ORDINANCE NO. 1667

An Ordinance to add Title 12, Chapter 12 of the Crossville Municipal Code pertaining to Building, Utility Codes, and the Like

WHEREAS, The City Council desires to create a Building Code Board of Appeals

NOW, THEREFORE, BE IT ORDAINED by the City of Crossville, Tennessee that Title 12, Chapter 12, be added, as follows:

12-1201 Building Code Board of Appeals Established
12-1202 Membership and Terms
12-1203 Organization
12-1204 Appeal
12-1205 Notice of Meeting
12-1206 Legal Counsel
12-1207 Decision of the Board
12-1208 Appeals to the Court
12-1209 Fees

12-1201. Building Code Board of Appeals established: appointment of members. There is hereby created and established a board to be called the Building Code Board of Appeals which shall consist of five (5) voting members appointed by the Crossville City Council. This Board shall be established to address appeals regarding properties within the City limits only.

12-1202. Membership and terms. All members shall be residents of Cumberland County and during their term on the Board. The terms of office shall be for five (5) years or until their successors are appointed and qualified, except for the first board which will have three (3) members appointed for three (3) years, two (2) members appointed for four (4) years. The members shall be qualified by experience and training to pass on matters pertaining to building construction and are not elected officials or employees of the City of Crossville or Cumberland County. Vacancies in such committee occurring otherwise than by expiration of term shall be filled by the Mayor of Crossville for the unexpired term. Continued absence of any member from regular meetings of the Board shall, at the discretion of the Mayor of Crossville, render such member subject to immediate removal from the Board.

(a) Board members shall serve without compensation.

(b) A member with any contractual relationship, professional, financial, or personal interest in a matter before the Board shall declare such interest and refrain from participating in discussions, deliberations, and voting on such matters.

12-1203. Organization. The board shall meet within (15) days after

its appointment and shall elect a chairman from among the appointed members. The elected-chairman shall remain chairman until the expiration of his/her appointed term. A vice-chairman shall also be elected with the duties of assuming the responsibility of the chairman in the latter's absence. The duties of the chairman are to preside over the hearings on appeals to the board, and may vote on all matters. The rules of evidence prevailing in courts of law and equity shall not be controlling on hearings before the board. The Building Codes Official/Codes Enforcement Officer or designated representative shall serve as the permanent secretary to keep detailed records of the Board, but shall not vote on any matter before the Board. Such record shall be public record filed in the offices of the Building and Codes Department. The Board may adopt by-laws, rules and regulations as it may deem necessary to carry into effect the provisions of this chapter.

(a) Three members of the Board shall constitute a quorum, and the concurrence of a majority of the Board present and voting in any matter shall be required for a determination of any matter within its jurisdiction.

12-1204. Appeal. The owner of a building, structure or service system, or his/her duly authorized agent, may appeal a decision of the Building and Codes Director or his designee to the Building Code Board of Appeals whenever any one (1) of the following conditions are claimed to exist:

(a) The building and codes director rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a structure or service system;

(b) When it is claimed that the provisions of the code (including revisions and new additions thereto) do not apply;

(c) That any equally good or more desirable form of installation can be employed in any specific case; or

(d) When it is claimed that the true intent and meaning of the code or any of the regulations thereunder have been misconstrued or wrongly interpreted. The appeal shall be made in writing within 30 business days after notice has been served.

12-1205. Notice of Meeting. The Board shall meet upon notice from the secretary, within 10 days of the filing of the appeal or at stated periodic intervals.

(a) All hearings of the Board shall be open to the public, of which should be advertised. The appellant, the appellant's representative, the building official, and any person whose interest are affected shall have the opportunity to be heard and must attend the Board meeting in person.

12-1206. Legal Counsel. The City shall provide legal counsel to the board members with general legal advice concerning matters before them for consideration. Members shall be represented by legal counsel at the City's expense in all matters arising from service within the scope of their duties.

12-1207. Decisions of the Board. The Building Code Board of Appeals, when appealed to and after a public hearing, may interpret the application of any provision of the City's adopted codes to any particular case when in the Board's opinion, the enforcement thereof would cause undue hardship, would be contrary to the spirit and purpose of the adopted code or public interest, or when in the Board's opinion the interpretation of the Building and Codes Director should be modified or reversed.

12-1208. Appeals to court. Any person or persons, jointly or severally, aggrieved by the decision of the board may seek relief therefrom in any court of competent jurisdiction as provided by the laws of the State of Tennessee.

12-1209. Fees. When a decision of the Building Official is appealed to the Building Code Board of Appeals, the property owner or applicant shall pay a filing fee of one hundred dollars ($100.00), which may be refundable at the discretion of the Board if the Board overturns the decision of the Building and Codes Official.

This ordinance shall take effect from and after its final passage, the public welfare requiring it.

Mayor

Council member

Council member

Council member

Council member

Attest:

City Clerk

APPROVED AS TO FORM:

City Attorney

Passed 1st Reading: March 8, 2022
Passed 2nd Reading: April 12, 2022
Passed 3rd Reading: April 21, 2022