

Indiana County UCC Program

BOARD OF APPEALS **RESPONSIBILITIES AND DUTIES** (2-06)

Board of Appeals

The Indiana County Commissioners as part of their administration and enforcement of the Uniform Construction Code on behalf of the participating Indiana County municipalities will appoint a Board of Appeals under 501(c) of the act (35 P.S. § 7210.501(c)).

- A. The Indiana County Board of Appeals for the Uniform Construction Code shall hear and rule on appeals, requests for variances and requests for extension of time. An application for appeal shall be based on a claim that the true intent of the act or UCC has been incorrectly interpreted, the provisions of the act or UCC do not fully apply or an equivalent form of construction is to be used.
- B. The Indiana County Board of Commissioners shall appoint the members of the Board of Appeals. A member of the Board of Appeals shall be qualified by training and experience to pass on matters pertaining to building construction. A member of the Board of Appeals holds office at the pleasure of the Indiana County Board of Commissioners. The Building Code Official of the ICOPD serves as serves as the facilitator of all proceedings.
- C. A member of the Indiana County Commissioners or any participating municipal governing body may not serve as a member of the Board of Appeals.
- D. The Indiana County Board of Appeals will be comprised of five members and two alternates that will serve as a voting member for a board member in the event of a vacation or conflict of interest. The terms of members upon establishment of the board are as follows:
 - (1) One member shall serve 5 years.
 - (2) One member shall serve 4 years.
 - (3) One member shall serve 3 years.
 - (4) One member shall serve 2 years.
 - (5) One member shall serve 1 year.
 - (6) The Alternate Board Members will serve on a two and four year term initially and rotate on a two year basis after that.
- E. Thereafter, a new and subsequent member shall serve for 5 years or until the County appoints a successor.
- F. The County may fill a position on the Board with a qualified person who resides outside of the County when it cannot find persons within the County who satisfy the requirements of this section.
- G. The Board of Appeals shall select one of its members to serve as its chairperson for one year.
- H. Three members of the Board of Appeals shall constitute a quorum. This will include an alternate, if required.

- I. The Board of Appeals member may not cast a vote or participate in a hearing in any appeal, request for variance or request for extension of time in which that member has a personal, professional or financial interest.
- J. The Board of Appeals shall schedule meetings and provide public notice of meetings in accordance with the Sunshine Act (65 P.S. §§ 701-716).
- K. The Board of Appeals may not act upon appeals, request for variance, or request for extension for time relating to accessibility under the act. These requests must be directed to the Department of Labor and Industry's Accessibility Advisory Board.

Duties

The Indiana County Board of Appeals' duties shall be governed in accordance with the following outline:

- A. An owner or owner's agent may seek a variance or extension of time or appeal a building code official's decision by filing a petition with the building code official or other person designated by the building code official on a form provided by the County.
- B. The postmark date or the date of personal service will establish the filing date of the appeal, request for variance or extension of time.
- C. An appeal, request for variance, or extension of time to the Board of Appeals will automatically suspend an action to enforce an order to correct until the matter is resolved. An action under § 403.84 (relating to unsafe building, structure or equipment) may not be stayed.
- D. The Board of Appeals shall decide an appeal, variance request or request for extension of time by reviewing documents and written brief or argument unless the owner requests a hearing.
- E. The Board of Appeals shall hold a hearing within 60 days from the date of an applicant's request unless the applicant agreed in writing to an extension of time.
- F. The Board of Appeals shall only consider the following factors when deciding an appeal under section 501(c)(2) of the act:
 - 1) The true intent of the act or Uniform Construction Code was incorrectly interpreted.
 - 2) The provisions of the act do not apply.
 - 3) An equivalent form of construction is to be used.
- G. The Board of Appeals may consider the following factors when ruling upon a request for extension of time or the request for variance:
 - 1) The reasonableness of the UCC's application in a particular case.
 - 2) The extent to which the granting of a variance or an extension of time will pose a violation of the UCC or an unsafe condition.

- 3) The availability of professional or technical personnel needed to come into compliance.
 - 4) The availability of materials and equipment needed to come into compliance.
 - 5) The efforts being made to come into compliance as quickly as possible.
 - 6) Compensatory features that will provide an equivalent degree of protection to the UCC.
- H. If the owner requests a hearing, the Board of Appeals shall schedule a hearing and notify the owner and building code official of the date, time, and place of the hearing.
- I. The Board of Appeals may:
- 1) Deny the request in whole or in part.
 - 2) Grant the request in whole or in part.
 - 3) Grant the request upon certain conditions being satisfied.
- J. The Board of Appeals shall provide a written notice of its decision to the owner and to the building code official.
- K. An owner shall file an appeal, request for variances or request for extension of time relating to accessibility with the Accessibility Advisory Board under § 403.142 (relating to Accessibility Advisory Board).