

Existing Building Code

Chapter 105, of the Code of Ordinances of the City of Rockford, Illinois, is hereby amended as follows:

Section 105-201 is amended as follows:

Section 105-201. Adopted by reference.

An ordinance establishing minimum regulations governing the design, construction, alteration, enlargement, repair, demolition, removal, maintenance and use of all buildings and structures: providing for the issuance of permits, collection of fees, making of inspections: providing penalties for the violation thereof; known as the building code.

The ICC International Existing Building Code/2021, as published by the International Code Council, Inc. is hereby adopted as the International Existing Building Code of the City of Rockford in the State of Illinois; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said ICC International Existing Building Code are hereby referred to, adopted and made a part hereof as if fully set out in the section, with the additions, insertions, deletions and amendments contained in section 105-202 of this article.

Section 105-202 is amended as follows:

Section 105-202 Amendments, additions and deletions.

Amendments to the ICC International Existing Building Code 2021 have not been set out herein, but can be found on file with the appropriate department of the city for review and purchase by the public.

Amendments to the Existing Building Code:

The ICC International Existing Building Code/2021 is amended as follows:

(1) Section 101.1 is amended as follows:

101.1 Title. These regulations shall be known as the *Existing Building Code* of Rockford, State of Illinois, hereinafter referred to as “this code”.

(2) Section 101.7 is amended as follows:

101.7 Correction of violations of other codes. *Repairs or alterations* mandated by any property, housing, or fire safety maintenance code or mandated by any licensing rule or ordinance adopted pursuant to law shall conform to the requirements of that code, rule, or ordinance and ~~shall not be required to conform to this code unless the code requiring such repair or alteration so provides~~ shall also conform to applicable provisions of this code.

(3) Section 101.8 is added as follows:

101.8 Exterior and party walls. When an adjacent structure wall is exposed as a result of demolition, the resulting exposed to the exterior walls shall be protected with waterproof materials during demolition and all necessary repairs to the wall to make it comply with requirements of Chapter 14 shall be made by the building owner.

(4) Section 103.1 is amended as follows:

103.1 Creation of enforcement agency. ~~The [INSERT NAME OF DEPARTMENT] is hereby created, and the official in charge thereof shall be known as the code official. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.~~ The Construction and Development Services Division is hereby created, and the official in charge thereof shall be known as the *code official*.

(5) Section 103.4 is added as follows:

103.4 Restriction of employees. An official or employee connected with the enforcement of this code, except whose only connection is that of a member of the board of appeals established under the provisions of section 113 of this code, shall not be engaged in, or directly or indirectly connected with, the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building, or the preparation of construction documents thereof, unless that person is the owner of the building; nor shall such officer or employee engage in any work that conflicts with official duties or with the interests of the department.

(6) Section 104.1.1 is added as follows:

104.1.1 Fire Official approval. The Fire Official for the City of Rockford shall have the authority to issue orders based on requirements of this code for matters pertaining to design, materials or equipment when related to fire protection.

(7) Section 104.1.2 is added as follows:

104.1.2 Automatic Appeals. In any case where orders or approvals by the Code official and Director of the Fire prevention Bureau are not in full agreement, the matter shall be resolved in the following manner: The case shall be reviewed by the Community Development Director and the Fire Chief. If agreement cannot be reached, the matter shall be referred to the City Administrator for review and decision. The decision of the City Administrator may then be appealed to the Building Board of Appeals pursuant to Section 113.

(8) Section 105.2 is amended as follows:

105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. One-story detached accessory structures used as decks, tool and storage sheds, playhouses and similar uses, provided the floor area ~~is not greater than~~ does not exceed 120 square feet (11.15 m²) and is not supported by another structure.
2. ~~Fences not over 7 feet (1219mm) high.~~
3. Oil derricks.
4. Retaining walls that are not over 4 feet (1219 mm) in height measured from grade at the bottom ~~of footing~~ to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.
5. Water tanks supported directly upon grade if the capacity ~~is not greater than~~ does not exceed 5,000 gallons (18,925 L) and the ratio of height to diameter or width ~~is not greater than~~ does not exceed 2:1.
6. Sidewalks and ~~driveways~~ patios not more than 30 inches (762 mm) above adjacent grade, and not over any basement or *story* below and are not part of an *accessible route*.
7. Painting, papering, tiling, carpeting, cabinets, countertops, and similar finish work.
8. Temporary motion picture, television and theater stage sets and scenery.
9. Prefabricated swimming pools accessory to a group R-3 occupancy that are less than 24 inches (610 mm) deep., ~~are not greater than 5,000 gallons (18,925 L) and are installed entirely above ground.~~
10. Shade cloth structures constructed for nursery or agricultural purposes and not including service systems.
11. Swings and other playground equipment. ~~accessory to detached one- and two-family dwellings.~~
12. Window awnings in Group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
13. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1733 mm) in height.
14. Replacement of doors or windows provided the size is not changed, the replacement unit meets the requirements of the Energy Conservation Code and a fire rating is not required.
15. Repair or replacement of interior or exterior wall, floor, or ceiling assembly components provided:
 - a. Not more than 50% of an interior or exterior wall, floor, or ceiling assembly calculated individually in a room is affected,
 - b. The scope of work does not affect any fire rated or structural components, and
 - c. Structural elements required to be protected or that are in a hazardous condition are not exposed.

Electrical:

Repairs and maintenance: Minor *repair* work, including: ~~the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.~~

1. Temporary cord and plug lighting, provided they are not within a tent requiring a permit.
2. Replacement of plug and switch receptacles, light fixtures or ceiling fans weighing less than 35 lbs. provided wiring a junction box are not altered.
3. Repair or replacement of branch circuit overcurrent devices.
4. Temporary wiring for experimental purposes in suitable experimental testing laboratories.
5. Wiring, devices, appliances, apparatus or equipment operating at less than 25v and 50w.
6. Low voltage wiring and systems not associated with fire alarm or other life safety systems.
7. Repair or replacement of interior or exterior wall and ceiling coverings provided:
 - a. Not more than 50% of coverings in a room are removed,
 - b. Framing is not exposed to the extent where smoke alarms are required to be wired to the building's, electrical system and be interconnected by section 907.2.10.
 - c. Electrical wiring in a hazardous condition are not exposed and the minimum standards for receptacles, light switches and light fixtures established in Sections 604 and 605 of the *International Property Maintenance Code* as amended have been met.
 - d. Electrical systems are not being resized, rearranged or extended.
8. Replacement of counters provided they are not lengthened more than two feet where part of a kitchen or wet bar within a dwelling.

Radio and television transmitting stations:

The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.

Temporary testing systems:

A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

Gas

1. ~~Portable~~ Any portable heating appliance.
2. ~~Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.~~ Portable ventilation appliances and equipment.
3. Portable cooling units.
4. Portable evaporative coolers.
5. The replacement of any minor part that does not alter the approval of equipment or an appliance or make equipment or appliance unsafe.
6. Self-contained refrigeration package-type equipment in which all components of the refrigeration system are located within a single enclosure without requirement for on-site assembly or piping of any kind whatsoever.

Mechanical:

1. ~~Portable~~ Any portable heating appliance.
2. Portable ventilation appliances and equipment.
3. Portable cooling units.
4. Steam, hot water or chilled water piping within any heating or cooling equipment or appliances regulated by this code.
5. Replacement of any minor part that does not alter ~~its~~ the approval of equipment or an appliance or make ~~it~~ equipment or appliance unsafe.
6. Portable evaporative coolers.
7. Self- contained refrigeration ~~system containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (0.75 kW) or less.~~ package-type equipment in which all components of the refrigeration system are located within a single enclosure without requirement for on-site assembly or piping of any kind whatsoever.

Plumbing:

1. The stoppage of leaks in drains, water, soil, waste or vent pipe; provided, however, ~~that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.~~ that it does not require the resizing or rearrangement of any defective trap or pipe.
2. The clearing of stoppages, ~~or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets,~~ removal of fixtures or the repairing of leaks in pipes, valves or fixtures provided such repairs do not involve or require the ~~replacement~~ resizing or rearrangement of valves, pipes or fixtures.
3. The repair or replacement of fixtures, water softeners or water purifiers in the same location, provided that it does not require the resizing or rearrangement of any trap or piping.
4. Repair or replacement of interior or exterior wall and ceiling coverings provided:
 - a. Plumbing systems in a hazardous condition are not exposed, or
 - b. Plumbing systems are not being resized, rearranged or extended.

(9) Section 105.2.2 as amended as follows:

105.2.2 Repairs. Application or notice to the *code official* is not required for *repairs* to structures and items listed in Section 105.2 provided that such *repairs* do not include any of the following: replacement of lamps or the connection of approved portable electrical equipment to *approved* permanently installed receptacles. Such repairs shall not include the cutting away of any framing within ceiling, floor, wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include *addition* to, *alteration* of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas,

soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

(10) Section 105.3.3 is added as follows:

105.3.3 Application for mechanical permit. Each application for a mechanical permit shall be filed with the code official on a form furnished for that purpose and shall contain a general description of the proposed work and its location, the proposed occupancy of the building(s) and other information required by the code official. The application shall be submitted by a City of Rockford mechanical license holder. In the event that more than one license holder is employed by a firm or corporation, the license holder that is submitting an application shall be listed on that application. Permits are not transferable from one license holder to another.

Exception: Work being performed by the owner-occupant of a single family dwelling or owner of a single family dwelling under construction for his or her occupancy upon completion is permitted to plan, install, alter and repair the mechanical and gas piping systems of such dwelling without a license provided that required permits are obtained and such systems comply with the requirements of this code. Any work being performed by other than the owner-occupant shall be performed by a City of Rockford licensed mechanical contractor.

(11) Section 105.3.4 is added as follows:

105.3.4 Application for plumbing permit. Each application for a plumbing permit shall be filed with the code official on a form furnished for that purpose and shall contain a general description of the proposed work and its location, the proposed occupancy of the building(s) and other information required by the code official. The application shall be submitted by a State of Illinois plumbing license holder. In the event that more than one license holder is employed by a firm or corporation, the license holder that is submitting an application shall be listed on that application. Permits are not transferable from one license holder to another.

Exception: The owner-occupant of a single family dwelling, or owner of a single family dwelling under construction for his or her occupancy upon completion is permitted to plan, install, alter and repair the plumbing systems of such dwelling without a license provided that required permits are obtained and such systems comply with the requirements of the *Illinois Plumbing Code*. The owner-occupant shall not employ other than a State of Illinois licensed plumber to assist him or her.

(12) Section 105.3.5 is added as follows:

105.3.5 Application for electrical permit. Each application for an electrical permit shall be filed with the code official on a form furnished for that purpose and shall contain a general description of the proposed work and its location, the proposed occupancy of the building(s) and other information required by the code official. The application shall be submitted by a City of Rockford

registered electrician. In the event that more than one registered electrician is employed by a firm or corporation, the registered electrician that is submitting an application shall be listed on that application. Permits are not transferable from one registered electrician to another.

Exception: The owner-occupant of a single family dwelling, or owner of a single family dwelling under construction for his or her occupancy upon completion is permitted to plan, install, alter and repair the electrical systems of such dwelling without a license provided that required permits are obtained and such systems comply with the requirements of this code. The owner-occupant shall not employ other than a City of Rockford registered electrician to assist him or her.

(13) Section 106.3 is amended as follows:

106.3 Examination of documents. The code official shall examine or cause to be examined submittal documents and shall ascertain by such examinations whether the construction or occupancy indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances. The Fire Department may review all plans for issuance of building, fire suppression and fire alarm (electrical) permits. The plans will be made available in the Building Department offices. If the plans do not conform with the requirements set forth by this code, they shall be rejected by the Fire Department pursuant to Section 112 of this code.

(14) Section 107.5 is added as follows:

107.5 Fire Department Records. The registered design professional shall submit project CAD files and PDF files to the Fire Code Official which will be used for incident pre-planning purposes. Files shall contain the following information:

1. Building site plan
2. Building elevations
3. Floor plans, stairways, exits, garage doors, hazards, door markings or designation A, B, C (if used)
4. Location of gas, electric, and water utility shutoffs
5. Location of fire service features including (not limited to) fire hydrants, alarm panel, standpipes, PIV, fire exits, sprinkler control rooms

The documents shall be submitted on a DVD, flash drive, or other medium acceptable to the Fire Code Official.

Records shall be provided to the issuance of a certificate of occupancy. Failure to submit the required documentation to the Fire Code Official shall result in a notice of violation being issued in accordance with Section 114.

(15) Section 108.4 is deleted and replaced as follows:

108.4 Work commencing before permit issuance. ~~Any person who commences any work before obtaining the necessary permits shall be subject to a fee established by the code official that shall be in addition to the required permit fees. When a permit is required by this code, and work is started or proceeded fees shall be in accordance with the City of Rockford Code of Ordinance. No permit can be issued for any person, company or contractor until any outstanding permit fines/fees have been paid in full.~~

(16) Section 108.6 is deleted and replaced as follows.

108.6 Refunds. ~~The code official is authorized to establish a refund policy. No permit fees shall be refunded.~~

(17) Section 109.3 is amended as follows:

109.3 Required inspections. ~~The code official, upon notification, shall~~ may make the inspections set forth in Sections 109.3.1 through 109.3.11. Where the word “shall make” or “shall be made” appears in Sections 109.3.1 through 109.3.11 it shall mean “may make or may be made”.

(18) Section 109.7 is added as follows:

109.7 Re-inspections. Any item of inspection that fails to meet code requirements on the initial or first re-inspection shall be subject to re-inspection fee as determined by the City of Rockford Code of Ordinance, charged to the permit holder for each additional re-inspection performed.

(19) Section 112.1.1 is added as follows:

112.1.1 Automatic appeals. In any case where orders or approvals by the code official and Director of the Fire Prevention Bureau are not in full agreement, the matter shall be resolved in the following manner: The case shall be reviewed by the Community Development Director and the Fire Chief. If agreement cannot be reached, the matter shall be referred to the City Administrator for review and decision. The decision of the City Administrator may then be appealed to the Building Board of Appeals pursuant to Section 112.1.

(20) Section 113.4 is amended as follows:

113.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who repairs or alters or changes the occupancy of a building or structure in violation of the approved construction documents or directive of the code official or of a permit or certificate issued under the provisions of this code shall be subject to as penalties prescribed by law and punishable by a fine of not less than \$50.00 and not more than \$750.00 dollars.

(21) Section 115.4 is deleted and replaced as follows:

~~**115.4 Method of service.** Such notice shall be deemed properly served if a copy thereof is served with one of the following methods:~~

- ~~1. A copy delivered to the owner personally.~~
- ~~2. A copy sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested.~~
- ~~3. A copy delivered in any other manner as prescribed by local law.~~

~~If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.~~

115.4 Method of service. Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered to the owner personally; or
2. Sent by first class mail, postage prepaid, to the owner at the last known address; or
3. Sent by certified mail, postage prepaid, addressed to the owner at the last known address with return receipt requested, if required by State Law.

If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner on the owner's authorized agent shall constitute service of notice on the owner.

(22) Section 306.1 is amended as follows:

306.1 General. Accessibility for existing buildings shall comply with the applicable provisions of the Illinois Accessibility Code.

306.1.1 Alterations. A building, facility or element that is altered shall comply with the applicable provisions of the Illinois Accessibility Code.

306.1.2 Change of Occupancy. A building, facility or element that is undergoing a change of occupancy shall comply with the applicable provisions of the Illinois Accessibility Code.

306.1.3 Additions. Additions shall comply with the applicable provisions of the Illinois Accessibility Code.

(23) Appendix B

SECTION B101

QUALIFIED HISTORIC BUILDINGS AND FACILITIES

[BE]B101.1 General.

Qualified historic buildings and facilities shall comply with Sections B101.2 through B101.5.

[BE]B101.2 Qualified historic buildings and facilities.

These procedures shall apply to buildings and facilities designated as historic structures that undergo alterations or a change of occupancy.

[BE]B101.3 Qualified historic buildings and facilities subject to Section 106 of the National Historic Preservation Act. Where an alteration or change of occupancy is undertaken to a qualified historic building or facility that is subject to Section 106 of the National Historic Preservation Act, the federal agency with jurisdiction over the undertaking shall follow the Section 106 process. Where the state historic preservation officer or Advisory Council on Historic Preservation determines that compliance with the requirements for accessible routes, ramps, entrances, or toilet facilities would threaten or destroy the historic significance of the building or facility, the alternative requirements of Section 306.7.16 for that element are permitted.

[BE]B101.4 Qualified historic buildings and facilities not subject to Section 106 of the National Historic Preservation Act. Where an alteration or change of occupancy is undertaken to a qualified historic building or facility that is not subject to Section 106 of the National Historic Preservation Act, and the entity undertaking the alterations believes that compliance with the requirements for accessible routes, ramps, entrances or toilet facilities would threaten or destroy the historic significance of the building or facility, the entity shall consult with the state historic preservation officer. Where the state historic preservation officer determines that compliance with the accessibility requirements for accessible routes, ramps, entrances or toilet facilities would threaten or destroy the historical significance of the building or facility, the alternative requirements of Section 306.7.16 for that element are permitted.

[BE]B101.4.1 Consultation with interested persons. Interested persons shall be invited to participate in the consultation process, including state or local accessibility officials, individuals with disabilities, and organizations representing individuals with disabilities.

[BE]B101.4.2 Certified local government historic preservation programs. Where the state historic preservation officer has delegated the consultation responsibility for purposes of this section to a local government historic preservation program that has been certified in accordance with Section 101 of the National Historic Preservation Act of 1966 [(16 U.S.C. 470a(c)] and implementing regulations (36 CFR 61.5), the responsibility shall be permitted to be carried out by the appropriate local government body or official.

[BE]B101.5 Displays. In qualified historic buildings and facilities where alternative requirements of Section 306.7.16 are permitted, displays and written information shall be located where they can be seen by a seated person. Exhibits and signs displayed horizontally shall be 44 inches (1120 mm) maximum above the floor.

SECTION B102

FIXED TRANSPORTATION FACILITIES AND STATIONS

[BE]B102.1 General. Existing fixed transportation facilities and stations shall comply with Section B102.2.

[BE]B102.2 Existing facilities—key stations. Rapid rail, light rail, commuter rail, intercity rail, high-speed rail and other fixed guideway systems, altered stations, and intercity rail and key stations, as defined under criteria established by the Department of Transportation in Subpart C of 49 CFR Part 37, shall comply with Sections B102.2.1 through B102.2.3.

[BE]B102.2.1 Accessible route. One accessible route, or more, from an accessible entrance to those areas necessary for use of the transportation system shall be provided. The accessible route shall include the features specified in Section E109.2 of the International Building Code, except that escalators shall comply with Section 3004.2.2 of the International Building Code. Where technical unfeasibility in existing stations requires the accessible route to lead from the public way to a paid area of the transit system, an accessible fare collection machine complying with Section E109.2.3 of the International Building Code shall be provided along such accessible route.

[BE]B102.2.2 Platform and vehicle floor coordination. Station platforms shall be positioned to coordinate with vehicles in accordance with applicable provisions of 36 CFR Part 1192. Low-level platforms shall be 8 inches (250 mm) minimum above top of rail.

Exception: Where vehicles are boarded from sidewalks or street-level, low-level platforms shall be permitted to be less than 8 inches (250 mm).

[BE]B102.2.3 Direct connections. New direct connections to commercial, retail or residential facilities shall, to the maximum extent feasible, have an accessible route complying with Section 306.7.1 from the point of connection to boarding platforms and transportation system elements used by the public. Any elements provided to facilitate future direct connections shall be on an accessible route connecting boarding platforms and transportation system elements used by the public.

SECTION B103

DWELLING UNITS AND SLEEPING UNITS

[BE]B103.1 Communication features. Where dwelling units and sleeping units are altered or added, the requirements of Section E104.2 of the International Building Code shall apply only to the units being altered or added until the number of units with accessible communication features complies with the minimum number required for new construction.

SECTION B104

REFERENCED STANDARDS

[BE]B104.1 General. See Table B104.1 for standards that are referenced in various sections of this appendix. Standards are listed by the standard identification with the effective date, standard title, and the section or sections of this appendix that reference the standard.

[BE]TABLE B104.1 REFERENCED STANDARDS

(24) Appendix D
Appendix D

BOARD OF APPEALS

The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.

SECTION D101

GENERAL

D101.1 Scope. A board of appeals shall be established within the jurisdiction for the purpose of hearing applications for modification of the requirements of this code pursuant to the provisions of Section 107 (Means of Appeals). The board shall be established and operated in accordance with this section, and shall be authorized to hear evidence from appellants and the code official pertaining to the application and intent of this code for the purpose of issuing orders pursuant to these provisions.

D101.2 Application for appeal. Any person shall have the right to appeal a decision of the code official to the board. An application for appeal shall be based on a claim that the intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The application shall be filed on a form obtained from the code official within 20 days after the notice was served.

D101.2.1 Limitation of authority. The board shall not have authority to waive requirements of this code or interpret the administration of this code.

D101.2.2 Stays of enforcement. Appeals of notice and orders, other than Imminent Danger notices, shall stay the enforcement of the notice and order until the appeal is heard by the board.

(25) Section D101.3 is amended as follows:

D101.3 Membership of the board. The board shall consist of seven voting members appointed by the mayor. Each member shall serve for 5 years or until a successor has been appointed. The board member's terms shall be staggered at intervals, so as to provide continuity. The code official shall be an ex officio member of said board but shall not vote on any matter before the board.

(26) Section 101.3.1 is deleted and replaced as follows:

D101.3.1 Qualifications. Each member shall be a licensed Professional Engineer, licensed Structural Engineer, a Licensed Architect, a builder or a building superintendent of building construction with at least ten years' experience, five or which shall have been in responsible charge of work. There shall be at least one Architect, one Professional Engineer, one structural Engineer and one builder. Not more than two members shall be from the same profession or occupation. And at least one Professional Engineer shall be a Civil Engineer with architectural engineering experience.

D101.3.2 Alternate members. The chief appointing authority is authorized to appoint two alternate members who shall be called by the board chairperson to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership, and shall be appointed for the same term or until a successor has been appointed.

D101.3.3 Vacancies. Vacancies shall be filled for an unexpired term in the same manner in which original appointments are required to be made.

D101.3.4 Chairperson. The board shall annually select one of its members to serve as chairperson.

D101.3.5 Secretary. The chief appointing authority shall designate a qualified clerk to serve as secretary to the board. The secretary shall file a detailed record of all proceedings which shall set forth the reasons for the board's decision, the vote of each member, the absence of a member and any failure of a member to vote.

D101.3.6 Conflict of interest. A member with any personal, professional or financial interest in a matter before the board shall declare such interest and refrain from participating in discussions, deliberations and voting on such matters.

D101.3.7 Compensation of members. Compensation of members shall be determined by law.

D101.3.8 Removal from the board. A member shall be removed from the board prior to the end of their terms only for cause. Any member with continued absence from regular meeting of the board may be removed at the discretion of the chief appointing authority.

D101.4 Rules and procedures. The board shall establish policies and procedures necessary to carry out its duties consistent with the provisions of this code and applicable state law. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be presented.

D101.5 Notice of meeting. The board shall meet upon notice from the chairperson, within 10 days of the filing of an appeal or at stated periodic intervals.

D101.5.1 Open hearing. All hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard.

D101.5.2 Quorum. Three members of the board shall constitute a quorum.

D101.5.3 Postponed hearing. When five members are not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

D101.6 Legal counsel. The jurisdiction shall furnish legal counsel to the board to provide members with general legal advice concerning matters before them for consideration. Members shall be represented by legal counsel at the jurisdiction's expense in all matters arising from service within the scope of their duties.

D101.7 Board decision. The board shall only modify or reverse the decision of the code official by a concurring vote of three or more members.

D101.7.1 Resolution. The decision of the board shall be by resolution. Every decision shall be promptly filed in writing in the office of the code official within three days and shall be open to the public for inspection. A certified copy shall be furnished to the appellant or the appellant's representative and to the code official.

D101.7.2 Administration. The code official shall take immediate action in accordance with the decision of the board.

D101.8 Court review. Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.