

TITLE 2

BOARDS AND COMMISSIONS, ETC.¹

CHAPTER

1. PARKS AND RECREATION BOARD.
2. REPEALED.
3. BOARDS, COMMISSIONS, AND AUTHORITIES.
4. HEALTH AND EDUCATIONAL FACILITIES BOARD.
5. THE SPRINGFIELD-ROBERTSON COUNTY MUNICIPAL AIRPORT.
6. HISTORIC PRESERVATION COMMISSION.
7. MUNICIPAL GOLF COURSE BOARD.
8. CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS.

CHAPTER 1

PARKS AND RECREATION BOARD²

SECTION

- 2-101. Appointment, terms, and vacancies.
2-102. Powers and duties.

2-101. Appointment, terms, and vacancies. The parks and recreation board shall consist of seven (7) members who shall serve without compensation. Said board shall be as follows: one (1) member per ward appointed by the alderman of said ward; one (1) member at large appointed by the mayor to serve as chairperson. Board members representing wards 1, 2, and 3 shall be appointed in July 1993, and board members representing wards 4, 5, and 6 and the chairperson shall be appointed in July 1995 and every four (4) years thereafter. (Ord. # 091-2, June 1991)

2-102. Powers and duties. The board shall have the following duties and powers:

(1) The board shall, in conjunction with the parks and recreation department, formulate policy regulations and rules for the operation of the parks and recreation system of the City of Springfield.

(a) Unless otherwise denoted, the term "Park" shall apply to all parks, playgrounds, athletic fields, tennis courts, swimming pools,

¹Municipal code reference

The adult entertainment appeals board: §§ 9-717 through 9-723.

²Municipal code reference

Parks rules and regulations: title 20.

community centers, and other recreational areas now owned or hereafter acquired or developed by the City of Springfield.

(b) All individual citizens, civic clubs, committees, businesses, special interest groups, charitable organizations, or other entities desiring to use park properties or facilities exclusively, and any agreements regarding concessions, shall seek approval through the parks department prior to beginning the activity or event.

(2) Formulate and recommend a three (3) to five (5) year parks and recreation capital plan, said plan to be forwarded to the city manager and mayor and board of aldermen, for consideration as part of the annual budget process prior to March 1st of each year.

(3) Formulate with the parks and recreation department, all parks and recreation rules and regulations and recommend same to the Board of Mayor and Aldermen for adoption.

(4) To communicate to the public the importance of parks/recreation services and to inform the public of the status and progress of said services. To communicate and work closely with other related public agencies to insure a complete community effort to provide the most effective and economical park/recreation services available.

(5) Formulate fees and charges to be recommended to the Board of Mayor and Aldermen for adoption. The parks and recreation board is hereby authorized to work with groups sponsoring events that require fees or charges which are not covered by the normal fee schedule. The city manager shall work with the recreation board and ultimately approve said special fees and charges.

(6) Duties of the officers:

(a) Chairperson: The chairperson shall preside at all meetings of the board, and shall call special meetings of the board at the request of any two (2) or more board members.

(b) Vice-chairperson: The vice-chairperson shall preside at any meeting of the board when the chairperson is not present. This person shall assume any other duties as set forth by the chairperson.

(c) Secretary: The recording secretary will be the parks/recreation director. The secretary will have:

(1) The responsibility of preparing the agenda and minutes of all meetings, and will cause a copy of same to be mailed or delivered to each member of the board one week before meeting;

(2) Responsibility to conduct the official correspondence of the board;

(3) The responsibility to keep all official records of the board;

(4) No vote on the board.

(7) Election of officers: The vice-chairperson shall be elected annually at the regular meeting each July. The term of office shall be for one (1) year.

(8) Board meetings:

(a) The board will meet on a regular monthly basis, the date and time to be set by the board.

(b) Special meetings may be called at the request of two (2) board members.

(c) All regular and special meetings of the board will be open to the public.

(d) Individuals, or groups desiring to petition the board for some specific action should present their request in writing to the board secretary no later than one (1) week prior to the meeting. Petitioning party may also appear in person at the meetings to make an oral presentation.

(e) The parks director and/or appropriate staff will be present at all meetings of the board.

(9) Minutes: All proceedings of the board shall be in typed form and filed in permanent book of record open to public inspection at all normal office hours, and during the meeting times. Minutes of previous meeting to be approved at next meeting.

(10) Quorum: A majority of the duly appointed board members shall constitute a quorum.

(11) Voting: The ayes and nays will be taken upon the passage of all board matters. All votes shall be entered upon the minutes of the meeting. The act of a majority of members present at the meetings, at which a quorum is present, will be the official act of the board.

(12) Committees: Chairperson shall establish committees to investigate and review certain matters under consideration by the board. (Ord. # 091-11, June 1991)

CHAPTER 2

[this chapter was repealed by Ord. #15-10, Sept. 2015]

CHAPTER 3

BOARDS, COMMISSIONS, AND AUTHORITIES

SECTION

2-301. Boards, commissioners, and authorities.

2-301. Boards, commissioners, and authorities. Except as otherwise controlled by law, all existing boards, commissions, and authorities shall have a member to represent each existing Ward of the City of Springfield, Tennessee. Each ward representative will be appointed to that membership by the alderman for that ward. And the mayor shall appoint a member at large to each existing board, commission, and authority who shall be deemed the chairperson. Each term of office shall run concurrent with the elected officials term of office or four (4) years.

In respect to boards, commissions and authorities not in existence as of date of adoption of this codification, the board of mayor and aldermen has the authority to create, provide and establish the membership of each board, commission and authority as it deems necessary. (Ord. # 089-06, Aug. 1989, modified)

CHAPTER 4

HEALTH AND EDUCATION FACILITIES BOARD

SECTION

2-401. Directors appointed.

2-401. Directors appointed. The following individuals:

Jerry E. West,	Chair (reaffirmed to a 6 year term commencing as of 1991) at large
Ward 1 -	David Baker (appointed to a 6 year term as of 1993)
Ward 2 -	Anthony Cone (appointed to a 6 year term as of 1992)
Ward 3 -	George Cheran (appointed to a 6 year term as of 1992)
Ward 4 -	Don Hicks (reaffirmed to a 6 year term commencing as of 1991)
Ward 5 -	Robert E. James (appointed to a 6 year term as of 1993)
Ward 6 -	James E. Willhite (appointed to a 6 year term as of 1992)

are duly ratified, appointed, or reaffirmed as directors of the Springfield Health and Educational Facilities Board with said appointment relating back to their ratification and/or appointment as the directors of the Industrial Development Board for the City of Springfield, Tennessee.

CHAPTER 5

THE SPRINGFIELD-ROBERTSON COUNTY MUNICIPAL AIRPORT

SECTION

2-501. Creation of a joint board.

2-502. Name.

2-503. Members to serve without compensation.

2-504. Members appointed; terms.

2-505. Qualifications of members of the board.

2-506. Selection of original members of the board.

2-507. Purchase and disposal of personal property and equipment.

2-508. Annual budget.

2-501. Creation of a joint board. It is hereby determined and declared that the public convenience and necessity can best be served by the creation of a joint board to be created by Robertson County and the City of Springfield, for the operation of the local airport. (as replaced by Ord. #05-12, Aug. 2005)

2-502. Name. Such board shall be known as the "Springfield-Robertson County Joint Airport Board" and shall have jurisdiction over the Springfield-Robertson County Airport only. (as replaced by Ord. #05-12, Aug. 2005)

2-503. Members to serve without compensation. Members appointed to the Springfield-Robertson County Joint Airport Board shall serve without pay, except for mileage and other lawfully approved expenses incurred in carrying out their lawful duties. (as replaced by Ord. #05-12, Aug. 2005)

2-504. Members appointed; terms. Seven (7) members of said board shall be appointed. Members first appointed to new positions on the board may be appointed for a term of less than five (5) years, but thereafter, each member shall be appointed for a term of five (5) years, except that the vacancies occurring otherwise than by the expiration of terms shall be filled for the unexpired term by the governing body first making the appointment. In addition, three (3) persons shall be non-voting ex-officio board members by virtue of their positions, being the Robertson County Executive, the Springfield City Manager and the Executive Director of the Springfield-Robertson County Chamber of Commerce. (as replaced by Ord. #05-12, Aug. 2005)

2-505. Qualifications of members of the board. Members of the Springfield-Robertson County Joint Airport Board shall be appointed with due regard for their fitness to serve by having successful business, professional or public service experience, and knowledge of and practical experience in

aeronautics for the efficient dispatch of the powers and duties duly vested in and imposed upon them. Members shall be residents of Robertson County, Tennessee and shall be appointed by the respective governing body as set forth in § 2-506 hereof. However, should a member's primary place of residence change to outside Robertson County, his or her term as a member of the joint board shall terminate and a replacement shall be appointed to fill the unexpired term of said member by the local governing body first appointing the member. (as replaced by Ord. #05-12, Aug. 2005)

2-506. Selection of original members of the board. The Commissioners of Robertson County shall in concert with the City of Springfield Board of Mayor and Aldermen select the original members of said board as follows:

Position 1	A 1-year term-	A county resident appointed by the County Commission
Position 2	A 2-year term-	A city resident appointed by the City Board
Position 3	A 3-year term-	A county or city resident at-large appointed by agreement of the City Board and County Commission
Position 4	A 4-year term-	A city resident appointed by the City Board
Position 5	A 5-year term-	A county resident appointed by the County Commission
Position 6	A 1-year term-	A county or city resident at-large appointed by agreement of the City Board and County Commission
Position 7	A 2-year term-	A county or city resident at-large appointed by agreement of the City Board and County Commission

If an agreement cannot be reached by the city board and county commission on a joint at-large appointment, the appointment shall be made by the Governor of Tennessee. (as replaced by Ord. #05-12, Aug. 2005)

2-507. Purchase and disposal of personal property and equipment. The Springfield-Robertson County Joint Airport Board shall have all of the authority vested unto said board by Tennessee Code Annotated, § 42-5-201, et seq. The duration of said board shall be until said board is terminated by either of the establishing governing bodies. The City of Springfield and Robertson County, Tennessee shall share equally in the proportionate expense of operation of the airport and its joint board, and said board is authorized to dispose of and purchase such personal property and equipment as allowed by its budget considerations and in the best operation of the airport itself. (as replaced by Ord. #05-12, Aug. 2005)

2-508. Annual budget. An annual budget shall be submitted by the joint board to the Robertson County Commission and the Springfield Board of Mayor and Aldermen which shall include budget requests for capitol needs. This budget request is to be submitted prior to April 1 of each year. The board shall operate and budget on a fiscal year beginning on July 1 and ending on June 30 of the subsequent year. (as replaced by Ord. #05-12, Aug. 2005)

CHAPTER 6

HISTORIC PRESERVATION COMMISSION

SECTION

- 2-601. Springfield Historic Preservation District (S.H.P.D.).
- 2-602. Springfield Historic Preservation Commission (S.H.P.C.).
- 2-603. Administration.
- 2-604. Building permits procedures.
- 2-605. Certificate of appropriateness.
- 2-606. Administrative standards and legal status provisions.
- 2-607. Remedy of dangerous conditions.
- 2-608. Appeal.
- 2-609. Injunctive powers and penalties.

2-601. Springfield Historic Preservation District (S.H.P.D.). (1) It is the intent of this district to preserve the historic sites and structures of the City of Springfield. The requirements of the district are designed to protect and preserve historic and/or architectural value; create an aesthetic atmosphere; strengthen the economy; protect and enhance the city's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided; and promote education and patriotic heritage of the present and future citizens of the community. In order to achieve the intent of the S.H.P.D., as shown on the official zoning map of Springfield, Tennessee, the following regulations shall apply:

(a) Any use permitted by the existing zoning classification is also permitted by the S.H.P.D.

(b) The S.H.P.D. classification may be superimposed in addition to existing zoning classification where the following criteria shall be determined to exist by the Historic Zoning Commission.

The quality of significance in American history, architecture, archeology, and culture is present in districts, sites, buildings, and structures that possess integrity of location, design, setting, materials, workmanship, feeling and association, and:

- (i) That are associated with events that have made a significant contribution to the broad patterns of our history; or
- (ii) That are associated with the lives of persons significant in our past; or
- (iii) That embody the distinctive characteristics of a type, period, or method of construction or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

(iv) That has yielded, or may be likely to yield, archeological information. (Ord. # 093-25, Nov. 1993, as replaced by Ord. #00-06, May 2000)

2-602. Springfield Historic Preservation Commission (S.H.P.C.).

(1) Creation and appointment. In accordance with Tennessee Code Annotated, § 13-7-402, a Historic Preservation Commission is hereby established. The Board of Mayor and Aldermen shall create a five (5) member Historic Preservation Commission which shall consist of a representative of a local patriotic or historic organization; an architect, if available; a member of the planning commission, at the time of his appointment; and the remaining members shall be appointed from the Springfield Residential Historic District. All members of the S.H.P.C. shall be resident property owners of the district if possible. The Historic Preservation Commission shall be appointed by the mayor, subject to confirmation by the city council. Appointments to membership on the Historic Preservation Commission shall be arranged so that the term of one member shall expire each year and his successor shall be appointed in like manner in terms of five (5) years. All members shall serve without compensation. The members of the commission shall elect a chairman from among themselves to preside over meetings.

(2) Procedure. Meetings of the Historic Preservation Commission shall be held at the call of the chairman or by the majority of the membership. All meetings of the commission shall be open to the public. The commission shall give notice of the place, date, and time of any public hearings which they hold under the provisions of this chapter, by publication in an official newspaper or a newspaper of general circulation at least five (5) days immediately prior thereto. At least three (3) members of the commission shall constitute a quorum for the transaction of its business. The concurring vote of three (3) members of the commission shall constitute final action of the commission on any matter before it. The commission shall keep minutes of its procedures showing the vote of each member upon each question; or if absent or failing to vote, indicating such fact.

(3) Powers and duties. The Springfield Historic Preservation Commission shall have the following powers:

(a) To request, where necessary, detailed construction plans and related data pertinent to thorough review of any proposal before the commission.

(b) The Historic Preservation Commission shall within thirty (30) days following availability of sufficient data, direct the granting or refusal of a "Certificate of Appropriateness."

(c) Upon review of the application for a building permit and "Certificate of Appropriateness," the Historic Preservation Commission shall give prime consideration to:

- (i) Historic and/or architectural value of present structure;
- (ii) The relationship of exterior architectural features of such structures to the rest of the structures of the surrounding area;
- (iii) The general compatibility of exterior design, arrangement, texture and materials proposed to be used;
- (d) Additional powers and duties. It shall be the duty of the Springfield Historic Preservation Commission to make the following determination with respect to the historic district:
 - (i) Appropriateness of the exterior architectural feature altering or demolishing any building or structure within the historic district. The commission may require interior and exterior photographs, architectural measured drawings of the exterior, or other notations of architectural features to be used for historical documentation as a condition of any permission to demolish a building or structure.
 - (ii) Appropriateness of exterior design of any new extension of any existing building or structure within the historic district.
 - (iii) The general compatibility of exterior design, arrangement, texture, and material of the building or other structure in question and the relation of such factors to similar features of buildings in the immediate surroundings. However, the Springfield Historic Preservation Commission shall not consider interior arrangement or design, or alterations and additions of structures in the rear yard and side yards which do not face a street, nor shall it make any requirements except for the purpose of preventing extensions incongruous to the historic aspects of the surroundings.
 - (iv) The S.H.P.C. shall make recommendations for the designation of local historic districts, landmarks and landmark sites.
 - (v) The S.H.P.C. shall advise and assist property owners and other persons and groups concerned with historic preservation and shall undertake educational programs for the public on historic preservation. (Ord. # 093-25, Nov. 1993, as replaced by Ord. #00-06, May 2000)

2-603. Administration. (1) No building permit for construction, major alteration or rehabilitation, moving, or demolition to be carried on within the S.H.P.D. shall be issued by the building inspector until it is submitted to and receives approval in writing by the Historical Preservation Commission.

(2) Administration shall be by the office of the building inspector and the Historic Preservation Commission and all items regulated within the S.H.P.D. shall be submitted to the Historic Preservation Commission (through the office of the building inspector) for its review.

(3) Building permit required. All alterations, additions or new construction which, previous to the establishment of this S.H.P.D., required that application be made for a building permit shall continue to require that application be made for a building permit, and approval obtained before the work on such alterations, additions, or new construction can begin. In addition it shall be required that application be made in the same manner for any work including but not limited to, alterations, additions, demolition, removal or new construction which alters or contributes to the exterior appearance of existing structures.

(4) Within 90 days of the passage of this district designation, the Historic Preservation Commission shall prepare and submit the design review guidelines, which shall be used by the Historic Preservation Commission in the consideration of any application for "Certificate of Appropriateness" applied for under this chapter. (Ord. # 093-25, Nov. 1993, as replaced by Ord. #00-06, May 2000)

2-604. Building permits procedures. (1) Applications for building permits with the S.H.P.D shall be made to the office of the building inspector and all such applications shall be referred directly to the Springfield Historic Preservation Commission. A supplied "checklist" must be completed for application. The S.H.P.C. shall have broad powers to request detailed construction plans and related data pertinent to thorough review of any application.

(2) Upon receiving an application for a building permit the S.H.P.C. shall, within thirty (30) days following the availability of sufficient data, issue to the office of the building inspector a letter stating its approval with or without attached conditions or disapproval with the grounds for disapproval stated in writing.

(3) The office of the building inspector shall additionally review applications for building permits (which have received written approval from the S.H.P.C.) in the same manner review is made of building permit applications outside of the S.H.P.D., and final issuance or rejection shall additionally be based upon the adopted building codes of the City of Springfield. The fee charged for building permits within the H-1 District shall conform to existing fee schedules for building permits in any other zoning district within the City of Springfield. (Ord. # 093-25, Nov. 1993, as replaced by Ord. #00-06, May 2000)

2-605. Certificate of appropriateness. No person shall, without first applying for and obtaining a "Certificate of Appropriateness", cause or permit any of the following changes in exterior appearances of real estate in which he

has a legal or equitable interest lying within the S.H.P.D. to include all commercial, residential, government and all other properties.

(1) Additive changes. (a) Moving any principal or accessory building onto or within any lot in the district or on the landmark site.

(b) Material change of the exterior appearance of any existing building by addition, reconstruction or alteration, including change in form.

(c) Construction of any new principal accessory building or other structure.

(2) Changes by removal. (a) Demolition of any principal or accessory building.

(b) Moving any principal or accessory building from the historical zone or the landmark site.

(3) The words "change in exterior appearance," as used in this subsection, shall apply to changes within the front or street side yard or any structure as defined in the Springfield Zoning Ordinance, which are visible from any public roadway within a historical zone or adjacent to a landmark site. (Ord. # 093-25, Nov. 1993, as replaced by Ord. #00-06, May 2000)

2-606. Administrative standards and legal status provisions. (1) Liability of Historic Preservation Commission members. Any Historic Preservation Commission member acting within the powers granted by this chapter is relieved from all personal liability for any damage and shall be held harmless by the city government. Any suit brought against any member of the commission shall be defended by a legal representative furnished by the city government until the termination of the procedure.

(2) Jurisdiction. The Historic Preservation Commission shall have exclusive jurisdiction relating to historic matters. Anyone who may be aggrieved by any final order or judgement of the commission may have said order or judgement reviewed by the courts by the procedures of statutory certiorari as provided for in the Tennessee Code Annotated, title 27, chapter 8.

(4) Conflict of interest. Any member of the Historic Preservation Commission who shall have a direct or indirect interest in any property which is the subject matter of, or affected by, a decision of said commission shall be disqualified from participating in the discussion, decision, or proceedings of the Historic Preservation Commission in connection therewith. (Ord. #093-25, Nov. 1993, as replaced by Ord. #00-06, May 2000)

2-607. Remedy of dangerous conditions. In any case where a city enforcement agency shall order or direct the construction, removal, alteration, or demolition of any improvement in a historic district for the purpose of remedying conditions determined to be dangerous to life, health, or property, nothing contained in this chapter shall be construed as making it unlawful for any person, without prior issuance of a letter of approval pursuant to this

chapter, to comply with such order of direction. However, the enforcement agency shall give the commission notice of any proposed order or direction which affects or may affect the exterior appearance of any structure, or site, on or in the environs of a historic district. The commission shall be afforded adequate opportunity to review and provide written comments upon any action proposed by an enforcement agency within a historic district prior to the initiation of any said action. (Ord. # 093-25, Nov. 1993, as replaced by Ord. #00-06, May 2000)

2-608. Appeal. Anyone who may be aggrieved by any final order or judgement of the historic preservation commission may have such order or judgement reviewed by the courts by the procedure of statutory certiorari, as provided in Tennessee Code Annotated, title 27, chapter 8. (Ord. # 093-25, Nov. 1993, as replaced by Ord. #00-06, May 2000)

2-609. Injunctive powers and penalties. (1) Where it appears that the owner or person in charge of an improvement on a landmark site or preservation site threatens or is about to do or is doing any work in violation of this chapter, the city attorney for the City of Springfield shall, when directed by the mayor or city council, forthwith apply to an appropriate court for an injunction against such violation of this chapter. If an order of the court enjoining or restraining such violation does not receive immediate compliance, the city attorney shall forthwith apply to an appropriate court to punish said violation pursuant to law.

(2) A violation of this chapter is punishable by a fine of not less than two dollars (\$2.00) and not exceeding five hundred dollars (\$500.00). Every day of violation will be held to constitute a separate offense. (Ord. # 093-25, Nov. 1993, as replaced by Ord. #00-06, May 2000)

CHAPTER 7

MUNICIPAL GOLF COURSE BOARD

[Deleted by Ord. #00-33, Feb. 2001.]

CHAPTER 8

CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS

SECTION

- 2-801. Appointment.
- 2-802. Membership and terms.
- 2-803. Powers.
- 2-804. Appeals.
- 2-805. Procedures of the board.
- 2-806. Appeals to decisions of the board.

2-801. Appointment. There is hereby established a board to be called the construction board of adjustments and appeals, which shall consist of nine (9) members. All appointments to the construction board of adjustments and appeals shall be confirmed by a vote of the board of mayor and aldermen. (As added by Ord. #96-13, § 1, Feb. 1996)

2-802. Membership and terms. (1) Membership. The construction board of adjustments and appeals shall consist of nine (9) voting members and shall be composed of individuals with knowledge and experience in the technical codes, such as design professionals, contractors or building industry representatives. One of the at-large positions shall be a representative from the general public. No board member shall act either by vote or recommendation in any case in which he or she has a personal or financial interest.

(2) Terms. The terms of office for each board member shall be two (2) years. Board members shall be appointed by position number. Positions numbered 1 through 6 shall each represent one of the wards of the city and shall each be appointed by the alderman of the respectively numbered ward. Positions numbered 7 through 9 shall represent the city at-large and shall be appointed by the mayor. Positions 1, 3, 5, 7, and 9 shall have terms beginning January 1 in odd numbered years and positions 2, 4, 6 and 8 shall have terms beginning January 1 in even numbered years. Initial appointments after the creation of the board may be for less than two (2) years in order to maintain the appointment schedule as set herein above. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made. Continued absence of any member from scheduled meetings of the board or unethical conduct by a member at a board meeting shall, at the discretion of the majority vote of the board of mayor and aldermen, render any such member subject to immediate removal from the board.

(3) Quorum and voting. A simple majority of the board shall constitute a quorum. In varying any provision of the building codes, fire codes or technical codes or in modifying a decision of the building official, fire official or person

appointed by the city to administer the technical codes, the affirmative votes of the majority present, but not less than three affirmative votes, shall be required.

(4) Secretary of the board. The building official of the city shall act as secretary of the board and shall make a detailed record of all of its proceedings, which shall set forth the reasons for its decision, the vote of each member, the absence of a member and any failure of a member to vote. The record of the proceedings of the board shall be kept open to the public in the office of the building official. (As added by Ord. #96-13, § 1, Feb. 1996)

2-803. Powers. The construction board of adjustments and appeals shall have the power, as further defined in this chapter, to hear appeals of decisions and interpretations of the building official, fire official or the person designated by the city to administer the technical codes, and consider variances to those decisions and interpretations of the pertinent codes. (As added by Ord. #96-13, § 1, Feb. 1996)

2-804. Appeals. (1) Decisions of the building official. The owner of property, or the owner of a building, structure or service system, or his duly authorized agent, may appeal a decision of the building official to the construction board of adjustments and appeals whenever any one of the following conditions are claimed to exist:

(a) The building official rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building, structure or service system.

(b) The provisions of the building code do not apply to the specific case.

(c) An equally good or more desirable form of installation can be employed in any specific case.

(d) The true intent and meaning of the building code or any of the regulations thereunder have been misconstrued or incorrectly interpreted.

(2) Decisions of the fire official. Whenever it is claimed that the provisions of the fire codes do not apply, or when it is claimed that the true intent and meaning of the fire codes or any of the regulations thereunder have been misconstrued or incorrectly interpreted, the owner of such property, building or structure, or his duly authorized agent, may appeal the decision of the fire official to the construction board of adjustments and appeals.

(3) Decisions on the technical codes. Whenever it is claimed that the provisions of the technical codes do not apply, or when it is claimed that the true intent and meaning of the technical codes or any of the regulations thereunder have been misconstrued or incorrectly interpreted, the owner of such property, building or structure, or his duly authorized agent, may appeal the decision of the building official or person appointed by the city to administer the technical codes to the construction board of adjustments and appeals. The technical codes

include the Plumbing Code, Mechanical Code, Gas Code, Amusement Device Code, Swimming Pool Code, Housing Code, Electrical Code, and the Unsafe Buildings Code.

(4) Variances. The construction board of adjustments and appeals, when so appealed to and after a hearing, may vary the application of any provision of the building code, fire code or technical codes 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 the building code, fire codes, technical codes or public interest, and also finds all of the following:

(a) Special conditions and circumstances exist which are peculiar to the property, building, structure or service system involved and which are not applicable to others.

(b) The special conditions and circumstances do not result from the action or inaction of the applicant.

(c) Granting the variance requested will not confer on the applicant any special privilege that is denied by this code to other property, buildings, structures or service systems.

(d) The variance granted is the minimum variance that will make possible the reasonable use of the property, building, structure or service system.

(e) The variance will be in harmony with the general intent and purpose of this code and will not be detrimental to the public health, safety and general welfare.

(5) Conditions of the variance. In granting a variance, the board may prescribe a reasonable time limit within which the action for which the variance is required shall be commenced or completed or both. In addition, the board may prescribe appropriate conditions and safeguards in conformity with this code. Violation of the conditions of a variance shall be deemed a violation of this code.

(6) Request of appeal. Request of an appeal shall be submitted by the property owner, the owner of the building or structure, or the owner of the service system, or their duly authorized agent, in written format and delivered to the building official serving as secretary of the board and the city recorder within thirty (30) calendar days after the decision is rendered by the building official, fire official or person appointed by the city to administer the technical codes.

(7) Unsafe or dangerous parcels, structures, buildings or service systems. In the case of a parcel, structure, building or service system which, in the opinion of the building official, fire official or person appointed by the city to administer the technical codes, is unsafe, unsanitary, or dangerous, he may, in his order, limit the time for such appeal to a shorter period. (As added by Ord. #96-13, § 1, Feb. 1996)

2-805. Procedures of the board. (1) Rules and regulations. The board shall establish rules and regulations for its own procedure in conformance with the provisions of this chapter. The board shall elect a chairman and a vice-chairman to serve one year terms. The chairman shall preside over the meetings of the board. The vice-chairman shall serve in the absence of the chairman. The board shall meet on call of the chairman or vice-chairman. The board shall meet within thirty (30) calendar days after notice of appeal has been received.

(2) Decisions. The construction board of adjustments and appeals shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the board shall also include the reasons for the decision. If a decision of the board reverses or modifies a refusal, order, or disallowance of the building official, fire official or person appointed by the city to administer the technical codes, or varies the application of any provision of the building code, the building official, fire official or person appointed by the city to administer the technical codes, shall immediately take action in accordance with such decision. Every decision shall be promptly filed in writing in the office of the building official and shall be kept open to public inspection. A certified copy of the decision shall be sent by mail or otherwise to the appellant and a copy shall be kept publicly posted in the office of the building official for two weeks after filing. (As added by Ord. #96-13, § 1, Feb. 1996)

2-806. Appeals to decisions of the board. Every decision of the construction board of adjustments and appeals shall be upheld with the exception that any interested person or party aggrieved by a decision of the board may appeal to the elected board of mayor and aldermen, provided that written notice to the board of mayor and aldermen of such appeal is delivered to the city recorder within ten (10) days from the date of the decision of the construction board of adjustments and appeals. Any decision of the board of mayor and aldermen concerning the appeal shall be final, subject however, to such remedy as any aggrieved person or party might have at law or in equity. (As added by Ord. #96-13, § 1, Feb. 1996)