

Chapter 4.8 Code Interpretations

Sections:

4.8.100 - Purpose

4.8.200 - Code Interpretation Procedure

4.8.100 Purpose.

Some terms or phrases within the Code may have two or more reasonable meanings. This section provides a process for resolving differences in the interpretation of the Code text.

4.8.200 Code Interpretation Procedure.

- A. **Requests.** A request for a code interpretation (“interpretation”) shall be made in writing to the Planning Commission.
- B. **Decision to Issue Interpretation.** The Planning Commission shall have the authority to review a request for an interpretation. The Planning Commission shall advise the requester in writing within 14 days after the request is made, on whether or not the Town will issue the requested interpretation.
- C. **Declining Requests for Interpretations.** The Planning Commission is authorized to issue or decline to issue a requested interpretation. Basis for declining may include, but is not limited to, a finding that the subject Code section affords only one reasonable interpretation and the interpretation does not support the request. The Planning Commission decision to issue or decline to issue an interpretation is final when the decision is mailed to the party requesting the interpretation.
- D. **Written Interpretation.** If the Planning Commission decides to issue an interpretation, it shall be issued in writing and shall be mailed or delivered to the person requesting the interpretation and any other person who specifically requested a copy of the interpretation. The written interpretation shall be issued within 14 days after the Town advises the requester that an interpretation shall be issued. The decision shall become effective 14 days later, unless an appeal is filed in accordance with F-G below.
- E. **Type III.** Code Interpretations shall be conducted as a Type III procedure as described in 4.1.500.
- F. **Appeals.** The applicant and any party who received notice or who participated in the proceedings through the submission of written or verbal evidence of an interpretation may appeal the interpretation to the Town Council within 14 days after the interpretation was mailed or delivered to the applicant. The appeal shall be initiated by filing a notice of appeal with the Town Planning Official pursuant to Section 4.1.500.E.(6)

4.8.200 Code Interpretation Procedure. *(continued)*

- G. Appeal Procedure.** Town Council shall hear all appeals of a Planning Commission interpretation as a Type III action pursuant to Section 4.1.500, except that written notice of the hearing shall be provided to the applicant, any other party who has filed a notice of appeal, and any other person who requested notice.
- H. Final Decision/Effective Date.** The decision of the Town Council on an appeal of an interpretation shall be final and effective when it is mailed to the applicant. If an appeal of the Town Council's decision is filed, the decision remains effective unless or until it is modified by the Land Use Board of Appeals or a court of competent jurisdiction.
- I. Interpretations On File.** The Town shall keep on file a record of all code interpretations.