



COCHISE COUNTY PLANNING DEPARTMENT

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Proposed Ordinance Establishing a *Building Safety Advisory and Appeals Board*:

Pursuant to ARS 11-862, the Board of Supervisors hereby adopts the following Ordinance for the purpose of establishing a *Building Safety Advisory and Appeals Board* for the unincorporated areas of the County, and certain procedures incidental thereto.

Building Safety Advisory and Appeals Board:

Section 1 - General.

This *Building Safety Advisory and Appeals Board* (“*Building Board*”) hears and decides appeals of orders, decisions or determinations made by the Building Official relating to the application and interpretation of the adopted Cochise County Building Safety Codes; and this *Building Board* hears and determines the suitability of alternative materials and methods of construction when a particular alternative option is denied by the Building Official; and further this *Building Board* will act as an advisory board to the Building Official and the Planning Department on any proposed revisions or additions to the adopted Cochise County Building Safety Codes.

Section 2 - Number of Board Members.

The *Building Safety Advisory and Appeals Board* shall consist of seven voting members appointed by the Cochise County Board of Supervisors for a four year term, scheduled so that no more than two terms expire in each year. The Cochise County Board of Supervisors shall fill vacancies for unexpired terms.

Section 3 - Members of Board.

Members of the Building Safety Advisory and Appeals Board shall be residents of Cochise County and shall include representatives in the following areas, to the extent that qualified representatives are available and willing to serve:

- An Architect duly licensed in the State of Arizona.
- A Professional Engineer duly licensed in the State of Arizona.
- A General Contractor duly licensed in the State of Arizona.
- A person representing the public and a resident of Cochise County.
- A person engaged in the electrical, mechanical or plumbing trade.
- A person representing a County Fire District.
- A person engaged in the construction or design industry preferably with experience in *Green Building* materials and methods.

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The Building Official shall be an ex officio member and shall act as Secretary to the Building Board, but shall have no vote upon any matter before the Building Board.

The *Building Safety Advisory and Appeals Board* shall annually select one of its members to serve as chairman. A member shall not hear an appeal in which that member has a personal, professional or financial interest.

Section 4 - Duties of Building Safety Advisory and Appeals Board.

1. The Building Safety Advisory and Appeals Board shall hear and decide appeals of order, decisions or determinations, made by the Building Official relating to the applications and interpretation of the Cochise County Building Safety Code, including suitability of alternative materials and methods of construction.
2. Findings and decisions of the *Building Safety Advisory and Appeals Board* shall be binding upon the Building Official and the appealing party.
3. The *Building Safety Advisory and Appeals Board* shall act as technical advisory in the formation and development of revisions or additions to the adopted Building Codes and Ordinances in the County.

Section 5 - Limitations of Authority.

The Advisory and Appeals Board shall have no authority relative to interpretation of the *Administration Chapter* provisions of the Cochise County Building Safety Codes, nor shall the Building Board be empowered to waive requirements of either this regulation or the Cochise County Building Safety Code.

Section 6 - Meetings.

Meetings are to be held on an "as needed" basis as determined by the Chairperson of the Advisory and Appeals Board. Records of meetings and decisions shall be kept and made available during normal business hours, as required by law.

Section 7 - Procedures.

1. Application for Appeal: A person shall have the right to appeal a decision of the Building Official to the Building Safety Advisory and Appeals Board. An application for appeal shall be based on a claim that the true intent of the code or rules legally adopted thereunder, have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The application shall be filed on a form obtained from the Planning Department within 15 days after the notice was served by the Building Official.
2. Notice of Meeting: The Building Safety Advisory and Appeals Board shall meet upon notice from the chairperson, within 30 days of the filing of an appeal, or at a stated periodic meeting. Meetings

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scheduled for technical advisory in the formation and development of future proposed Building Codes and Ordinances may be advertised. All meetings of the Building Safety Advisory and Appeals Board are subject to Arizona's Open Meeting laws, including the requirement that meetings must be posted.

The agenda of cases to be heard shall be posted in the physical location required for posting other legal notices for the Board of Supervisors not less than 24 hours before each regular or special meeting.

3. Open Hearing: All hearings before the *Building Safety Advisory and Appeals 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.

4. Rules of Procedure: The *Building Safety Advisory and Appeals Board* shall make available to the public through its secretary the adopted *Bylaws and Rules of 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.

5. Postponed Hearing: Where four members are not present to hear an appeal, either the appellant, the appellant's representative or the Building Official shall have the right to request a postponement of the hearing. Absent a request, the appeal shall be heard and decided by the members who are present.

6. Decisions: Decisions by the *Building Safety Advisory and Appeals Board* shall be by resolution and copies shall be furnished to the appellant and to the Building Official. The Board shall uphold, modify or reverse the decision of the Building Official by a concurring vote of a simple majority of the members attending.