

place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

119.5 Restoration: The structure or equipment determined to be unsafe by the code official is permitted to be restored to a safe condition. To the extent that repairs, *alterations* or *additions* are made or a *change of occupancy* occurs during the restoration of the structure, such repairs, *alterations*, *additions* or *change of occupancy* shall comply with the requirements of Section 107.1.1 and Chapter 34.

119.6 Disregard of notice: Upon refusal or neglect of the person served with an unsafe notice to comply with the requirements of the order to abate the unsafe condition, the legal counsel of the jurisdiction shall be advised of all the facts in order to pursue recourse provided by law.

SECTION 120.0 EMERGENCY MEASURES

120.1 Imminent danger: When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure or any part thereof which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the building or structure, the code official is hereby authorized and empowered to order and require the occupants to vacate the same forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure is Unsafe and its Occupancy has been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of making the required repairs or of demolishing the same.

120.2 Temporary safeguards: When, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall cause the necessary work to be done to render such structure temporarily safe, whether or not the legal procedure herein described has been instituted.

120.3 Closing streets: When necessary for the public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, *public ways* and places adjacent to unsafe structures, and prohibit the same from being used.

120.4 Emergency repairs: For the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

120.5 Costs of emergency repairs: Costs incurred in the performance of emergency work shall be paid from the treasury of the jurisdiction on approval of the code official. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located.

120.6 Unsafe equipment: Equipment deemed unsafe by the code official shall not be operated after the date stated in the notice unless the required repairs or changes have been made and the equipment has been approved, or unless an extension of time has been secured from the code official in *writing*.

120.6.1 Authority to seal equipment: In the case of an emergency, the code official shall have the authority to seal out of service immediately any unsafe device or equipment regulated by this code.

120.6.2 Unlawful to remove seal: Any device or equipment sealed out of service by the code official shall be plainly marked with a sign or tag indicating the reason for such sealing. The sign or tag shall not be tampered with, defaced or removed except by the code official.

SECTION 121.0 MEANS OF APPEAL

121.1 Application for appeal: Any person shall have the right to appeal a decision of the code official to the board of appeals. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent form of construction is to be used.

121.2 Membership of board: The board of appeals shall consist of five members appointed by the chief appointing authority as follows: one for five years, one for four years, one for three years, one for two years, and one for one year. Thereafter, each new member shall serve for five years or until a successor has been appointed.

121.2.1 Qualifications: The board of appeals shall consist of five individuals, one from each of the following professions or disciplines.

1. *Registered design professional* that is a registered architect; or a builder or superintendent of building construction with at least ten-years experience, five of which shall have been in responsible charge of work.
2. *Registered design professional* with structural engineering or architectural experience.
3. *Registered design professional* with mechanical or plumbing engineering experience; or a mechanical or plumbing contractor with at least ten-years experience, five of which shall have been in responsible charge of work.
4. *Registered design professional* with electrical engineering experience; or an electrical contractor with at least ten-years experience, five of which shall have been in responsible charge of work.
5. *Registered design professional* with fire protection engineering experience; or a fire protection contractor with at least ten-years experience, five of which shall have been in responsible charge of work.

121.2.2 Alternate members: The chief appointing authority shall appoint two alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership, and shall be appointed for five years or until a successor has been appointed.

121.2.3 Chairman: The board shall annually select one of its members to serve as chairman.

121.2.4 Disqualification of member: A member shall not hear an appeal in which that member has any personal, professional or financial interest.