



**CITY OF COATESVILLE
PENNSYLVANIA**

**UCC BOARD OF APPEALS
APPLICATION**

I hereby appeal the determination Code Official of the City of Coatesville to the UCC Appeals Board for a Hearing regarding the issue of

Appellant Name _____

Owner Name _____

Owner Address _____

City, State, Zip _____

Owner Phone/Fax _____

Location Of Property _____

Street Number, Street, Subdivision and Lot Number _____

Indicate the basis of appeal of the above referenced issue by selecting one of the following (MUST SELECT ONE):

- The true intent of this code has been incorrectly interpreted.
- The provision of the code do not fully apply
- An equivalent form of construction can be used. (Alternate means and methods)

PLEASE INDICATE THE SPECIFIC CODE AND CODE SECTION OF THE VIOLATION(S) WHICH YOU ARE APPEALING

SELECT SUBJECT CODE(S) FROM TABLE BELOW

INDICATE CODE SECTION(S)

International Building Code (2009)

Sections _____

International Residential Code (2009)

Sections _____

International Fire Code (2009)

Sections _____

International Fuel Gas Code (2009)

Sections _____

International Mechanical Code (2009)

Sections _____

International Plumbing Code (2009)

Sections _____

International Code Council Electrical Code (Administrative)

Sections _____

National Electrical Code (2008)

Sections _____

Other _____

Sections _____

Chapter 136, Code of the City of Coatesville (Housing Code)

Sections _____

International Property Maintenance Code (2009)

Sections _____

Signature of Applicant _____

Print Applicant's Name _____

To be completed by Codes Department (DO NOT WRITE BELOW THIS LINE):

FEE \$ 500.00

Application # _____

Total Pmt \$ _____

Rec'd / / By _____ Approved / / By _____

Codes Department

One City Hall Place, Coatesville, PA 19320 (610)384-0300 Ext.3133 (610) 384-6051 (fax)

CD-03/17/14

**CITY OF COATESVILLE
UNIFORM CONSTRUCTION CODE BOARD OF APPEALS**

RULES AND PROCEDURES

The City of Coatesville Uniform Construction Code Board of Appeals (hereafter referred to as the "Board of Appeals") established by the City Council of the City of Coatesville, is authorized to establish rules and procedures for the conduct of business:

I. PURPOSE

A. The Board is established to provide a process for the resolution of all Uniform Construction Code grievances, except for issues on accessibility, derived from the decision of the Building Code Official to insure the health, safety, and general welfare for citizens of the participating municipalities in the City of Coatesville.

II. APPEAL PROCESS

A. FILING OF APPEAL

1. An owner or owner's agent may appeal a decision of the Building Code Official refusing to grant a modification to the provisions of the Uniform Construction Code except for accessibility issues.
2. The appeal shall be made by completing the required information on the Appeal Form including submission of any associated material.
3. The Appeal Form may be secured at the City of Coatesville, Codes office.
4. The Appeal Form and any associated material shall be accompanied by a copy of the written decision of the Building Code Official upon which the appeal is based.
5. The completed Appeal Form shall be filed with the City of Coatesville, Codes Department. Receipt of Codes office of the completed Appeal Form and required filing fee constitutes official acceptance of the appeal. The post-marked date or the date stamped of the codes office of the complete Appeal Form and required filing fee will establish the filing date of the appeal or request for variance or extension of time.

6. The Codes office shall assign an appeal number and open a file for the keeping of all materials relevant to the appeal. The appeal number shall be affixed to each document.

7. The required filing fee as established by resolution of the Board from time to time shall be made payable to The City of Coatesville and must accompany the Appeal Form. The appellant is responsible for all additional charges and fees accrued during an appeal that are not covered by the required filing fee. Included but not limited to the Board's attorney fees, stenographer and secretarial fees.

8. The Board of Appeals Secretary shall forward a copy of the Appeal Form and accompanying documents to the board member.

B. NOTICE OF HEARING

1. The Board shall hold a hearing within sixty (60) days from the date of an applicant's request unless the applicant agrees in writing to an extension of time. The Secretary, in the name of the Chairman, shall forward by first class mail no later than ten (10) days before the date of hearing a "Notice of Hearing", the Appeals Form; and the decision of the Building Code Official, to all Board members, to the municipal officials, to the applicant, and to the Building Code Official.

2. If a quorum of the Board cannot be achieved, the Board Secretary shall notify by first class mail all persons as stated in Section III(B)(1) above of the hearing cancellation.

3. If the applicant is unable to attend the scheduled hearing, a request in writing for continuance shall be forwarded to the Board Secretary by the applicant.

(a) A request for a continuance by an applicant shall detail the reason why the hearing should not be held as scheduled and when such hearing could be attended. The Board Chairman shall rule on the granting of a continuance. Notification of the re-scheduled hearing will be according to procedures as stated in Section III (B)(1) above.

C. HEARING PROCEDURES

1. All hearings shall be held in accordance with the Local Agency Law.

2. All meetings or hearings shall be open to public.

3. A quorum shall consist of:

(a) Three (3) of the five (5) Board members must be present to review or hear an appeal.

(b) No Board member having a conflict of interest shall sit to review or hear the appeal. A Board member having a conflict of interest shall declare his or her ineligibility to the Secretary prior to the meeting or hearing.

(c) Conflicts on accessibility shall not be within the scope or jurisdiction of the Board.

4. All hearings shall be recorded, whether by court reporter or by tape recording, such that an accurate transcript of the hearing can be made in the event of an appeal.

5. Any party aggrieved by the Building Code Official's decision may be represented by legal counsel at the hearing.

6. The Board shall only consider the following factors when deciding an appeal:

(a) The true intent of the Uniform Construction Code was incorrectly interpreted.

(b) The provisions of the Uniform Construction Code do not apply.

(c) An equivalent or better form of construction is to be used.

7. The Board may consider the following factors when ruling upon a request for extension of time or the request for a variance:

(a) The reasonableness of the Uniform Construction Code's application in a particular case.

(b) The extent to which the granting of a variance or an extension of time will pose a violation of the Uniform Construction Code or an unsafe condition.

(c) The availability of professional or technical personnel needed to come into compliance.

(d) The availability of materials and equipment needed to come into compliance.

(e) The efforts being made to come into compliance as quickly as possible.

(f) Compensatory features that will provide an equivalent degree of protection comparable to the Uniform Construction Code.

D. DECISION

1. When deciding an appeal, the Board may:

(a) Deny the appeal in whole or in part.

(b) Grant the appeal in whole or in part.

(c) Grant the appeal upon certain conditions being satisfied.

2. The Board shall provide a written notice of its decision to the applicant, to the Building Code Official, the Municipality, and to any other party who has participated in the Appeal. The written notice of the decision shall state thereon the following notation, "Date of Mailing of this Decision-
_____."

3. The written decision of the Board shall be accompanied by:

(a) Findings of fact;

(b) Discussion of the findings;

(c) Conclusions of Law.

4. In all cases, the burden of proof shall be on the party filing the Appeal.

5. The decision of the Board in each case shall be by vote at an advertised public meeting.