

**WEBER FIRE DISTRICT
BOARD OF TRUSTEES
RESOLUTION NO. 41-2026**

**A RESOLUTION AMENDING RESOLUTION NO. 24-2026 AND THE LOCAL
ADOPTION OF APPENDIX A OF THE 2024 INTERNATIONAL FIRE CODE;
DESIGNATING THE WEBER FIRE DISTRICT BOARD OF TRUSTEES AS THE BOARD
OF APPEALS; ESTABLISHING MEMBERSHIP, QUALIFICATION, QUORUM,
HEARING, VOTING, AND DECISION PROCEDURES; AND PROVIDING FOR AN
EFFECTIVE DATE**

SECTION 1. RECITALS

WHEREAS, the Weber Fire District (the "District") is a local district created as a service area, a body politic and political subdivision of the State of Utah, that provides fire protection and emergency services within its jurisdiction; and,

WHEREAS, by Resolution No. 24-2026, the Board of Trustees adopted the 2024 Edition of the International Fire Code ("IFC"), as adopted and amended by the State of Utah, together with specified appendices and local amendments, including Appendix A concerning the Board of Appeals; and,

WHEREAS, Resolution No. 24-2026 designated the Weber Fire District Board of Trustees as the Board of Appeals but did not expressly replace all Appendix A provisions written for a five-member appeals board, including provisions governing quorum, attendance, and voting; and,

WHEREAS, the Weber Fire District Board of Trustees presently consists of eleven voting members, and Utah Code Section 17B-1-310 generally provides that a majority of the Board constitutes a quorum for the transaction of District business; and,

WHEREAS, the Board desires to use its existing organizational and public-meeting structure to hear fire-code appeals at regular or special Board meetings, while preserving fair notice, an opportunity to be heard, an impartial decision maker, a complete record, and a written decision; and,

WHEREAS, the Board finds that expressly conforming Appendix A to the District's existing governance structure will eliminate ambiguity, promote timely and consistent appeals, and protect the health, safety, and welfare of the public;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES THAT:

SECTION 2. The foregoing recitals are fully incorporated herein.

SECTION 3. AMENDMENT OF RESOLUTION NO. 24-2026

The Appendix A amendments adopted in Resolution No. 24-2026 are repealed and replaced in their entirety by Section 4 of this Resolution. All other provisions of Resolution No. 24-2026 remain in full force and effect except to the extent expressly modified by this Resolution.

SECTION 4. APPENDIX A - BOARD OF APPEALS

Appendix A of the 2024 International Fire Code is adopted as previously provided in Resolution No. 24-2026, subject to the following local amendments. Any provision of Appendix A not expressly amended below remains in effect.

Section A101.1 Scope - Replace with the following language:

A Board of Appeals is established within the Weber Fire District to hear and decide appeals from decisions, orders, or determinations of the Fire Code Official as authorized by IFC Section 112. The Weber Fire District Board of Trustees shall constitute the Board of Appeals. An appeal shall not be used to waive an express requirement of state law or to grant relief beyond the authority permitted by the State Fire Code and applicable law.

Section A101.2 Limitations on authority - Add the following language:

On an application for appeal, the Board of Appeals shall make a determination whether: the code was incorrectly interpreted; the provisions of the code do not fully apply; or an equally good or better form of construction is proposed when such determination is authorized by law. The Board shall not exercise legislative authority in deciding an individual appeal, waive an express statutory requirement, or substitute a policy preference for a requirement imposed by state law or the IFC.

Section A101.3 Membership - Replace with the following language:

The Board of Appeals shall consist of all duly appointed or elected voting members of the Weber Fire District Board of Trustees. The number of trustees participating in an appeal may range from six to eleven, provided a lawful quorum of qualified and non-recused trustees is present. The Fire Code Official shall serve as an ex officio, nonvoting participant for purposes of presenting the administrative record, explaining the decision under review, and answering questions. The Fire Code Official shall not participate in the Board's deliberations or vote.

Section A101.3.1 Qualifications - Replace with the following language:

Each trustee shall satisfy the qualifications required by IFC Section 112.3 before participating in an appeal. The District shall provide training to the Board of Appeals concerning the applicable fire code, the Board's appellate role, the standard and scope of review, conflicts of interest, open-meeting requirements, procedural due process, and preparation of written decisions. The District may use legal counsel, the State Fire Marshal, qualified code professionals, or other appropriate instructors to provide such training. Completion of training shall be documented by the District.

Section A101.3.2 Alternates - Delete language without substitution.

Section A101.3.3 Vacancies - Replace with the following language:

A vacancy on the Board of Trustees shall be filled as provided by applicable Utah law. A vacancy does not impair the authority of the remaining qualified trustees to act as the Board of Appeals when a lawful quorum is present.

Section A101.3.4 Chairperson - Replace with the following language:

The Chair of the Weber Fire District Board of Trustees shall preside over an appeal. In the Chair's absence or recusal, the Vice Chair shall preside. If both are absent or recused, the qualified trustees present shall select a presiding officer from among themselves.

Section A101.3.5 Secretary - Replace with the following language:

The District Clerk, or another person designated by the Board, shall serve as secretary to the Board of Appeals and shall maintain the application, notices, exhibits, recordings or minutes, orders, and final written decision as District records.

Section A101.3.6 Conflicts of interest - Replace with the following language:

A trustee shall disclose any actual or potential conflict of interest, bias, prejudice, financial interest, ex parte communication, or other circumstance that could reasonably call the trustee's impartiality into question. A trustee with a disqualifying conflict shall not participate in the hearing, deliberations, or vote. A recusal shall be entered in the record. Applicable Utah ethics and conflict-of-interest laws and District policies remain controlling.

Section A101.3.7 Compensation - Replace with the following language:

Trustees shall receive only the compensation, if any, otherwise authorized for service on the Weber Fire District Board of Trustees. No additional compensation is created by this Resolution.

Section A101.3.8 Removal - Replace with the following language:

Removal or replacement of a trustee shall be governed by applicable Utah law and the District's governing documents. A trustee may be disqualified from a particular appeal as provided in Section A101.3.6 without being removed from the Board of Trustees.

Section A101.4 Rules and procedures - Replace with the following language:

Appeals shall be processed and heard in accordance with applicable law, this Resolution, and Weber Fire District Rules and Regulations, Article IX, Section 901.00. The Board may adopt additional procedures consistent with those authorities. The procedures shall provide the appellant and Fire Code Official a reasonable opportunity to submit documents, present relevant evidence and argument, respond to the opposing position, and create an adequate record for decision and any judicial review.

Section A101.5 Meetings - Replace with the following language:

An appeal shall be placed on the next regularly scheduled Board meeting for which all filing, staff-review, agenda, and notice requirements can reasonably be completed. The Board Chair may call a special meeting when necessary to avoid unreasonable delay or when required by law. An appeal shall be listed as a separate action item on the public agenda and shall not be heard during a general public-comment period. Meetings and notices shall comply with the Utah Open and Public Meetings Act and other applicable law.

Section A101.5.1 Open hearing - Replace with the following language:

The evidentiary portion of an appeal shall be conducted in an open public meeting. Deliberations shall also occur in an open meeting except to the extent a closed meeting is expressly authorized by Utah law. The appellant and Fire Code Official shall receive written notice of the hearing as provided in Rule 901.00.

Section A101.5.2 Quorum - Replace with the following language:

A quorum of the Weber Fire District Board of Trustees constitutes a quorum of the Board of Appeals. Consistent with Utah Code Section 17B-1-310, a majority of the currently seated voting trustees constitutes a quorum unless another number is required by law. When the Board consists of eleven voting trustees, six qualified and non-recused trustees constitute a quorum. Subject to conflicts and recusals, an appeal may be heard and decided by any number from six through eleven trustees.

Section A101.5.3 Postponed hearing - Replace with the following language:

The absence of one or more trustees does not entitle a party to postponement when a lawful quorum is present. If fewer than a quorum of qualified and non-recused trustees is available, the hearing shall be continued. The presiding officer may continue a hearing for good cause, to obtain necessary information, to protect procedural fairness, or as otherwise authorized by law.

Section A101.6 Legal counsel - Replace with the following language:

The District may obtain legal counsel to advise the Board concerning jurisdiction, procedure, evidence, conflicts, deliberations, and the form of its decision. Counsel advising the Board should not simultaneously act as an advocate for the Fire Code Official in the same appeal when doing so would impair, or reasonably appear to impair, the Board's impartiality.

Section A101.7 Board decision - Replace with the following language:

The Board may affirm, modify, or reverse the decision of the Fire Code Official, or remand the matter for further proceedings, only within the authority granted by the fire code and applicable law. Final action requires an affirmative vote of a majority of the qualified and non-recused trustees present and voting, and in no event fewer affirmative votes than required for action under Utah Code Section 17B-1-310 or other applicable law. A tie vote or failed motion leaves the decision of the Fire Code Official in effect. A trustee may vote only if the trustee attended, either in person or as allowed to attend board meetings electronically, the entire evidentiary hearing or reviewed the complete record before deliberation and voting.

Section A101.7.1 Resolution - Replace with the following language:

The Board's final action shall be memorialized in a written decision or resolution stating the matter reviewed, the relevant code provisions, findings of fact, conclusions, and disposition. The written decision shall be approved or ratified by the Board, signed by the presiding officer, filed with the District Clerk, maintained as a public record subject to applicable law, and provided to the appellant and Fire Code Official. The written decision shall state any available right and deadline for judicial review known to the District.

SECTION 5. ADMINISTRATIVE IMPLEMENTATION

The Fire Chief, District Clerk, and other appropriate District personnel are authorized to develop forms, notices, staff checklists, training records, agenda materials, and administrative procedures consistent with this Resolution and Rule 901.00. Administrative materials may not alter the Board's jurisdiction, the required quorum, voting requirements, or substantive rights established by law or this Resolution.

SECTION 6. REPEALER OF CONFLICTING ENACTMENTS

All orders, resolutions, rules, and procedures previously adopted by the District are repealed only to the extent they conflict with this Resolution. This repeal shall not revive any enactment previously repealed.

SECTION 7. PRIOR RESOLUTIONS

Resolution No. 24-2026 and all other prior District resolutions remain in effect except as expressly amended by this Resolution.

SECTION 8. SAVINGS CLAUSE

If any provision of this Resolution is held invalid, inoperative, or unenforceable, the remaining provisions shall remain in effect to the fullest extent permitted by law, each provision being deemed a separate and severable act of the Board of Trustees.

SECTION 9. EFFECTIVE DATE

This Resolution shall take effect immediately upon passage and after publication or posting as required by law.

**PASSED AND ADOPTED BY THE BOARD OF TRUSTEES OF WEBER FIRE DISTRICT,
STATE OF UTAH, on this _____ day of _____, 2026.**

**WEBER FIRE DISTRICT
Board of Trustees**

Kevin Ward, Board Chair

ATTEST:

Jolene Whipple, Interim District Clerk

