

Bylaws of the Town of Castle Rock

Board of Building Appeals

Article 1 – Authorization

A. Purpose

The purpose of the Board of Building Appeals (Board) is to hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application and interpretation of the Town-adopted building codes and regulations, as well as the Town's contractor registration ordinances.

Town Council has appointed individuals to serve on the Board. These Bylaws shall govern the public meetings and operations of the Board.

B. Powers

The Board shall have the following powers and duties:

1. The Board shall hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application and interpretation of the Town-adopted building codes and regulations, as well as the Town's contractor registration ordinances.
2. The Board shall have no authority relative to interpretation of the administrative provisions of the currently adopted Building Code, as adopted by the Town, nor shall the Board be empowered to waive requirements of the currently adopted Building Code, as adopted by the Town.

Article 2 – Organization

A. Officers

The officers of the Board shall be the Chair and a Vice-Chair. In the absence of both the Chair and Vice-Chair, the members present at such meeting may designate a Chair pro-tem to preside over the meeting. The Chair and Vice-Chair shall be elected by majority vote from the Board at the first meeting held in June of each year. Terms for officers shall be for one year.

The Chair shall be the executive officer of the Board and shall preside over all meetings of the Board, call special meetings and workshop sessions of the Board as needed, sign documents of the Board, cancel regular meetings, and see that all actions of the Board are properly taken.

The Vice-Chair shall be empowered with the same duties and authorities as the Chair in the absence of the Chair.

B. Staff

The Development Services Building Division, under the direction of the Chief Building Official, shall provide necessary technical and advisory support to the Board and, through the Town, shall retain needed outside consultants to assist the Board, as appropriate and budgeted.

C. Membership

The Board shall consist of five members, each of which shall be appointed by the Town Council. Members shall serve staggered two-year terms. No member shall serve for more than three consecutive terms or six years. Partial terms shall be considered full terms. Members must wait four years after their term has expired to reapply for a position on the Board. All members of the Board shall serve without compensation.

D. Personal Conduct

Each member of the Board shall exhibit the highest degree of professionalism and commitment to public service possible through the thorough and impartial examination of all matters before the Board. Members shall make every effort to avoid any appearance of conflict or impropriety in their dealings with the public and each other. Members shall avoid using their position on the Board in matters related to personal gain.

Members shall comply with the Code of Conduct, Castle Rock Municipal Code Chapter 2.05.

E. Application of Laws

The Board shall conform to all Castle Rock Municipal codes and regulations, as well as any Colorado statute which may apply to members' conduct and activity, or the Board as a whole.

Article 3 – Procedure

A. Regular Meetings

Regular meetings shall be held quarterly on the first non-holiday Monday of the months of March, June, September and December. All regular meetings will be held at 6:00 p.m., at Town Hall, 100 N. Wilcox St., Castle Rock, Colorado, unless otherwise designated. All meetings shall be open to the public.

B. Special Meetings

Special Meetings may be called by the Chair or two members of the Board. The Chair or two members calling the special meeting shall fix the place and time for the special meeting, and shall give the members at least 24 hours' notice of the special meeting.

C. Unusual Circumstances of Meetings

In the event of unusual circumstances at a meeting, such as a power outage or other natural or manmade interruptions, the Board has the prerogative to take a short recess to make a decision about how to proceed. If the interruption is longer than thirty minutes, or if circumstances make it impossible to conduct the meeting in a normal fashion, then the public hearing(s) will be continued to a later date.

D. Notice of Meetings

Notice to the members of each regular meeting shall be deemed given by these Bylaws. Notice to the public of regular or special meetings shall be given in compliance with the Colorado Open Meetings Law, C.R.S. Section 24-6-401, *et seq.*, as from time-to-time amended. Notice of special meetings shall be given to members at least 24 hours in advance by either (1) announcing the special meeting at a regular meeting; or (2) transmitting electronic mail or fax, in all cases directed to the member at his or her residence or place of business.

E. Quorum

A majority of the members of the Board shall constitute a quorum for the transaction of business at any meeting, provided that if less than a majority of the members are present at said meeting, a majority of the members who are present may adjourn the meeting to another time without further notice.

F. Manner of Acting

The act of a majority of the members present at a meeting at which a quorum is present shall be the act of the Board.

G. Minutes and Records

Minutes of all meetings of the Board shall be kept. The Development Services Department shall maintain all of the records of the Board.

H. Executive Sessions

The Board may go into executive session for any reason allowed under the Colorado Open Meetings Law, C.R.S. Section 24-6-401, *et seq.*, as from time-to-time amended. Executive sessions shall be called in the manner set forth in the Colorado Open Meetings Law.

Article 4 – Hearing Procedure

The Board shall follow the following procedure for all public hearings:

1. Call to order.

2. State brief purpose of the hearing and identify the applicant. Ask for proof of public notice and read it into the minutes.
3. Ask for staff report.
4. Ask for applicant's comments, including a description of any displayed graphic materials.
5. Open the Public Hearing and announce the following procedures for taking public comment:
 - a. Any person wishing to speak shall be given an opportunity to make their statements. Persons wishing to speak should place their name on the public hearing sign-up sheet. The order of public testimony will be taken from the sign-up sheet, unless a compelling reason is given to take a person's testimony at an earlier point.
 - b. Before speaking, persons shall identify themselves for the record by stating their name and place of residence. If the person does not live within the municipal limits of Castle Rock, the person shall so state for the record. Persons speaking shall indicate any financial or personal interest in the action they may have before the Board.
 - c. If persons testifying have any material to support the testimony such as pictures, petitions and maps, such materials should be presented to the Chair so that they may become part of the record.
6. Allow the applicant an opportunity to present any rebuttal testimony or evidence in response to public comment, testimony, or questions.
7. The Board shall then be given an opportunity to ask questions of the applicants, staff, or any public presenting testimony.
8. Close the public hearing. Once the public hearing is closed, the Board may discuss the application for purposes of preparing a motion on the application.
9. Board motion and vote – the Board may act on the item being heard by recommending approval, approval with conditions, denial, or continuation to a date certain.

Article 5 – Amendments

These Bylaws may be amended by a majority vote of the members of the Board during a regular or special meeting. In no event shall the Bylaws be amended to be inconsistent with any Town ordinance.

Article 6 – Approvals

The above Bylaws for the Town of Castle Rock Board of Building Appeals have been duly considered and reviewed, and are hereby adopted by the Board this 27th day of JUNE, 2016.

ATTEST:



Board of Building Appeals Vice-Chair

BOARD OF BUILDING APPEALS



Board of Building Appeals Chair

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