

Harford County Building Board of Appeals

Rules and Procedures of the Board

These Rules and Procedures are adopted pursuant to the Harford County Code, §82 – 2 B. These Rules shall not be nullified upon future modifications of Chapter 82 of the Harford County Code.

A. Membership

The Board of Appeals shall consist of individuals as established in §82 – 2B of the Harford County Code.

B. Officers

The members of the Board shall elect a Chairperson and Vice Chairperson annually.

C. Duties

The Board shall hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation as established in Chapter 82, Chapter 105, and Chapter 202 of the Harford County Code. Applications for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, the Department of Inspections Licenses and Permits has made an incorrect determination that a structure or equipment within a structure is unsafe in accordance with Section 116 of the building, mechanical, or plumbing code or an equally good or better form of construction is proposed. The Board shall not have authority to waive requirements of County Code. On an annual basis the Board shall review applicable County law, Departmental policies and procedures to ensure that the Board can properly and efficiently carry out its assigned functions. A report of findings along with any recommendations shall be issued to the Building Official.

D. Meetings

1. The Board shall meet at least bi-annually and shall hold special meetings as necessary for the purpose of hearing appeals.
2. Prior to December 31st of each year the Board Chair, Vice Chair and Secretary shall review applicable County Codes, adopted Rules of Procedure and all County policies and procedures relating to the application and function of the Board of Appeals. The review shall ensure compliance with applicable County Codes and that the proper policies and procedures are in place to allow for the Board to

functionally operate. An annual report shall be provided to the Board, the Building Official, and the Director of Administration outlining such findings.

3. A quorum of the Board shall consist of three members for general meetings. A minimum of 5 members of the Board shall be present during an appeal hearing. When five members are not able to be present during a hearing, the appellant or appellant's representative shall have the right to request a postponement.
4. An affirmative vote of a majority of the members present shall be necessary for ordinary actions by the Board except that the Board may not reverse or modify a decision of the Building Official without a minimum affirmative vote of 2/3. Alternate members shall only vote upon matters during the absence or disqualification of a Board member.
5. Meetings shall be conducted in compliance with the State's Open Meetings Act.
6. Unless otherwise provided in these rules and regulations, Roberts Rules of Order Newly Revised, current edition, shall govern parliamentary procedure during a meeting.
7. The chair shall provide an opportunity for public comments during general business meetings. All public comments shall be limited to 2 minutes unless otherwise approved by the Board.

E. Hearings

1. The Board Chair or Vice Chair shall serve as the hearing officer. In the absence of the Chair and Vice Chair, the members of the Board present shall elect a Hearing Officer at the commencement of the Hearing.
2. The Hearing Officer shall be responsible to ensure that all parties have been properly notified prior to commencement of the Hearing and indicate so for the record.
3. The Hearing Officer shall provide ample opportunity for vested parties with direct interest to provide testimony. Prior to accepting testimony, the Hearing Officer shall conduct the following business:
 - a. The Hearing officer shall ensure that the presiding members of the Board are without ethical conflict.
 - b. The Hearing Officer shall issue a call for recognition of any person or entity whose interests are affected and who intends to provide testimony during the scheduled hearing.
4. The Hearing Officer shall rule on the relevancy of testimony provided and shall only allow relevant information to be received.

5. Testimony and Supporting Documentation

- a. Testimony shall be provided in the following order.
 - i. Appellant(s) and Agents.
 - ii. Person(s) or entity(ies) with affected interest or standing.
 - iii. Representatives from the Department of Inspections Licenses and Permits.
 - b. When applicable supporting documentation presented to the Board as part of the application for appeal and during the hearing shall include but not be limited to specific relevant code citations, supporting documentation from licensed design professionals, supporting manufacturers data and or third-party evaluation.
6. The Hearing officer or any member of the Board when recognized by the Hearing Officer may direct questions to ascertain relevant information from recognized parties.
 7. At the discretion of the Hearing Officer, the Hearing Officer may allow for additional testimony as necessary.
 8. Prior to conclusion of the Hearing, the Hearing Officer shall petition the Board to elect to (1) continue with deliberation of the Appeal in a public forum prior to concluding the Hearing or (2) determine a meeting date for deliberation of the Appeal within 5 business days from the date of the Hearing.
 9. The Board shall render a written decision in accordance with Section D (3) of these Rules within 15 business days of the date of the hearing. Such decision shall be in writing and shall include specific findings of fact and if applicable shall provide detailed direction. The decision shall be issued to the Building Official and Appellant(s).

F. Secretariat

The Secretariat as designated by the County Executive shall receive applications for appeal, schedule Board meetings, in conjunction with the Board Chair and/or Vice Chair, draft meeting agendas, ensure proper public posting of meetings and Hearings, and record all Board meetings minutes and decisions. The Secretariat shall file detailed reports of Board activity with the Office of the Director of Administration within 30 calendar days from any meeting and Hearing.

Upon receipt of an appeal the Secretariat shall appropriately record the appeal as per Department Policy and notify the Building Official, the Board Chair and members of the Board of Appeals. In conjunction with the Chair or Vice Chair the Secretariat shall secure a meeting date and room, issue a written Hearing Notice, provide public notice as required by State's Open Meetings Act and notify the County Attorney for appointment of legal counsel to the Board within 2 business days of receipt of the appeal.

G. General Board Meeting Agenda Format

General Board meeting agendas shall be drafted in the following order.

1. Call to order by Chair/Vice Chair
2. Roll Call
3. Consideration of past meeting minutes
4. Board Business
5. Report from the Building Official
6. New Business from the Board
7. Unfinished Business from the Board
8. Public Comment
9. Adjournment

H. Liability and Legal Defense

Liability and legal defense for members of the Board of Appeals is provided for in accordance with Chapter 82 Article I §82-2 (B) referencing IBC Chapter 1, section 104.8 Liability.