



City of Duluth Building Appeal Board Bylaws and Rules of Procedure

ARTICLE I - IDENTITY

- 1.1 This organization shall be known as the Building Appeal Board.
- 1.2 The administrative offices and mailing address shall be Room 100, City Hall, Duluth, Minnesota.

ARTICLE II - ORIGIN AND POWERS

- 2.1 The Building Appeal Board, hereinafter referred to as the “Board”, was established and created by Ordinance No. 8544 (12 7 80) of the City of Duluth, as amended, pursuant to authority provided by the 1912 Home Rule Charter of the City of Duluth, as amended. This Ordinance is currently codified in Section 10-5 of the Duluth City Code.

ARTICLE III – DUTIES AND OBJECTIVES

- 3.1 To hear appeals from decisions by the Code Official in enforcing or interpreting the Duluth Housing Code, Chapter 29A of the Duluth City Code.
- 3.2 To hear appeals from decisions of the Fire Chief which arise under Chapter 21 of the Duluth City Code.
- 3.3 To hear appeals from an order of the Building Official which applies Article II or III of Chapter 10 Duluth City Code, as amended, or its successor, which includes orders for demolition or other decisions under Article II or III of Chapter 10, Duluth City Code.

ARTICLE IV – MEMBERSHIP

- 4.1 **Number.** The Board shall consist of nine (9) members who shall be appointed by the Mayor, subject to the approval of the City Council and who shall serve without compensation.
- 4.2 **Board.** The Duluth Fire Chief and the Building Official shall be ex officio members of the Board. The Duluth Fire Chief shall have full voting rights. The Building Official shall have no vote on any matter before the Board and shall act as secretary of the Board.

One member of the Board shall work in the area of finance; one member shall be a registered architect; one member shall be a registered engineer working in the area of building construction design; one member shall be engaged in the business of residential building or commercial building construction; one member shall work in the area of building materials supply; and two members shall be appointed from the general citizenry of the City of Duluth.

- 4.3 **Terms.** Members shall be appointed for terms of three (3) years. Any vacancy in membership shall be filled by appointment by the Mayor subject to confirmation by the City Council, and such vacancy appointments shall be for the unexpired term of the vacating member.
- 4.4 **Removal.** Members shall be subject to removal by the Mayor, for cause, but only after Council approval, after notice and opportunity for a hearing before the Council.
- 4.5 **Absenteeism.** If any member fails to attend three consecutive meetings of the Board without satisfactory explanation, notice of such failure shall be forwarded to the Mayor and Council with the request for removal of such member from the Board.

ARTICLE V – OFFICERS AND DUTIES

- 5.1 **Titles.** The officers of this Board shall be a President, Vice President, and Secretary. Ex Officio members shall not serve as President or Vice President. The Building Official shall act as secretary of the Board.
- 5.2 **Duties of the President.** The President shall preside at all meetings, appoint committees, rule on procedural questions, exercise the same voting rights as the other Board members and carry out such other duties as are assigned by the Board.
- 5.3 **Duties of the Vice President.** The Vice President shall act in the absence or inability of the President to act and in such instance shall have the powers and functions of the President.
- 5.4 **Duties of the Secretary.** The Secretary shall be responsible for notifying all members of meetings, drafting and circulating agendas, perform research work and preparing reports as are necessary to full advise the Board of all facts before the Board, keeping on file all official records and reports of the Board, keeping written records of Board meetings, transactions and actions, maintaining and circulating minutes, reporting on and attending to correspondence of the Board and carrying out such other duties as are assigned by the Board.

ARTICLE VI – ELECTION OF OFFICERS

- 6.1 **Terms.** Officers shall be elected at the annual meeting of the Board. Terms of office shall be for one year. Officers shall serve until replaced by a duly elected officer in accord with these procedures.

- 6.2 **Majority Required.** Candidates for office receiving a majority vote of the members shall be duly elected.
- 6.3 **Date of Office.** Newly elected officers shall take office immediately upon election.
- 6.4 **Vacancies.** Vacancies occurring in offices of the Board shall be filled forthwith by regular election procedure.

ARTICLE VII – MEETINGS

- 7.1 **Annual Meetings.** An organizational meeting shall be conducted in April of each year except when no other regular business is scheduled to be heard and in that case the organizational meeting shall be conducted during the next regular meeting following the April meeting at which there is other business to be heard. Election of officers shall be conducted and proposed amendments to by laws may be acted upon.
- 7.2 **Special Meeting.** Special meetings may be called at the discretion of the President or any of three (3) members of the Board.
- 7.3 **Notice of Meetings.** Notice in writing at least five calendar days in advance of special meetings shall be sent to all Board members stating the time, place and purpose of such meeting.

ARTICLE VIII – MEETING PROCEDURE

- 8.1 **Rules of Order.** Unless otherwise specifically designated, Roberts Rules of Order, as most recently revised, shall cover meeting procedure. However, deliberative sessions of the Board shall be conducted as informally as possible.
- 8.2 **Quorum.** Five members shall constitute a quorum for meeting purposes.
- 8.3 **Appeals.** The Board shall hear appeals timely filed in accordance with Duluth City Code. No appeal shall be placed on the Board’s agenda for hearing, discussion or action at any meeting unless a properly executed appeal form in the proper format has been filed in the office of the City’s Building Official on or before the last Monday of the month preceding the month in which the appeal is to be heard and unless all other reasonably necessary documentation have been filed in the office of the City’s Building Official not less than seven (7) calendar days prior to the date of the meeting. Any appeal filed after that date or with regard to which necessary supporting documentation has not been filed within that time frame shall be deferred for hearing, discussion and/or action at the Board’s next meeting; except that, upon a showing of good cause as determined in the exercise of the sole discretion of the Board and by unanimous vote of those members present, the Board may agree to hear, discuss or act upon an appeal which would not otherwise comply with these requirements. In the event that an appeal has

been properly filed but reasonably required documentation has not been provided in time to meet the minimum filing dates for such documentation for the next three (3) meetings of the Board, the Building Official shall send written notice to the appellant at the address provided on the Appeal form informing the appellant of what additional supporting documentation is required in order to allow the appeal to be presented to the Board, informing the appellant of the date by which such documentation must be submitted to the Building Official's office in order to meet the requirements of this section for the next meeting of the Board and informing appellant that if such documentation is not received in the Building Official's office by that date, the appeal will be denied as being without substance or grounds. If such supporting documentation is not submitted within the time frames specified in said notice, the Board may deny the appellant's appeal.

- 8.4 **Agenda.** Only matters appearing on the Board's agenda, as distributed to board members by staff prior to regular, special or annual meetings, shall be eligible to be heard, discussed or acted upon at such meetings; except that, upon a showing of good cause as determined in the exercise of the sole discretion of the Board and by unanimous vote of those members present, the Board may agree to hear, discuss or act upon matters not on their agenda.
- 8.5 **Documentary Information.** Documentary information to be provided to the Board for its consideration shall not be presented to the Board for such consideration at any meeting unless it has been filed in the office of the City's Building Official not less than seven (7) calendar days prior to meeting at which such documentary information is to be considered. The Board will not consider documentary information presented to it by any party at Board meetings; except that, by unanimous vote of those members present, the Board may agree to consider documentary information which would not otherwise comply with these requirements.

ARTICLE IX – AMENDMENT OF BYLAWS

- 9.1 **Procedure.** These by laws and rules of procedure may be amended by two thirds vote of Board members in attendance.

ARTICLE X – EFFECTIVE DATE

- 10.1 These by laws shall take effect August 13, 2024, and shall supersede all by laws which might have been earlier established.