

TOWN OF NUTTER FORT
Ordinance 2020-01

ARTICLE 1762 – Town of Nutter Fort Building and Housing Code Appeals Board

Sec. 1 – Appeals Board.

An appeals board (“Town of Nutter Fort Building and Housing Code Appeals Board” or “Code Appeals Board”) of five (5) members shall be appointed by the Mayor. The Town Council of Nutter Fort shall ratify and confirm the appointment of each member of the Code Appeals Board. The Code Appeals Board shall consist of five (5) members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the Town of Nutter Fort. They may include, but are not limited to, a WV Registered Professional Architect or Engineer, or a WV Licensed General Building, Residential, Electrical, Piping, Plumbing, Mechanical or Fire Protection Contractor, with at least ten (10) years experience, five (5) of which shall be in responsible charge of work. No less than one (1) the members of such Board of Appeals shall be a West Virginia registered professional architect or engineer, or a West Virginia licensed general building, residential, electrical, piping, plumbing, mechanical or fire protection contractor. Board members shall be appointed for five (5) year terms, or until a successor is appointed. Three (3) members will form a quorum at any appeal hearing. Appeals to the Code Appeals Board shall be pursuant to the provisions of each Nutter Fort Property Maintenance Code, and international code, which is part of the WV State Building Code under which the appeal is made and notice and procedure with regard to the appeal shall follow the publication mandates of each international code, which is part of the WV State Building Code.

Sec. 2 – Right to Appeal.

Any person directly affected by a decision of the code official or a notice or order issued under the Building and Housing Code shall have the right to appeal to the Code Appeals Board, provided that a written application for the appeal is filed within twenty (20) days after the decision, notice, or order was served. An application for appeal shall be based on a claim that the true intent of the Code or the rules has been incorrectly interpreted, the provisions of the Code do not fully apply, or the requirements of the Code are adequately satisfied by other means, or that the strict application of any requirement of the Code would cause an undue hardship. The Code Appeals Board shall render a decision within thirty (30) days of receipt of appeal.

Sec. 3 – Right to Appeal to Circuit Court.

Should the decision of the Code Appeals Board be adverse to the appellant, the appellant shall be advised of his/her right to appeal to the Circuit Court of Harrison County, West Virginia, within thirty (30) days of entry of the final decision by the Code Appeals Board.

Sec. 4 – Open Hearings.

All hearings before the Code Appeals Board shall be open to the public.

Sec. 5 – Fees.

The Town of Nutter Fort shall adopt a resolution establishing the fees for the activities and services performed by the Code Appeals Board