

**A BILL FOR AN ORDINANCE AMENDING)
CHAPTER 15.20 OF THE LEBANON)
MUNICIPAL CODE CONCERNING THE)
BUILDING BOARD OF APPEALS)**

**Ordinance Bill Number 10 for
2002
Bill Number 2297**

THE PEOPLE OF THE CITY OF LEBANON ORDAIN AS FOLLOWS:

Section 1. Chapter 15.20 of the Lebanon Municipal Code is amended to read as follows:

15.20.010 Established.

A Building Board of Appeals, referred to hereafter as the "Board of Appeals", is established which shall consist of five members who are qualified by experience and training to pass upon matters pertaining to building construction and who are not employees of the jurisdiction appointed by the city council. The initial terms shall be one member for one year, one member for two years, one member for three years and two members for four years; thereafter, each member shall be appointed for a four-year term. Vacancies shall be filled for the unexpired term of the member affected. The Building Official shall be an ex officio member and shall act as secretary to said board but shall have no vote upon any matter before the board.

15.20.020 Officers--Rules--Meetings.

The Board of Appeals shall, at its first meeting of each year, elect a chairman and a vice chairman, who shall hold office for a calendar year. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant. The meetings of the board shall be held at the call of the Building Official and/or Chairman and at such other times as the board may determine. Three members of the board shall constitute a quorum and a concurring vote of the majority of those present shall be necessary to decide on any matter on which the board is required to pass under the terms of the codes mentioned in Section 15.20.030.

15.20.030 Limitations of Authority.

The Board of Appeals shall have the powers and duties as specified in Section 105 of the State Structural Specialty Code.

15.20.040 Persons Eligible to Appeal.

Any person entitled to service under Section 401.3 of the 1997 Uniform Code for the Abatement of Dangerous Buildings, may appeal any notice and order or any action of the Building Official under this chapter by filing a written notice of appeal.

15.20.050 Notice of Appeal.

A written notice of appeal shall be filed with the Building Official and must contain the name of the appellant(s); a brief statement specifying the applicable code and code section pertaining to the decision being appealed; a brief statement setting forth the legal interest of the appellant(s) in the building or land involved in the notice and order; the specific decision of the Building Official being appealed; a brief statement in ordinary and concise language, together with any material facts, claimed to support the contentions of the appellant(s); a brief statement in ordinary and concise language of

the relief sought and the reasons why it is claimed the appealed order or action should be reversed, modified or otherwise set aside; the signatures of all parties named as appellants and their official mailing address; the verification (by declaration under penalty of perjury of at least one appellant as to the truth of the matters stated in the appeal. The notice of appeal shall be filed with the Building Official no later than fifteen (15) days after the decision of the Building Official.

15.20.060 Appeals – Filing.

At the time of filing, the notice of appeal shall be reviewed and determined to be complete by the Building Official. The appellant shall pay the applicable filing fee at the time of filing the notice of appeal.

15.020.070 Appeals – Hearing.

Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer, department or board of the city affected by any decision or ruling of the Building Official or Fire Chief made under the codes mentioned in Section 15.20.030. The Board shall fix a reasonable time for the hearing of appeals, give public notice thereof as well as due notice to parties of interest, no less than ten (10) days prior to the hearing and decide the same within a reasonable time. In deciding the appeal, the Board shall not be bound by the Oregon Rules of Evidence, but may rely upon evidence it deems reasonably appropriate in considering the appeal.

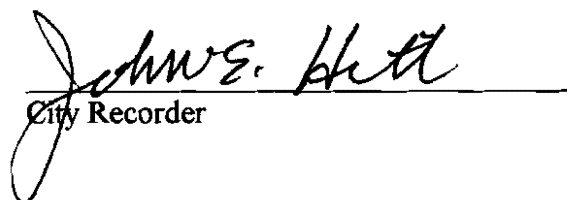
15.20.080 Appeals—Decision.

In exercising the power specified in the codes mentioned in Section 15.20.030, the Board of Appeals may, so long as such action is in conformity with the terms of those codes, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have the powers of the official from whom the appeal is taken.

Passed by the Council of the City of Lebanon by a vote of 6 for and 0 against, and approved by the Mayor this 10th day of April, 2002.


Mayor

ATTEST:


City Recorder