

RULES AND REGULATIONS

BOARD OF FIRE AND BUILDING CODE APPEALS

1. MEETINGS - Meetings of the Metropolitan Board of Fire and Building Code Appeals shall be regularly scheduled on the second Tuesday of each month, unless otherwise changed by the Board. Said meetings shall be held at 800 President Ronald Reagan Way at the Metro Office Building (MOB) in the Development Services Conference Center on the first floor and shall begin promptly at 9:00 a.m. Special sessions of the Board may be convened upon call by the Chairperson, the Director of Codes Administration, or the Metropolitan Fire Marshal. All meetings of the Board shall be open to the public.

2. MEMBERSHIP - The Board of Fire and Building Code Appeals shall consist of nine (9) members, who shall have been residents of the Metropolitan Government area for not less than one (1) year and who dial] continue to be so eligible so long as they shall serve, to be appointed by the Mayor and confirmed by a majority vote of the whole membership of the Metropolitan Council.

One (1) member of the Board of Fire and Building Code Appeals, shall be qualified in the field of Architecture, one (1) member in the field of Civil or Construction Engineering, one (1) member in the field of Building Construction and Materials, one (1) member in the field of Labor and one (1) in the field of Business or Finance, one (1) member in the field of Mechanical Engineering, one (1) member in the field of Mechanical Contracting, and two (2) members in the field of Fire Prevention Specialist. Not more than two (2) members in any of the categories listed above may serve on die Board at the same time.

Of the seven (7) members first appointed, two (2) shall be appointed for a term of one (1) year, two (2) shall be appointed for a term of two (2) years, two (2) shall be appointed for a term of three (3) years, and one (1) shall be appointed for a term of four (4) years. Thereafter, each member shall be appointed for a term of four (4) years and shall serve until his successor is appointed. No member shall serve for more than two (2) consecutive terms.

3. ORGANIZATION: OFFICERS - Within ten (10) days after its appointment the Board of Fire and Building Code Appeals shall organize itself by election of one (1) of its members as Chairperson and another as Vice Chairperson The director of Codes Administration or his duly authorized representative shall serve as Secretary to the Board and shall be custodian of the minutes and records of the proceedings of the Board, All members of the Board shall serve without compensation and may be removed from membership on the Board by the Mayor for continued absence from meeting of the Board, physical disability or other just causes. At the first meeting of each calendar year, an election of a Chairperson and Vice Chairperson will be the order of business, to serve for a period of one (1) year, with no limit as to the number of years served.

4. QUORUM: CONFLICTS OF INTEREST - Five (5) members of the Board of Fire and Building Code Appeals shall constitute a quorum. In varying the application of any provisions or in modifying any order of the Director of Codes Administration, affirmative votes of the majority present, but not less than four (4) affirmative votes, shall, be required. No member of the Board shall participate in any case in which he has a personal interest.

5. ORDER OF BUSINESS - The order of business to be conducted at every meeting shall be as follows:

- a. Call to Order
- b. Roll Call
- c. Consent Agenda
- d. Appeal Cases
- e. Executive
- f. Other Business
- g. Adjournment

6. CONSENT AGENDA- Consent Agenda procedures shall be as follows: Staff shall communicate with one member of the Board prior to the regularly scheduled Board meeting to review all Hems scheduled to be heard on the Board's agenda After reviewing the agenda items, the Board member shall make a recommendation to the staff *as to* which items should be placed on a consent agenda. Criteria for recommendation to the consent agenda shall be as follows: (1) any appeal is one of the provisions of this chapter and Chapters 10.64 Articles I and Q, 16.04, 16.08 and 16.28 through 16.56 of this code, from decisions and rulings of the director of codes administration and/or the metro fire marshal; (2) there is no opposition to the applicant's request; (3) the subject matter is one regularly appearing on the board's agenda over the last calendar year.

Items recommended for the consent agenda shall be announced by the Board's chair following roll call. After reading the items recommended for foe consent agenda, the Board chair shall ask whether there is anyone in opposition to the case, whether anyone wishes to be heard on a particular case, and whether any board member would like to remove an item from the consent agenda. If any of foe foregoing exists, the item shall be removed from the consent agenda and considered by the board as listed on the regular agenda. All other Hems shall be approved by motion of the Board.

7. APPEAL CASES TO BOARD - "Whenever the Director of Codes and/or the Metropolitan Fire Marshal, has rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the erection or alteration of a building or structure, or when it is claimed that the provisions of this chapter do not apply, or that an equally good or more desirable form of construction can be employed in any specific case, or when it is claimed that the true intent and meaning of this chapter or any of the regulations thereunder have been construed or wrongly interpreted, the owner of such building or structure or his duly authorized agent may appeal from the decision of the Director or the authority having jurisdiction to the Board of Fire and Building Code Appeals. Notice of appeal shall be in writing and a fee of two-hundred and fifty (\$250.00) dollars shall accompany such appeal. No appeal shall be heard until the filing fee has been received. Appellants are to be notified by certified mail of the time and date of the hearing. Notice of all meetings of the Board shall be open to the public and notice of all meetings shall be published in a newspaper of normal circulation in the Metropolitan Government area not less than ten (10) days prior to the conduct of a meeting. Should the appellant or representative of same not be present, the appeal shall automatically be placed on the next meeting agenda, at which time if again neither the appellant nor a representative is not present, the appeal shall be denied. Time limits expressed herein and within any notice may be reduced in emergencies at the discretion of the Director or Chairperson of the Board of Appeals.

8. PUBLIC HEARING - Any person, firm or corporation requesting the adoption of any new material, procedure or method of construction, shall file an application in writing with the Secretary, setting forth the specific conditions under which the new material, procedure, or method of construction will be used and the reason therefor. Upon receipt of the application, the Secretary shall place the hearing on the agenda of the next regular meeting, A Public Hearing shall be held at that time and any interested party shall be heard in favor of, or in opposition to, the new material or methods. A full hearing before the Board shall be given to the proponents of the said material or methods. The Board shall then render a decision in accordance with the procedure established by the Board of Fire and Building Code Appeals.

9. AUTHORITY TO GRANT VARIANCE OR MODIFY DECISIONS OF DIRECTOR - The Board of Fire and Building Code Appeals, upon a proper appeal and following a hearing, may waive, vary, or modify the application of any provision of this chapter to any particular case when, in the opinion of the Board, the strict enforcement thereof would do manifest injustice and would be contrary to the spirit and purposes of this chapter or the public interest.

A decision of the Board of Fire and Building Code Appeals varying the application of any provision of this chapter or modifying an order of the Director of Codes Administration and/or Metropolitan Fire Marshal, shall be by resolution of the Board, which resolution shall specify in what manner such variations or modifications shall be made, the conditions upon which they are made and the reasons therefor.

Every decision of the Board shall be final, subject however, to such remedy as any aggrieved party or the Metropolitan Government may have at law or in equity. All decisions of the Board shall be in writing. The records of the Board shall be open to public inspection and a copy of each decision shall be sent by mail or otherwise to the appellant. The Board shall in every case, render a decision without unreasonable or unnecessary delay.

If a decision of the Board reverses or modifies a refusal, order of disallowance of the Director of Codes Administration and/or Metropolitan Fire Marshal or varies the application of any provisions of Sections 10.64, 15.68, 16.04, 16.08 and 16.28 through 16.56, the Director of Codes Administration and/or Metropolitan Fire Marshal shall immediately take action concerning such decision or immediately enforce the decision of the Board, as is appropriate.

10. TIME LIMIT ON TESTIMONY – The appellant along with all persons in support shall have 15 minutes total time to present their case. The appellant may petition the Board for additional time. If there is opposition, both sides shall be granted equal time. Any member of the Board may directly question a witness at any time during the testimony. Upon the conclusion of testimony, the public hearing shall be closed and no further testimony or evidence shall be admitted except as the Board may permit.

11. The foregoing Rules and Regulations of the Metropolitan Board of Fire and Building Code Appeals are hereby adopted pursuant to the provisions of M.C.L § 2.80.060.

ATTEST

APPROVED

SIGNATURE ON FILE
SECRETARY DATE

SIGNATURE ON FILE
CHAIRMAN DATE

SIGNATURE ON FILE

METROPOLITAN CLERK

DATE