

## CHAPTER 166

### CONSTRUCTION BOARD OF APPEALS

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**166.01 BOARD CREATED.** There is created a Construction Board of Appeals.

**166.02 APPOINTMENT AND TERMS.** The Mayor shall appoint, subject to the approval of the Council, the members of the Construction Board of Appeals. The Board consists of five (5) members who are residents of the City and/or maintain their primary place of business within the City, and shall include one general contractor, one master plumber, one electrical contractor, one registered architect or structural engineer and one layperson from the general public at large. Three members of the Board shall constitute a quorum for the transaction of any business or vote. A Code Inspector shall be an *ex officio* member of the Board without vote and shall perform the duties of Secretary thereto. One of the inspectors, appointed by the Board subject to approval of the department head, shall be responsible for the coordination of the Board's activities. The terms of the membership shall be for three (3) years and shall be staggered so that no more than two members' terms expire in any one year. Vacancies shall be filled by Mayor appointment subject to approval of the Council for the unexpired term of any member whose term becomes vacant. Nominations of persons to fill vacancies may be submitted to the Mayor by the Construction Board of Appeals.

**166.03 MEETINGS AND HEARINGS.** All meetings and hearings of the Construction Board of Appeals shall be held at the call of the Chairperson, or upon request by a quorum of the Board, and in no case shall such meetings be less frequent than twice each calendar year, and at such other times and places as the Board may determine in order to properly transact its business. All meetings or hearings conducted by the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question or item of business, or if absent or failing to vote, indicating such fact, and shall also keep current and accurate records of its meetings and hearings and other official actions. Findings of fact shall be included in the minutes of each meeting and any reasons for approval or denial of any case or item brought before the Board shall be specified. One copy of the minutes of any meeting or hearing conducted by the Board shall be filed in the office of the Code Inspections Division and shall be of public record, and one copy shall be submitted to the Council. The Board shall adopt its own rules of procedure and policies not in conflict with this Code of Ordinances or with the Iowa Statutes, and may select or appoint such officers as it deems necessary. The Council shall provide a suitable place in which the Board shall conduct its required business.

**166.04 COMPENSATION; EXPENSES.** The Construction Board of Appeals shall serve without compensation except for necessary incidental expenses that are incurred while carrying out the Board's business. In order for the Board to receive payment for expenses incurred, the Board shall cause to have itemized the expense requests in writing and submit same to the Council for review and recommendation, before same is authorized and approved for payment.

**166.05 AUTHORITY.** The Construction Board of Appeals is authorized to perform the following duties and functions in order to carry out the provisions of this chapter:

1. Hear and decide appeals requested by any person regarding the technical interpretation of provisions of the City's adopted building, plumbing, electrical, mechanical, and other related codes; and appeals from persons aggrieved by any order or decision rendered by the Code Inspectors in regard to the above codes; and appeals from persons aggrieved by the designation of structures as abandoned or unsafe buildings; however, such appeal must be filed with the Board in the office of the Code Inspection Division within fifteen (15) days from the date the order was issued or decision rendered by the Inspector. The appeal will then be entered on the agenda for the next Board meeting following the date the appeal was filed. Both the person making the appeal and the Board shall be informed as to the time and date the appeal will be heard.
2. Keep accurate and up-to-date records and minutes of all meetings, hearings and business conducted by the Board.