

*Footnotes:*

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**Editor's note**— Ord. No. 89-13, adopted April 4, 1989, amended Ch. 4 in its entirety to read as herein set out. Former Ch. 4 pertained to the same subject matter, and derived from Ord. No. 78-14(b), adopted October 17, 1978; and Ord. No. 87-14, adopted November 17, 1987.

**Cross reference**— Housing Authority, Ch. 23; Building Construction and Housing Standards, Ch. 65.

§ 4-1. - Creation.

There is hereby created a Board of Appeals for the Town of Frisco, Colorado.

(Ord. No. 89-13, 4-4-89)

§ 4-2. - Membership; terms of office; qualifications; removal.

A. The Board of Appeals shall consist of three members appointed by the Council for three-year terms.

Members of the Board must be residents or business owners in the Town of Frisco and shall be qualified by experience and training to pass upon matters pertaining to building construction.

B. Removal of any member of the Board of Appeals is provided for under Chapter 10, Section 10-4, of this Code.

(Ord. No. 89-13, 4-4-89; Ord. No. 90-23, 12-4-90)

§ 4-3. - Reserved.

§ 4-4. - Organization; meetings; rules; fees.

A. The Chairman of the Board of Appeals shall be elected by the members.

B. The Board need not hold regular meetings.

C. The Board may adopt additional rules for the transaction of its business and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record.

D. The Board shall provide and require, among other things, that:

1. Public notice shall be given of all hearings, and all hearings shall be open to the public.

2. Due notice of all hearings shall be given to parties in interest, to the administrative official charged with the administration and enforcement of the ordinance upon which the appeal is based, to the public official, from whose action the appeal is made.

3. At any public hearing, any interested party may appear in person or by agent or by attorney, offer evidence and testimony.

4. All evidence and testimony shall be presented publicly.

5. For each case or matter heard, the Board of Appeals shall cause a record of its proceedings to be prepared. The record of proceedings shall include all documents and physical evidence considered in the case, together with a stenographic or tape recording of all public proceedings. The preserved

stenographic or tape-recorded record shall include, but need not be limited to, the verbatim testimony offered by all witnesses in the case and all personal knowledge of members of the Board of Appeals considered by the Board in reaching its decision. The record of proceedings need not include the deliberations or discussions of the Board at executive sessions but shall show the grounds for such decision and the vote of each member upon each question or, if absent or failing to vote, shall indicate such fact. The proceedings shall be filed immediately in the office of the Town Clerk and shall be of public record. The Board may require the appellant, either directly or by fee, to provide for stenographic or other recording of the proceedings.

- E. In addition to any other fees provided in this Code, any applicant shall pay with his appeal the sum of \$50.00 to cover the cost of publication, posting and other notice requirements.

(Ord. No. 89-13, 4-4-89; Ord. No. 99-02, 2-16-99; Ord. No. 04-03, 2-10-04)

#### § 4-5. - Powers and duties.

- A. The Board of Appeals shall hear and decide appeals from and shall review any order, requirement, decision or determination made by any administrative official charged with the administration or enforcement of the building construction standards in Chapter 65 of the Town Code, as they may be adopted and amended by the Town from time to time.
- B. The Board shall hear and decide all matters referred to it or upon which it is required to pass. The Board may be used by the Building Official to determine the suitability of alternate materials and methods of construction.
- C. The Board shall have no authority relative to interpretation of the administrative provisions of the building construction standards in Chapter 65 of the Town Code, nor shall the Board be empowered to waive requirements of the building construction standards in Chapter 65 of the Town Code.
- D. Any party to an appeal decided by the Board of Appeals may further appeal the decision of the Board to the courts as provided by law; provided, however, that such appeal is made prior to 15 calendar days following the date of notification of the Board's decision.
- E. The Board is authorized to both review and formulate amendments to the building construction and housing standards adopted by the Town for final consideration by the Town Council.

(Ord. No. 89-13, 4-4-89; Ord. No. 94-19, 12-20-94; Ord. No. 99-02, 2-16-99; Ord. No. 04-03, 2-10-04)

#### § 4-6. - Required vote.

The concurring vote of two members of the Board shall be necessary to reverse any order, requirement, decision or determination of any administrative official or to decide in favor of the applicant on any matter upon which the Board of Appeals is required to pass.

(Ord. No. 89-13, 4-4-89)

#### § 4-7. - Reserved.

#### § 4-8. - Effect on other provisions.

This chapter relating to appeals does not repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws and ordinances, except those expressly repealed herein.

(Ord. No. 89-13, 4-4-89)