

**RULES AND PROCEDURES OF
THE OAK RIDGE BOARD OF BUILDING AND HOUSING CODE APPEALS
(BBHCA)**

Revised: July, 2015

ARTICLE I. OFFICERS

Section 1. A Chairman, Vice-Chairman and Secretary shall be elected annually by a majority vote of the Board. They shall serve for the calendar year.

ARTICLE II. DUTIES

Section 1. The Chairman, or in his/her absence the Vice-Chairman, shall preside at all meetings and hearings of the Board, decide all points of order or procedure and perform any duty required by law, ordinance, these rules or the Board.

Section 2. In the absence or disqualification of the Chairman, the Vice-Chairman shall assume all the duties of the Chairman.

Section 3. The Building Code official, working with the Board Secretary, shall conduct, at the discretion of the Board, all official correspondence of the Board, send out all notices required by law and these rules of procedure, keep a record of each hearing or any official action of the Board, maintain a visitor sign-in or log and perform all other duties required by law, ordinance, these rules, or the Board.

ARTICLE III. MEETINGS

Section 1. A regular meeting of the Board of Building and Housing Code Appeals for the hearing of cases shall be held on the second Thursday of each month at 3:00 p.m. in the Municipal Building Training Room, unless no cases are pending, in which no meeting shall be held.

Section 2. The agenda and supporting materials will be provided to the Board via regular mail or electronic mail no later than the first Thursday of the month, one week before the meeting. If there are any changes to the time of the meeting or the location of the meeting, the changes shall be noted on the agenda. If there is no meeting scheduled, such a notice will be provided to the Board one week before the meeting date.

Section 3. All applications and supporting materials must be received by the Code Enforcement Department no later than 5:00 p.m. on the first Tuesday of the month.

Section 4. The Board shall meet within five (5) days of an appeal where the City Manager or his designee has found that a dangerous and unsafe building constitutes a serious and immediate threat of danger to the health, safety, and general welfare of persons on the property or of the general public. At such hearings, the Board shall hear and receive such testimony and evidence relevant to the notice or order to any extension of time presented by the City Manager or his designee or by the Appellant.

Section 5. Special meetings may be held upon call of the Chairman and at such other times as the Board may determine, provided that at least twenty-four (24) hour notice of the meeting is given to each member.

Section 6. A quorum shall consist of four (4) members of the Board.

Section 7. The order of business of all regular meetings of the Board shall be as follows:

- (a) Roll call
- (b) Approval of minutes from previous meeting
- (c) Appearance of Citizens
- (d) Hearing of cases
- (e) Unfinished business
- (f) New business
- (g) Staff Communications

Section 8. Permission to Speak Before the Board

- a. The Chair shall recognize the right of Board of Building Housing Code Appeals members to speak before the body. Board members shall initiate his/her right to speak by raised hand or other modest forms acceptable. The Chair shall maintain a sequential list of requests.
- b. The Chair shall recognize a citizen's (members of the public) opportunity to comment on items that are under consideration by the Board as part of the formal agenda. A citizen shall use the "Visitor's Sign-In Sheet" to indicate their desire to speak before the Board for a specific agenda item(s). Once recognized, the citizen shall begin by stating their name and address, and their affiliation to the subject matter at hand.

Section 9. Appearance of Citizens

- a. Citizens (members of the public) shall be permitted to address the Board of Building and Housing Code Appeals about matters that are not on the formal agenda. For the city record, the Board Secretary shall require citizens to use the "Visitor's Sign-In Sheet" to indicate their desire to speak before the board. Once recognized by the Board Chair, the citizen shall begin by stating his/her name and address, and the purpose for his/her appearance before the Board. Citizen comments shall be related to matters of Board and Code Enforcement Business. Comments shall not generally result in a formal response or action at the time of presentation because in most cases neither the Board nor city staff will be prepared to respond effectively; however, the Chair may answer questions or recognize other Board members or staff to do so.
- b. Statements that are purely political in nature or unrelated to Board business will not be allowed.

Section 10. The Building Code Official and the Secretary shall keep minutes of the proceedings of each meeting of the Board, showing the vote of each member upon each question, or if the absent or failing to vote, indicating such fact.

Section 11. All meetings and hearings of the Board shall be open to the public. Any action calling for a formal vote shall take place only at a public meeting.

Section 12. Public Comment is generally limited to three (3) minutes per citizen. However, time limits shall ultimately be at the discretion of the Chair.

Section 13. Roberts Rules of Order shall govern with respect to all questions of a parliamentary nature.

ARTICLE IV. PROCEDURE FOR HEARING VARIATIONS AND MODIFICATIONS

Section 1. Appeals for the variations and modifications of the Housing Code may be taken to the Board by any person aggrieved or affected by any decision of the Building Plans Reviewer/Inspector. An appeal for variation or modification shall be made in writing within fifteen (15) days after the decision is rendered by the Division of Code Enforcement.

Section 2. The appellant shall file the request for the appeal or review on the appropriate City provided form which shall be obtained from the Division of Code Enforcement. The appellant shall perform all actions required by the form and provide all information requested on the form, together with any information and data that may be required to advise the Board with reference to the appeal, whether such information is called for by the official form or not.

Section 3. Upon receipt of an appeal, the Division of Code Enforcement shall transmit to the Board all papers constituting the record upon which the action is being taken together with a statement setting forth briefly the reasons for the action.

Section 4. Each appeal, when filed on the proper form with the required data, shall be numbered serially, and be placed upon the agenda of the Board by the Office of Code Enforcement to be set for a hearing. Appeals shall be assigned for hearing in the order in which they appear on the agenda, except that any appeal may be advanced for hearing by order of the Board upon reasons being shown which affect public health, safety or welfare.

Section 5. At the time of the hearing, the appellant may appear in his/her own behalf, or be represented by counsel or agent. The appellant shall be heard first. Thereafter, the Division of Code Enforcement shall be heard. Any private citizen also may be heard either for or against the proposal. The appellant shall be given an opportunity for rebuttal. Board members may question witnesses at any time on any subject deemed relevant to the appeal.

Section 6. The Board, on its own motion, may provide for the recording of testimony in a stenographic report. If the Board so provides, a copy of the report shall be made available to any person interested in the appeal, upon payment of a fee of \$1.00 per page. All requests for copies of such report shall be made to the Secretary no later than forty-eight (48) hours after the date on which the hearing was held.

Section 7. Whenever the Board imposes any condition with the respect to the granting of the appeal, such condition shall be set forth in the resolution stating the decision.

Section 8. All actions of the Board shall have the concurrence of at least four (4) members of the Board.

Section 9. The Board must render its decision without unreasonable or unnecessary delay.

Section 10. The final decision shall be a statement of findings, statement of modification asked for, reason for action reversing, affirming or modifying the action of the Division of Code Enforcement.

Section 11. A copy of the action taken by the board, certified and signed by the Board Chairman shall be forwarded to the appellant and the Division of Code Enforcement.

Section 12. The Board may, in appropriate cases, grant a reasonable extension of time. However, no extension of time shall be granted for more than eight (8) months from the date of the notice.

Section 13. Review, comment and/or make recommendations as needed on proposed code/ordinance changes that the Board is charged with the duty to interpret or render decisions on.

Section 14. The Board may adopt its own rules setting hearing procedures as needed. Any procedure that is in direct conflict with State law shall be deemed null and void.

ARTICLE V. HEARING OF CASES AND/OR APPEALS FROM BLIGHTED PROPERTY NOTICES OR ORDERS

Section 1. The Board also hears cases and/or appeals from notices or orders of the City Manager or his designee to repair, vacate, or demolish residential or commercial buildings deemed unsafe for occupancy or use pursuant to the Oak Ridge Property Maintenance Code.

Section 2. The Board may dismiss or modify the notice to the extent the Board determines the order was improper, and/or the Board may grant or deny additional time for compliance with the Property Maintenance Code, or grant or deny a waiver from certain specific requirements.

ARTICLE VI. REQUEST FOR HEARING OF HOUSING DISCRIMINATION COMPLAINTS

Section 1. Persons desiring a hearing on a housing discrimination complaint before the Board shall make a formal request in writing on a form provided by the office of Code Enforcement. Copies of the form are available at the office of Code Enforcement.

ARTICLE VII. FINAL DISPOSITION OF APPEALS

Section 1. The decision of the Board shall be final, except where the applicant appeals the order to a court having jurisdiction or makes a written request for a rehearing.

Section 2. When a request for a rehearing is granted by an affirmative vote of four (4) members of the Board, all interested parties and the applicant shall be notified of the date and time of the rehearing by the office of Code Enforcement.

Section 3. In the event of an Unfit for Human Occupation and Use, Vacate and/or Abatement case, the City shall first present the case with proofs and witnesses. If present, the Property Owner or responsible person(s) shall then respond. All witnesses are subject to direct questioning, cross-examinations and redirect. Board members may question witnesses at any time on any subject deemed relevant to the case.

ARTICLE VIII. RECORDS

Section 1. A file of all materials and decisions relating to each case shall be kept by the Division of Code Enforcement as part of the records of the Board.

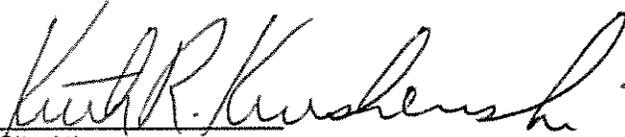
Section 2. All records of the Board shall be public records.

ARTICLE IX. AMENDMENTS

Section 1. These Rules and Procedures may be amended on the affirmative vote of four (4) members at any regular meeting.

ADOPTION:

In accordance with the authority granted by Ordinance (O.R.P.M.C § 111.2(f)) of the City of Oak Ridge, Tennessee, the forgoing Rules and Procedures of the Board of Building and Housing Code Appeals was adopted on the 9th day of July, 2015.



City Attorney



Board Chairman

