

BERKS COUNTY UNIFORM CONSTRUCTION CODE BOARD OF APPEALS

RULES AND PROCEDURES

The Berks County Uniform Construction Code Board of Appeals (hereafter referred to as the “Board of Appeals”) is authorized to establish rules and procedures for the conduct of business, and adopts the following:

I. PURPOSE

- A. The Board is established to provide a process for the resolution of all Uniform Construction Code grievances, except for issues on accessibility, derived from the decision of a participating municipality’s building code official, to insure the health, safety, and general welfare for citizens of the participating municipalities in Berks County.

II. ORGANIZATION

- A. All meetings and hearings of the Board of Appeals shall be conducted according to the Commonwealth of Pennsylvania “Sunshine Act” of 1986, as amended.
- B. The Board may appoint ad-hoc committee(s) for specific purposes.

III. APPEAL PROCESS

A. FILING OF APPEAL

- 1. The Board Secretary shall assign an appeal number and open a file for the keeping of all materials relevant to an appeal. The appeal number shall be affixed to each document and shall consist of five parts separated by hyphens as follows:

- (a) Part one consists of the last two digits of the year in which the appeal is filed.
- (b) Part two is the designation of the municipality in which the appeal is submitted.
- (c) Part three represents the consecutive number of appeals filed in the municipal jurisdiction.
- (d) Part four represents the identifying letter of the code being appeals as follows:

- (1) “B” is for the International Building Code
- (2) “AE” is for Appendix E for the International Building Code

- (3) "AH" is for Appendix H for the International Building Code
 - (4) "E" is for the International Electrical Code
 - (5) "M" is for the International Mechanical Code
 - (6) "P" is for the International Plumbing Code
 - (7) "FG" is for the International Fuel Gas Code
 - (8) "F" is for the International Fire Code
 - (9) "EC" is for the International Energy Conservation Code
 - (10) "R" is for the International Residential Code
 - (11) "RG" is for Appendix G of the International Residential Code
 - (12) "RE" is for the Appendix E of the International Residential Code
 - (13) "EB" is for the International Existing Building Code
 - (14) "U" is for the International Urban-Wildland Interface Code
- (e) Part five represents the section of the code of which is being appealed.
2. The applicant is responsible for all additional charges and fees accrued during an appeal that are not covered by the required filing fee, including, but not limited to the Board's attorney fees and stenographic fees.

B. NOTICE OF HEARING

1. The Board shall hold a hearing within sixty (60) days from the date of an applicant's request unless the applicant agrees in writing to an extension of time. The Secretary shall forward by first class mail no later than ten (10) days before the date of hearing a "Notice of Hearing", the Appeals Form; and the decision of the building code official, to all Board members, the applicant, and to the building code official.
2. If a quorum of the Board cannot be achieved, the Board Secretary shall notify by first class mail all persons as stated in Section III(B)(1) above of the hearing cancellation and a rescheduled date.
3. If the applicant is unable to attend the scheduled hearing, a request in writing for continuance shall be forwarded to the Board Secretary by the applicant, detailing the reason why the hearing cannot be held as scheduled and when such hearing could be attended. The Board secretary shall rule on the granting of a continuance. Notification of the re-scheduled hearing will be according to procedures as stated in Section III (B)(1) above.

C. HEARING PROCEDURES

1. All hearings shall be recorded, whether by court reporter or by tape recording, such that an accurate transcript of the hearing can be made in the event of an appeal.
2. Applicants may be represented by legal counsel at the hearing.

D. DECISION

1. The written notice of the decision shall state thereon the following notation, "Date of Mailing of this Decision: _____."
2. The written decision of the Board shall be accompanied by:
 - (a) Findings of fact;
 - (b) Discussion of the findings;
 - (c) Conclusions of Law.
3. In all cases, the burden of proof shall be on the party filing the Appeal.