

Chapter 2.17
BOARD OF BUILDING APPEALS

Sections:

- 2.17.010 Board of Building Appeals.
- 2.17.020 Duties and authority of Board of Building Appeals.
- 2.17.030 Hearings – Procedures – Appeals.
- 2.17.040 Board member liability.

2.17.010 Board of Building Appeals.

There is hereby created and established the Board of Building Appeals of the City of Tacoma, hereinafter called “the Board,” which shall consist of seven members to be appointed by the City Council, pursuant to Section 2.4 of the Charter of the City of Tacoma. Such members shall be selected from persons qualified by training and experience to pass upon matters pertaining to the Building Code, Residential Code, Existing Building Code, Mechanical Code, Fire Code, Plumbing Code, Waterfront Structures and Marina Code, Minimum Building and Structures Code, and Energy Code, none of whom may be a public employee or paid public official. Each member shall hold office for a term of five years or until a successor is appointed. In the event of the death, resignation or removal of any member of the Board, a successor, to serve the unexpired term, shall be appointed in the same manner heretofore provided. The members of the Board shall serve without compensation. The City of Tacoma shall provide such clerical help to the Board as may be required. The Board shall select from among its members a chair and a vice chair who shall serve for one year or until their successors are selected. The Board shall adopt its own rules or procedures to fulfill its function under this Code.

The Building Official, or appointed representative, shall serve as secretary to the Board of Building Appeals.

2.17.020 Duties and authority of Board of Building Appeals.

The Board of Building Appeals shall:

A. Determine the suitability of alternate materials and methods of construction pertaining to the Building Code, Residential Code, Existing Building Code, Mechanical Code, Fire Code, Plumbing Code, Waterfront Structures and Marina Code, Minimum Building and Structures Code, and Energy Code.

B. Review an interpretation of the Building Code, Residential Code, Existing Building Code, Mechanical Code, Fire Code, Plumbing Code, Waterfront Structures and Marina Code, Minimum Building and Structures Code, or Energy Code by the Building Official, or duly authorized representative, or the Chief of the Fire Department, or duly authorized representative, when such interpretation is appealed. The Board shall either concur with the contested interpretation or provide a new interpretation.

Exception: Limitations of Authority. The Board of Building Appeals shall have no authority relative to interpretation of the administrative provisions of these codes, nor shall the Board be empowered to waive requirements of these codes or to grant variances.

C. Hear appeals of orders or decisions based on the Building Code, Residential Code, Existing Building Code, Mechanical Code, Fire Code, Plumbing Code, Waterfront Structures and Marina Code, Minimum Building and Structures Code, or the Energy Code. The Board shall have the authority to concur with or modify such orders provided both of the following conditions are considered:

1. That life safety and/or building structural integrity are not compromised by modification of the Building Official’s Order.
2. Where life safety and building structural integrity is not a factor, whether the improvement provided by the Building Official’s Order is relevant to the financial impact imposed.

D. Review new editions, suggested amendments, and proposed changes to the Building Code, Residential Code, Existing Building Code, Mechanical Code, Fire Code, Plumbing Code, Waterfront Structures and Marina Code, Minimum Building and Structures Code, and Energy Code, and may propose amendments to and changes of the aforementioned codes. The Board shall rule on the appropriateness of new editions along with amendments and changes to the aforementioned codes and make recommendations to the City Council concerning the adoption of said editions, amendments or changes.

2.17.030 Hearings – Procedures – Appeals.

A. An aggrieved party in interest may appeal to the Board, an interpretation, or a decision and order of the Building Official, or duly authorized representative, or of the Chief of the Fire Department, or duly authorized representative, by filing a notice

Ordinance No. 16-0456

July 1, 2016

of appeal with the City Clerk and with the secretary of the Board within 30 calendar days from the date of the written interpretation, decision, or order.

B. The appeal shall be in writing and shall clearly and concisely state the basis for such appeal.

C. The Board is authorized to promulgate procedural rules for appeal hearings conducted pursuant to this Chapter.

D. The secretary to the Board shall review the requested appeal and make an initial determination whether said appeal is within the authority of the Board. In the event it is determined that an appeal is not within its authority, the aggrieved party shall be notified, in writing, by the secretary of the Board within ten days following such determination.

E. The Board shall conduct hearings of all timely appeals, determined to be within the Board's authority, at a date and time certain after having given the aggrieved party in interest not less than ten days' notice thereof. At said hearing the Board shall receive evidence as may be presented by any department of the City of Tacoma and by the aggrieved party in interest. Failure of the aggrieved party, or representative, to appear at the hearing properly noticed may be cause for dismissal of the appeal.

F. The Board shall render its interpretation of the code, or its decision, as it pertains to the question before it, and make its recommendation within 60 days from the date of the completion of the hearing. Such recommendation or decision shall be made to the Building Official, or duly authorized representative, or to the Chief of the Fire Department, or duly authorized representative. Such recommendation or decision shall include findings of facts based on the evidence presented at the hearing.

G. For those appeals of dangerous building orders issued by the Hearing Officer pursuant to TMC 2.01.060, the appeal hearing shall be de novo. The Board shall have the authority to affirm, modify, or reverse the Hearing Officer's decision.

H. The Building Official, or duly authorized representative, or the Chief of the Fire Department, or duly authorized representative, may seek the advice of the Board as to its interpretation of any section of a code by filing a request therefore, as described in subsection A, above.

I. Appeals of the Board of Building Appeals' interpretations, decisions, penalties, and/or orders pertaining to appeals filed relative to the codes and laws assigned to the authority of the Board shall be made to the superior court within 21 calendar days, from the date of receipt of the interpretation, decision, penalty, and/or order in conformance with RCW 35.80.030(2).

2.17.040 Board member liability.

Members of the Board of Building Appeals, when executing the duties of the Board as authorized by TMC 2.17.020, are officers of the City of Tacoma and are provided all the protection against personal legal liability provided by TMC 1.12.920.