

RESOLUTION NO. RS-2024-17

RESOLUTION APPROVING REVISIONS TO THE CURRENT BYLAWS  
FOR THE BUILDING CODE BOARD OF APPEALS

Recitals

By an ordinance titled "An Ordinance to Repeal Certain Provisions of the 1987 BOCA Basic Building Code and to Reenact Said Code With Changes Relating to Definition of "Code Official" and the Procedure for Appealing Decisions Relating to Said Code" and recorded December 12, 1989, the Board of County Commissioners of Washington County, Maryland, (the *Board*) created the Board of Building Appeals, which is now known as the Washington County Building Code Board of Appeals (the *Board of Appeals*).

The Board adopted the current Building Codes, promulgated by the International Code Council, with local amendments through multiple ordinances, Most recently, the International Existing Building Code with local amendments were revised and approved at a public hearing on June 4<sup>th</sup>, 2024. The current bylaws of the Board of Appeals are outdated due to these recent local amendments.


The Board believes it to be in the best interests of the citizens and residents of Washington County, Maryland, that this resolution and the revised Bylaws be adopted.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Washington County, Maryland, that all provisions of any previous resolution concerning the Commission that are inconsistent with this resolution or the Commission's Bylaws be, and hereby are, repealed.

**AND BE IT FURTHER RESOLVED**, that the Bylaws of the Board of Appeals (Exhibit A) are hereby approved.

Adopted this 2<sup>nd</sup> day of July, 2024.

ATTEST:



Dawn L. Marcus, Clerk

BOARD OF COUNTY COMMISSIONERS  
OF WASHINGTON COUNTY, MARYLAND

BY:



John F. Barr, President

Approved as to form  
and legal sufficiency:



Rosalinda Pascual  
Deputy County Attorney

Mail to:  
County Attorney's Office  
100 W. Washington Street, Suite 1101  
Hagerstown, Maryland 21740



## WASHINGTON COUNTY BUILDING CODE BOARD OF APPEALS

### BYLAWS

(in accordance with Policy PR-22, Boards and Commissions)

#### Article I

##### Name and Principal Office

The name of the Board is the Washington County Building Code Board of Appeals (the Board.) The principal office of the Board is located at the Washington County Administrative Annex, 747 Northern Avenue, Hagerstown, Maryland.

#### Article II

##### Mission Statement

The Board shall have the responsibility to hear and decide appeals to orders, decisions, or determinations made by the Washington County Building Code Official ("Code Official") relative to the application and interpretation of the Building Code. In exercising the above-mentioned responsibilities, the Board may, in conformity with the provisions of law and the Washington County Building Code (as amended and which includes all building codes enforced by the County's Code Official), reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and make such order, requirement, decision, or determination as ought to be made.

#### Article III

##### Priorities

The Board shall:

- A. Accept any appeal brought forth by any person or entity having a construction or renovation project subject to the Building Code aggrieved by an order, decision, or determination of the Washington County Building Code Official in his/her administration of the Washington County Building Code (as amended). Such appeal shall be taken by filing a Notice of Appeal with the Board within seven (7) days of the determination. Also accept any appeal brought forth by the Code Official pertaining to properties deemed unsafe.
- B. Hear an appeal brought forth by the Code Official for properties deemed unsafe or when an Appellant alleges:
  1. that the Building Code, or any rules, or regulations, or procedures adopted thereunder, has been incorrectly interpreted;
  2. that a provision of the Building Code does not fully apply due to the unique circumstances of the project;
  3. that an alternative construction method is equally good or better and fully satisfies the spirit and intent of the Building Code.
- C. Undertake the task of gathering and disseminating information from and about the Washington County Building Code;
- D. Have no authority to waive the requirements of the Building Code;

E. Render all decisions and findings in writing within thirty (30) days to the appellant with a duplicate copy to the Code Official.

#### **Article IV Membership**

A. **Composition.** The Board shall be comprised of five (5) individual voting members appointed by the Board of County Commissioners (“Commissioners”) and the Code Official. The Board shall consist of members who are qualified by experience and/or training to pass on matters pertaining to building construction and must include a member or members familiar with the electrical, plumbing, mechanical, and construction trades and/or architecture or engineering. The individual voting member may not be an employee of the County. The Code Official will act as an ex-officio non-voting member.

B. **Terms.** Standing ex officio non-voting members are not term-limited. Terms of the individual voting members shall be three (3) years, as outlined in Washington County Policy PR-22, Boards and Commissions. The original term of one (1) member shall be for one (1) year; the original term of one (1) member shall be for two (2) years; and the original term of the remaining members shall be for three (3) years. Subsequent terms of all five (5) members shall be for three (3) years. Members of the Board shall be eligible for reappointment for one (1) consecutive term only, and, following the second consecutive 3-year term, shall be eligible for reappointment only following an intervening one (1) year period. A one- or two-year term will not be considered a full term for the purpose of these term limits.

#### C. **Termination of Membership and Vacancies**

1. Membership on the Board may be terminated by voluntary withdrawal or by removal by the Commissioners. Any member may withdraw from membership by giving written notice to the Board chair of such intention.

2. The Board may recommend to the Commissioners that the membership of an individual member be terminated based on one or more of the following criteria:

- a. inadequate attendance including excused and unexcused absences;
- b. breach of confidentiality;
- c. action/behavior that is inappropriate or inconsistent with County policy; and

3. The Commissioners shall have the authority to remove any member of the Board at any time when, in its sole and absolute discretion, the best interest of the community shall be served.

4. Any vacancy occurring in the Board for any reason shall be filled for the unexpired term by the Commissioners.

#### **Article V Officers**

A. **Elected Officers.** Members of the Board shall elect from among their members a chair, vice-chair, and secretary. Notwithstanding any provision of these bylaws, no member may simultaneously hold more than one office. The officers shall have the duties and powers usually attendant upon such officers and other duties and powers not inconsistent herewith as may be provided by the Board and/or the Commissioners.

B. **Terms.** The officers shall take office at the close of the Annual Meeting and shall serve for a term of one (1) year. Officers are eligible for reelection or reappointment for one (1) additional year. Vacancies occurring during a term of office must be filled for the unexpired balance of the term of office. When a vacancy in the office of the chair occurs, the vice-chair shall automatically succeed to the office of chair.

C. **Chair.** The chair shall:

1. Preside as the chief officer of the Board and shall be present at all meetings of the Board;
2. Serve as a non-voting ex-officio member of all sub-committees and appoint the chair of each sub-committee from among the members;
3. Ensure that proper records are maintained;
4. Communicate to the Board such matters and make such suggestions as may in the chair's opinion tend to promote the achievement of the goals outlined in these bylaws; and,
5. Perform such other duties as are necessarily incidental to the office.

D. **Vice-Chair.** The vice-chair shall perform all duties of the chair during his or her absence.

E. **Secretary.** The secretary shall maintain minutes of the meetings (if required) and when necessary, provide notice of meetings to members of the Board. The secretary shall keep record of the proceedings of each meeting, which shall include the vote of each member on each question, or if absent or failing to vote, indicating such fact; the names and addresses of all witnesses; a summary of facts on which the decision is based; the decision rendered; and other official actions of the Board.

F. **Officer Removal, Resignation, and Vacancies**

1. The Board may recommend to the Commissioners that a member serving as an officer be removed from his or her officer position based on one or more of the following criteria:

- a. inadequate attendance including excused and unexcused absences;
- b. breach of confidentiality;
- c. actions/behavior that in the opinion of the Board is inappropriate or inconsistent with policy; and

2. The Commissioners shall have the authority to remove any member from an officer position of the Board at any time when, in its sole and absolute discretion, the best interest of the community shall be served.

3. In the event of an officer vacancy that is caused by removal, resignation, or any other reason, the Board shall elect a member to fill the vacancy. The election shall take place at the next regularly scheduled meeting following the effective date of the vacancy. A member elected to fill a vacancy shall serve out the remainder of the officer's term left vacant. The partial term served shall not be applied to the term limits.

**Article VI**  
**Meetings**

A. **Meetings.** Meetings shall be subject to the Open Meetings Act and members of the public shall be permitted to attend all meetings except as provided by law. General parliamentary

rules, as set forth in Robert's Rules of Order, as amended from time to time, shall govern, when not in conflict with these bylaws.

1. **Regular Meetings.** The Board will meet whenever it has appeals to decide. Each member of the Board shall be notified at least one (1) week in advance of any changes in the time or date of meetings. No member of the Board shall sit in a meeting of or voice on any matter in which he or she is personally or financially interested.

2. **Annual and Quarterly Meetings.** The Board will meet at least once a year with or without any scheduled appeals to select the Officers from amongst its members per Article V of these Bylaws. Additionally, the Board may meet quarterly, with or without any scheduled appeals, to discuss any Personnel matters, any revisions to the Building Code, and/or any other business relevant to the Board and for which cannot be postponed until the Annual Meeting.

B. **Attendance.** All members shall be required to attend the Board meetings as scheduled. Failure to attend these meetings may be at the discretion of the Board and result in the following:

1. A third missed meeting in any fiscal year may result in a letter to the member from the chair regarding the attendance policy.

2. Disassociation from the Board as a voting member may occur after the third unexcused absence of regularly scheduled meetings in any fiscal year.

C. **Quorum.** Fifty-one percent (51%) of the total membership shall constitute a quorum. If such a majority is not present at any time, the presiding officer shall adjourn the meeting until a quorum is present.

D. **Sub-committees.** Other standing or special sub-committees of the Board may be formed by the Board as deemed necessary.

## Article VII

### Fiscal Year and Budget

A. **Fiscal Year.** The fiscal year of the Board shall begin on the 1st day of July and end on the last day of June.

B. **Budget.** No budget will be provided to the Board unless deemed necessary by the Commissioners.

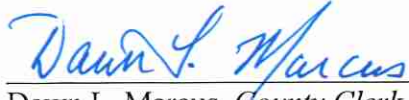
## Article VIII

### Amendments to Bylaws

These bylaws may be amended, repealed, modified, or altered, in whole or in part, by the Commissioners, in their sole and absolute discretion. If such an amendment or change is proposed by the Board, such proposal must be submitted in writing and approved at a meeting of the Board. The proposal to amend these bylaws and the text of the proposed amendment must be included in the notice of the next meeting of the Board. At that time, the Board shall vote on the proposed amendment. Such proposed amendments shall be recommended to the Commissioners only if the proposal receives a quorum vote of the Board.

Approved and adopted this 2<sup>nd</sup> day of July, 2024

ATTEST:



Dawn L. Marcus, *County Clerk*



John F. Barr, *President*  
Board of County Commissioners of  
Washington County, Maryland

Approved for form and legal sufficiency:



Rosalinda Pascual  
Deputy County Attorney