



BYLAWS
ADAMS COUNTY BOARD OF FIRE CODE APPEALS

ARTICLE I - Name of the Board

The Board shall be called the Adams County Board of Fire Code Appeals, in conformance with Section 4 of Adams County Ordinance No. 4, and Section 108 of the 2006 International Fire Code, adopted by the Board of the County Commissioners of Adams County on July 12, 2006.

ARTICLE II - Functions of the Board

The functions and duties of the Adams County Board of Fire Code Appeals are:

- A. To provide reasonable interpretations of the provisions of the International Fire Code, including, but not limited to, the suitability of alternate materials and types of construction.
- B. To conduct investigations and render decisions on petitions for appeal under the following circumstances:
 - 1. Where the Fire Chief disapproves an application or refuses to grant a permit; and/or,
 - 2. When it is claimed that the provisions of the International Fire Code do not apply, or that the true intent and meaning of the International Fire Code has been misconstrued or wrongly interpreted.

Within ten (10) days of hearing a petition for appeal, the Board shall render written decisions and findings to the Fire Chief and the applicant.

- C. The Board's powers and duties shall be limited to those set forth in Adams County Ordinance No. 4, and Section 108 of the 2006 International Fire Code, or any subsequent fire code adopted by the Adams County Board of County Commissioners.

ARTICLE III - Membership of the Board

- A. Membership - The Board shall consist of five (5) members.
 - 1. The members of the Board must be qualified by experience and training to pass judgment on matters pertinent to its duties.
 - 2. The members of the Board shall be residents of Adams County.
- B. Appointment of Members - The members of the Board shall be appointed by the Board of County Commissioners.
- C. Terms of Members - The terms of members of the Board shall be for three (3) years.
- D. Reappointment of Members - Members may be reappointed to the Board for additional consecutive terms at the discretion of the Board of County Commissioners.
- E. Membership Vacancy - In the event of a vacancy among the members of the Board, the Board of County Commissioners of Adams County shall select a qualified resident of Adams County to fill such vacancy.
- F. Membership Dismissal - The members of the Board shall serve without compensation and a member may be removed by the Board of County Commissioners of Adams County for non-performance of duty, misconduct, or demonstrable conflicts of interest at any time without hearing.

ARTICLE IV - Officers

- A. The Board shall elect from its own members a Chair and a Vice-Chair. Terms of office shall be for one year.
- B. In the absence of the Chair, the Vice-Chair will act in that capacity.

- C. In the absence of the Chair and the Vice-Chair, a temporary Chair will be selected by the Board.

ARTICLE V - Nomination and Election of Officers

- A. The nomination and election of annual officers shall be held during the first meeting of each calendar year. Each nomination shall be seconded, and elections shall be by majority vote of the members present at the meeting.

ARTICLE VI - Meetings

- A. Meetings shall be held when there is business to conduct.
- B. Written notice of all regular meetings will be mailed at least ten (10) days prior to the meeting date.
- C. Special meetings may be called when deemed necessary by the Chair, provided that at least twenty-four (24) hours notice is given to each member prior to any special meeting. Notice may be accomplished by telephone, or leaving written notice at a member's residence.
- D. A quorum shall consist of not less than three (3) Board members. A quorum will be necessary at any meeting where the agenda includes:
 - 1. Changes or adoption of Bylaws.
 - 2. All duties as outlined in Article II of these Bylaws.
 - 3. Election of officers.
 - 4. Special meetings.
- E. The order of business for Board hearings shall be as follows:
 - 1. The Chairman declare the hearing open and direct that roll call be conducted. The names of all regular Board members shall be called, and the record shall reflect whether a member's absence is excused or unexcused. Absences of members from Board hearings are excused in the event of a member's illness or occupational conflict. Upon two (2) consecutive unexcused absences, the Board, by majority affirmative vote, may request and recommend to the Board of County Commissioners that such a member be removed and replaced.

2. The Chair shall call for consideration of the minutes of the previous meeting, if any. The minutes may be adopted as written, corrected, or deferred by a majority vote of the Board members present.
 3. The Chair shall conduct Board business as presented on the approved agenda for each hearing.
- F. Robert's Rules of Order shall prevail to the extent they are not in conflict with specific provisions of these Bylaws.
- G. Each Board member shall be entitled to only one (1) vote on any matters before the Board. There shall be no proxy voting on any matters before the Board.
- H. A motion before the Board may be made only by members of the Board. Any motion made must be seconded by another member of the Board prior to the vote on that motion.

After a motion and second, the Chair shall restate the motion and ask for discussion from Board members. After all interested Board members have had an opportunity to speak, the Chair shall instruct the Secretary to conduct a roll call vote of all Board members. Board members wishing to abstain shall signify by so stating, and shall then state the reason for their abstention.

When the voting on a motion consists of an equal number of affirmative and negative votes, the motion shall be defeated.

ARTICLE VII- Hearing Procedures

When a hearing before the Board is requested pursuant to Article II of these Bylaws, in addition to the above requirements for meetings, the following procedures shall apply:

- A. Petitions for hearing

The Board's authority is limited to those matters listed in Article II of these Bylaws. All petitions for hearing shall clearly state grounds for the hearing, the Boards' specific authority under Article II of these Bylaws to hear the issue, and a statement of the specific section or section of the Fire Code that are at issue. All petitions shall also include a good faith estimate of the time that will be needed for a hearing.

B. Pre-Hearing Matters

1. Documents/Evidence

At least 10 days prior to the hearing, parties shall provide 6 copies of all documents/evidence anticipated to be submitted at the hearing to the Board and an additional copy to the opposing party.

2. Witnesses

At least 10 days prior to the hearing, the parties shall provide the Board and the opposing party with a list of all witnesses expected to testify at the hearing. The designation of witnesses shall indicate whether or not the witness will be offered as an expert, and if so, on what basis. The designation of witnesses shall include a good faith estimate of the length of time each witness will need for his/her testimony.

3. Time

At least 10 days prior to hearing, the parties shall each submit a good faith estimate of the amount of time needed for the hearing. Such estimate should be based on the evidence to be presented, the number of witnesses, and the content of witness testimony.

C. Hearing Procedures

1. Time

If the hearing proceeds beyond the time allotted, the Board, at its discretion, may either proceed with the hearing for such time as the Board retains a quorum, or continue the matter to a date certain.

2. Order of Presentation

The order of presentation at the hearing shall be as follows:

- a. The Petitioner (who brought the appeal) may make an opening statement.
- b. The Respondent may make an opening statement.
- c. The Petitioner will present his/her case.

All witnesses for the Petitioner shall be subject to direct examination by the Petitioner, cross examination by the Respondent, questions by the Board, and a re-direct examination by the Petitioner. Re-direct shall be limited to new issues raised during the cross-examination. Limited re-cross examination may be allowed as determined by the Chair.

d. The Respondent will present his/her case.

All witnesses for the Respondent shall be subject to direct examination by the Respondent, cross examination by the Petitioner, questions by the Board, and a re-direct examination by the Respondent. Re-direct shall be limited to new issues raised during the cross-examination. Limited re-cross examination may be allowed as determined by the Chair.

e. The Petitioner may present rebuttal testimony as needed. Rebuttal testimony will be limited to issues raised for the first time during Respondent's presentation of the case.

f. The Petitioner may make a closing statement.

g. The Respondent may make a closing statement.

h. The Petitioner may make a rebuttal closing statement, limited to information contained in the Respondent's closing statement.

3. Representatives

Either party may appear with a representative. If the representative for either party testifies at the hearing, that representative will be subject to cross-examination by the opposing party.

4. Evidence/ Objections

Either party may make objections at the hearing. As this is an administrative hearing, the rules of evidence will not be strictly applied. All objections presented shall be ruled on by the Chair. In the absence of the Chair, the Vice-Chair shall rule on objections.

5. Decisions

The Board shall render written decisions and findings to the Fire Chief and the applicant within ten (10) days of the hearing, in accordance with Article II, Section B of these Bylaws.

ARTICLE VIII - Duties of Chair

- A. It shall be the responsibility of the Chair to call all regular meetings, preside at all meetings, appoint committees, when and as required, and carry out general chair responsibilities.
- B. Any question or issue as to the proper procedure for conducting business at any Board hearing which is not resolved by the general rules set forth in the By-laws or Robert's Rules of Order shall be resolved by the Chair.

ARTICLE IX - Duties of Vice-Chair

It shall be the responsibility of the Vice-Chair to assume the duties of the Chair in his/her absence. The Vice-Chair shall also perform other duties as assigned by the Chairman.

ARTICLE X – Amendments of the Bylaws

These Bylaws may be amended by the following procedure:

- A. Any proposed amendment to these Bylaws shall be submitted in writing for each member's review prior to the Board hearing at which the amendment will be voted upon.
- B. Upon proper motion and second, an affirmative vote of a majority of the Board members present at the meeting shall be required for the amendment to carry.