

## Title 5 Building Code

### Chapter 87. Administration and Enforcement

#### ARTICLE III. BUILDING CODE BOARD OF APPEALS

**87.300. Building code board of appeals created.** In order to provide a forum for determining the suitability of alternate materials and methods of construction, ~~and~~ to provide for the final interpretation of the provisions of the state building code which is established pursuant to Minnesota Statutes 16B.59--16B.73, and to perform such other duties as may be assigned to it by the City Council a building code board of appeals is hereby created. The board shall consist of five (5) members, all of whom are to be appointed by the city council, and who shall serve for a term of three (3) years. However, all members shall continue in office until their successors are appointed. Appointments shall be made after solicitation of nominees from the following groups:

- (1) One member shall be a registered engineer;
- (2) One member shall be a registered architect;
- (3) One member shall be a contractor who is a member of the Association of General Contractors;
- (4) One member shall be a member of the community at large who possesses applicable experience and training;
- (5) One member shall be a building official from a neighboring community.

The director of inspections or the director's designee will act as secretary to the board and serve in a nonvoting capacity. Board members shall be compensated fifty dollars (\$50.00) per meeting attended, not to exceed twelve (12) meetings per year. The board shall adopt its own rules for procedure which are not in conflict with applicable state statutes, and shall select officers as it deems necessary. (89-Or-021, § 1, 2-10-89; Pet. No. 251752, § 6, 3-16-90)

**87.310. Duties and responsibilities of the board.** The building code board of appeals shall hear and act upon all appeals as generally set forth in section 87.300 above. The board may modify, sustain, or quash all or any portion of any order, interpretation, requirement, decision, or other determination made by the director of inspections or the director's authorized representative in matters relative only to the suitability of alternate materials, methods of construction, and to the interpretation of the state building code. The board may not grant exceptions to the code or act on other unrelated appeals. The board shall hear appeals from rainleader disconnection time extension requests as specifically provided in Section 56.150 of this Code. (89-Or-021, § 1, 2-10-89; Pet. No. 251752, § 7, 3-16-90)

**87.320. Right to appeal; procedure.** Any owner of property or other person directly and personally affected by any order or other determination may, either personally or through his/her authorized agent, make an appeal to the board. Such appeal shall be filed on a form provided by the inspections department within fourteen (14) days from the date of the adverse determination. The payment of a fee in the amount of one hundred dollars (\$100.00) will accompany the submission of the appeal to cover administrative and handling costs. Upon receipt of the appeal, the director of inspections shall schedule the board for a hearing not less than ten (10) days, nor more than sixty (60) days from the date of receipt of the appeal. Written notice of the time and place of the hearing shall be given at least ten (10) days prior to the date of the hearing to the appellant by mail, addressed to the appellant at his/her address shown on the appeal. (89-Or-021, § 1, 2-10-89)

**87.330. Hearings and decisions of the board.** All meetings of the board shall be held at the call of the chair, but no more often than twelve (12) times per year. All hearings before the board shall be public. A record of the entire proceedings shall be made by tape recording. A transcript of the proceedings shall be made available to all parties upon request and upon payment of the fee prescribed therefor. Such fees may be established by the board, but shall in no event be greater than the cost involved.

The board may grant continuances for good cause shown. The board shall make specific findings of fact and/or conclusions in connection with any decision upon any appeal. Decisions on any appeal shall be made at the hearing in which the appeal is heard, unless the appeal is continued to a subsequent meeting. Any decision by the board shall be made by a majority of the quorum. All decisions by the board shall become final when signed by the chair, and shall become effective and enforceable at such time or at such alternative time as is specified therein. (89-Or-021, § 1, 2-10-89)