

Original

CITY OF BELLEVUE, WASHINGTON
ORDINANCE NO. 226

AN ORDINANCE, creating a board to be known as the Building Code Board of Appeals, providing for its membership, declaring jurisdiction, duties and authority, and prescribing procedure.

THE CITY COUNCIL OF THE CITY OF BELLEVUE DO ORDAIN
AS FOLLOWS:

Section 1. Creation of Building Code Board of Appeals.

Pursuant to the provisions of Section 204 of the Uniform Building Code, 1955, Edition, and as herein varied or modified, there is hereby created a board to be known as the Building Code Board of Appeals, which board shall in this ordinance be referred to as the "Board."

Section 2. Purpose. Function and Jurisdiction of the Board.

The purpose and function of the Board shall be to make advisory recommendations, after a hearing and conclusion, on matters of disagreement between any person and the administrative officials of the City of Bellevue in the interpretation, intent or meaning of any of the terms or provisions of the City of Bellevue ordinances, commonly referred to as the Building Code, Electric Code, Plumbing Code, Gas Code or Gas Fitters ordinance and Ordinance regulating boilers and unfired pressure vessels.

The Board shall have jurisdiction and advisory authority to determine the suitability of alternate materials or alternate types of construction, if an alternative is contemplated or recognized by the expressed terms of the codes or ordinances of the city. 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; provided, such recommendation is consistent with the recited purposes of Section 102 of said Building Code. The Board shall make no recommendation which will repeal or nullify (to render the language without meaning or purpose) the expressed provisions of any code or ordinance.

The Board shall have no authority to consider or determine any matter arising under the zoning or land use ordinances.

Section 3. Membership, Appointment & Terms.

The Board shall consist of six, (6) 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 and shall not serve as the 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.

The term of each voting member, unless sooner terminated by the appointing authority, shall be for three (3) years, and until his successor is appointed and qualifies, the ex officio member shall serve at the will of the City Manager. The expiration date of the respective terms of the voting members shall be staggered, ending on December 31st, so that not more than two positions will expire in the same year. Provided, however, that the terms of the appointees comprising the first full board under this ordinance shall have terms expiring as follows:

Positions numbered one and two shall expire in 1960.

Positions numbered three and four shall expire in 1959;

Position five and six shall expire in 1958.

Section 4. Qualifications of Voting Members

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:

Position 1. Appointee to position 1 shall be an engineer, licensed by the State of Washington, as either civil, or structural.

Position 2. Appointee to position 2 shall be an architect, licensed by the State of Washington.

Position 3. Appointee to position 3 shall be a person who has, during the preceding five years, actively engaged in business as a building contractor.

Position 4. Appointee to position 4 shall be a person holding a gas fitters license issued by the City of Bellevue, or any person who is qualified to make inspection of gas piping and equipment.

Position 5. Appointee to position 5 shall possess qualifying training and experience, in either of the engineering fields of electrical, plumbing or sanitation, sufficient to intelligently pass upon matters involving buildings and related installations.

Position 6. Appointee to position 6 may be any person of mature judgement, business experience and ability to analyze and consider a matter in dispute. He shall not be an employee of the city and shall not be actively engaged in any of the specialized fields of training or experience required for qualification to either of the first five positions herein described.

Before undertaking the duties as a voting member of the Board, each appointee shall at the beginning of his initial term file with the City Clerk his written acceptance of appointment to the Board and shall subscribe to an oath, to be filed with the City Clerk, that he will faithfully and impartially consider and determine matters in hearing before the Board, and in the event that he shall have personal interest in or be connected with the matters or parties involved, he shall disqualify himself and decline to serve or participate in the specific hearing.

Section 5. Organization of Board, Term of Officers

OFFICIAL ACT OF BOARD

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 voting members to serve as the Secretary, who shall keep permanent minute records of all meetings, proceedings and actions taken by the Board.

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.

The majority vote of a quorum shall constitute the official action of the Board. The presence of three (3) voting members, having the right to participate in the matter in hearing at a regular or legally called meeting, shall constitute a quorum with 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 in the negative.

Section 6 Appeal Procedure Required of Appellant.

Any person who shall feel that he is aggrieved by a ruling of any administrative officer, in the interpretation of the Building Codes or ordinances specifically described or mentioned in Section 2 of this ordinance, shall have the right to have the specific question reviewed in an appeal to the Board.

An appeal shall be perfected by the filing with the City Clerk of the City of Bellevue, Washington, of a Petition for Review, on a form to be provided by the city, and the payment of Five and no/100 Dollars (\$5.00) filing fee. The Petition for Review must be filed in duplicate, must set forth the specific section of the code or ordinance under which the administrative ruling was made, the specific question involved, the date of the ruling or decision and a full statement of the contentions of the appellant.

Upon the filing of such Petition for Review, the City Clerk shall immediately notify the Secretary of the Board of such filing and as promptly thereafter as is reasonably possible transmit to the Secretary of the Board a true copy of the Petition For Review. The City Clerk shall also immediately give notice of such appeal to the administrative officer from whose ruling or decision the appeal has been taken.

Section 7 Procedure Required of the Board.

Upon receipt of the notice from the City Clerk that an appeal has been taken, the Secretary of the Board shall notify each of the members of the Board and call a meeting to be had within twenty-four hours after receipt of such notice of appeal, unless the appellant has, on the Petition For Review or otherwise in writing, indicated that hearing is not insisted on within the twenty-four hour minimum period as required by this section.

Such hearing before the Board shall be open to the public. Each member of the Board, the ex-officio member, the administrative officer from whose ruling the appeal is taken and the appellant, shall each have the right to a minimum of four(4) hours notice from the Secretary of the Board prior to the hearing time of any matter in which he has an interest or right to participate. The administrative officer making the ruling, or from whose decision the appeal is taken, shall have the right to appear and be heard at the Board.

A minute record of all meetings and proceedings of the Board shall be kept by the Secretary and permanently preserved as public records.

Upon the completion of the hearing or hearings, and conclusion by the Board, the Secretary of the Board shall transmit in writing to the City Clerk a copy of the Minutes and the original report of recommendation of the Board. The Secretary shall send a copy of such report to the appellant and also a copy thereof to the Administrative Officer from whose decision the appeal was taken.

Section 8. Action By Administrative Officer After Recommendation of Board.

It shall be the duty of the administrative officer, from whose ruling the appeal was taken, to reconsider the matter or question and within the next four(4) regular office hours, after receiving a written copy of the recommendation of the Board, reaffirm his conclusion, ruling or decision or modify or change his decision as he may see fit in the light of the Board's recommendation; and he shall notify the appellant of his official decision. Such notice of official decision by the administrative officer may be made immediately in person or by telephone communication but must, in any event, be made in writing to the appellant within eight (8) regular office hours after receipt of the recommendation of the Board. Such written notice to the appellant of the official decision will be deemed complied with if made in writing, properly addressed, postage prepaid and placed in the United States regular mail service within the time herein provided.

The term "regular office hours" as used in this ordinance shall have reference to the office of the City of Bellevue, in which is employed the administrative officer from whose ruling the appeal has been taken; and means the hours of the day such office is regularly open for the transaction of business by the public.

Section 9 Right of City Official to Seek Recommendation

The City Engineer, Building Official or any other administrative official of the City of Bellevue, 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, even though the same may be only a moot question or proposition. 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 ordinance in the hearing of any other matter within its jurisdiction.

Section 10 General Provisions and Rules.

The Board shall have the right by a two-thirds affirmative vote to make any rule of procedure it may desire, so long as such rule is not in conflict with the spirit or expressed provisions of this ordinance.

The perfecting of an appeal shall not revoke any "stop work order" or in any manner stay any action or order made by the City of Bellevue.

The report of the Board may also be in the nature of a recommendation to the appellant or person seeking the review.

Section 11 Effective-Date

This Ordinance shall take effect and be in force five days after its passage, approval and publication in the manner provided for by law.

PASSED by the City Council on the 10th day of December, 1957 and signed in Authentication of its passage this 10th day of December 1957.

C. D. [Signature]
MAYOR

COUNCILMAN

COUNCILMAN

Approved as to form:

[Signature]
CITY ATTORNEY

(SEAL)

FILED
CITY OF BELLEVUE
DATE Dec. 11, 1957
CITY CLERK *[Signature]*

ATTEST:

[Signature]
CITY CLERK

Published: December 19, 1957