

**CITY OF MUSCATINE
ORDINANCE 2023-0501**

ORDINANCE CREATING A CONSTRUCTION APPEAL & ADVISORY BOARD

WHEREAS, Currently, the City Code does not define a specific process for appealing actions, determinations, or decisions made under the building codes in Title 8. Therefore, any such appeal would be heard by the City Council under the auspices of Chapter 14 of Title 1, which establishes a procedure for appeals of matters for which the City Code does not provide a specific process;

WHEREAS, The development, administration, and implementation of building codes would be more effective if there was a dedicated board of community members appointed by the City Council. This board would have knowledge, training, and experience relating to building construction and would be responsible for hearing appeals of actions, determinations, or decisions made under the building codes and for making recommendations on amendments to the adopted building codes;

WHEREAS, The Construction Appeal & Advisory Board shall serve as the Board of Appeals in connection with the building code, mechanical code, plumbing code, electrical codes, and other codes adopted in Title 8;

WHEREAS, The Construction Appeal & Advisory Board shall advise the City Council on matters pertaining to the regulation of construction activities including the adoption of building code, mechanical code, plumbing code, electrical codes, and other codes adopted in Title 8

NOW THEREFORE, be it ordained by the City Council of the City of Muscatine, in the State of Iowa, as follows:

SECTION 1: **AMENDMENT** “CHAPTER 2-13 (RESERVED)” of the Muscatine Municipal Code is hereby *amended* as follows:

A M E N D M E N T

CHAPTER 2-13 ~~(RESERVED)~~ CONSTRUCTION APPEAL AND ADVISORY BOARD

2-13-1 - Creation

The Construction Appeal & Advisory Board hereby created, with duties and responsibilities as set forth in this Chapter.

2-13-2 - Number of Members

The Construction Appeal & Advisory Board shall consist of five gender balanced members.

2-13-3-Appointment

- A. The members are to be appointed by City Council.
- B. Members shall be qualified by training and experience and training to pass upon matters pertaining to building construction.
- C. Members shall be a resident of the City of Muscatine, Iowa.

2-13-4 - Term Duration and Limits

A. Duration

- 1. The term of office of such members shall commence with their appointment and shall be for 5 years, except to fill vacancies provided, however, that appointments to the first Board shall be two members for five years, two members for four years, and one member for three years.
- 2. Each term shall commence on the first day of July.
- 3. All members of the Board shall remain on the Board until their successors are appointed.

B. Term Limits

No individual shall serve more than two full consecutive terms on the Board.

2-13-5 - Removal - Vacancies

The City Council may, at any time, remove any member of the Board after showing due cause, and shall fill the vacancies occurring on the Board by removal or otherwise.

2-13-6 Compensation of Members

All members of the Construction Appeal & Advisory Board shall serve without compensation.

2-13-7 - Chairperson and Secretary

The Construction Appeal & Advisory Board shall select a Chairperson, who shall preside over all Board meetings. The City Administrator or their designee shall serve as Secretary and be responsible for maintaining written records of the Board's proceedings.

2-13-8 - Responsibilities and Duties

A. Appeals

The Construction Appeal & Advisory Board shall serve as the Board of Appeals in connection with the building code, mechanical code, plumbing code, electrical codes, and other codes adopted in Title 8.

B. Advisory Function

The Construction Appeal & Advisory Board shall Advise the City Council on matters pertaining to the regulation of construction activities including the adoption of building code, mechanical code, plumbing code, electrical codes, and other codes adopted in Title 8.

SECTION 2: **AMENDMENT** “8-1-5 (Reserved)” of the Muscatine Municipal Code is hereby *amended* as follows:

AMENDMENT

8-1-5 ~~(Reserved)~~Appeals

8-1-5 Appeals

Whenever the Building Official disapproves an application or refuses to grant a permit applied for, under the provisions of this Chapter, or when it is claimed that the provisions of this Chapter do not apply or that the true intent and meaning of a provision of the Chapter have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Building Official to the Construction Appeal & Advisory Board within 30 days from the date of the decision. For appeal purposes, the date of issue shall be the date the Building Official signs, dates, and mails the written decision. Failure to file a timely notice of appeal as required herein shall constitute a waiver of the right to appeal and the decision of the Building Official shall be final.

SECTION 3: **ADOPTION** “8-3-8 Appeals” of the Muscatine Municipal Code is hereby *added* as follows:

ADOPTION

8-3-8 Appeals(*Added*)

Whenever the Building Official disapproves an application or refuses to grant a permit applied for, under the provisions of this Chapter, or when it is claimed that the provisions of this Chapter do not apply or that the true intent and meaning of a provision of the Chapter have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Building Official to the Construction Appeal & Advisory Board within 30 days from the date of the decision. For appeal purposes, the date of issue shall be the date the Building Official signs, dates, and mails the written decision. Failure to file a timely notice of appeal as required herein shall constitute a waiver of the right to appeal and the decision of the Building Official shall be final.

SECTION 4: **ADOPTION** “8-4-3 Appeals” of the Muscatine Municipal Code is hereby *added* as follows:

ADOPTION

8-4-3 Appeals(*Added*)

Whenever the Building Official disapproves an application or refuses to grant a permit applied for, under the provisions of this Chapter, or when it is claimed that the provisions of this Chapter do not apply or that the true intent and meaning of a provision of the Chapter have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Building Official to the Construction Appeal & Advisory Board within 30 days from the date of the decision. For appeal purposes, the date of issue shall be the date the Building Official signs, dates, and mails the written decision. Failure to file a timely notice of appeal as required herein shall constitute a waiver of the right to appeal and the decision of the Building Official shall be final.

SECTION 5: **ADOPTION** “8-7-5 Appeals” of the Muscatine Municipal Code is hereby *added* as follows:

ADOPTION

8-7-5 Appeals(*Added*)

Whenever the Building Official disapproves an application or refuses to grant a permit applied for, under the provisions of this Chapter, or when it is claimed that the provisions of this Chapter do not apply or that the true intent and meaning of a provision of the Chapter have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Building Official to the Construction Appeal & Advisory Board within 30 days from the date of the decision. For appeal purposes, the date of issue shall be the date the Building Official signs, dates, and mails the written decision. Failure to file a timely notice of appeal as required herein shall constitute a waiver of the right to appeal and the decision of the Building Official shall be final.

SECTION 6: **ADOPTION** “8-9-5 Appeals” of the Muscatine Municipal Code is hereby *added* as follows:

ADOPTION

8-9-5 Appeals(*Added*)

Whenever the Building Official disapproves an application or refuses to grant a permit applied for, under the provisions of this Chapter, or when it is claimed that the provisions of this Chapter do not apply or that the true intent and meaning of a provision of the Chapter have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Building Official to the Construction Appeal & Advisory Board within 30 days from the date of the decision. For appeal purposes, the date of issue shall be the date the Building Official signs, dates, and mails the written decision. Failure to file a timely notice of appeal as required herein shall constitute a waiver of the right to appeal and the decision of the Building Official shall be final.

SECTION 7: **ADOPTION** “8-10-3 Appeals” of the Muscatine Municipal Code is hereby *added* as follows:

ADOPTION

8-10-3 Appeals(*Added*)

Whenever the Building Official disapproves an application or refuses to grant a permit applied for, under the provisions of this Chapter, or when it is claimed that the provisions of this Chapter do not apply or that the true intent and meaning of a provision of the Chapter have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Building Official to the Construction Appeal & Advisory Board within 30 days from the date of the decision. For appeal purposes, the date of issue shall be the date the Building Official signs, dates, and mails the written decision. Failure to file a timely notice of appeal as required herein shall constitute a waiver of the right to appeal and the decision of the Building Official shall be final.

REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

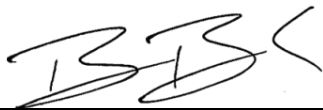
EFFECTIVE DATE This Ordinance shall be in full force and effect from _____ and after the required approval and publication according to law.

First Reading:
Second Reading:
Third Reading:
Publication:

PASSED AND ADOPTED BY THE CITY OF MUSCATINE CITY COUNCIL
NOVEMBER 16, 2023.

Presiding Officer

Attest



Dr. Brad Bark, Mayor, City of
Muscatine



Carol Webb, City Clerk, City of
Muscatine

