

Building & Fire Code Board of Appeals

15.05.190 Board of appeals – Jurisdiction.

There is created a board of appeals to hear and decide appeals of offers, decisions, or determinations made by the building official under Chapters [15.10](#) and [15.20](#) through [15.40](#) CBMC.

The board of appeals shall consist of five members, who shall be qualified by experience and training to deliberate on matters pertaining to building construction. Except as provided herein, no member of the board of appeals may be an employee of the city. The building official shall serve ex officio and act as secretary to the board of appeals. The fire chief may serve ex officio whenever appeals involve application or interpretation of the fire code.

The board of appeals shall be appointed by the council for terms of three years each, and shall serve at the pleasure of the council. Two of the initial appointees under this section shall be for two years each; the remaining three initial appointees shall be for three years each. [Ord. 405 § 20, 2008].

15.05.200 Duties of the board of appeals.

The board of appeals shall adopt written rules of procedure for conducting business. Copies of all rules shall be made freely accessible to the public by the building official.

The board of appeals shall render all decisions and findings in writing. Copies shall be provided to the appellant and a duplicate copy shall be provided to the building official.

The board of appeals shall enforce the code according to its terms and to the rules, supplemental regulations and interpretations of the building official. The board of appeals shall not waive any requirement of this code. If a provision of the code is ambiguous, the board of appeals shall obtain an interpretation of the provision from the Oregon Building Code Division. [Ord. 405 § 21, 2008].

15.05.210 Appeals.

Any person aggrieved by an order, decision, or determination of the building official under Chapters [15.10](#) and [15.25](#) through [15.40](#) CBMC may appeal by filing a written notice of appeal at the office of the building official.

The notice of appeal shall be filed within 30 days from the date of the decision, determination or service of the order by the building official.

The notice of appeal shall contain the following:

- (1) A brief statement setting forth the legal interest of each of the appellants in the building or the land subject to the order, decision or determination.
- (2) A brief statement in simple and concise language of the specific decision, determination or order being appealed, together with material facts claimed to support the contentions of the appellant.

(3) A brief statement in simple and concise language of the relief sought and the reasons why it is claimed the order, decision or determination of the building official should be reversed, modified or otherwise set aside.

(4) The names of all parties designated as appellants and their official mailing addresses.

(5) Verification by the appellant or appellants by declaration under penalty of perjury of the truth of the matters stated in the notice of appeal.

Failure of any person to file a notice of appeal in accordance with the provisions of this code shall constitute a waiver of the right to administrative hearing and adjudication of any notice, order, decision or determination of the building official, or any portion thereof. [Ord. 405 § 22, 2008].

15.05.220 Hearing schedule.

As soon as practical after receiving a notice of appeal, the building official shall fix a date, time, and place for hearing, which shall be not less than 10 days nor more than 60 days from the date of the filing of the notice of appeal.

Written notice of the time and place for hearing shall be given to each person identified as an appellant in the notice of appeal at least 10 days prior to the date of the hearing, either by personal delivery of a copy of the notice to each appellant or by mailing a copy of the notice first class mail, postage prepaid, to the address of each appellant as set forth on the notice of appeal. [Ord. 405 § 23, 2008].

15.05.230 Scope of hearing on appeal.

Only those matters or issues specifically raised by the appellant in the notice of appeal shall be considered in the hearing on the appeal. [Ord. 405 § 24, 2008].

15.05.240 Further appeals.

An appeal from a decision of the board of appeals shall be made pursuant to ORS 455.690 to the appropriate advisory board within the Oregon Department of Consumer and Business Services. [Ord. 405 § 25, 2008].