

ORDINANCE NO. 5122

AN ORDINANCE MAKING THE DECISIONS OF THE DEVELOPMENT APPEALS AND REVIEW BOARD FINAL WHEN HEARING APPEALS FROM THE INTERNATIONAL PROPERTY MAINTENANCE CODE BY AMENDING SECTION 15.12.960 OF THE RAPID CITY MUNICIPAL CODE

WHEREAS, the Rapid City Development and Appeals Review Board (DARB) has been granted the authority to hear appeals regarding notices and orders issued pursuant to the International Property Maintenance Code (IPMC) as adopted by the City; and

WHEREAS, the authority of the DARB Board when hearing appeals from notices and orders issued pursuant to the IPMC is currently limited to making recommendations to the City Council; and

WHEREAS, as a result of the DARB Board being a recommending body only, all appeals from the IPMC must be heard by both the DARB Board and the City Council; and

WHEREAS, the requirement that all appeals must be heard by both the DARB Board and the City Council lengthens the appeal process and results in appellants and staff having to make multiple presentations on the same issues; and

WHEREAS, in order to speed up the appeals process and reduce the amount of duplicate presentations, the Common Council of the City of Rapid City deems it to be in the City's best interests to make decisions of the DARB Board on appeals from the IPMC final.

NOW THEREFORE, BE IT ORDAINED, that Section 15.12.960 of the Rapid City Municipal Code be amended to read as follows:

15.12.960 Chapter 1, Section 111 Means of appeal -- Amended.

IPMC Chapter 1, Section 111 Means of Appeal, is hereby amended to read as follows:

SECTION 111 MEANS OF APPEAL

111.1 Application for appeal. Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the ~~development appeals and review board~~ International Property Maintenance Code Board of Appeals, provided that a written application for appeal is filed with the City Building Official or their authorized designee within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent

of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

111.2 Stays of enforcement. Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the appeals board.

111.3 Membership. The membership of the IPMC Board of Appeals shall be identical to the membership of the City's Development Appeals and Review Board (DARB). The officers of the DARB Board shall hold the same positions on the IBC Board of Appeals as they hold on the DARB Board. When the members of the DARB Board are sitting as the IPMC Board of Appeals they shall make clear on the record that they are hearing a matter on their agenda in that capacity and not as the DARB Board. The IPMC Board of Appeals will have the authority to adopt by-laws governing the conduct of meetings. In the absence of by-laws to the contrary the meetings of the IPMC Board of Appeals shall be governed by the latest edition of Roberts Rules of Order.

111.4 Open Meeting. All hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official, any member of the City's staff or any person whose interests are affected shall be given an opportunity to be heard.

111.5 Board decision. The decision of the code official shall only be modified or reversed only upon a majority vote of the members present. The decision of the Board shall be final.

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer
(SEAL)

First Reading:
Second Reading:
Published:
Effective: