TOWN OF SLAUGHTER BEACH

ORDinance #21-02

An ordinance ADOPTING the 2012 international building code as the BUILDING code of the town of SLAUGHTER BEACH

WHEREAS, pursuant to Section 6.2.34 of the Charter of the Town of Slaughter Beach, the Town Council is authorized to “make, adopt, and establish, alter and amend all such Ordinances, Regulations, Rules, and By-Laws not contrary to the laws of this State and the United States as the Town Council may deem necessary to carry into effect any of the provisions of this Charter or any other law of the State relating generally to municipal corporations or which they may deem proper and necessary for the order, protection and good government of the Town, the protection and preservation of persons and property, and the public health and welfare of the Town and its inhabitants;”

 WHEREAS, the Town Council of the Town of Slaughter Beach is authorized pursuant to section 6.2.24 of the Town Charter to “regulate and control the manner of building or removal of dwellings or other structures and to provide for granting permits for same”;

 WHEREAS, the Town Council desires to adopt the 2012 edition of the *International Building Code*, which regulates and governs the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures in the Town; and provides for the issuance of permits and collection of fees therefor; and

WHEREAS, in accordance with Section 4.5.3 of the Town Charter, 15 days’ notice of these changes were given by posting notice at the town bulletin board and on the Town website, and in the opinion of the Town Council of the Town of Slaughter Beach, it is in the best interest of the public health, safety, and welfare to update and revise the Town Code of the Town of Slaughter Beach, as more fully detailed herein.

NOW THEREFORE, BE IT HEREBY ENACTED by the Town Council of the Town of Slaughter Beach, a majority thereof concurring in Council duly met, as follows:

Section 1. That certain document on file in the Town Hall of the Town of Slaughter Beach being marked and designated as the *International Building Code,* 2012 edition, including all Appendix Chapters except for Appendices B (Board of Appeals), G (Flood-Resistant Construction) and M (Tsunami-Generated Flood Hazard), as published by the International Code Council, be and hereby is adopted as the Building Code of the Town of Slaughter Beach for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Building Code on file in the office of the Town are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

Section 2. The following sections are hereby revised as follows:

Section 101.1 – Insert: Town of Slaughter Beach

 Section 1612 (Flood Loads) – This Section is deleted in its entirety.

 Section 113 (Board of Appeals) – Delete the text of this section in its entirety and replace it with the following:

1. Application. A written application for appeal shall be filed with the Town within 20 calendar days of the date of the action of the Building Official being appealed.
2. Board Membership. The Town Council shall sit as the Board of Appeals.
3. Alternate Members. The mayor may appoint an alternate member to hear appeals during the absence of or disqualification of a member. Such alternate member shall be appointed for a period of one year.
4. Rules and Procedures. The Board is authorized to establish rules and procedures necessary to carry out its duties.
5. Chairperson. The mayor shall serve as chairperson. In the mayor’s absence, the mayor may appoint a substitute or, if that has not been done, the Board may select one of its members to serve as chairperson during the absence of the mayor.
6. Disqualification of Member. A member shall not hear an appeal in which that member has a personal, professional, or financial interest.
7. Secretary. The Board of Appeals shall designate a qualified clerk to serve as secretary to the Board. The secretary shall file a detailed report of all proceedings in the office of the Town.
8. Notice of Meeting. The Board shall meet upon notice from the chairperson. Notice of any meeting shall be provided in accordance with the Freedom of information Act.
9. Open Hearings. All hearings before the Board of Appeals shall be open to the public. The appellant, the appellant’s representative, the Building Official and any person whose interests are affected shall be given an opportunity to be heard.
10. Procedure. The Board shall adopt, and make available to the public through the secretary, procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.
11. Grounds for Appeal. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of this code.
12. Board Decision. The Board shall modify or reverse the decision of the Building Official by a concurring vote of a majority of its members.
13. Administration. The Building Official shall take immediate action in accordance with the decision of the Board.

 Section 3. To the extent any conflict exists between the provisions of the 2012 International Building Code and the provisions of the Town of Slaughter Beach Flood Damage Reduction Ordinance, including any amendments, alterations, or corresponding provisions of law, any such conflict shall be resolved in favor of the Town ordinance referenced herein.

 Section 4. Amend Title IV (Zoning, Subdivision, Flood Insurance, Housing Codes), Chapter 1, by making insertions as shown by underline as follows:

### CHAPTER 1

Incorporated into the Town Code are the following, which have been previously adopted by the Town Council:

Appendix A: Slaughter Beach Zoning Ordinance

Appendix B: Slaughter Beach Subdivision Ordinance

Appendix C: Slaughter Beach Flood Damage Reduction Ordinance

Appendix D: 2012 International Building Code, as amended by An Ordinance Adopting the 2012 International Building Code as the Building Code of the Town of Slaughter Beach

Section 5. The provisions of this Ordinance shall be severable. If any provisions of this Ordinance are found by any court of competent jurisdiction to be unconstitutional or void, the remaining provisions of this Ordinance shall remain valid unless the court finds that the valid provisions of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the unconstitutional or void provision that it cannot be presumed that the Town Council would have enacted the remaining valid provisions without the unconstitutional or void provision; or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with the Town Council’s intent.

Section 6. This Ordinance shall become effective immediately upon its adoption by the Town Council.

SYNOPSIS

 This ordinance adopts the 2012 International Building Code as the building code of the Town of Slaughter Beach, and incorporates it into the Slaughter Beach Town Code. This ordinance specifies that any conflicts between the International Building Code and the Town of Slaughter Beach Flood Damage Reduction Ordinance shall be resolved in favor of the existing Town of Slaughter Beach ordinance. This ordinance establishes appeals procedures and a Board of Appeals.

 This will certify that this is a true copy of the Ordinance duly adopted by the Town Council of the Town of Slaughter Beach at a meeting at which a quorum was present on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2021.

Attest: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Secretary Mayor