

ORDINANCE NO. 42-2018

AN ORDINANCE AMENDING CHAPTER 5, ARTICLE III, SECTION 5.71(a)(2)

WHEREAS, Ordinance No. 22-2017 adopted certain technical codes and repealed certain previously established boards of adjustment and appeals as they related to building regulations; and

WHEREAS, it was the intent of Ordinance No. 22-2017 to consolidate those boards into one Board of Appeals.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MONTGOMERY, ALABAMA, that Chapter 5, Article III, Section 5.71(a)(2) of the Code of Ordinances for the City of Montgomery, Alabama be amended to read as follows:

Section 5.71. – Adoption of the technical codes

(a)(2) Subsection 101.2.1 of the IBC is amended to read as follows:

(a) Subsection 101.2.1 Appendices. Provisions of the following appendices are hereby adopted:

- 1. Appendix A “Employee Qualifications”**
- Appendix C “Group U-Agricultural Buildings”**
- 3. Appendix F “Rodent proofing”**
- 4. Appendix H “Signs”**
- 5. Appendix I “Patio Covers”**

(b) Subsection 101.2.1 Appendix B is amended to read as follows:

SECTION B101

GENERAL

B101.1 Application. The application for appeal shall be filed on a form obtained from the *building official* within 20 days after the notice was served.

B101.2 Membership of board. The board of appeals shall consist of persons appointed by the chief appointing authority as follows:

- 1. One for 5 years; Two for 4 years; Two for 3 years; two for 2 years; and two for 1 year.**
- 2. Thereafter, each new member shall serve for 5 years or until a successor has been appointed.**

The *building official* shall be an ex officio member of said board but shall have no vote on any matter before the board.

B101.2.2 Qualifications. The board of appeals shall consist of nine individuals, five of the members are to have experience in the following professions or disciplines:

- 1. Registered design professional with architectural experience or a builder or superintendent of building construction with at least 10 years’ experience, 5 of which shall have been in responsible charge of work.**
- 2. Registered design professional with structural engineering experience or general contractor with at least 10 years’ experience, 5 of which shall have been in responsible charge of work.**

- 3. Registered design professional with mechanical and plumbing engineering experience or a mechanical contractor with at least 10 years’ experience, 5 of which shall have been in responsible charge of work.
- 4. Registered design professional with electrical engineering experience or an electrical contractor with at least 10 years’ experience, 5 of which shall have been in responsible charge of work.
- 5. Registered design professional with fire protection engineering experience or a fire protection contractor with at least 10 years’ experience, 5 of which shall have been in responsible charge of work.

B101.2.3 Rules and procedures. The board is authorized to establish policies and procedures necessary to carry out its duties.

B101.2.4 Chairperson. The board shall annually select one of its members to serve as chairperson.

B101.2.5 Disqualification of member. A member shall not hear an appeal in which that member has a personal, professional or financial interest.

B101.2.6 Secretary. The chief administrative officer shall designate a qualified clerk to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.

B101.3 Notice of meeting. The board shall meet upon notice from the chairperson, within 10 days of the filing of an appeal or at stated periodic meetings.

B101.3.1 Open hearing. All hearings before the board shall be open to the public. The appellant, the appellant’s representative, the building official and any person whose interests are affected shall be given an opportunity to be heard.

B101.3.2 Procedure. The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

B101.3.3 Postponed hearing. When five members are not present to hear an appeal, either the appellant or the appellant’s representative shall have the right to request a postponement of the hearing.

B101.4 Quorum, Voting and Decisions: The presents of five board members shall constitute a quorum. In order to modify or reverse a decision of the Building Official the members present must concur by two-thirds vote.

In every case, the board shall reach a decision without unreasonable or unnecessary delay. Each decision of the board shall also include the reasons for the decision. Every decision shall be promptly filed in writing in the office of the building official and shall be open to public inspection. A certified copy of the decision shall be sent by mail or otherwise to the appellant and a copy shall be kept for two weeks after filling. Every decision of the board shall be final, subject however to such remedy as any aggrieved party might have at law or in equity.

B101.4.2 Administration. The *building official* shall take immediate action in accordance with the decision of the board.

Name	District Nominated by	Original Appointment	Term Expires
		5 yr.	July 2023
		4yr.	July 2022
		4yr.	July 2022
		3yr.	July 2021

3yr.	July 2021
2yr.	July 2020
2yr.	July 2020
1yr.	July 2019
1 yr.	July 2019

Per Section B101.2, Thereafter, each new member shall serve for 5 years or until a successor has been appointed.

ADOPTED AND APPROVED this the 7th day of August, 2018.

/S/
TODD STRANGE, MAYOR

ATTEST:

/S/
BRENDA GALE BLALOCK, CITY CLERK