

2014.038

RESOLUTION ESTABLISHING THE BUILDING BOARD OF APPEALS

WHEREAS, the Wyoming State Fire Marshal has delegated complete authority to Teton County to enforce and interpret local and state fire, building, existing building standards, and electrical safety standards, pursuant to Wyoming Statute §35-9-121(a); and

WHEREAS, Teton County, Wyoming has adopted fire, building, existing building standards, and electrical standards that are equivalent to or more stringent than those applicable standards adopted by the State of Wyoming, pursuant to Wyoming Statute §35-9-121(a)(i); and

WHEREAS, Teton County, Wyoming employs a fire marshal, electrical inspectors, building inspectors, and building officials that are certified by the International Code Council or the International Conference of Building Officials, pursuant to Wyoming Statute §35-9-121(a)(iii); and

WHEREAS, pursuant to Wyoming Statute §35-9-121(d) a county which has assumed local jurisdiction authority for building, existing building standards, fire, and electrical safety standards shall create its own appeals board to determine the suitability of alternate materials and types of construction and shall be appointed and removed by the Board of County Commissioners; and

WHEREAS, pursuant to Wyoming Statute §35-9-121(e) a decision rendered by the County Building Appeal Board may be appealed to the Council on Fire Prevention and Electrical Safety at the state level. A decision of the the council may be appealed then to District Court; and

WHEREAS, pursuant to Wyoming Statute §35-9-121(f) any appeal at the County Building Appeal Board shall be heard within thirty (30) days of the request for appeal; and

WHEREAS, pursuant to the International Code Council's multiple codes adopted by Teton County, the board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and not employees of the county (IBC 113.3) and the appeal board shall have no power to waive requirements of the code. (IBC 113.2).

NOW THEREFORE, BE IT RESOLVED that the Teton County Board of County Commissioners hereby establish the Teton County Building Appeals Board with the following parameters:

1. The Teton County Building Appeals Board shall hear all appeals of decisions of the Fire Marshal, Electrical Inspectors, and Building Officials in regard to all fire, building, existing building standards and electrical standards as adopted from time to time by the Teton County Board of County Commissioners. The appeal board shall have no power to waive requirements of the code. The appeal board shall hear and decide all appeals of orders, decisions, or determinations made by a building

official, fire marshal, or electrical inspector relative to the application and interpretation of the respective code being referenced in that particular appeal.

2. The Teton County Building Appeals Board shall have five (5) members whose 3 year terms shall be staggered. With the first appointment, one (1) of the new members shall have a term of one (1) year, two (2) of the new members shall have a term of two (2) years, and two (2) of the new members shall have a term of (3) three years. Multiple terms are permitted.
3. The members of the Teton County Building Appeals Board shall be appointed by the Teton County Board of County Commissioners. Members of the appeal board shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and shall not be employees of the Teton County or the Town of Jackson. Members of the Teton County Building Appeals Board may reside outside of Teton County, Wyoming. Members of the Teton County Building Appeals Board may be removed by the Teton County Board of County Commissioners with or without cause or notice. The Teton County Building Appeals Board shall elect from within its members a Chair, Vice-Chair, and Secretary.
4. The Teton County Building Appeals Board shall meet at the call of the Chairman when needed. All meetings of the Teton County Building Appeals Board shall be open to the public and be governed by the Wyoming Open Meetings Act. All deliberations after an evidentiary hearing shall be done publicly.
5. The Teton County Building Appeals Board shall follow the rules of the International Code Council codes as to procedure, depending on which code or codes are being referenced in the appeal. The Teton County Building Appeals Board shall also follow the Teton County Contested Case Hearing Rules.

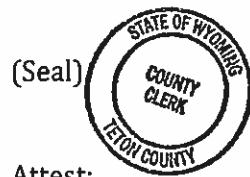
Adopted on the 5th day of August, 2014.

TETON COUNTY BOARD OF COUNTY COMMISSIONERS



Hank Phibbs

Hank Phibbs, Chair



Attest:



Sherry L. Daigle, County Clerk