ROLL CALL VOTING:	YES	NO
Mayor Wendy Pray (tie only)	[ ]	[ ]
Council member Lawrence Henry	[X]	[ ]
Council member Dorel Kynasaton	[X]	[ ]
Council member Paul MacArthur	[X]	[ ]
Council member Kari Malkovich	[X]	[ ]
Council member David Pratt	[X]	[ ]

I move that this Ordinance be adopted.

Council Member

I second the foregoing motion.

Council Member

ORDINANCE NO. 2019-02

AN ORDINANCE ESTABLISHING A BOARD OF APPEALS FOR THE BUILDING DEPARTMENT

WHEREAS, the City of Woodland Hills City Council has the duty and authority under Utah Code 15A-1 207 to create an appeal board to hear and decide appeals of orders, decisions, or determinations made by the building official of City of Woodland Hills relative to the application and interpretation of the International Building Code or International Residential Code.

NOW THEREFORE BE IT ORDAINED by the mayor and City Council of the City of Woodland Hills, the City Code is amended to include a new Part to read as follows:

BOARD OF APPEALS

BOARD ESTABLISHED: There is created in City of Woodland Hills a board of appeals, which shall consist of three (3) regular members and any number of alternate members, any one of whom may serve as a regular member in the event a regular member is absent from a meeting of the board for any reason.

APPOINTMENT AND REMOVAL: A. Appointment: The Mayor with the advice and consent of the City Council shall appoint all members of the board of appeals, both regular and alternate, to staggered and specified terms by: appropriate resolution.

Removal: Any member of the board of appeals may be removed for cause by resolution of the City Council, but only after giving notice to such member, including notice of the grounds of removal, and affording such member an opportunity to be heard by the City Council. Except as provided in this subsection, the term of office of any member of the board of appeals may not be shortened.

Qualifications: Members of the board of appeals shall be qualified by experience and training to pass upon matters pertaining to building construction. Board members must have an active relation to

construction and, at minimum, ten (10) years of experience within the field they represent. Valid construction related fields include: Engineering, Architecture, Fire Inspector, Building Inspector or Superintendent for construction. The members of the board of appeals shall not be employees of the city.

ORGANIZATION OF BOARD: The board of appeals shall organize and elect a chairperson. The board is authorized to establish policies and procedures necessary to carry out its duties. Meetings of the board shall be held at the call of the chairperson and at such other times as the board may determine in accordance with law. The chairperson, or in his or her absence, the acting chairperson, may administer oaths and compel the attendance of witnesses All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations or other official actions, all of which shall be immediately filed in the office of the city recorder and shall be a public record.

APPEALS TO BOARD: Appeals to the board of appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the city affected by any decision of the building official made under this title. An appeal must be taken within 10 business days from the decision being appealed or the right to appeal shall be deemed waived. The appeal must be in writing and delivered to the city recorder. Upon filing of a written request for hearing, the building director shall forthwith transmit to the board of appeals all papers constituting the record upon which the action appealed from was taken.

STAY OF PROCEEDINGS PENDING APPEAL: An appeal stays all proceedings and furtherance of the action appealed from, unless the building official certifies to the board of appeals after the request for hearing shall have been filed, that by reason of the facts stated in the certificate, the stay would in his or her opinion cause eminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of appeals or by the district court on application and notice and on good cause
shown.

NOTICE OF HEARING ON APPEAL: The board of appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof as well as due notice to the parties in interest, and shall decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

POWERS OF BOARD OF APPEALS: The board of appeals shall have the following powers:

A. To hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made by the building official in the enforcement of the adopted building codes of City of Woodland Hills and the State of Utah or of any ordinance adopted with regard thereto;

B. To hear and decide requests for interpretation to the terms of this title, upon which such board is authorized to pass.

DECISION ON APPEAL: In exercising the above-mentioned powers, the board may in conformity with

the provisions of this part reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. The board shall not have the authority to waive requirements of the state adopted building codes.

VOTE NECESSARY FOR REVERSAL: The concurring vote of a majority, (2) members, of the board shall be necessary to reverse any order, requirement or determination of the building official, or to decide in favor of the appellant on any matter upon which it is required to pass under any such ordinance or to affect any variation in such ordinances

JUDICIAL REVIEW OF BOARD'S DECISION: The city or any person aggrieved by any decision of the board of appeals may have and maintain a plenary action for relief there from in any court of competent jurisdiction; provided the petition for such relief is presented to the court within thirty (30) days after the filing of such decision in the office of the city recorder.

Passed and approved by the Woodland Hills City Council this 22nd day of January 2019.

Wendy Pray, Mayor

ATTEST:

Jody Stones
Recorder