

	RULES AND REGULATIONS	Fire Code Appeals
	Revised Date:	Article: IX Section: 901.00
	Effective Date:	Pages: 66
	Kevin Ward Board Chairman	Britt Clark Fire Chief

I. Purpose:

To establish a fair, consistent, and documented process for appealing an order, decision, or determination made by the Weber Fire District Fire Code Official or an authorized designee regarding the application or interpretation of the adopted fire code.

To ensure that applicants receive clear notice of appeal rights and that the Weber Fire District Board of Trustees, acting as the Board of Appeals, receives an organized record sufficient to decide the matter.

II. Authority:

This Rule is adopted under Weber Fire District Resolution 24-2026, as amended by Resolution 41-2026, the 2024 International Fire Code as adopted and amended by the State of Utah, including IFC Section 112 and Appendix A, and other applicable law. Resolution 41-2026 designates all duly appointed or elected voting members of the Weber Fire District Board of Trustees as the District Board of Appeals and establishes the Board's membership, qualification, quorum, hearing, voting, and decision requirements.

If this Rule conflicts with controlling state law or the adopted fire code, the controlling authority shall govern. District legal counsel may provide procedural direction when an appeal also involves a county or municipal building permit, land use decision, or other appeal process.

III. Definitions:

- **Appellant.** The property owner, permit applicant, authorized representative, or other person directly affected by the decision being appealed.
- **Board of Appeals.** The entire Weber Fire District Board of Trustees acting in its appellate capacity under Resolution 24-2026, as amended by Resolution 41-2026. A lawful quorum of qualified and non-recused trustees may hear and decide an appeal.
- **Fire Code Official.** The District official charged with administration and enforcement of the adopted fire code, including an authorized designee acting within delegated authority.
- **Final Written Determination.** A written order, decision, or determination that identifies the requirement imposed, the material facts, the authority relied upon, and the right to appeal.
- **Administrative Record.** The materials considered or relied upon in making the decision and the materials properly submitted during the appeal.
- **Board Member Qualifications.** Only trustees who satisfy IFC Section 112.3 and have completed the training required by Resolution 41-2026 may participate in an appeal. The District Clerk shall maintain documentation of completed training.

- **Quorum.** A majority of the currently seated voting trustees constitutes a quorum unless otherwise required by law. When the Board consists of eleven voting trustees, six qualified and non-recused trustees constitute a quorum. An appeal may be heard and decided by between six and eleven qualified and non-recused trustees.
- **Absence or Recusal.** The absence of one or more trustees does not entitle a party to postponement when a lawful quorum is present. If absences, recusals, or disqualifications leave fewer than a lawful quorum of eligible trustees, the hearing shall be continued.
- **Fire Code Official Role.** The Fire Code Official is an ex officio, nonvoting participant who may present the administrative record, explain the decision under review, and answer questions. The Fire Code Official shall not participate in Board deliberations or vote.

IV. Notice of Decision and Right to Appeal:

When the Fire Code Official or an authorized designee makes a final determination concerning the application or interpretation of the fire code, the affected person shall be provided written notice of the decision and the right to appeal. The notice should include the property or project, permit number if applicable, requirement imposed, relevant facts, code provisions relied upon, date of service, filing deadline, and instructions for obtaining Form 901-B, Fire Code Appeal Application.

An informal discussion, request for reconsideration, records request, or appearance during general public comment does not constitute an appeal and does not extend the filing deadline.

V. Grounds and Limitations of Appeal:

An appeal may be based on a claim that the fire code or a legally adopted rule was incorrectly interpreted or applied, that a cited provision does not fully apply to the project or circumstances, or that an equivalent or better form of construction, method, material, design, or fire protection has been proposed.

The Board of Appeals may interpret and apply the adopted code and may evaluate an equivalent method of protection. The Board does not have authority to waive a mandatory code requirement solely because compliance is inconvenient or costly. The appeal is limited to matters within the District's authority.

VI. Filing Requirements:

The appellant shall file a completed Form 901-B with the District within twenty (20) calendar days after the Final Written Determination was served, unless another controlling deadline applies. The appeal is filed when received by the District. Discussions with staff do not suspend or extend the filing period unless an extension is authorized in writing by controlling law or District legal counsel.

The appeal shall include:

- The Final Written Determination being appealed;
- The specific decision, interpretation, or requirement being challenged;
- A statement of each claimed error and the precise relief requested;
- The code sections and other authority relied upon;

- Relevant plans, maps, photographs, calculations, reports, correspondence, or professional opinions;
- A description of any proposed equivalent or better method of protection; and
- Written authorization when a representative is acting for the property owner or permit applicant.

VII. Receipt and Initial Review:

The employee receiving an appeal shall date-stamp the submission, preserve the original and transmission information, open an appeal file, and promptly provide the submission to the Fire Code Official, Fire Chief, District Clerk, Board Chair, and District legal counsel as appropriate.

District staff shall use Form 901-A, Fire Code Appeal Staff Checklist, to document timeliness, standing, completeness, requested relief, record preservation, notice, scheduling, and final disposition. Intake review shall address procedural sufficiency only and shall not decide the merits of the appeal.

The District shall provide written acknowledgment stating whether the appeal is accepted as complete. If the appeal is incomplete, the District shall provide written notice that identifies the deficiency and provides a deadline of ten (10) calendar days to cure the deficiency when permitted. Questions regarding an untimely filing, jurisdiction, standing, or a parallel appeal process shall be referred to District legal counsel.

VIII. Effect of Filing:

Filing a timely appeal of a notice or order shall stay enforcement of the notice or order until the Board of Appeals issues its decision, except when the Fire Code Official has issued an Imminent Danger notice or when controlling law provides otherwise. The Fire Code Official shall identify an Imminent Danger notice in writing and state the conditions supporting that determination. Filing a timely appeal does not authorize continued work that otherwise violates the adopted code or permit conditions.

A stay does not constitute approval of the work, authorize construction or occupancy, modify permit requirements, or stay an independent decision or order issued by another governmental entity. Work requiring District approval shall not proceed unless the required approval through the appeal process has been issued. Questions concerning the procedural effect or scope of a stay shall be referred to District legal counsel.

IX. Administrative Record:

The Fire Code Official shall assemble an administrative record that includes the appeal, Final Written Determination, proof of service, permit and plan-review materials, submitted plans and reports, inspection records, correspondence, photographs, calculations, applicable code provisions and amendments, Resolution 24-2026 as amended by Resolution 41-2026, Rule 901.00, staff analysis, hearing notices, trustee qualification and training verification, conflict disclosures and recusals, accepted exhibits, identification of participating trustees, the motion and vote tally, the final written decision, and proof of service.

Original records shall be preserved. District employees shall not alter, backdate, supplement, or recreate prior records. Any new analysis prepared for the appeal shall be

clearly dated and identified. The appellant shall receive reasonable access to the nonrestricted administrative record before the hearing, subject to GRAMA and other applicable law.

X. Scheduling and Notice:

After the appeal application is determined to be complete and jurisdictional issues are resolved, the District Clerk shall coordinate with the Board Chair, Fire Chief, Fire Code Official, and legal counsel to place the appeal on the next regularly scheduled Board meeting for which the filing, staff-review, agenda, public-notice, and party-notice requirements can reasonably be completed. The Board Chair may schedule a special meeting when necessary to avoid unreasonable delay or when required by law. The appeal shall be listed as a separate formal action item on a properly noticed Board agenda and shall not be heard ~~or decided solely~~ during general public comment.

The District shall provide the appellant written notice of the hearing date, time, location, submission deadlines, anticipated hearing procedure, and any reasonable time limits. The hearing shall comply with the Utah Open and Public Meetings Act and applicable District meeting procedures.

XI. Staff Report:

The Fire Code Official or designee shall prepare a staff report that fairly and accurately describes the procedural history, question presented, material facts, governing authority, original decision, appellant's stated position, unresolved factual issues, and actions legally available to the Board. The report shall identify the administrative record and exhibits. Staff shall not add new grounds solely to strengthen the original determination without giving the appellant notice and a reasonable opportunity to respond.

XII. Hearing Procedure:

The Board Chair shall conduct the hearing in an orderly and fair manner. Before evidence is presented, the Chair shall confirm that a lawful quorum of qualified and non-recused trustees is present, identify participating trustees, obtain disclosures of conflicts and ex parte communications, address recusals, and identify the administrative record. Unless adjusted by the Chair for good cause, the hearing should proceed as follows:

- Opening by the Board Chair and identification of the issue before the Board;
- Presentation by the Fire Code Official or designee;
- Presentation by the appellant or authorized representative;
- Questions from Board members;
- Limited rebuttal as allowed by the Chair;
- Presentations by witnesses identified by the Fire Code Official or appellant, testimony requested by the Board, and testimony from any person whom the Chair, after consultation with legal counsel, determines has a direct and legally recognizable interest in the matter;
- Board deliberation and legal advice as permitted by law; and
- Board action or continuation to a stated date.

The Chair may establish reasonable time limits, require testimony to remain relevant to the stated grounds for appeal, exclude repetitive or disruptive material, and continue the hearing when additional information is reasonably necessary. Each trustee shall disclose any actual or potential conflict of interest, bias, prejudgment, 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, and the disclosure and recusal shall be entered in the record. Board members shall avoid private communications concerning the merits of a pending appeal.

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

Only a trustee who attended the entire evidentiary hearing, in person or as allowed to attend board meetings electronically, or reviewed the complete record before deliberation and voting, may participate in the final decision.

XIII. Board Decision:

Within its lawful authority, the Board may affirm, modify, reverse, or remand the decision of the Fire Code Official. The Board shall determine whether the Fire Code Official correctly interpreted and applied the adopted code, whether the cited provisions fully apply to the particular facts, and, when properly raised in the appeal, whether a proposed alternative material, design, method, or form of construction satisfies the applicable equivalency criteria established by the adopted code.

The Board may continue the matter or dismiss an untimely, incomplete, or jurisdictionally defective appeal. The Board shall not waive an express code or statutory requirement, create an exception based solely on cost or hardship, grant relief outside the District's jurisdiction, or substitute its policy preference for the requirements of the adopted code.

Final action requires an affirmative vote of a majority of the qualified and non-recused trustees present and voting, but not fewer affirmative votes than required for Board 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.

The Board shall issue a written decision or resolution identifying the matter reviewed, participating trustees and recusals, evidence considered, relevant code provisions, findings of fact, conclusions, disposition, conditions, motions made, vote taken, and known further-review rights and deadlines. The decision shall be approved or ratified by the Board, signed by the presiding officer, filed with the District Clerk, served on the appellant and Fire Code Official, and maintained with proof of service. The Fire Code Official shall implement the decision without unnecessary delay within the District's authority.

XIV. Records and Communications:

All substantive communications concerning a pending appeal shall be directed through the Fire Code Official, Fire Chief, District Clerk, or legal counsel as assigned. District employees and Board members shall not privately debate the merits with the appellant or other interested persons. The complete appeal file shall be retained in accordance with the District's approved records retention schedule.

XV. Other Review Rights:

Depending on the issue and the jurisdiction responsible for the underlying development approval, Utah law may provide an advisory opinion process, review by a county or municipal land use appeal authority, or judicial review. The District's decision should identify known review procedures without providing private legal advice. A District appeal does not automatically preserve a deadline established by another governmental entity or law.

XVI. Related Forms:

- Form 901-A, Fire Code Appeal Staff Checklist.
- Form 901-B, Fire Code Appeal Application.