

Chapter 10

BOARD OF BUILDING CODE APPEALS

SECTIONS:

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2-10-1: **NAME:** The name of the Board shall be "CASSIA COUNTY BOARD OF BUILDING CODE APPEALS," hereinafter referred to as the "Code Appeals Board."

2-10-2: **AUTHORIZATION:** The Code Appeals Board has been approved, sanctioned and authorized by the Cassia County Board of Commissioners (hereinafter "Board"). Members of this Board shall hold office at the pleasure of the Board.

2-10-3: **PURPOSE AND DUTIES:**

- A. Purpose and Duties: The purpose of this Code Appeals Board is to hear appeals regarding:
 - 1. If the true intent of the International Building Code (hereinafter referred to as "IBC") and/or the International Residential Code, (hereinafter referred to as "IRC") as presently adopted by Cassia County, Idaho, or the rules legally adopted pertaining thereto have been correctly interpreted; or
 - 2. If the provisions of the IBC and/or IRC do not apply.
- B. The Code Appeals Board shall have no authority to waive requirements of either the IBC or the IRC.

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2-10-4: **MEMBERSHIP:**

- A. Members of this Board shall hold office at the pleasure of the Board and will serve without salary or wage.
- B. Board members shall not be employees of Cassia County.
- C. Membership shall be on a non-paid, volunteer basis and the board shall be made up of at least five (5) members and shall be limited to no more than seven (7) members. Board members will be made up of city officials or city residents that are suggested by elected city officials from the cities of Albion, Declo, Malta and Oakley, plus a minimum of three (3) at-large members from the unincorporated County. The County shall strive to have at least one (1) engineer or architect serve as an at-large member.
- D. Members must maintain good-standing. Good standing shall be determined solely by the Board of County Commissioners. Members may not be employed in a capacity of an elected or appointed official for Cassia County. "Good standing" shall be determined by regular attendance at meetings, participation in good faith on the Code Appeals Board, and by the member's conducting themselves in accordance with reasonable and good behavior. Members determined by the Board to not be in good standing will be removed from the Code Appeals Board. Further the Board of County Commissioners may remove any member of the Code of Appeals Board without cause, and at any time.
- E. Appointments to serve as a member of the Code Appeals Board shall be made by the Board. The Board shall seek to have broad representation and balance on the Code Appeals Board.
- F. Members of the Code Appeals Board will serve until a new member is appointed to serve as their replacement or until the member resigns.
- G. A member of the Code Appeals Board may resign from service on the Board by submitting written resignation to the Board of County Commissioners.

2-10-5: **ORGANIZATION:**

- A. Officers:
 - 1. The officers shall be a Chairperson, Vice Chairperson, and a Secretary. The Chairperson and Vice Chairperson shall be elected from the appointed members of the Board, by simple majority vote. The

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Secretary may be elected from the appointed members, but may also be filled by a person not the member of the board, upon approval by majority of the Board. In event the secretary is not a Board member, then secretary shall not have a vote on actions of the Board.

2. Election of officers shall take place at the first meeting of the Board following adoption of these bylaws. Those officers shall maintain office until such time as a new board member is appointed, which event shall trigger reorganization of the board's leadership.
3. The Chairperson shall conduct the hearings, unless recused from deliberations. The Chairperson shall ensure accurate record of the hearing is kept and that hearings are conducted in a fair and effective manner. The Chairperson will participate in voting on actions of the Board unless recused from the particular deliberation. The Chairperson is responsible to ensure a reasoned, written decision is prepared and authorized by the Board as its decision in each hearing held.
4. The Vice Chairperson shall conduct business of the Board in event Chairperson is absent or is recused from deliberations. In the event that the Chairperson resigns, the Vice Chairperson shall become Chairperson and the Board shall hold nominations and a vote to determine a new Vice Chairperson. The Vice Chairperson will participate in voting on actions of the Board unless recused from the particular deliberation.
5. The secretary shall keep an accurate record of all appeal hearings before the Board, including a record of attendance of Board members.

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INITIATION OF ACTION:

A. Filing of Appeals:

1. All appeals shall be filed in written form.
 - a. Written appeal shall contain Appellant's name, mailing address, physical address (if different from mailing), and contact telephone number(s), and email address(es).
 - b. Written appeal shall set forth the site of the building or structure giving rise to the appellate issue.

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- c. The written appeal shall specifically set forth the rule and decision at issue.
 - d. The written appeal shall contain Appellant's narrative statement explaining the reason for the appeal.
 - e. Appellant shall clearly state the relief sought by the appeal.
 - f. Appellant shall clearly date and sign the written appeal before filing it with the County.
2. Appeals must be filed within 30 days of the date of the decision for which the appeal is sought.
 3. Appeals must be filed with the Zoning and Building Office.
 4. Appeals must be accompanied by a filing fee, which fee shall be set by the Board of County Commissioners.

2-10-7:

HEARINGS:

A. Locations, Dates and Participation:

1. The Code Appeals Board hearings shall be held at the County Commission Chambers or such other suitable place as may be determined and at a time determined by the Board. Hearings shall be held as needed and as required to conduct the business and fulfill the duties of the Board.
2. Meetings or hearings of the Code Appeals Board shall be open public meetings.
3. The Board shall determine who will be allowed to participate in the hearing.
4. Parties will be given adequate time to prepare materials and arguments for the hearing.
5. Notice of hearing will be provided to the Appellant and the Board members only. It will be the duty and obligation of parties, otherwise, to notify others of the hearing.

B. Decisions and Quorums:

1. All actions, recommendations and decisions (other than those specified otherwise in the By-Laws) made by the Code Appeals Board must be made by simple majority vote of participating members taken when a quorum of the group is constituted in a lawful hearing.
2. A quorum shall consist of at least half, plus one, of the appointed Board members being present at the hearing. If the Board size is five (5) members, a quorum would be three (3) members; if Board size is seven members, a quorum would be four (4) members.
3. All members present at a lawfully called hearing shall be counted to determine the existence of a quorum, even though some of those members may not be participating in the action.
4. Presence of a quorum member may be obtained telephonically if done in accordance with state law.
5. Once a quorum is determined to exist, it shall remain so, until the number of group members present at the hearing shall fall below the number determined in Section 2-10-7B.2, hereinabove of these bylaws. When a quorum ceases to be present at the hearing, then the Chairperson shall close the hearing, and no further action shall be taken until a quorum is re-constituted.
6. Decisions of the Board must be in writing and shall be a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision. This decision must be founded upon sound reason and practical applications of recognized regulatory provisions.

C. Procedures:

1. Each regularly appointed member shall be entitled to one (1) vote on any matter that may come before the Code Appeals Board, unless that member is recused from deliberations. The vote of the majority of the members present at any hearing attended by a quorum of its members shall be necessary to decide any items.

2. Any member participating in deliberations shall disclose conflicts of interest on matters before the Board before deliberations begin. Deliberations shall be any involvement in taking information, hearing or reviewing evidence, hearing or reviewing testimony or working on a decision in a matter filed or pending before the Code Appeals Board.
3. Rules of conduct shall be strictly adhered to in hearings filed and heard by the Code Appeals Board; members should listen actively; members shall be entitled to speak and be heard; problems and issues will be attacked – not people. Matters coming before the Code Appeals Board shall be heard in accordance with the provisions of Cassia County Resolution No. 2002-12-02, or its successor. If the matter is not covered by the provisions of that resolution, then specific rules of conduct or working guidelines may be formally recommended by the Board to the County Commissioners for adoption by the Commissioners. Specific rules in these bylaws shall take precedence over more general rules set forth in other County resolutions.
4. It shall be the purpose of the Code Appeals Board to allow opportunity for all reasonable viewpoints that are relevant to the business of the Board to be expressed in the hearings of the Code Appeals Board.
5. Members will be respectful to one another and to guests invited to appear before the Board.