

BYLAWS AND RULES OF PROCEDURE
OF
THE CITY OF PHOENIX FIRE SAFETY ADVISORY BOARD

ARTICLE I

AUTHORITY AND PURPOSE

1.01 AUTHORITY AND PURPOSE. In order to hear and decide appeals of orders, decisions or determinations made by the Fire Code Official relative to the application and interpretation of this code, there shall be and is hereby created the Fire Safety Advisory Board. Fire Safety Advisory Board, hereinafter called "the Board," shall have the duty to hear appeals to decisions of the Fire Code Official. The Board may submit to the Fire Code Official recommendations on matters pertaining to the Fire Prevention Code of the City of Phoenix or ordinance provisions and amendments. The Board may also submit to the Fire Code Official recommendations on matters pertaining to the Fire Prevention Code of the City of Phoenix, or ordinance provisions and amendments. Except for deciding appeals of orders, decisions, or determination made by the Fire Code Official, the duties and powers of the Board shall be in advisory capacity only.

ARTICLE II

MEMBERS

2.01 BOARD MEMBERS. Unless otherwise provided by the Fire Prevention Code or the Code of City of Phoenix, the Board shall consist of up to 13 members, a majority of whom are residents of the City of Phoenix. Board members shall be United States citizens. One board member's only qualification shall be Phoenix residency, while other board members shall be drawn from the following industries, trades and professions: fire-protection systems contractor; architect; realtor; developer; petroleum industry; liquefied petroleum gas industry; property insurance; fire-protection engineering; owner or manager of a business that would not qualify for membership in another industry; health care industry; special events coordinator; and construction contractor. The Fire Code Official shall be an ex officio member of said board but shall not have a vote on any matter before the Board.

2.02 APPOINTMENT. The Board shall be appointed by the City Council and shall hold office at its pleasure.

2.03 TERMS OF OFFICE. The members of the Board shall be appointed by the City Council for a term of 4 years. Members shall not be reappointed to serve more than two consecutive full terms. Continued absence of any member from three consecutive regular meetings of the Board shall render any such member liable for immediate removal from office. Removal shall be at the discretion of the city council.

2.04 VACANCIES. Vacancies shall be filled by the City Council. Members appointed to fill a vacancy in an unexpired term shall be eligible for reappointment to two full terms.

2.05 BOARD QUALIFICATIONS. The Board shall consist of members who are qualified by experience and training to pass on matters pertaining to hazards of fire, explosions, hazardous conditions or fire protection systems, and are not employees of the jurisdiction.

2.06 CONFLICT. Members with a material or financial interest in a matter before the Fire Safety Advisory Board shall declare such interest and refrain from participating in discussions, deliberations and voting on such matters. No member of the Board shall vote on any questions concerning a property or business in which that member has any direct or indirect personal financial interest. In these instances, the member shall also make full disclosure of their interest to the Board.

ARTICLE III

OFFICERS

3.01 CHAIRPERSONS. The Board shall annually elect two of its members to serve as Chairperson and Vice Chairperson. Terms of the Chairperson and Vice Chairperson shall be one year. These terms shall not extend beyond the Boards members board term. The Vice Chairperson may by virtue of the office, or assigned by the Chairperson, act on behalf of the Chairperson in their absence. The Chairperson, or the Vice Chairperson if the Chairperson is unable to perform the duty, shall preside at meetings and hearings of the Board, decide all points of order or procedure, and perform any duties required by law, ordinance, or these rules. The Chairperson and Vice Chairperson shall vote and may participate in discussion of motions.

3.02 SECRETARY. The Fire Code Official shall provide a secretary for the Board. The secretary shall keep a detailed record of all its proceedings and minutes, which shall set forth the reasons for its decisions, the vote of each member, the absence of a member and any failure of a member to vote, and other administrative duties assigned by the Fire Code Official.

3.03 LEGAL COUNSEL. The City of Phoenix Law Department shall provide in-kind legal services to the Board to provide members with general legal advice concerning matters before them for consideration.

ARTICLE IV

MEETINGS

4.01 MEETING. Regular meetings of the Board shall be held on the second Thursday of each month. A special Board meetings may be called by the Fire Code Official, the Chairperson, or any three members of the Board. In any event, the board shall meet within 10 business days after notice of appeal has been received. Meetings may be canceled or postponed at the direction of the Chairperson/Vice Chairperson. Meetings shall be conducted in accordance with Arizona Open Meeting Law Statutes.

4.02 APPEALS. Any person may appeal a decision of the Fire Code Official to the Fire Safety Advisory Board following the decision of the Fire Code Official. The appellant shall appear and present the appeal to the Board. The appeal shall be made within 30 days of receiving a decision from the Fire Code Official.

An application for appeal shall be based on a claim that the intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of the Fire Prevention Code of the City of Phoenix do not fully apply, or an equivalent method of protection or safety is proposed. The Board shall not have authority to waive requirements of this code. Every decision shall be promptly filed in writing in the office of the Fire Code Official and shall be open to public inspection. A certified copy shall be sent by mail or otherwise to the appellant, and a copy shall be kept publicly posted in the office of the Fire Marshal for 2 weeks after filing.

4.03 PROCEDURES. All meetings and hearings of the Board shall be open to the public as provided under Ordinance of the City of Phoenix. Any action calling for a formal vote shall take place only at a public meeting. Motions may be made and/or seconded by any member present at the meeting, but only voting members may vote. The Chairperson and Vice Chairperson shall vote and may participate in discussion of motions. All actions shall follow Robert's Rules of Order unless otherwise preempted by the applicable state law, City Code (including the Fire Prevention Code), or this Bylaws and Rules.

4.04 QUORUM. One-half of the current number of members of the board plus one member shall constitute a quorum. In varying the application of any provisions of this code or in modifying an order of the fire code official, affirmative votes from at least one-half of the current number of members plus one member is required.

ARTICLE V

AMENDMENT

5.01 MODIFICATIONS OF BYLAWS. These Bylaws may be altered, amended, or repealed, or new Bylaws may be adopted, at any meeting of the Board after not less than seven (7) calendar days notice has been given to all Board members and a copy of the proposed amendments sent with the notice. Any changes to these bylaws require a concurring vote of three fifths of the current members.

Certificate of secretary

I hereby certify that the foregoing copy of this Bylaws is true and correct copy of the Bylaws of the City of Phoenix Fire Safety Advisory Board, as the same as adopted by the Board

Date as of August 11, 2022

 Secretary