

CITY OF TIGARD, OREGON

ORDINANCE NO. 01-12-A

AN ORDINANCE AMENDING CHAPTER 2.09 OF THE TIGARD MUNICIPAL CODE CHANGING THE NUMBER OF MEMEBERS FROM FOURTEEN TO SEVEN.

WHEREAS, THE PREVIOUS BUILDING APPEALS BOARD CONSISTED OF FOURTEEN (14) MEMBERS; AND,

WHEREAS, THE NUMBER OF MEMBERS MADE IT A CUMBERSOME BOARD FOR MEETINGS; AND,

WHEREAS, THE TERMS OF THE ORIGINAL BUILDING APPEALS BOARD MEMBERS HAVE SINCE EXPIRED; AND,

WHEREAS, THE TIGARD CITY COUNCIL, AT ITS AUGUST 28, 2001 MEETING, DIRECTED STAFF TO RETURN WITH AN ORDINANCE AMENDING THE TMC, REDUCING THE NUMBER OF BUILDING APPEALS BOARD MEMBERS FROM FOURTEEN TO SEVEN,

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: AMEND SECTIONS 2.09.020 and 2.09.030 AS SHOWN ON "EXHIBIT A."

SECTION : This ordinance shall be effective 30 days after its passage by the Council, signature by the Mayor, and posting by the City Recorder.

PASSED: By UNANIMOUS vote of all Council members present after being read by number and title only, this 25th day of September, 2001.

Catherine Wheatley
Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this 25th day of September, 2001.

James E. Griffith
James E. Griffith, Mayor

Approved as to form:

Stephen Crew
City Attorney

9/25/01
Date

TIGARD MUNICIPAL CODE

Strikeouts are deleted language and **bold underline** is new language.

Chapter 2.09 BUILDING APPEALS BOARD

Sections:

- 2.09.010 Purpose.**
- 2.09.020 Appointment--Membership.**
- 2.09.030 Qualifications.**
- 2.09.040 Board removal.**
- 2.09.050 Vacancy.**
- 2.09.060 Election of officers.**
- 2.09.070 Meetings--Quorum--Voting.**
- 2.09.080 Board member conflict of interest.**
- 2.09.090 Disclosure of prehearing contact.**
- 2.09.100 Powers and duties of board.**
- 2.09.110 Rules and procedures.**

2.09.010 Purpose.

The purpose of the Tigard building appeals board is to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application of Title 14, except Chapter 14.16, of the Tigard Municipal Code. (Ord. 99-06)

2.09.020 Appointment--Membership.

The board shall consist of ~~fourteen~~ **seven** members who are not council members, officers or employees of the city. The members of the board shall be appointed by the mayor, subject to confirmation by the council, for a term of four years, and shall serve at the pleasure of the mayor and council. The Building Official shall be an ex-officio member and shall act as secretary to the board but shall have no vote on any matter before the board.

2.09.030 Qualifications.

The membership shall include:

- A. one individual representing the general public;
- B. one individual representing the Oregon Disabilities Commission;
- C. the Fire Marshal or designee of the Tualatin Valley Fire and Rescue District;
- D. one licensed general contractor actively engaged in the building business;
- E. ~~one architect, registered under state law;~~
- F. **E** one professional engineer, registered under state law and competent in matters of structural engineering;
- G. **F** one building official in the active employment of an Oregon municipality;
- H. **G** one attorney actively engaged in the practice of law in the State of Oregon; and
- I. ~~up to six additional members qualified by their construction trade experience and training.~~

2.09.040 Board removal.

A board member may be removed by the appointing authority, after hearing, for misconduct or nonperformance of duty.

2.09.050 Vacancy.

Any vacancy in the board shall be filled by the appointing authority for the unexpired portion of the term of the predecessor in the office.

2.09.060 Election of officers.

TIGARD MUNICIPAL CODE

The board, at its first meeting in each fiscal year, shall elect a chairperson and vice-chairperson, who shall serve at the pleasure of the board. The chairperson and vice-chairperson shall be voting members of the board. The vice-chairperson shall preside in the absence of the chairperson.

2.09.070 Meetings--Quorum--Voting.

The board shall meet as necessary. Four members constitute a quorum. All decisions of the board shall be by a majority vote of those members present and voting. Any item shall be deemed not to pass when there is lack of majority vote.

2.09.080 Board member conflict of interest.

A member of the board shall not participate in any board proceeding or action in which that member has a personal or pecuniary interest. Any actual or potential interest shall be disclosed at the meeting of the board where the action is being taken.

2.09.090 Disclosure of prehearing contact.

A member of the board shall disclose to the board, prior to any proceeding of the board, any prehearing or ex parte contacts with the applicant, or applicant's officers, agents, or employees. A member of the board shall disqualify himself or herself or be disqualified by the remaining members of the board, when it appears that the impartiality or objectivity of any member has been compromised by prehearing or ex parte contact.

2.09.100 Powers and duties of board.

A. The board shall have the authority to hear and decide appeals of orders, decisions or

determinations made by the Building Official relative to the application of Title 14, except Chapter 14.16, of the Tigard Municipal Code and any other authority granted in statute, law, or rule. The board shall have no authority relative to interpretation of the administrative provisions of Title 14 of the Tigard Municipal Code nor shall the board be empowered to waive requirements of Title 14 of the Tigard Municipal Code.

B. In granting any appeal, wherein the requirements of Title 14 of the Tigard Municipal Code are modified, the board shall first find that a special individual reason makes compliance with the strict letter of Title 14 of the Tigard Municipal Code impractical and that the modification is in conformance with the intent and purpose of Title 14 of the Tigard Municipal Code and that such modification does not lessen any fire-protection requirements or any degree of structural integrity.

C. In granting any appeal wherein an alternate material or method of construction not specifically prescribed by Title 14 of the Tigard Municipal Code is approved, the board shall first find that the proposed design, material, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed by Title 14 of the Tigard Municipal Code in suitability, strength, effectiveness, fire resistance, durability, safety and sanitation. The board shall require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding such alternates.

D. The details of any board action, with accompanying findings, shall be entered into the record for the property in question. (Ord. 99-06)

2.09.110 Rules and procedures.

The board shall establish such rules and regulations for its governance and procedure consistent with the laws of the state and the ordinances of the city. ■