

RULES AND BY-LAWS OF THE LARIMER COUNTY BOARD OF APPEALS

I. MEETINGS

- A. Regular meetings shall be held on the second Wednesday of each month in a designated room in the Larimer County Courthouse Office Building, Fort Collins, Colorado. Meetings shall begin at 7:30 a.m. All meetings and actions shall be in compliance with C.R.S. 24-6-402 regarding open meetings, any subsequent amendments to said statute, and follow Larimer County rules and procedures for Boards and Commissions. If the Chair and members determine that any application cannot be heard and considered for action by 09:00 a.m., it may be continued, heard, and considered at a specifically scheduled meeting or the next regularly scheduled meeting. Such application shall have priority at the next meeting and may be heard before any other matters or applications.
- B. Special meetings of the Board may be held at any time upon call of the Chair; by a majority of the entire membership of the Board; or upon request of the Board of County Commissioners. Notice of at least seven (7) calendar days shall be given to each member of the Board by telephone, e-mail or by fax. Time, place and proposed agenda of Special Meetings shall be specified with information sent to each member of the Board notifying them of a Special Meeting.

II. MEMBERS/QUORUM

- A. The Board of Appeals shall consist of five (5) members, appointed by the Board of County Commissioners. The Chair of the Board may be asked to interview applicants for vacancies by the Board of County Commissioners.
- B. A quorum for transaction of business shall consist of three (3) members.
- C. Actions shall be by a majority vote of Board members when a quorum is present.
- D. In cases where a quorum is not present, applications shall be rescheduled for hearing at the next regular Board meeting, or at a special meeting set by the Chair.

III. ATTENDANCE/TERM

- A. Regular attendance by members of the Board of Appeals is expected.
- B. If a Board member is unable to attend meeting, the member shall notify the staff of such fact as soon as possible after the member becomes aware of it.
- C. Term limits shall be in accordance with Larimer County Administrative Procedure 100.1.

IV. OFFICERS

- A. The Board of Appeals, at its regular meeting in July of each year, shall elect a Chair, and a Vice- Chair. The Chief Building Official shall be ex officio member of Board but shall have no vote on any matter before the Board and shall designate a Recording Secretary.
- B. The duties and powers of the officers of the Board shall be as follows:

The Chair shall:

- 1. Preside at all meetings of the Board and maintain proper decorum by controlling the meeting, avoiding duplication of testimony, and avoiding demonstration(s). In cases where decorum can not be maintained, any Board member may request the Chair to recess, continue the agenda item, or adjourn.
- 2. Call special meetings of the Board in accordance with the by-laws.
- 3. Sign the documents of the Board.
- 4. Insure that all actions of the Board are properly taken.

The Vice-Chair shall:

- 1. During the absence, disability, or disqualification of the Chair, exercise and perform all of the duties and be subject to all the responsibilities of the Chair.

The Designated Recording Secretary shall:

- 1. Keep the minutes of all meetings of the Board in an appropriate and designated file.
- 2. Give and serve all notices required by State Statute, regulations or by the by-laws.
- 3. Prepare the agenda for all meetings of the Board.
- 4. Be custodian of Board records.
- 5. Inform the Board of correspondence relating to business of the Board and attend to such correspondence.

V. GENERAL RULES OF ORDER

- A. Persons desiring to appeal a decision of the building official to the Board of Appeals shall make application of appeal and pay to the Larimer County Building Department a docket fee in the amount of fifty dollars (\$50).
- B. Written notice of hearing shall be given to all parties concerned at least three (3) days prior to the hearing or by mailing the same to such parties last known address by regular mail.

- C. The following procedure will generally be followed by the Board when considering agenda items:
1. Introduction of the item by the Chair.
 2. County Staff presentation, limited, to the extent possible, to unresolved or controversial issues.
 3. Applicant presentation, generally limited to 20 minutes and substantively related to unresolved or controversial issues.
 4. Testimony from the audience relating to the agenda item. The Chair may set a reasonable time limit per individual and group presentations and may establish an order per testimony in support of or in opposition to the application.
 5. Applicant's rebuttal, limited to points of opposition. The Chair may set a reasonable time limit.
 6. Inquiry by the Board members of the applicant and staff.
 7. Final staff comments.
 8. Discussion among the Board members.
 9. Motion and second by the Board members.
 10. Discussion by the Board members on the motion.
 11. Call to Vote.
- D. The Chair may modify the above procedure for individual items if necessary for expeditious conduct of business.
- E. All decisions of this Board is for this appeal only (site specific) and do not set any precedent for general County approval. If appeals approval requires further action from the applicant, the applicant has one year from the appeal date to complete that required action.
- F. A Board member shall abstain from discussion and voting, if a potential conflict of interest exists, from the time such conflict is discovered.
- G. Matters not covered by these rules may be governed by "Roberts Rules of Order, newly revised, 1970", wherever applicable and not in conflict with state or local law.
- H. Agendas for items to be considered by the Board will be available to the public at the meeting and all meeting shall be open to the public.

VI. AUTHORITY

- A. The Board of Appeals will perform the duties mandated by Colorado State Statute for a "Board of Review" to review new building codes and formulate suggested amendments to the codes. To give special exception to the terms of the code when it is in harmony with the general purpose and intent of the building code.

- B. The building codes limits the authority for an appeal to a claim that the true intent of these codes or rules legally adopted have been incorrectly interpreted, the provisions of these codes do not fully apply, or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of building code.

VII. POUDRE FIRE AUTHORITY (PFA) FIRE BOARD OF APPEALS

- A. At the request of the Poudre Fire Authority the members of the Larimer County Board of Appeals may from time to time act as the PFA Fire Board of Appeals. When acting as the PFA Fire Board of Appeals, the Board shall not be acting on behalf of Larimer County, instead the Poudre Fire Authority Fire District.
- B. When acting as the PFA Fire Board of Appeals, the Board shall follow the rules and procedures contain herein for the Larimer County Board of Appeals. The PFA Fire Marshall shall become the ex officio member of the Fire Board of Appeals and will have no vote on any matter before the board.
- C. The Fire Marshall shall designate the recording secretary and be responsible for their duties, including a separate PFA Fire Board of Appeals Agenda.

Adopted pursuant to Section 30-28-103(1) C.R.S. 1973 this 9th day of June, 2004.

William G. Van Horn
Chairperson

Date: June 14, 2004

LARIMER COUNTY BOARD OF
COUNTY COMMISSIONERS

Kathay Rennels
Chair

Attest: Gael M. Cookman
Deputy Clerk