

PARK CITY BOARD OF APPEALS RULES OF PROCEDURE:

The Park City Board of Appeals is created pursuant to Municipal Code Section 2-4-13 and adopted Ordinance No. 80-13 and ordinance No. 09-24. The Board of Appeals shall be governed by the provisions of all applicable state statutes, City ordinance, and these rules.

I. MEMBERS

The Board of Appeals shall consist of three members, from the community qualified by experience and training to pass upon matters pertaining to building construction, appointed by the City Council in accordance with the provisions of the Park City Ordinance No. 80-13. The Building Official shall be an ex officio, non-voting member and shall act as secretary of the Board. There shall also be one non-voting alternate to vote when a regular member is absent. The members of the Board of Appeals and the alternate need not be residents of Park City.

II. OFFICERS AND DUTIES

The Board of Appeals shall elect annually, during the first regularly scheduled meeting in March, a chairman and vice-chairman who may be elected to succeed themselves. The chairman shall be elected from the voting members of the Board of Appeals by a majority of the total membership. The chairman, or in his absence or incapacity, the vice-chairman, shall preside over all meetings and hearings of the Board of Appeals and shall execute all official documents and letters of the Board of Appeals.

III. MEETINGS

A. Quorum.

A quorum, which shall consist of two voting members of the Board of Appeals, shall be necessary to conduct any business of the Board of Appeals. The presence of an alternate cannot be used to satisfy the quorum requirement.

B. Time of Meeting

1. A regular meeting shall be held, at least annually, on the third Thursday in March at 10:00 a.m. Additional regular meetings may be scheduled on the third Thursday of the month on an as needed basis throughout the year.

2. Special meetings shall be called by the chairman or by a majority of the other voting members of the Board of Appeals at any time provided that at least 24 hours notice shall be given each member before a special meeting is held.

C. Meetings Open to the Public.

All regular or special meetings of the Board of Appeals shall be open to the public and shall comply with the provisions of the Open and Public Meetings Act, 52-4-101 et seq., Utah Code Annotated, 1953, as amended.

D. Executive Sessions.

Executive sessions may be called by the chairman to discuss such items as the agenda for regular meetings, building code revision or amendment, and other matters. Executive sessions shall be open to the public unless the meeting is for a matter specifically exempted by 52-4-205 of the Utah Code Annotated, 1953, as amended.

E. Order of Business.

The order of business shall be:

1. Roll Call
2. Approval of the minutes of the last meeting of the Board of Appeals.
3. Applications to be heard by the Board.
4. Special items.
5. Other business.
6. Adjournment.

The Board of Appeals may change the order of business or consider matters out of order for the convenience of the applicants or other interested persons.

F. Voting.

1. An affirmative vote of the majority of voting members present at the meeting shall decide all matters under consideration by the Board of Appeals unless otherwise provided in these rules.

IV. CONSIDERATION OF APPLICANTS

A. Notice of Meeting.

1. The Board of Appeals, through its staff, shall insofar as practical, contact applicants and all members of the Board with notices of the meeting. Compliance with this subparagraph shall not be a condition precedent to proper legal notice, and no hearing or action taken thereon shall be deemed invalid or illegal because of the failure to give the notices provided for in this paragraph.

2. Notice of the meeting; including the agenda, date, time and place of the meeting, shall be posted not less than 24 hours before the time set for the meeting at the Office of the Building Department, 445 Marsac Avenue, Park City, Utah.

3. Notice shall also be given to at least one newspaper of general circulation within the geographic jurisdiction of the Board of Appeals or to a local media correspondent.

4. The general notice requirements may be disregarded and the best notice practicable given, when unforeseen circumstances require the holding of an emergency meeting to consider matters of an urgent nature. No such emergency meeting shall be held unless an attempt has been made to notify all the members of the Board of Appeals and a majority votes in the affirmative to hold the meeting.

B. Form of Appeal

All appeals must be in writing and filed with the Building Department. Appeals must contain:

1. A heading in the words: "Before the board of appeals of the City of Park City"
2. A caption reading "appeal of ...,"giving the names of all appellants participating in the appeal.
3. A brief statement setting forth the legal interest of each of the appellants in the building or the land subject to the decision, action order.
4. A brief statement in ordinary and concise language of the specific order of action protested, together with any material facts claimed to support the contentions of the

appellant.

5. A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protest order or action should be reversed. Modified or otherwise set aside.
6. The signatures of all parties named as appellants and their official mailing addresses.
7. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.

C. Hearing Procedure.

Any person may appear in person, by agent or attorney at any meeting of the Board of Appeals. The order of procedure in the hearing of each application shall be as follows:

1. Presentation of the application by the staff of the Building Department, including staff recommendations.
2. Presentation by the applicant, including witnesses, evidence, documents or exhibits supporting the application or appeal.
3. Public input regarding the appeal
4. Rebuttal shall not be allowed unless a member of the Board of Appeals requests that witnesses be allowed to make further statements in order to answer questions raised by previous statements.

D. Decisions.

Decisions of the Board of Appeals shall be final at the end of the meeting at which the matter is decided. The reasons for the decision shall, insofar as practical, be read into the minutes of the meeting. The Board's decision and findings shall be in writing with copies given to the Chief Building Official and the appellant.

E. Reconsideration of Applications.

An application which has been denied by the Board of Appeals may be reconsidered by the

Board only if the applicant presents new evidence which the Board determines is sufficient to merit reconsideration of the application. A request for reconsideration shall be made in writing and filed within 10 days from the date of the original final decision of the Board. If a request for reconsideration is granted by the Board, the application shall be reconsidered in the same manner as an original application is considered.

V. SCOPE OF REVIEW

A. Matters for Review.

1. The Board shall hear all appeals according to the International Building Code, Chapter Five of the Code for the Abatement of Dangerous Buildings, and Chapter Twelve of the Uniform Housing Code.
2. Any appeals made to the Board pursuant to the International Building Code shall be file within thirty (30) day of approval of denial of the permit. The time of appeal for actions under the Code for the Abatement of Dangerous Building and the Uniform Housing Code shall be as specified in each of the respective codes, but in no instance longer than thirty (30) days. The Appellant shall pat the applicable fee established when filing the appeal.

B. Basis for Appeal.

Appeals under the International Building Code shall be based on the claim that the Code or the rules adopted thereunder have been interpreted incorrectly, the provisions of the Code do not apply, or an equally good or better form of construction is proposed. The scope of the appeal is limited to those issues raised in the appeal

C. Limitation of Authority.

The Board has no authority to waive any requirements of the International Building Code, the Code for the Abatement of Dangerous Building or the Uniform Housing Code. The Board of Appeals shall have no authority relative to interpretation of the administrative provision of the code for the abatement of Dangerous Building of the Uniform Housing Code.

D. Standard of Review.

The Board shall review factual matters de novo and shall determine the correctness of the

Building Officials decision in the interpretation and application of the applicable Code.

VI. AMENDMENTS

These rules may be amended at any regular meeting of the Board of Appeals by an affirmative vote of not less than two voting members of the Board, provided that such amendment has been presented in writing to each member of the Board at least 48 hours preceding the meeting at which the vote is taken.