

11/17/86

CITY OF CONCORD

In the year of our Lord one thousand nine hundred and eighty-six

AN ORDINANCE

An Ordinance providing for the Board of Appeal to hear appeals under the Fire Prevention Code.

The City of Concord ordains as follows:

Section I: Amend the Code of Ordinances, Title 3, Building Regulations, Article 26-4 Board of Appeal by striking Section 26-4-1 Appointment and inserting in place thereof the following new section:

26-4-1 Appointment. There is hereby established a board to be called the Board of Appeal, consisting of five (5) members. Members shall be qualified by experience and training to rule on matters pertaining to building construction and fire protection. Each member shall be an architect, or structural engineer, or builder, or superintendent of construction, or mechanical, or electrical contractor or qualified by experience and training to rule on matters pertaining to fire protection. Board Members and three (3) alternate members shall be recommended by the City Manager and approved by the City Council.

Section II: Amend the Code of Ordinances Title 3, Building Regulations, Article 26-4 Board of Appeal by striking Section 26-4-2 Term of Office and inserting in place therefor the following new section:

26-4-2 Term of Office. The members of this Board shall be appointed or removed as provided for by the provisions of RSA 673.

Section III: Amend the Code of Ordinances, Title 3, Building Regulations, Article 26-4 Board of Appeal by substituting in Section 26-4-3 Quorum the words "this title" for the words "this code" and by inserting after the words "Code Enforcement Administrator" the words "or Fire Chief" so said section reads as follows:

26-4-3 Quorum. A majority of the Board shall constitute a quorum. In varying the application of any provision of this Title or in modifying an order of the Code Enforcement Administrator or Fire Chief, affirmative votes of three (3) members shall be required. No member of the Board shall pass upon any question in which he is interested, directly or indirectly.

Section IV: Amend the Code of Ordinances, Title 3, Building Regulations, Article 26-4 Board of Appeal by substituting in Section 26-4-5 Procedure the words "this title" for the words "this code" so said section reads as follows:

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26-4-5 Procedure. The Board shall establish rules and regulations for its own procedure not inconsistent with the provisions of this Title.

Section V: Amend the Code of Ordinances, Title 3, Building Regulations, Article 26-4 Board of Appeal by striking Section 26-4-6 Appeals and inserting in place thereof the following new section:

26-4-6 Appeals. Any person aggrieved including the head of any agency of the municipality may appeal any decision or interpretation by the Code Administrator or Fire Chief made under the provisions of Title III. An appeal may be taken within thirty (30) days from the date of the decision appealed, by filing with the Code Enforcement Administrator or Fire Chief and with the Board of Appeal a notice of appeal, specifying the grounds thereof, except that in the case of a building or structure which, in the opinion of the Code Enforcement Administrator or Fire Chief, is unsafe or dangerous, he may in his order limit the time of such appeal to a shorter period. He also shall forthwith transmit to the Board of Appeal all the papers upon which the action appealed from was taken.

Section VI: Amend the Code of Ordinances, Title 3, Building Regulations, Article 26-4 Board of Appeal by inserting in Section 26-4-8 Modification and Variations by the Board the words "or Fire Chief" after the words "Code Enforcement Administrator" wherever they shall appear and by substituting for the words "this code" the words "this title" wherever they shall appear so that said section reads as follows:

26-4-8 Modifications and Variations by the Board. The Board of Appeal, when so appealed to and after public hearing, may vary the application of any provision of this title to any particular case when, in its opinion, the enforcement thereof would do manifest injustice, and would be contrary to the spirit and purpose of this title or public interest, or when in its opinion, the interpretation of the Code Enforcement Administrator or Fire Chief should be modified or reversed. A decision of the Board of Appeal to vary the application of any provision of this title, or to modify an order of the Code Administrator or Fire Chief, shall specify in what manner such variation or modification is made, and the reasons therefor.

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An Ordinance providing for the Board of Appeal to hear appeals under the Fire Prevention Code (continued).

The City of Concord ordains as follows:

Section VII: Amend Code of Ordinances Title 3, Building Regulations, Article 26-4 Board of Appeal by inserting in section 26-4-9 Decisions of the Board after the words "Code Enforcement Administrator" wherever they shall appear the words "or Fire Chief" and by substituting for the words "this Code" so that said section reads as follows:

26-4-9 Decision of the Board. The Board of Appeal shall in every case reach a decision without unreasonable or unnecessary delay. Every decision of the Board shall be in writing and shall indicate a vote upon the decision. Every decision shall be promptly filed in the office of the Code Enforcement Administrator or Fire Chief and shall be open to public inspection. A certified copy shall be sent by mail or otherwise to appellant. If a decision of the Board reverses or modifies a refusal, order, or disallowance of the Code Enforcement Administrator or Fire Chief, or varies the application of any provision of this title, he shall take action immediately in accordance with such decision.

Section VIII: This Ordinance shall take effect upon its passage.

In City Council
November 17, 1986
Passed.

Attest:

City Clerk