

15.06.040 International Residential Code—Appeals.

Whenever the building department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code has been misconstrued or wrongly interpreted, the applicant may appeal the decision of the chief building official.

A. Appeal to the Planning and Zoning Commission.

1. **Filing Limit.** An appeal of the decision of the building official in enforcement of this title may be taken to the planning and zoning commission by the permittee or agent thereof. The written appeal must be filed within fifteen days of the decision of the building official. The appeal must be filed with the office of the city clerk.

2. **Report.** A report concerning each case appealed to the planning and zoning commission shall be prepared by the building official and filed with the city clerk. Such report shall state the decision and recommendations of the building official together with reasons for the decision and recommendations. All data pertaining to the case shall accompany the report.

3. **Stay of Proceedings.** The filing of an appeal shall stay all proceedings in the matter until a determination is made by the planning and zoning commission, unless the court issues an enforcement order based on a certificate of imminent peril to life or property.

B. Appeal to the Board of Adjustment.

1. **Filing Limit.** An appeal from any action or decision of the planning and zoning commission may be taken by the permittee or agent thereof. The appeal shall be in the form of a written statement, and state how the appellant will be affected or aggrieved by the action. The appeal must be filed within ten days of the date of the action or decision by the planning and zoning commission. The notice of appeal must be filed with the city clerk.

2. **Report.** A report concerning each case appealed to the board of adjustment shall be prepared by the planning and zoning commission and filed with the city clerk. Such report shall state the decision and recommendations of the commission together with reasons for the decision and recommendations. All data pertaining to the case shall accompany the report.

3. **Stay of Proceedings.** The filing of an appeal shall stay all proceedings in the matter until a determination is made by the board of adjustment, unless the court issues an enforcement order based on a certificate of imminent peril to life or property.

C. Appeal to Superior Court. An appeal from any action, decision, ruling, judgment or order of the board of adjustment may be taken by the permittee or agent thereof, or any officer, commission or board of the city, to the superior court by filing with the court, with a copy to the city clerk, within thirty days from the date of the action appealed from, a notice of appeal which shall specify the grounds of such appeal. Failure to file the notice of appeal in the manner and time specified shall forfeit any right to appeal. The filing of an appeal shall stay all proceedings in the matter until a determination is made by the court, unless the court issues an enforcement order based on a certificate of imminent peril to life or property.

(Ord. 12-03 § 1 (part))