

ORDINANCE 2018-05

ORDINANCE AMENDING FAIRMONT CITY CODE ARTICLE II,

SECTION 26-57 APPEALS TO THE BOARD

WHEREAS, changes have been made to the City of Fairmont organizational chart and management staff since adoption of the Zoning Code in 1986; and,

WHEREAS, zoning applications and processes have changed as a direct result of organizational chart and staffing changes; and,

WHEREAS, prior Councils have not formally changed the City Code on zoning applications and processes; and,

WHEREAS, it is in the best interest of the City to codify the current practice of the Community Development staff.

NOW THEREFORE THE CITY OF FAIRMONT DOES ORDAIN, that Fairmont City Code Section 26-57 shall be amended as follows:

Sec. 26-57. – Appeals to the Board.

(a) An appeal for administrative review may be taken to the board of appeals and adjustments by any person affected by a decision of the ~~city engineer~~ Community Development Director. Such appeal shall be taken by filing a notice specifying the grounds of the appeal in the office of ~~city engineer~~ Community Development Director within thirty (30) days of the action or decision. If the appeal is not taken by the owner of the property, which is the subject matter of the decision appealed from, notice shall not be filed until it has been served upon such owner either in person or by mail.

(b) The ~~city engineer~~ Community Development Director shall forthwith transmit to the board all materials constituting the record upon which the action appealed from was taken. An appeal for an administrative review or a variance stays all proceedings, including criminal proceedings, in furtherance of the action appealed from unless the ~~city engineer~~ Community Development Director certifies to the board that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In that case the proceedings shall not be stayed otherwise than by a restraining order granted by a court of competent jurisdiction. An application for a variance may be filed by the owner of the affected property at any time.

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Motion by:
Seconded by:
All in Favor:
Opposed:
Abstained:
Absent:

PASSED, APPROVED AND ADOPTED THIS _____ day of February 2018.

Deborah J. Foster, Mayor

Patricia J. Monsen, City Clerk

1st Reading: January 22, 2018
2nd Reading: February 12, 2018