

~~Sec. 8 1040.— Code enforcement appeals board.~~

- ~~(a) — *The code enforcement appeals board.* The code enforcement appeals board (the "board") is created which shall consist of nine members residing within the city who shall be appointed by the mayor and aldermen. The board shall consist of at least three persons qualified in the fields of architecture and/or structural engineering and other citizens. A quorum shall consist of five members present, and a majority of those present and voting shall constitute the required vote on pending matters.~~
- ~~(b) — *Establishment of board and organization.* The term of office for each member of the board shall be for three years or until a successor is appointed. The original members of the board shall be as follows: Three members shall be appointed to serve for one year; three members shall be appointed to serve for two years; and three members shall be appointed to serve for three years. Thereafter, each appointee shall be appointed to serve three years. In the event of a vacancy, a person shall be appointed to fill the unexpired term of the person who held that appointment. The board shall elect from one of its members a chairman and vice-chairman who each shall serve one year or until he is reelected or a successor is elected. The board shall appoint a secretary who may be an officer or an employee of the city. Meetings of the board shall be held at the call of the chairman or vice-chairman and at such other times as the board may determine when matters are pending over which the board has jurisdiction. If the chairman or vice-chairman is not present, the members present, by majority vote, shall designate one of them to serve as acting chairman for that meeting. The chairman or, in his absence, the vice-chairman or acting chairman may administer oaths or compel the attendance of witnesses by subpoena.~~
- ~~(c) — *Expenses.* The members of the board shall receive no compensation for service, except they may be reimbursed for out-of-pocket expenditures made in connection with their duties upon proper documentation being submitted to the secretary.~~
- ~~(d) — *Records.* The board shall keep minutes of its proceedings which shall specify the vote of each member upon each question, or if absent or failing to vote indicate such fact, and shall keep records of its other official actions, all of which shall be filed in the office of the board and shall be a public record.~~
- ~~(e) — *Authority.* The board shall hear and decide upon appeals on those ordinances or technical and permissive codes, except the National Electrical Code, where it is alleged there is error in any interpretation made by the director, department head or other officer or employee administering the code on any matter affecting property which is subject to the procedures over which this board possesses appeal jurisdiction. The board, by resolution, may make recommendations to the mayor and aldermen to consider amendments to any ordinance, code or regulation under its jurisdiction to facilitate its administration and operation.~~
- ~~(f) — *Appeals.* Appeals to the board may be taken by any person aggrieved or by an office, department, board, or bureau of the governing authority affected by any interpretation under an ordinance, code or regulation subject to its jurisdiction. Such appeals shall be filed no later than ten days after the date of notification of the decision to be appealed by filing with the director of the department which rendered the decision and with the secretary of the board a notice of appeal specifying the decision appealed from and the grounds upon which the appeal is based, which notice shall contain the street address and telephone number, if available, for purposes of mailing and service of matters of and communication with the appellant. In addition, an alternate mailing address may be specified. The director of the department which rendered the decision shall forthwith transmit to the secretary of the board all documents constituting the record upon which the action appealed from was taken. The secretary shall endeavor to distribute copies to the members of the board prior to the scheduled hearing.~~
- ~~(g) — *Effect of appeal.* An appeal shall stay all administrative proceedings in furtherance of the action appealed from unless the director of the department certifies to the board, after the notice of appeal is filed, that by reason of facts stated in the certification a stay would, in the opinion of the director, cause imminent peril to the health, safety or welfare of person or property. The director shall cause to be served upon the appellant a copy of any such certificate by certified mail or personal delivery at the address of such person specified on the notice of appeal. In such case of a certification~~

~~identifying peremptory action by the director, such peremptory action shall not be stayed otherwise than by an order which may be granted by the board at any special called or regular meeting or a restraining order by a court of record in accordance with the Civil Practice Act of Georgia. Any board member may call a special meeting to consider whether to stay the peremptory action with oral or written notice to the appellant not less than five calendar days prior to the meeting, and the notice shall act as a stay of the peremptory action. In no event shall the peremptory action be taken less than five business days after the date of certification.~~

- ~~(h) *Notice of hearing.* The chairman shall schedule and give notice of a hearing not less than ten days prior to the date upon which it is scheduled, which notice shall specify the time, date, and place of the hearing, which shall be held in the corporate limits of the City of Savannah. Notice shall be given to the appellant, the director, and any other person who has given notice to the director that such person is an interested party or specifically requests notice of the scheduling or any proceedings. Notice may be transmitted by certified mail or personal delivery.~~
- ~~(i) *Calendar.* Appeals and applications filed in proper form shall be numbered serially, docketed and placed upon the calendar of the board. The calendar of appeals to be heard, when established and notice having been given, shall be posted conspicuously in the office or place of regular meeting of the board and in the office of the director during the period before the hearing date.~~
- ~~(j) *The hearing.* At the scheduled date, time and place of hearing on any appeal, the appellant, any public agency or private individual shall be entitled to present evidence on the matter before the board. The board may request technical service, advice, data or factual evidence from the director of the department which rendered the decision or other departments of the city for assistance in reaching decisions. The board shall establish its own rules pertaining to the conduct of hearings, including such rules of evidence as it may deem proper. The board may grant continuances or postponements of hearings at its own discretion upon cause being shown or upon its own motion. The board, by rule, or as to any specific appeal, may establish a time limit for the presentation of the appeal and may allocate time to the appellant, the director, and/or other interested parties. Any appellant may represent himself or be represented by counsel or any other agent or person. The board may continue a hearing which has been commenced for the purpose of presentation of additional evidence or making further study or investigation of its own. The board shall cause to be made a tape recording of its proceedings on any appeal. An appellant or any interested party may request that a transcript from the recording be made, and the board may establish a reasonable charge for such transcript. If a party engages a court reporter to transcribe a hearing, the party shall provide a copy of the transcript to the hearing which shall be the record for the board. Evidence shall consist of testimony, documents, and such other oral or tangible items as may be presented at the hearing. The secretary of the board shall retain custody of such items for one year, unless otherwise agreed.~~
- ~~(k) *Decisions.* The decision of the board on any appeal shall be by majority of those members who have attended the hearing. If no majority vote is obtained, the decision appealed from shall be deemed affirmed. The decision shall be in writing, shall contain findings of fact and conclusions, and shall specify the identity of each member voting and the vote cast by that member. The decision shall be dated, and a copy shall be transmitted to the appellant by certified mail, a copy delivered to the director, and a copy retained by the secretary in the permanent records of the board. The decision of the board shall be final except that a majority of the members of the board who were within the majority of the board who voted in favor of the decision may move to reconsider the decision at any meeting of the board held not later than 30 days after the date of the decision. When any matter is presented to the board for reconsideration, the chairman may determine whether to permit nonboard members to make any statement or other presentation. Upon the adoption of a vote to reconsider, the members of the board in attendance at the meeting at which the reconsideration is adopted may move to reverse the decision, modify it, affirm it, or schedule a subsequent hearing to permit the appellant, the director, and other interested persons to present additional evidence.~~
- ~~(l) *Future appeals.* No appeal requesting the same relief in regard to the same property shall be received or heard by the board for a period of 12 months following the date of its final decision on such matter unless the department with jurisdiction has initiated another proceeding against the~~

~~property and the condition of the property has been altered by repair or other work to cause its being secured or improved in a substantive manner.~~

~~(m) — *Record retention.* The secretary of the board shall not be required to retain any records of the board beyond a period of four years.~~

(Ord. of 3-12-1998(2), § 1; [Ord. of 7-21-2016\(3\)](#))

Cross reference— Boards, commissions and councils, § 2-5001 et seq.