

**NOTICE OF INTENT TO ADOPT AMENDMENTS
TO CHAPTER 3 RULES GOVERNING APPEALS
TO THE BUILDING CODE APPEALS BOARD**

PLEASE TAKE NOTICE that the Campbell County Board of County Commissioners hereby gives notice of its intent to adopt amendments to Rules Governing Appeals to the Building Code Appeals Board in accordance with Wyoming Statute § 16-3-103.

The proposed amendments update language used within the code and are generally non-substantive.

A copy of the proposed amendments is available at Department of Public Works, Campbell County Courthouse, 500 S. Gillette Ave., Ste. 1400, Gillette, Wyoming or may be viewed on the county website at www.ccgov.net/publicworks. Any interested person may present their views regarding this intended action by submitting written comments to the Board at the foregoing address no later than 5:00 p.m., on December 14, 2018.

Those wishing to present their views in person may attend a public hearing scheduled for December 18, 2018 at 10:30 a.m., in the Commissioner's Chambers located at the Campbell County Courthouse, 500 S. Gillette Ave., Gillette, Wyoming.

Following the time allotted for public comment, the Board intends to take formal action on the adoption of said amendments at its regularly scheduled meeting to be held December 18, 2018.

Dated this 16th Day of October, 2018.



Susan Saunders, Campbell County Clerk

Publish: October 21, November 14 & 28

CHAPTER 3

RULES GOVERNING APPEALS TO THE BUILDING CODE APPEALS BOARD

Section 1. Authority.

This chapter is adopted pursuant to the authority granted by W.S. 35-9-121(d).

Section 2. Definitions.

As used in this chapter, the following definitions apply:

- (a) “Appellant” means an individual or legal entity that is appealing a decision or order of the Building Code Official to the Building Code Appeals Board.
- (b) “Board” means the Campbell County Building Code Appeals Board, created by Resolution Number 1449.
- (c) “Code” means the applicable Building, Plumbing, Mechanical, Fire, or Electrical Code, collectively known as the “Chapter 4, Rules Regulating Construction” as adopted by the Campbell County Board of County Commissioners.
- (d) “Department” means the Campbell County Department of Public Works.
- (e) “Building Code Official” means the individual who oversees the activities of the Building Division of the Department of Public Works or his/her designee.

Section 3. Effective Date.

- (a) The provisions of this chapter shall apply to any decision or order of the Building Code Official made or issued on or after January 1, 2019.

Section 4. Appealable Decisions.

- (a) The following are appealable to the Board:
 - (i) Orders to stop work;
 - (ii) Orders denying a certificate of occupancy;
 - (iii) Orders denying a building permit, electrical wiring permit, mechanical permit, small wastewater system permit, or plumbing permit;
 - (iv) Decisions regarding the use of alternate materials or methods of construction that are different than those specified in code; and

- (v) Decisions regarding the interpretation of code provisions.

Section 5. Filing Appeals

- (a) Any person aggrieved by a decision or code of the Building Code Official may initiate an appeal to the Board by filing a Notice of Appeal with the Department on a form supplied by the Department within thirty (30) days of the decision or order.
- (b) The Notice of Appeal shall include a statement of the reasons for the appeal, and shall have a copy of the written decision or order being appealed attached.

Section 6. Building Code Official's Response.

- (a) Upon receipt of a Notice of Appeal, the Department shall immediately notify the Building Code Official of the appeal and provide the Building Code Official with a copy.
- (b) The Building Code Official shall file a response to the appeal with the Department and send a copy of the response to the Appellant prior to the hearing.

Section 7. Hearings.

- (a) The Board shall set a time and place for the appeal to be heard no later than thirty (30) days of the notice of appeal. The Department shall notify the Appellant and the Building Code Official of the date and time of the hearing at least ten (10) days prior to the hearing unless the Appellant waives this minimum notice requirement.
- (b) Appellant and the Building Code Official may be represented by legal counsel at the hearing.
- (c) Hearings shall be conducted as a contested case in accordance with W.S. 16-3-107 through 16-3-112.
- (d) The Board shall issue a written decision on the appeal no later than ten (10) days after conclusion of the hearing.

Section 8. Appeals from Decisions of the Building Code Appeals Board.

- (a) Decisions of the Building Code Appeals Board may be appealed to the Board of the County Commissioners only by the Building Code Official or the Appellant.
- (b) Appeals to the Board of County Commissioners shall be initiated by filing a Notice of Appeal with the Office of the Commissioners. To be considered timely, a Notice

of Appeal shall be received by the Office of the Commissioners no later than fifteen (15) days after the date of the written decision being appealed.

- (c) The decision of the Board of County Commissioners may be appealed to the council on fire prevention and electrical safety and a decision of the council on fire prevention and electrical safety may be appealed to the appropriate district court in accordance with W.S. 35-9-121(e) and (f).