



# *Ordinance*

## NO. 284

OFFICE OF THE  
MAYOR  
CITY OF SAN LUIS

**AN ORDINANCE OF THE CITY OF SAN LUIS, ARIZONA AMENDING ARTICLE 6-1 OF THE BUILDING CODE OF THE CITY OF SAN LUIS, ARIZONA TO ADD SECTIONS 6-1-11 THROUGH 6-1-16 TO PROVIDE FOR THE ESTABLISHMENT OF A BOARD OF APPEALS; PROCEDURES THEREFORE; APPOINTMENT OF A SECRETARY TO THE BOARD; REPEALING ANY CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY**

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF SAN LUIS, ARIZONA:

Section 1: Article 6-1 Building Code of the City of San Luis, Arizona is hereby amended to add Sections 6-1-11 through 6-1-16 as follows:

Sec. 6-1-11. Building Appeals Board- Purposes; created; qualifications; appointment, term of members.

In order to determine the suitability of alternate materials or alternate types or methods of construction and of installation of building service equipment under the provisions of the building codes of the City as adopted by this Article, including, but not limited to, any building, electrical, fire, mechanical, plumbing, solar system and/or spa/pool codes of the city as may be adopted pursuant to Article 6-1 of the City Code, and to provide for reasonable interpretations of the provisions of such codes, there shall be, and there is hereby created a board of appeals consisting of seven (7) members who shall be selected upon the following qualifications:

- (1) An architect or professional civil engineer duly licensed in the State of Arizona;
- (2) A professional structural engineer duly licensed in the State of Arizona;
- (3) A general contractor duly licensed in the State of Arizona;
- (4) A plumbing contractor licensed in the State of Arizona;
- (5) A mechanical contractor licensed in the State of Arizona;
- (5) An electrical contractor licensed in the State of Arizona;
- (6) A resident of the city who shall be indirectly associated with the construction industry and building code issues such as a realtor, an insurance agent, an appraiser, a loan officer, a property manager, or other similar trade or profession.

In the event that no professionals are available for appointment that meet the criteria listed above, the City Council may select a person or persons whose background approximates the knowledge and background being sought.

The board of appeals members shall be appointed by the mayor and council, shall serve without compensation, and shall hold office and be subject to removal therefrom as may be determined by action of the mayor and council.

The Board of Appeals shall have no authority to interpret administrative provisions of the building codes of the City nor shall the Board be empowered to waive requirements of the building codes.

Sec. 6-1-12 Advisory capacity of Board of Appeals

In addition to the purposes of the Board of Appeals as provided in Section 6-1-11, the Board of Appeals may also advise the City Building Official and/or the Fire Chief in matters pertaining to the development and enforcement of all building and construction codes adopted by the City of San Luis.

Sec. 6-1-13 Authority to regulate hearings and investigations; regulations to be filed; distribution of decisions.

The board of appeals shall adopt reasonable rules and regulations for conducting its hearings and investigations; provided, such rules and regulations shall not be effective unless three (3) copies of same are filed with the city clerk, and provided further, that same are not inconsistent with the codes and ordinances of the city. Said rules and regulations may be those provided in such codes as may be adopted by this Article. The board shall render all decisions and findings in writing to the secretary of the board, with a duplicate copy to the inspector concerned, and with a duplicate copy to the applicant or appellant.

Sec. 6-1-14 Vote required for decisions; quorum.

Decisions of the board shall be made by a majority vote of the members present at any meeting; provided that a quorum shall consist of a majority of the board members appointed at the time of that meeting.

Sec. 6-1-15 Appointment, powers, duties of secretary to board.

The secretary of the board of appeals shall be appointed to such duties by the Building Official, and he shall keep the minutes and records of the board; but the secretary shall have no voting power.

Sec. 6-1-16 Procedure for appeals to board; meetings; effect of decisions.

(1) An appeal to the board of appeals may be taken by any person aggrieved by any decision, act or ruling of the city inspectors or other city staff involving the interpretation of the codes adopted by this Article. Such appeal shall be made by filing with the secretary of the board, within ten (10) days of the date of the decision complained of, a written notice of appeal specifying the grounds thereof. The secretary of the board shall immediately transmit a copy of such notice of appeal to the director of the department whose action, ruling or decision is challenged. Upon receipt of such notice, the director of the affected department shall forthwith transmit to the secretary of the board all papers which shall constitute the record upon which the action appealed from is taken.

(2) The board shall hold a meeting when there is pending business. The board shall hear appeals at a meeting to be scheduled within forty-five (45) calendar days from the date of filing of the unless a special meeting is requested by either the appellant or the affected inspector or the director of the affected department within two business days of the time the notice of appeal is filed with the board's secretary. In such cases a special meeting shall then be held within twenty one (21) calendar days after the notice of appeal is filed.

(3). All other matters, including the consideration of alternate materials and alternate types of construction normally shall be heard at meeting to be scheduled by the City Building Official. However, a special meeting for any purpose may be called by the board chairman when he deems such meeting to be reasonably necessary or proper.

(4). In cases involving the use of alternate materials or alternate types of construction where tests are necessary, the time for hearing may be enlarged to permit the making of such tests. Reasonable notice shall be given by the secretary of the board to the appellant or applicant and to the inspector concerned of the time and place when any appeal shall be considered by the board. Any party may attend such hearings in person or by agent or attorney. At all times the board chairman shall have the discretion to continue a hearing to such other dates and times as may be appropriate. The board shall decide any appeal immediately after the hearing, or within a reasonable time thereafter, but in no event shall the board keep an appeal under consideration for more than five (5) days, exclusive of Saturdays, Sundays, and holidays, after the hearing. After such notice and hearing, the decision of the board shall be filed with the secretary of the board. The board shall render its decision and findings in writing, with a copy to the inspector involved, the director of the affected department, and with a copy to the appellant or applicant; and the decision of the board shall be final.

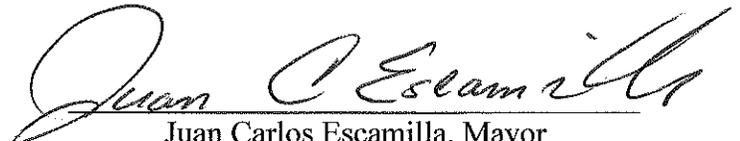
Sec. 6-1-17 Reference to "Board of Appeals."

Whenever reference is made to "Board of Appeals" other similar designation in any of the ordinances or codes of the city as adopted by this Article, such reference shall mean the board of appeals created in this article.

Section 2: In the event of a conflict between the provisions of this Ordinance, or any code or amendment adopted hereby, and any other ordinance, code, resolution, regulation, or policy of the City of San Luis, the conflicting provisions are hereby repealed, superseded, and replaced.

Section 3: If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of any code or amendments thereto adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

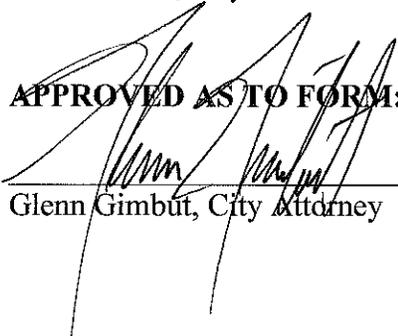
**PASSED AND ADOPTED** by the Mayor and Council of the City of San Luis, Arizona, this 12<sup>th</sup> day of May, 2010.

  
Juan Carlos Escamilla, Mayor

**ATTEST:**

  
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Sonia Cuello, City Clerk

**APPROVED AS TO FORM:**

  
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Glenn Gimbut, City Attorney