

2232
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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 2232

AN ORDINANCE creating and establishing an Electrical Code Board of Appeals.

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. The following new section is hereby added to the Bellevue City Code, to be designated section 3.52.010 thereof:

3.52.010 Created - Short Title.

There is created a board to be known as the Electrical Code Board of Appeals, which board shall in this chapter be referred to as the "Board."

Section 2. The following new section is hereby added to the Bellevue City Code, to be designated section 3.52.020 thereof:

3.52.020 Purpose - Function and Jurisdiction.

- A. The Board shall hear all appeals from any notice or order issued, or any action taken, by any administrative officer of the City under chapter 23.30 of the Bellevue City Code and under the provisions of any codes or regulations adopted thereunder, including but not limited to the National Electrical Code as adopted under section 23.30.220, and the rules and regulations of the Electrical Inspection Division of the Department of Labor and Industries of the State of Washington as adopted under section 23.30.225.
- B. The Board shall have jurisdiction and advisory authority to determine the suitability of alternate materials or alternate types of construction, if an alternate is contemplated or recognized by the express terms of the codes or ordinances of the City; and
- C. The Board shall have authority to make recommendations to the City Council for such new legislation as will expedite or improve the administration of such codes or ordinances; and
- D. The Board shall have no authority to consider or determine any matter arising under the zoning or land use ordinances of the City.

Section 3. The following new section is hereby added to the Bellevue City Code, to be designated section 3.52.030 thereof:

3.52.030 Membership, Appointment and Terms.

- A. The Board shall consist of five voting members who shall be appointed by the City Manager. In addition to the voting members, the City Manager may serve, or he may appoint an employee of the City to serve, as an ex-officio member without authority to vote. The ex-officio member of the Board shall not hold any office on the Board, except that he or she may serve as secretary of the Board. Vacancies occurring in any position on the Board shall be filled by appointment of the City Manager for the unexpired term.
- B. The term of each voting member, unless sooner terminated by the appointing authority, shall be for four years.

Section 4. The following new section is hereby added to the Bellevue City Code, to be designated section 3.52.040 thereof:

3.52.040 Qualifications of Voting Members - Oath - Conflicting Interests.

Voting members of the Board shall, before being eligible for appointment, possess the following qualifications of training or experience as specified for the following positions:

- A. Positions 1 and 2. Appointees to positions 1 and 2 shall be electrical engineers licensed by the State of Washington.
- B. Positions 3 and 4. Appointees to positions 3 and 4 shall be persons who have, during the five years preceding their appointment, been actively engaged in business as electrical contractors, or as representatives of the same (in which case they shall be qualified and licensed electrical journeymen), and shall possess sufficient knowledge and expertise to pass intelligently upon matters involving electrical installations.
- C. Position 5. The appointee to position 5 shall be a person representing a power company, with qualified training and experience in the electrical field, and possessing sufficient knowledge and expertise to pass intelligently upon matters involving electrical installations.

Before undertaking the duties as a voting member of the Board, each appointee shall, at the beginning of the appointee's initial term, file with the City Clerk his or her written acceptance of appointment to the Board and shall subscribe to an oath, to be filed with the City Clerk, that the appointee will faithfully and impartially consider and determine matters in hearing before the Board, and in the event that he or she shall have personal interest or be connected with the matters

or parties involved, he or she shall disqualify himself or herself and decline to serve or participate in the specific hearing.

Section 5. The following new section is hereby added to the Bellevue City Code, to be designated section 3.52.050 thereof:

3.52.050 Organization - Term of Officers - Official Act.

- A. The Board shall annually, at its first meeting in each calendar year, organize by selecting from its voting members one who shall serve as the presiding officer under the title of Chairman of the Board. In like manner the Board shall annually select one of its members, which may be the ex-officio member, to serve as the secretary, and who shall keep permanent minute records of all meetings, proceedings and actions taken by the Board.
- B. The regular term of each officer of the Board shall be for the calendar year in which appointed. The Board may, by a two-thirds affirmative vote, recall and terminate the term of any person selected to serve as an officer of the Board.
- C. The majority vote of a quorum shall constitute the official action of the Board. The presence of three voting members, having the right to participate in the matter in hearing at a regularly or legally called meeting, shall constitute a quorum with the full authority to function as the Board. Members of the quorum, including the Chairman of the Board, who refrain from voting though having a right to do so, shall be considered as having voted with the numerical majority in determining the outcome of the vote.

Section 6. The following new section is hereby added to the Bellevue City Code, to be designated section 3.52.060 thereof:

3.52.060 Appeal Procedure Required of Appellant.

- A. Any person aggrieved by any notice and order issued by, or any ruling made by any administrative official of the City under the codes and ordinances designated in section 3.50.020 hereof, shall have the right to appeal to the Board.
- B. An appeal shall be initiated by filing with the building official of the City a written appeal, within thirty days of the date of the notice and order or other action appealed, on a form to be provided by the City, or in the form prescribed by the Uniform Building Code, 1973 edition, second printing, section H-1201, and the payment of a \$5.00 filing fee.
- C. Upon the filing of a written appeal, the building official

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shall promptly notify the secretary of the Board of such filing and transmit to the secretary of the Board a true copy of the written appeal. The building official shall also promptly give notice of the appeal to the administrative official from whose notice and order or other ruling the appeal has been taken.

Section 7. The following new section is hereby added to the Bellevue City Code, to be designated section 3.52.070 thereof:

3.52.070 Procedure Required of the Board.

- A. Within a reasonable time after receiving the written appeal, the Board shall fix a date, time and place for the hearing of the appeal by the Board. Said date shall be not less than ten days, except with the written consent of the applicant, nor more than sixty days from the date the appeal was filed with the building official.
- B. Written notice of the time and place of the hearing shall be given at least ten days prior to the date of the hearing to each appellant, except where the appellant has waived said ten day requirement, either by causing a copy of said notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at his address as shown on a written appeal.

Section 8. The following new section is hereby added to the Bellevue City Code, to be designated section 3.52.080 thereof:

3.52.080 Failure to Appeal - Scope of Hearing - Stay of Order.

- A. Failure of any person to file an appeal in accordance with the provisions of this chapter shall constitute a waiver of his right to the administrative hearing and adjudication of the notice and order, or other ruling, or to any portion thereof.
- B. Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal.
- C. Except for vacation orders and stop work orders, enforcement of any notice and order, or other ruling of the building official, issued under a code or ordinance from which appeals to the Board is available, shall be stayed during the pendency of an appeal therefrom which is properly and timely filed.

Section 9. The following new section is hereby added to the Bellevue City Code, to be designated section 3.52.090 thereof:

3.52.090 Right of Official to Seek Recommendation.

The building official or any other administrative official of the City shall have the right, without the payment of any filing fee, to submit to the Board a proposition or question for its consideration and recommendation. It shall be the duty of the Board to consider such matter and to make its recommendation in the same manner as is required by this chapter in the hearing of any other matter within its jurisdiction.

Section 10. The following new section is hereby added to the Bellevue City Code, to be designated section 3.52.100 thereof:

3.52.100 General Provisions and Rules.

- A. Procedures before the Board shall be as provided in Uniform Building Code, Housing, 1973 edition, second printing, chapter 13 - Procedures for Conduct of Hearing Appeals, except where inconsistent with any provision of this chapter.
- B. The Board shall have the right, by two-thirds affirmative vote, to make any rule of procedure it may desire, so long as that rule is not in conflict with the spirit or express provisions of this chapter.
- C. The report of the Board may also be in the nature of a recommendation to the appellant.

Section 11. The following new section is hereby added to the Bellevue City Code, to be designated section 3.52.110 thereof:

3.52.110 Enforcement of Orders.

Orders of the Board may be enforced, work performed and costs recovered under the provisions of the Uniform Building Code, Housing, 1973 edition, second printing, chapters 14, 15 and 16. These provisions shall not be exclusive, however, and orders of the Board may be enforced by whatever means are available at law.

Section 12. The following new section is hereby added to the Bellevue City Code, to be designated section 3.52.120 thereof:

3.52.120 Decisions of the Board - Final and Last Appeal to Superior Court.

Any order of the Electrical Code Board of Appeals shall be final and conclusive unless, within twenty days from the date of the order, the original applicant or an adverse party makes application to the Superior Court of the State for King County for a writ of certiorari,

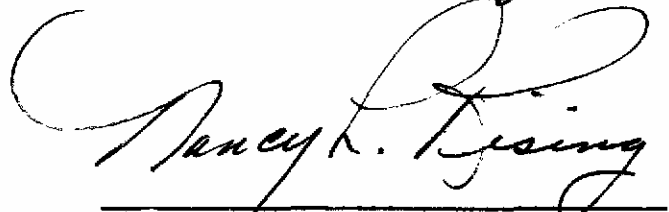
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a writ of prohibition or a writ of mandamus.

Section 13. This ordinance shall take effect and be in force five (5) days after its passage, approval and legal publication.

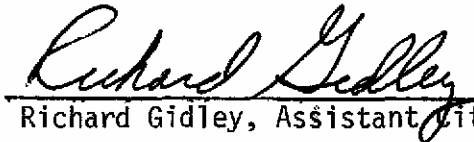
PASSED by the City Council this 25 day of August, 1975, and signed in authentication of its passage this 25 day of August, 1975.

(SEAL)



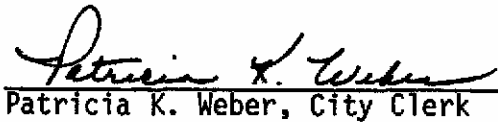
Nancy L. Rising, Mayor Pro Tem

Approved as to form:



Richard Gidley, Assistant City Attorney

Attest:



Patricia K. Weber, City Clerk

Published Sept 4, 1975