

PART II - CODE OF ORDINANCES
TITLE 19 - BUILDING REGULATIONS

Chapter 19.02 - BOARD OF APPEALS

19.02.010.1 - Created; membership.

In order to determine the appropriateness of orders, decisions and determinations made by the building official or fire chief concerning the application and interpretation of the codes, there is created a board of appeals, consisting of seven members who are qualified by experience or training to pass upon matters pertaining to building construction. One member of the board of appeals shall be an architect, one member an engineer, one member an attorney, one member a general contractor, one member a mechanical contractor, one member an electrical contractor and one public member. Members of the board of appeals shall be appointed by the assembly for three-year staggered terms. The board of appeals shall elect from its membership a chair, a vice-chair and a secretary and shall adopt reasonable rules for the conduct of its proceedings pursuant to section [01.50](#). The City and Borough shall provide secretarial and other staff support required by the board of appeals.

(Serial No. 2009-16(b), § 2, 9-21-2009)

19.02.010.2 - Form of appeal.

Appeals shall be conducted in accordance with [chapter 01.50](#), except that if the order appealed from relates to a building or structure which has been determined by the building official to be in such condition as to make it immediately dangerous to life, limb, property or safety of the occupants, the public, or adjacent property and is ordered vacated and is posted in accordance with the applicable section of the International Property Maintenance Code as adopted, such appeal must be filed within ten days from the date of the service of notice and order of the building official.

(Serial No. 2009-16(b), § 2, 9-21-2009)

19.02.010.3 - Limitations of authority.

An application for appeal shall be based on a claim that the true intent of the building codes or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of these codes do not fully apply, or an equally good or better form of construction is proposed. The board of appeals shall not be empowered to waive requirements of the building codes.

All variance requests to IRC 323.3.1 through 323.3.5 and IBC 1612 shall be heard by the Board of Adjustment, under procedures established per [49.70.410](#).

(Serial No. 2009-16(b), § 2, 9-21-2009)

FOOTNOTE(S):

⁽⁶⁴⁾ **Editor's note**— Serial No. 2009-16(b), §§ 1, 2, adopted September 21, 2009, effective October 22, 2009, amended Title 19 in its entirety to read as herein set out. See the editor's note at Tit. 19 and also the Code Comparative Table for a detailed analysis of inclusion. ([Back](#))