No. 99-32, April 5, 1999)

2. **APPEALS.** Any person aggrieved or any officer or department head of the City may take an appeal to the Board of Appeals from any decision or notice given by any officer or employee of the City pursuant to the Building, Mechanical, Fuel Gas, Housing or Fire Prevention Codes of the City. (AMENDED, Ordinance No. 2022-40, September 19, 2022)

3. **TIME AND MANNER OF APPEAL.** An appeal may be taken within ten days from the date of the decision appealed from by filing with the City Clerk a notice in writing specifying

the decision appealed from and the grounds therefor together with a filing fee of \$10.00. Upon receipt of such notice filed as required herein, the City Clerk shall transmit the same to said Board and to the Director of Economic and Community Development and said Director shall transmit to the Board all papers, documents or other instruments upon which the action appealed from was taken.

(AMENDED, Ordinance No. 2017-07, February 6, 2017)

(AMENDED, Ordinance No. 2010-03, February 1, 2010)

(AMENDED, Ordinance No. 2000-11, March 13, 2000)

4. **HEARINGS.** The Board of Appeals shall, in every case, hold a hearing and reach a decision without unreasonable or unnecessary delay. Every decision of the Board shall be in writing and shall be promptly filed in the office of the Director of Economic and Community Development. Five (5) members of the Board shall constitute a quorum, and all decisions shall require a majority vote of those present and voting. A decision of the Board decided by a majority of five (5) members, or fewer, may be appealed to the City Council.

(AMENDED, Ordinance No. 2022-40, September 19, 2022)

(AMENDED, Ordinance No. 2017-07, February 6, 2017)

(AMENDED, Ordinance No. 2010-03, February 1, 2010)

(AMENDED, Ordinance No. 2000-11, March 13, 2000)

5. **VARIATIONS.** The Board of Appeals, when so appealed to and after a hearing, may vary the application of any provision of the Building, Mechanical, Fuel Gas, Housing or Fire Prevention Codes to any particular case when in its opinion, the enforcement thereof would unduly work a hardship and be contrary to the spirit and purpose of this Code or public interest, or when, in its opinion, the interpretation placed thereon should be modified or reversed.

(AMENDED, Ordinance No. 2022-40, September 19, 2022)

6. **CONTENT OF VARIANCE.** A decision of the Board to vary the application of any of the provisions of the Building, Mechanical, Fuel Gas, Housing or Fire Prevention Codes of the

City, or to modify an order given pursuant to such Codes, shall specify in what manner such variation or modification is made, the conditions upon which it is made, and the reasons therefor.

(AMENDED, Ordinance No. 2022-40, September 19, 2022)