

## APPENDIX A

# BOARD OF APPEALS

### SECTION A101 GENERAL

**A101.1 Scope.** To determine the suitability of alternate materials and types of construction and to provide reasonable interpretations of the provisions of this *Code*, there shall be and hereby is created a Fire Safety Advisory Board, hereinafter called “the Board.”

**A101.2 Membership.** The membership of the board shall consist of consist of 13 members. A majority of whom are residents of the City of Phoenix, all shall be citizens of the United States, and composed and consisting of no more than one representative from the following industries, trades and professions: fire-protection systems contractor; architect; realtor; developer; petroleum industry; liquefied petroleum gas industry; property insurance; fire-protection engineering; owner or manager of a business that would not qualify for membership in another industry; health care industry; special events coordinator; construction contractor; and resident of the City of Phoenix. Members shall serve without remuneration or compensation.

**A101.3 Duties and responsibilities.** It shall be the duty of the Board to hear appeals to decisions of the Fire Marshal and submit findings to the City Council. The Board may also submit to the Fire Marshal recommendations on matters pertaining to the *Fire Prevention Code* of the City of Phoenix, or ordinance provisions and amendments. The duties and powers of the Board shall be in advisory capacity only.

**A101.3.1 Initial appointments.** Of the members first appointed, two shall be appointed for a term of 1 year, two for a term of 2 years , one for a term of 3 years.

**A101.3.1 Terms of office.** Members shall be appointed for terms of four years. No member shall be reappointed to serve more than two consecutive full terms.

**A101.3.2 Vacancies.** Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made. Members appointed to fill a vacancy in an unexpired term shall be eligible for reappointment to two full terms.

**A101.3.3 Removal from office.** Members shall be removed from office prior to the end of their terms only for cause. Continued absence of any member from regular meetings of the board shall, at the discretion of the applicable governing body, render any such member liable to immediate removal from office.

**A101.4 Quorum.** One half plus one member of the current number of members of the board shall constitute a quorum. In varying the application of any provisions of this code or in modifying an order of the Fire Code Official, affirmative votes of the majority present, one half plus one member of the current number of members shall be required.

**A101.5 Secretary of board.** The fire code official shall act as secretary of the board and shall keep a detailed record of all its proceedings, which shall set forth the reasons for its decisions, the vote of each member, the absence of a member and any failure of a member to vote.

**A101.6 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.

**A101.7 Meetings.** The board shall meet at regular intervals, to be determined by the chairman.

**A101.8 Conflict of interest.** Members with a material 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.

**A101.9 Decisions.** Every decision shall be promptly filed in writing in the office of the fire code official and shall be open to public inspection. A certified copy shall be sent by mail or otherwise to the appellant, and a copy shall be kept publicly posted in the office of the fire code official for 2 weeks after filing.

**A101.10 Procedures.** The board shall be operated in accordance with the Administrative Procedures Act of the state in which it is established or shall establish rules and regulations for its own procedure not inconsistent with the provisions of this code and applicable state law.

