

RULES AND REGULATIONS FOR BUILDING CODE BOARD OF APPEALS

1 GENERAL PROVISIONS

- A These rules are supplementary to the provisions of the Building Code of the City of Aurora, as amended from time to time, as they relate to procedures of the Building Code Board of Appeals (BCBA) (the “Board”), and are adopted pursuant to authority vested in the Building Code Board of Appeals by both Chapter 01 “Board of Appeals” and Appendix B “Board of Appeals” of the International Building Code.
- B Any member of the BCBA who has any interest in a matter before the Board shall remove himself from his place on the Board at any meeting or hearing at which said matter is under consideration. Said member may remain at the meeting or hearing but shall not participate or vote in any proceedings on such a matter, and in no event shall his physical presence be counted in establishing whether a quorum is present.
- C Any member who misses two (2) consecutive meetings without due cause and without giving to the Building Official advance notification of not less than three (3) days prior to the date of the meeting to be missed will be requested by chairperson or a vote of BCBA to submit his resignation to the Mayor.

2 OFFICERS AND DUTIES

- A The BCBA shall elect a Chairman (“Chairman”) who shall serve a one-year term. In the event of a death, removal for cause, or resignation, successors shall be elected by the BCBA. In the event the Chairman is disabled or unable to be present at a meeting or appeal, an Acting Chairman shall be elected from the BCBA members present.
- B The Executive Secretary (Chief Administrative Officer) to the BCBA shall be the Building Official, serving as an Ex-Officio member to the Board.
- C The Chairman shall supervise the affairs of the BCBA.
- D The Acting Chairman, in the absence or disability of the Chairman, shall perform all the duties and exercise all the powers of the Chairman.

E The Executive Secretary shall perform the following duties:

i) Keep, record and maintain or cause to be kept, recorded and maintained the following:

- (1) Permanent minutes of the Board's proceedings and orders entered by the Board, showing the vote of each member upon every question, or if absent, failing to vote, indicating that fact.
- (2) Records of its examinations and other official actions.
- (3) An accurate summary of the testimony of those appearing before the Board or verbatim transcript of all hearings for transcription in the event of an Administrative Review by any party pursuant to the Administrative Review Act (Chapter 110, Par. 264-279, Ill. Revised Statutes 1977) or any other order of the Board.

(4) The names and addresses of all persons appearing before the Board.

ii) Subject to the Board and Chairman, conduct the correspondence of the Board and cause to have published in local newspaper public notices of the meetings or hearings as required by law and these rules or procedures.

iii) File said minutes and record in the office of the Building Official of the City of Aurora, which minutes and records, shall be public record.

iv) Serve as the custodian of the files of the Board and keep all records.

2 GENERAL BUSINESS MEETINGS

A Meetings may be called by the Chairman or Executive Secretary for due cause at their discretion, or upon the request of two (2) or more members provided that forty-eight (48) hours notice is given each member. Public hearings and meetings may be recessed to another date by the BCBA by motion for lack of a quorum or for convenience of the parties resulting from a lengthy session.

B All meetings shall be open to the public whenever any official action is to be taken.

C Other than for Appeals, a quorum shall consist of four (4) members.

D No action may be taken on an off-agenda item unless a majority of those Board members present determine there is a need to take immediate action and that the need for action came to the attention of the City subsequent to the posting of the agenda. It is inevitable that subjects will arise, during the course of consideration of the agenda items, on which no action can be prudently taken immediately. In such event, the Chairman shall have the power to refer the matter to staff, or to place the item on the agenda of a future meeting, or both.

E Other than for appeals, a simple majority of the Board shall constitute a decision.

3 PROCEDURES ON APPEALS

- A An appeal of a Building Official's decision may be taken by any person aggrieved, or any department or bureau head or officer of the municipality affected by the Building Official's decision.
- B Every appeal shall be made to the BCBA on the forms supplied by the City of Aurora, which may be secured from the Building Official. The procedure of appeal shall be as follows:
- i) A written appeal of any order or decision of the Building Official shall be filed with the Building Official by the party aggrieved. Appeals from decisions of the Building Official shall require identifying data of the decision appealed from, the name of the party filing the appeal, the day on which the decision of the Building Official was rendered, a specification including referenced code sections of the grounds of said appeal, and shall be signed by the party, or his attorney or agent. Said appeal shall be accompanied by accurate as-built plans should the work vary from the approved site plans or building permit documents. If an appellant submits additional written or printed material for BCBA consideration less than seven (7) business days prior to the date of the hearing on the matter, the Board may continue the matter and the applicant shall be deemed to have consented to such a continuance.
 - ii) Any other communication purporting to be an appeal shall be regarded as mere notice to seek relief. It shall not be considered a filed appeal, and therefore, may not be acted upon by the Board.
 - iii) Upon receipt of any such communication purporting to be an appeal, the applicant shall be supplied with the proper forms to file an appeal, and if the appellant fails to file with the Board the form properly filled out and executed, and to supply the required data within twenty (20) business days from the Building Official's decision being appealed, his case shall be dismissed for lack of prosecution.
 - iv) Said appeal shall be accompanied by a fee as established in Appendix B of the International Building Code.
 - v) The Building Official shall make all papers constituting the records upon which the action appealed from was taken a matter of public record.
 - vi) The appellant shall provide all the information required on the appeal application form as well as any additional information that may be required by the Board to aid it in reaching a decision.
 - vii) Six (6) paper copies or an electronic copy (acceptable to the Building Official) of the appeal shall be prepared and filed with the Executive Secretary to the Board.

- C An appeal shall be filed with the Building Official within twenty (20) business days from the date that the decision was first made known to the Building Permit Applicant or his contractor or consultants by the Building Official or his designees.
- D Upon receipt of the properly filed appeal application form, the Executive Secretary to the Board shall assign a case number and place it on the calendar of the Board for hearing within the time frame allotted in Appendix B of the International Building Code. Applications for appeals shall be assigned for hearing in the order in which they are received.
- E At any public hearing of an appeal before the Board, the appellant shall appear on his own behalf or be represented by counsel or agent. The Building Official shall first present the case for the City and his reasons for his decision. The appellant's side of the case shall then be heard. Then the city's rebuttal shall be heard, followed by the appellant's rebuttal. To maintain orderly procedure, each side shall proceed without interruption by the other. Repetitious and accumulative testimony shall be avoided. Testimony or comments from those not named on the appeals form shall be heard only if recognized as appropriate by the Chairman.
- F A quorum of the BCBA for any appeal hearing shall consist of four (4) board members.
- G All appeals shall be conducted under the order of parliamentary procedure as specified in the last revised edition of Robert's Rules of Order to the extent that such rules are not in conflict with these Rules of Procedure.
 - i) All Board members shall address all questions and comments through the Chairman.
 - ii) All persons attending meetings of the Board will be asked to identify themselves, and address Board members or other persons present through the Chairman.
 - iii) Exhibits: All maps, letters and documents considered by the Board at any hearing shall become a part of the records of the Board.
- H Filing of an appeal shall stay all building code violation proceedings other than eminent peril to life and property. In the event of eminent peril to life or property, the building code violation proceedings can only be stayed by order of the Board at the scheduled hearing or by the court of record.

4 DECISIONS

- A A concurring vote in accordance with Appendix B of the International Building Code shall be necessary to reverse any order, requirement, decision or determination of the Building Official.
- B All decisions of the Board shall be made at a public meeting by a motion made, seconded, and the Chairman polling the membership by a roll call vote. The motion which decides the issue shall be in the form of findings of fact and shall state the reasons for the findings by the Board.

- C The decision of the BCBA on any and all appeals shall be reduced to writing and a copy thereof shall be filed in the office of the Building Official.
- D Notice of the decision of the Board shall be given to the appellant, the Building Official, and other interested parties who request in writing to be notified as soon as possible after the decision is reached.
- E Any appellant may voluntarily withdraw his appeal at any time prior to the decision of the BCBA thereon.
- F No person shall be entitled to claim a refund of costs for any reason whatsoever.
- G All records of the Board shall be a public record.
- H The Chairman, subject to appeal to the BCBA, shall decide all points of order, not otherwise covered.
- I Insufficient submittals for appeals as determined by vote of the BCBA shall be grounds for a denial of the appeal.

5 AMENDMENT OF RULES

- A These rules may be amended by three fifths (3/5) vote of all members of the Board.
- B The proposed amendment must be presented at a meeting preceding the meeting at which the vote is taken.

The foregoing rules and regulations are hereby adopted by the Building Code Board of Appeals, Aurora, Illinois on (15th of November), 2007 and shall be in effect upon adoption.

CITY OF AURORA, ILLINOIS
AURORA BUILDING CODE BOARD OF APPEALS
BY: Paul F. Buddy

Chairperson Aurora Building Code Board of Appeals