Appeal Process to the Fire Marshal and Board of Appeals

PURPOSE

The City of Goodyear recognizes there are times when it is difficult, if not impossible, to comply with the letter of the code. When it has been determined that there are practical difficulties in carrying out the provisions of the current code, the administrative appeals process is the method used to allow a possible deviation from the requirements. The International Fire Code 2006 Edition, Sections 104.6.4 & 108, allows the Fire Department to grant such appeals.

1. **Applicants Appeal Process to Fire Marshal**
   Any person aggrieved by a decision of the Fire Inspector may, at any time within thirty days after a decision has been rendered, file a request for Special Action with the Fire Marshal. The Fire Marshal may, upon review of the request, grant a stay and on final hearing may affirm or reverse, in whole or in part, or modify the decision reviewed. (International Fire Code Section 104.6.4)

Request should include:

- One site plan with appropriate supporting documentation
- Letter explaining the purpose of appeal and proposed solution.
- Occupant and Building Owner signature.
  If the building owner is not available for signature, a notarized letter is required stating the owner is aware of the appeal and has no objections to it.

Mail or submit the appeal request to:

Goodyear Fire Department
175 N. 145th Ave
Goodyear, Arizona 85338
Attn: Fire Marshal

2. **Decision of the Fire Marshal**
   Based upon the occupant's proposals, detailed information or documentation submitted and the Fire Department's recommendation, the decision will be one of the following:

- Approved
- Approved with Stipulations - The stipulations will document if further action is required by the Appellant and a recheck date to allow time for compliance.
- Denied

2006 International Fire Code Sections governing Appeals to the Fire Marshal:

- **Section 104.8 Modifications.** Whenever there are practical difficulties involved in carrying out the provisions of this code, the fire code official shall have the authority to grant modifications for individual cases, provided the fire code official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of

action granting modifications shall be recorded and entered in the files of the Fire, Building and Life Safety Division.

- **Section 104.9 Alternative materials and methods.** The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been approved. The fire code official is authorized to approve an alternate material or method where the fire code official finds that the proposed design, use or operation is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

3. Applicants Appeal Process to the Board of Appeals

Ordinance 07-1057 adopted the International Fire Code 2006 Edition Section 108 establishing the Board of Appeal process for appeals of orders; decisions or determinations made by the Fire Code Official (Fire Marshal) relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board shall adopt rules of procedures for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Fire Code Official (Fire Marshal).

Any person aggrieved by a decision of the Fire Marshal may, at any time within thirty days after a decision has been rendered, file a request for special action with the Board of Appeals. The board may, on application, grant a stay and on final hearing may affirm or reverse, in whole or in part, or modify the decision reviewed. (International Fire Code Section 108)

Request should include:

- One site plan with appropriate supporting documentation.
- Letter explaining the purpose of appeal and proposed solution.
- Occupant and Building Owner signature.
  If the building owner is not available for signature, a notarized letter is required stating the owner is aware of the appeal and has no objections to it.

Mail or submit the appeal and payment to:

Goodyear Fire Department
175 N. 145th Ave
Goodyear, Arizona 85338
Attn: Fire, Building & Life Safety Board of Appeals

4. **Decision of the Board of Appeals**
   Based upon the occupant's proposals, detailed information or documentation submitted and the Building & Life Safety Board of Appeals recommendation, the decision will be one of the following:

   - Approved
   - Approved with Stipulations - The stipulations will document if further action is required by the Appellant and a recheck date to allow time for compliance.
   - Denied

Administrative Appeals of Departmental or City Processes must be submitted to:

The City of Goodyear
190 N. Litchfield Road
Goodyear, AZ 85338
Attn: Administrative Appeals Board