

EXHIBIT A

Section 500.050: Appeals and Penalties

A. ~~Building and Fire Code Board of Appeals~~

1. ~~Appeals.~~ A building and fire code appeals board is hereby created to hear and decide appeals pursuant to the duly adopted and amended building and fire codes. An owner, lessee, agent, operator or occupant aggrieved by an order issued by the Building Official or the Fire Code Official or their designee, may file an appeal to the Building and Fire Code Board of Appeals.
2. ~~Powers and Duties.~~
 - a. ~~The Board shall have no authority to waive the requirements of this code.~~
 - b. ~~The Board shall have the power to review the decisions of the Building Official and/or the Fire Code Official in the interpretation of the adopted building and fire codes or any related standard of the City of Camdenon.~~
 - c. ~~The Board shall have the power to modify or reverse the decision of the Building Official and/or the Fire Code Official.~~
 - d. ~~The Board shall recommend to the Mayor and Board of Aldermen any necessary code adoptions, supplements and any alterations or changes to the code.~~
3. ~~Application.~~ The application for appeal shall be filed on a form obtained from the Building Official within ten (10) working days after the notice of violation was served. The application shall be filed with the office of the Building Official along with a fee of one hundred dollars (\$100.00).
4. ~~Membership of the Board.~~ The board of appeals shall consist of persons appointed by the Mayor, with the consent of the Board of Aldermen, as follows:
 - a. ~~The Board shall consist of five (5) members.~~
 - b. ~~Two members shall serve for three years; two members shall serve for two years; and one member shall serve for one year.~~
 - c. ~~Thereafter, each new member shall serve for three years or until a successor has been appointed.~~
5. ~~Alternate Members.~~ The Mayor shall appoint two alternate members who shall be called by the board chairperson to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership and shall be appointed for three (3) years or until a successor has been appointed.
6. ~~Qualifications.~~ The Board shall consist of five individuals with education, training or working experience in one (1) or more of the following professions:
 - a. ~~Architecture~~
 - b. ~~Engineering~~
 - c. ~~Plumbing~~
 - d. ~~Electrical~~
 - e. ~~Mechanical~~
 - f. ~~Commercial or residential contractor~~One member may be a resident of the City of Camdenon without experience in the designated areas.
7. ~~Rules and Procedures.~~ The Board is authorized to establish policies and procedures necessary to carry out its duties. An application for appeal shall be

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~~based on a claim that the true intent of this code or the rules legally adopted herein have been incorrectly interpreted, the provisions of the code do not fully apply or an equally good or better form of construction is proposed.~~

- ~~8. *Chairperson and Vice-Chairperson.* The board shall select two of its members to serve as chairperson and vice-chairperson.~~
- ~~9. *Disqualification of a Member / Removal from Office.* A member shall not hear an appeal in which that member has a personal, professional or financial interest. The Mayor, with the consent of the Board of Aldermen, may remove from office any member of the Board for misconduct or neglect of duty.~~
- ~~10. *Secretary.* The City Administrator shall designate a clerk to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the City Administrator, the Building Official and the Fire Code Official.~~
- ~~11. *Notice of Meeting.* The Board shall meet upon notice from the Building Official, no earlier than ten (10) working days and no later than twenty (20) working days as of the filing of an appeal.~~
- ~~12. *Open Hearing.* All hearings before the board shall be open to the public. The appellant, the appellant's representative, the Building Official or Fire Code Official and any person whose interests are affected shall be given an opportunity to be heard.~~
- ~~13. *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.~~
- ~~14. *Postponed Hearing - Quorum.* The Board shall be authorized to transact business upon the presence of three (3) members; no less than three (3) members shall constitute a quorum to do business. However, 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.~~
- ~~15. *Board Decision.* The Board shall modify the decision of the Building Official or Fire Code Official by a concurring vote of a majority of its present members. The decision of the board shall be recorded in the official minutes. Copies shall be furnished to the appellant and to the City Administrator, the Building Official and the Fire Code Official.~~
- ~~16. *Administration.* The Building Official or Fire Code Official shall take immediate action in accordance with the decision of the board.~~
- ~~17. *Appeal from Decisions of the Board.* Any person or persons jointly or severally aggrieved by any decision of this board may present to the Circuit Court a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition must be presented to the~~

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~~court within thirty (30) days after the filing of the decision of this board. The decisions of this board may not be appealed to the Board of Aldermen.~~

~~B. Penalties~~

~~Any person who shall fail to comply with the provisions of this Chapter or with any order by the Mayor issued pursuant thereto and from which no appeal has been taken, or with which such an order as affirmed or modified by the Building and Fire Code Board of Appeals or by a court of competent jurisdiction, within the time fixed therein, shall be fined not less than one hundred dollars (\$100.00) or more than five hundred dollars (\$500.00). The imposition of one (1) penalty for the violation of such order shall not excuse the violation or permit it to continue. Each day that the violation of this Chapter remains as a non-complying condition can be construed as a separate offence.~~

A. Appeals.

A party may appeal a decision made pursuant to this chapter. Such appeals may be made pursuant to Chapter 501.

B. Penalties.

Any person who shall fail to comply with the provisions of this Chapter or with any order by the Mayor issued pursuant thereto and from which no appeal has been taken, or with which such an order as affirmed or modified by the Building and Fire Code Board of Appeals or by a court of competent jurisdiction, within the time fixed therein, shall be fined not less than one hundred dollars (\$100.00) or more than five hundred dollars (\$500.00). The imposition of one (1) penalty for the violation of such order shall not excuse the violation or permit it to continue. Each day that the violation of this Chapter remains as a non-complying condition can be construed as a separate offence.

Chapter 505: Section 505.050

~~A. Building and Fire Code Board of Appeals~~

- ~~1. Appeals. A building and fire code appeals board is hereby created to hear and decide appeals pursuant to the dully adopted and amended building and fire codes. An owner, lessee, agent, operator or occupant aggrieved by an order issued by the Building Official or the Fire Code Official or their designee, may file an appeal to the Building and Fire Code Board of Appeals.~~
- ~~2. Powers and Duties.~~
 - ~~a. The Board shall have no authority to waive the requirements of this code.~~
 - ~~b. The Board shall have the power to review the decisions of the Building Official and/or the Fire Code Official in the interpretation of the adopted building and fire codes or any related standard of the City of Camdenon.~~
 - ~~c. The Board shall have the power to modify or reverse the decision of the Building Official and/or the Fire Code Official.~~
 - ~~d. The Board shall recommend to the Mayor and Board of Aldermen any necessary code adoptions, supplements and any alterations or changes to the code.~~
- ~~3. Application. The application for appeal shall be filed on a form obtained from the Building Official within ten (10) working days after the notice of violation was served. The application shall be filed with the office of the Building Official along with a fee of one-hundred dollars (\$100.00).~~

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- ~~4. *Membership of the Board.* The board of appeals shall consist of persons appointed by the Mayor, with the consent of the Board of Aldermen, as follows:
 - ~~a. The Board shall consist of five (5) members.~~
 - ~~b. Two members shall serve for three years; two members shall serve for two years; and one member shall serve for one year.~~
 - ~~c. Thereafter, each new member shall serve for three years or until a successor has been appointed.~~~~
- ~~5. *Alternate Members.* The Mayor shall appoint two alternate members who shall be called by the board chairperson to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership and shall be appointed for three (3) years or until a successor has been appointed.~~
- ~~6. *Qualifications.* The Board shall consist of five individuals with education, training or working experience in one (1) or more of the following professions:
 - ~~a. Architecture~~
 - ~~b. Engineering~~
 - ~~c. Plumbing~~
 - ~~d. Electrical~~
 - ~~e. Mechanical~~
 - ~~f. Commercial or residential contractor~~One member may be a resident of the City of Camdenon without experience in the designated areas.~~
- ~~7. *Rules and Procedures.* The Board is authorized to establish policies and procedures necessary to carry out its duties. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted herein have been incorrectly interpreted, the provisions of the code do not fully apply or an equally good or better form of construction is proposed.~~
- ~~8. *Chairperson and Vice-Chairperson.* The board shall select two of its members to serve as chairperson and vice-chairperson.~~
- ~~9. *Disqualification of a Member / Removal from Office.* A member shall not hear an appeal in which that member has a personal, professional or financial interest. The Mayor, with the consent of the Board of Aldermen, may remove from office any member of the Board for misconduct or neglect of duty.~~
- ~~10. *Secretary.* The City Administrator shall designate a clerk to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the City Administrator, the Building Official and the Fire Code Official.~~
- ~~11. *Notice of Meeting.* The Board shall meet upon notice from the Building Official, no earlier than ten (10) working days and no later than twenty (20) working days as of the filing of an appeal.~~
- ~~12. *Open Hearing.* All hearings before the board shall be open to the public. The appellant, the appellant's representative, the Building Official or Fire Code Official and any person whose interests are affected shall be given an opportunity to be heard.~~

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- ~~13. 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.
- ~~14. Postponed Hearing – Quorum.~~ The Board shall be authorized to transact business upon the presence of three (3) members; no less than three (3) members shall constitute a quorum to do business. However, 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.
- ~~15. Board Decision.~~ The Board shall modify the decision of the Building Official or Fire Code Official by a concurring vote of a majority of its present members. The decision of the board shall be recorded in the official minutes. Copies shall be furnished to the appellant and to the City Administrator, the Building Official and the Fire Code Official.
- ~~16. Administration.~~ The Building Official or Fire Code Official shall take immediate action in accordance with the decision of the board.
- ~~17. Appeal from Decisions of the Board.~~ Any person or persons jointly or severally aggrieved by any decision of this board may present to the Circuit Court a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition must be presented to the court within thirty (30) days after the filing of the decision of this board. The decisions of this board may not be appealed to the Board of Aldermen.

~~C. Penalties~~

~~Any person who shall fail to comply with the provisions of this Chapter or with any order by the Mayor issued pursuant thereto and from which no appeal has been taken, or with which such an order as affirmed or modified by the Building and Fire Code Board of Appeals or by a court of competent jurisdiction, within the time fixed therein, shall be fined not less than one hundred dollars (\$100.00) or more than five hundred dollars (\$500.00). The imposition of one (1) penalty for the violation of such order shall not excuse the violation or permit it to continue. Each day that the violation of this Chapter remains as a non-complying condition can be construed as a separate offense.~~

A. Appeals.

A party may appeal a decision made pursuant to this chapter. Such appeals may be made pursuant to Chapter 501.

B. Penalties.

Any person who shall fail to comply with the provisions of this Chapter or with any order by the Mayor issued pursuant thereto and from which no appeal has been taken, or with which such an order as affirmed or modified by the Building and Fire Code Board of Appeals or by a court of competent jurisdiction, within the time fixed therein, shall be fined not less than one hundred dollars (\$100.00) or more than five hundred dollars (\$500.00). The imposition of one (1) penalty for the violation of such order shall not excuse the violation or permit it to continue. Each day that the violation of this Chapter remains as a non-complying condition can be construed as a separate offence.

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CHAPTER 501: BUILDING AND FIRE CODE BOARD OF APPEALS

Section 501.010. Definitions.

As used in this Chapter, the following terms shall have these prescribed meanings:

BOARD OF ALDERMEN

The chief legislative body of the City of Camden.

BUILDING OFFICIAL

The Director of the Building Department and Building Code Official.

CITY

The City of Camden.

CITY ADMINISTRATOR

The Chief Administrative Officer of the City.

FIRE OFFICIAL

The designated fire official who is charged with the administration and enforcement of this code.

MAYOR

The Chief Executive Officer of the City.

Section 501.020.

A. Building and Fire Code Board of Appeals

1. **Appeals.** A Building and Fire Code Board of Appeals is hereby created to hear and decide appeals pursuant to the duly adopted building and fire codes. An owner, lessee, agent, operator or occupant aggrieved by an order issued by the Building Official or the Fire Official or their designee, may file an appeal to the Building and Fire Code Board of Appeals.
2. **Powers and Duties.**
 - a. The Board shall have no authority to waive the requirements of this code.
 - b. The Board shall have the power to review the decisions of the Building Official and/or the Fire Official in the interpretation of the adopted building and fire codes or any related standard of the City of Camden.
 - c. The Board shall have the power to modify or reverse the decision of the Building Official and/or the Fire Official.
3. **Application.** The application for appeal shall be filed on a form obtained from the Office of the City Clerk within ten (10) working days following issuance of a written decision or determination made by the Building or Fire Official. In the event that no written decision or determination is made, such appeal may be made within 10 days of service of notice of violation or court summons. The application shall be filed with the Office of the City Clerk along with a fee of one-hundred dollars (\$100.00).
4. **Membership of the Board.** The Building and Fire Code Board of Appeals shall consist of persons appointed by the Mayor, with the consent of the Board of Aldermen, as follows:
 - a. The Board shall consist of five (5) members.
 - b. The initial board shall serve these terms: two members shall serve for three years; two members shall serve for two years; and one member shall serve for one year.

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- c. Thereafter, each new member shall serve for three years or until a successor has been appointed.
 - d. The Building Official and Fire Official shall serve as ex officio members of the Board.
5. ***Alternate Members.*** The Mayor shall appoint two alternate members who shall be called on by the Board chairperson to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership and shall be appointed for three (3) years or until a successor has been appointed.
 6. ***Qualifications.*** The Board shall consist of five (5) members who demonstrate knowledge and expertise in specialty areas (architecture, engineering, plumbing, electrical, mechanical, commercial or residential contractor, fire safety or prevention) governed by the building and fire codes of the City and are not employees of the jurisdiction. One member may be a resident of the City of Camden without experience in the specialty areas.
 7. ***Rules and Procedures.*** The Board is authorized to establish policies and procedures necessary to carry out its duties. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted herein have been incorrectly interpreted, the provisions of the code do not fully apply or an equally good or better form of construction is proposed.
 8. ***Chairperson, Vice-Chairperson and Secretary.*** The board shall select three of its members to serve as chairperson, vice-chairperson, and secretary.
 9. ***Disqualification of a Member / Removal from Office.*** A member shall not hear an appeal in which that member has a personal, professional or financial interest. The Mayor, with the consent of the Board of Aldermen, may remove from office any member of the Board.
 10. ***Notice of Meeting.*** The Board shall meet upon notice from the Office of the City Clerk, no earlier than ten (10) working days and no later than twenty (20) working days as of the filing date of an appeal.
 11. ***Open Hearing.*** All hearings before the board shall be open to the public. The appellant, the appellant's representative, the Building Official or Fire Official and any person whose interests are affected shall be given an opportunity to be heard.
 12. ***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. In the event that such procedures are not adopted or in the event no procedures have been adopted for a given situation, Robert's Rules of Order shall apply.
 13. ***Board Decision.*** The Board may modify the decision of the Building Official or Fire Official by a concurring vote of a majority of its present members. The decision of the board shall be recorded in the official minutes. Copies shall be

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furnished to the appellant and to the City Administrator, the Building Official and the Fire Official.

14. Administration. The Building Official or Fire Official shall take immediate action in accordance with the decision of the Board.

15. Appeal from Decisions of the Board. Any person or persons jointly or severally aggrieved by any decision of this board may present to the Circuit Court a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition must be presented to the court within thirty (30) days after the filing of the decision of this board. The decisions of this board may not be appealed to the Board of Aldermen.