

## Chapter 11.20

### APPEAL

#### Sections:

- 11.20.010 General
- 11.20.020 Effect of Failure to Appeal
- 11.20.030 Scope of Hearing on Appeal
- 11.20.040 Staying of Order Under Appeal

#### 11.20.010 General.

**11.20.010.01 Form of Appeal.** Any person entitled to service under Section 11.16.010.03 may appeal from any notice and order or any action of the building official under this code by filing at the office of the building official a written appeal containing:

1. A heading in the words: "Before the board of appeals of the .... of ....."
2. A caption reading: "appeal of .....", giving the names of all appellants participating in the appeal.
3. A brief statement setting forth the legal interest of each of the appellants in the building or the land involved in the notice and order.
4. A brief statement in ordinary and concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant.
5. A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested order or action should be reversed, modified or otherwise set aside.
6. The signatures of all parties named as appellants and their official mailing addresses.
7. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.

The appeal shall be filed within 30 days from the date of the service of such order or action of the building official; provided, however, that if the building or structure is in such condition as to make it immediately dangerous to life, limb, property or safety of the public or adjacent property and is ordered vacated and is posted in accordance with Section 11.16.040 days from the date of the service of the notice and order of the building official.

**11.20.010.02 Processing of Appeal.** Upon receipt of any appeal filed pursuant to this section, the building official shall present it at the next regular or special meeting of the board of appeals.

**11.20.010.03 Scheduling and Noticing Appeal for Hearing.** As soon as practicable after receiving the written appeal. The board of appeals shall fix a date, time and place for the hearing of the appeal by the board. Such date shall not be less than 10 days nor more than 60 days from the date the appeal was filed with the building official. Written notice of the time and place of the hearing shall be given at least 10 days prior to the date of the hearing to each appellant by the secretary of the board either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at the address shown on the appeal.



11.20.020 Effect of Failure to Appeal. Failure of any person to file an appeal in accordance with the provisions of Section 11.20.010 shall constitute a waiver of the right to an administrative hearing and adjudication of the notice and order or any portion thereof.

11.20.030 Scope of Hearing on Appeal. Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal.

11.20.040 Staying of Order Under Appeal. Except for vacation orders made pursuant to Section 11.16.040 enforcement of any notice and order of the building official issued under this code shall be stayed during the pendency of an appeal therefrom which is properly and timely filed.

