

Ordinance 0027-19 – Merger of the Board of Building Appeals and the Zoning Board of Appeals

An ordinance to amend Chapter 18, Articles II and III, and Chapter 114, Article II, of the Municipal Code of the City of Racine, Wisconsin.

The Common Council of the City of Racine, Wisconsin, do ordain as follows:

Part 1: Chapter 18, Article II, Division 2, is repealed.

Part 2: Chapter 18, Article VIII, Section 18-813, is amended as follows:

The words “board of building appeals” shall be deleted in subsection (a)(11) and (b) and the words “board of appeal pursuant to section 114-34(i)” shall be substituted therefor.

Part 3: Chapter 114, Article II, Section 114-34, is amended as follows:

The following words are added as subsection (i):

(i) *Review of chief building inspector order.* The board of appeals shall review any order requiring a decision or determination made by the chief building inspector pursuant to the provisions of chapter 18, article II, of this code, provided that the jurisdiction of the board shall not extend to questions regarding occupying or obstructing public rights-of-way or to questions that are subject to the jurisdiction of the health and sanitation appeal board.

(1) *Rules of procedure.* The board of appeals shall adopt its own rules of procedure regarding the review of any order requiring a decision or determination made by the chief building inspector and shall keep a record of its proceedings, showing the action of the board and the vote of each member upon each question considered. All decisions and findings of the board shall be reduced to writing. A duplicate copy of all decisions or findings shall be given to the appellant. Decisions as to the use of alternate materials or types of construction shall be by majority vote of the members present. Notices of hearing on all appeals to the board shall be mailed at least five days before the time of hearing to the owners of all property within a radius of 150 feet of that which is the subject of such appeal.

(2) *Appeals.*

a. *Generally.* Appeal from any order requiring a decision or determination or ruling by the chief building inspector concerning the enforcement of the provisions of this article may be made to the board of appeals within such time as shall be determined by the board, but not following commencement of prosecution. The appellant shall file with the secretary of the board a notice of appeal, specifying the grounds therefor. An appeal may be taken by any person whose application for a permit for the use of new material or methods of construction has been refused by the chief building inspector or who may consider that the provisions of this

article do not cover the question raised or that the enforcement of any particular provision will cause a manifest injury to be done. In every such appeal, the appellant desiring to use alternate materials or types of construction shall guarantee payment of all expenses for necessary tests made or ordered to be made by the board.

b. *Stay of proceedings.* An appeal shall stay all proceedings in furtherance of the matter appealed from unless the chief building inspector shall certify to the board of appeals that, by reason of the facts stated in his certificate, a stay, in his opinion, would cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order issued by the board of appeals or by a court of competent jurisdiction on notice to the chief building inspector.

c. *Record on appeal.* The chief building inspector shall transmit to the board of appeals all petitions, plans, drawings, papers, matters or things constituting the record in the matter of the appeal.

(3) *Powers.*

a. The board of appeals may reverse or affirm, wholly or in part, or may modify, any order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as in the opinion of the board ought to be made in the matter and to that end shall have all the powers of the chief building inspector.

b. The board of appeals shall interpret the provisions of this article in such a way as to carry out the intent and purpose thereof.

c. The board of appeals shall have the power to call on any of the other departments of city government for assistance in the performance of its duties, and it shall be the duty of every department to render such assistance as may reasonably be required.

Part 4: This ordinance shall take effect upon passage by a majority vote of the members-elect of the City of Racine Common Council and publication or posting as required by law.