

#### 15.30.090 - Board of Building Appeals.

- A. Authority. In order to hear and decide appeals of orders, decisions or determinations made by the Chief Building Official relative to the application and interpretation of the Town-adopted building codes and regulations, as well as the Town's contractor registration ordinances, there shall be and is hereby created a Board of Building Appeals (Board), also referred to as the Advisory Board in Paragraph 15.03.070.B.5. The Chief Building Official shall be an ex officio member of and shall act as secretary to said Board but shall have no vote on any matter before the Board. The Board shall be appointed by the Town Council and shall hold office at its pleasure. The Board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the applicant with a duplicate copy to the Chief Building Official.
- B. Membership. The Board shall consist of five qualified electors of the Town, who shall be appointed by the Town Council. To the extent practicable, four members shall be persons qualified by experience and training to pass on matters pertaining to building construction.
- C. Appointments and terms of office. Of those initially appointed, two shall be for a term of three years, two shall be for a term of two years, and one shall be for a term of one year. Thereafter, appointments shall be for a three-year term. Any member of the Board may be removed with or without cause by a majority vote of the Town Council. Any vacancy occurring on the Board shall be filled for the unexpired term by the Town Council.
- D. Attendance. To ensure the orderly conduct of business, member attendance is vital. Except for emergency absences, medical condition absences and absences resulting from military leave of less than two continuous months, no Board member shall miss more than three meetings in any twelve-month period. Upon any fourth absence within 12 months, other than for an emergency, medical condition or military leave of less than two months, as determined by the chair, the Board member shall be deemed to have resigned from the Board, and the Town Council shall appoint a replacement. Nothing herein prohibits the Town Council from reappointing the resigning member under this Paragraph.
- E. Quorum and voting. Quorum shall consist of three members, and a decision of a majority of the members of the Board shall control. Any absent member may join in a decision of the Board after he or she has considered the evidence presented in any hearings conducted during his or her absence. All decisions are final, subject only to appeal to a court of competent jurisdiction.
- F. Officers. The Board shall annually elect a chair from its number who shall preside over all hearings and proceedings of the Board. A vice-chair elected annually by the Board shall assume the chair's duties in the chair's absence.
- G. Meetings. The Board shall hold meetings at regularly scheduled intervals, but shall meet at a minimum four times a year. Minutes shall be kept of all Board proceedings.
- H. Limitations of authority. The Board shall have no authority relative to interpretation of the

administrative provisions of the Code, as adopted by the Town, nor shall the Board be empowered to waive requirements of the Code as adopted by the Town.

(Ord. 2012-16 §1, 2012)