

- **Sec. 5-4. - Construction board of appeals; established; membership and terms.**

(a) In accordance with the International Building Code **and the International Fire Code** the construction **and fire code** board of appeals is hereby established.

(b) Board membership shall be comprised of not less than ~~five~~ **seven** members. These members shall consist of individuals who are qualified by experience and training to pass on matters pertaining to building construction **or fire codes** and who are not employees of the city. **A minimum of two members shall have a background on fire code matters.** Members shall serve without pay, but may be reimbursed for any expense incurred while representing the board.

(c) ~~Initial Board appointments appointees~~ shall ~~serve~~ **be as follows: two members** for a term of four years, **from the date of appointment by the City Council.** ~~two members for a term of three years, and one member for a term of two years. No member shall be appointed for a term in excess of four years. Thereafter, members shall serve a term of four years.~~

(d) A vacancy in a term of office shall occur whenever it is found that a member has resigned or has not maintained the qualifications required for appointment. A member shall be removed for cause by the city council upon written charges and after a public hearing.

(e) The board shall elect one of its members as a chair for a term of two years. The board shall appoint a secretary who may be an employee of the city approved by the city administrator. **The Building Code official or the Fire Code Official shall serve as an Ex-officio member of the committee respective of the official who's decision is being appealed.**

(f) The board shall adopt rules of procedure for the conduct of its meetings and hearings. A majority of the board shall constitute a quorum. Meetings of the board shall be held at the call of the chair or at such times as the board may determine. Public notice of the meetings shall be published in a local newspaper of general circulation in the city and shall be posted on the bulletin board at city hall. The chair may administer oaths and compel attendance of witnesses by subpoena. The board shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote by reason of conflict. The board shall keep records of its examinations and other official actions filed in the office of the secretary of the board as public record.

(g) The powers, duties, and limitations of the board are as outlined within the International Building Code **and the International Fire Code.**

(h) Any person having a substantial interest in a decision of this board may appeal to circuit court by petition for review on grounds that the decision is contrary to law, filed with the clerk of court and secretary of this board within 30 days after the decision of the board is mailed. Within 30 days after receipt of notice of filing a petition, the secretary of the board, with the assistance of the city attorney, shall file with the clerk of court a certified copy of the board proceedings, including a transcript of evidence and findings and conclusions of the board.

(Ord. No. CC-84-004, 4-2-84; Ord. No. CC-99-006, 4-5-99; Ord. No. CC-2002-05, § 5-4, 2-18-02)