

Ordinance No. 643, N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES, AMENDING CHAPTER 17.04.020, OF THE MUNICIPAL CODE, CHANGES OR ADDITIONS TO THE UNIFORM BUILDING CODE.

Be it ordained by the City Council of the City of El Paso de Robles, that the following amendment to Chapter 17.04 of the Municipal Code for the City of El Paso de Robles is hereby adopted.

Section 1: Section 204 of the Uniform Building Code adopted under Chapter 17.04.010, is hereby repealed.

Section 2: Section 17.04.020, sub-section "Q" is here by adopted to read as follows:

Section 204 (a) **General.**

I. Board of Housing and Disabled Access Appeals established.

In order to provide for interpretations of steps necessary to implement the Uniform Housing Code, Uniform Code for Abatement of Dangerous Buildings, Title 24 of the California Code of Regulations or the technical codes adopted by the Chapter pertaining to access or accommodations for the physically disabled, and those Chapters of Municipal Code where the Board is specifically noted as being the entity responsible for the hearing of appeals, there is hereby established a City of Paso Robles Housing Advisory and Disabled Access Board of Appeals, (hereinafter sometimes collectively referred to as "Board of Appeals" or "Board").

The Board shall serve as the "local appeals board" specified in sections 19957.5 of the California Health and Safety Code, in appeals relating to accommodations for the physically disabled.

Section 204 (b) **Membership.**

I. Board of Appeals. The Housing Advisory and Board of Appeals (hereinafter sometimes referred to as "Board of Housing Appeals") shall consist of five (5) members; the Disabled Access Board of Appeals shall consist of the five (5) members of the Board of Housing Appeals and shall be supplemented by two (2) additional members, both of whom shall be physically disabled as defined in section 2-417, Title 24, Part 2 of the California Code of Regulations when the appeal pertains to disabled access. Members selected to hear an appeal shall reflect an area of expertise reflective of the appeal being heard.

Members of the Board of Appeals shall be qualified by experience and training to pass judgment upon matters pertaining to building construction and/or disabled access, as appropriate. Members of the Board of Appeals shall be appointed by, and serve at the pleasure of the City Council. Each member of the Board shall comply with applicable provisions of the Political Reform Act of 1974, California Government Code Section 81000 et seq. The Building Official shall be an ex officio member of the Board and shall act as secretary to said Board, but shall have no vote upon any matter before the Board.

Section 204 (c) **Eligibility.**

Any individual meeting that criteria as set forth in subsection 204 (b) above shall be eligible to serve on the Board of Appeals.

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**Exception:**

Employees of the City shall not be eligible to serve on the Board of Appeals.

**Section 204 (d) Term.**

Terms of initial appointment shall be for a term of two (2) years for two (2) members and four (4) years for three (3) members. Subsequent appointments shall be for a term of four (4) years.

Terms for initial appointment of disabled members for the Disabled Access Appeals shall be two (2) years for one member and four (4) years for the second. Subsequent appointments shall be for a term of four (4) years.

**Section 204 (e) Responsibilities and Limitation of Authority.**

The Board of Appeals shall function as the "Local appeals board" and "Housing appeals board" and "Disabled Appeals Board" as specified in Sections 17920.5 and 17920.6, respectively, of Division 13, Part 1.5 of the California Health and Safety Code. The Board shall have no authority relative to interpretation of the administrative provisions of the codes adopted by the City, nor shall the Board be empowered to waive requirements of any code adopted by the City.

The authority of the Board shall consist of the ability to consider appeals filed pursuant to this Chapter and give reasonable interpretations of the Chapter and the technical codes. When required to do so, the Board will conduct hearings regarding appeals of notices and/or orders relative to unsafe buildings pursuant to the Uniform Code for the Abatement of Dangerous Buildings and substandard buildings pursuant to the Uniform Housing Code adopted by reference in Chapter 17.04.

**Section 204 (f) Rules and Regulations.**

The Board of Appeals shall adopt reasonable rules and regulations, subject to approval by the City Council, for conducting its business. The Board shall render all decisions in writing.

**Section 204 (g) Appeals Procedure.**

Any person aggrieved by a decision of the Building Official for the City pertaining to orders, decisions, or determinations relative to the application and interpretations of the Uniform Housing Code, Uniform Code for Abatement of Dangerous Buildings, Title 24 of the California Code of Regulations or the technical codes adopted by the Chapter pertaining to access or accommodations for the physically disabled, shall have the right to appeal the decision as provided for under this chapter.

Decisions and actions regarding the enforcement of the requirements of Division 13, Part 5.5 of the California Health and Safety Code may be appealed by any person to the Appeals Board for Disabled Access as provided for under this chapter.

**Section 204 (h) Appeal Hearing Fee.**

A fee, as provided for under this sub-section, shall accompany an application for a hearing before any Housing Advisory or Board of Appeals. The purpose of the fee shall be to cover those costs incurred by the City to provide for the appeals process.

Appeal Fees shall be set by resolution, subject to review by City Council. Appeal fees will be reviewed periodically to ensure that the fees charged cover the costs associated with the appeals process.

Section 204 (i) **Timing and form of appeal.**

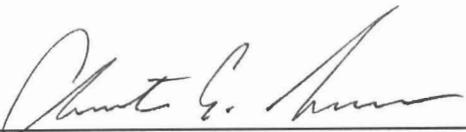
An appeal shall be filed with the secretary of the Board of Appeals or Appeals Board for Disabled Access (as applicable) within fifteen (15) working days (holidays observed by the City are not working days) after the rendering of the decision affecting the aggrieved person. Grounds for the appeal shall be set forth in writing in a form to be supplied by the secretary in addition to any other supporting materials the appellant may wish to furnish, setting forth the reasons for the appeal.

Any written reports to be made to the Board shall be filed with the Secretary of the Board and shall be made available to the Board and to the public no less than five (5) working days prior to the date set for the hearing. Any City of Paso Robles Department Manager or designee shall have the right to be heard on any matter coming before the Board.

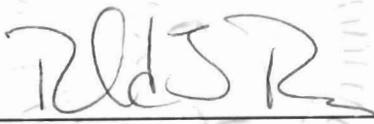
Hearing and decision. The Secretary of the Board shall set the time and place for a hearing the appeal, and a notice of the time and place of the hearing shall be published in a newspaper of general circulation in the City of Paso Robles, and notice shall also be given to the appellant by mailing, postage prepaid, at the address provided by the appellant in the letter of appeal at least ten (10) working days before the hearing date.

PASSED AND ADOPTED THIS 6th day October, 1992, by the following role call vote:

AYES:	Heggarty, Macklin, Martin, Picanco, and Iversen
NOES:	None
ABSENT:	None
ABSTAIN:	None

  
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 MAYOR CHRISTIAN E. IVERSEN

ATTEST:

  
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 RICHARD J. RAMIREZ, CITY CLERK

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