

CITY OF OJAI

ORDINANCE NO. 829

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OJAI,
CALIFORNIA AMENDING CHAPTER 1 OF TITLE 9 OF THE OJAI
MUNICIPAL CODE RELATED TO CREATION OF THE BUILDING
APPEALS BOARD**

The City Council of the City of Ojai finds, determines and declares as follows:

1. The California Building Standards Codes, California Health and Safety Code Sections 17920.5 and 17920.6 provide for the appointment of a local appeals board and housing appeals board to hear requests for interpretation of the Building Code provisions and requests to use alternative materials and methods of construction.
2. The City Council wishes to create such a Board within the City of Ojai.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OJAI CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section 9-1.214 is added to Chapter 1 of Title 9 of the Ojai Municipal Code to read as follows:

Sec. 9-1.214 Building Appeals Board.

(a) There is hereby established in the City a Building Appeals Board consisting of five (5) members to be appointed by the Mayor with the approval of the Council. The Building Appeals Board shall be the "local appeals board," the "housing appeals board," and the "board of appeals" as those phrases are defined and used in the California Building Standards Code or any other code under this title as the same may apply to the city of Ojai either by express adoption or by operation of law.

(b) Each member shall become knowledgeable in the California Building Standards Code and applicable ordinances of the city of Ojai. Members need to be residents of the city.

(c) The members of the Building Appeals Board shall be appointed for terms of four (4) years and shall hold office until their successors have been appointed and qualified. A person who has been appointed to fill a vacancy shall hold office for the remainder of the unexpired term. Any member of the Board may be removed by the Mayor, subject to the approval of the Council. Members may be reappointed.

(d) The Board shall elect its chair and vice-chair from among its members and shall appoint a secretary who need not be a member of the Commission. Such officers shall be chosen for a period of one (1) year. In the absence or disability of either the

chair, vice-chair, or secretary, the Commission may designate a chair or secretary pro tempore.

(e) The Board shall meet when:

- (1) An appeal is filed pursuant to this chapter; or
- (2) The building official requests advisory comments regarding issues related to this chapter, such as the potential adoption of new codes, proposed code changes, or alternate methods and materials.

(f) Unless otherwise designated by the City Manager, the building official shall be the principal city staff liaison to the Board.

SECTION 2. Section 9-1.215 is added to Chapter 1 of Title 9 of the Ojai Municipal Code to read as follows:

Sec. 9-1.215 Appeals to Building Appeals Board

Any person adversely affected by a determination made by the building official in administering or enforcing any provision of this Chapter may appeal the determination to the building appeals board.

(a) Appeals shall be in writing, state the grounds for the appeal, and be accompanied by a fee in the amount set by resolution of the City Council. Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal.

(b) The appeal shall be filed with the building official no later than ten days after receipt of written notice of the determination and the appeal provisions of this chapter. Failure to timely request an appeal constitutes a waiver of the right to a hearing before the building appeals board and a failure to exhaust administrative remedies.

(c) Within forty-five days of receiving an appeal, the building official shall schedule a hearing before the building appeals board which shall consider relevant evidence presented at the hearing. Appellant shall be given at least ten days' written notice of the date and time of the hearing.

(d) The building appeals board shall render a final written decision with findings within a reasonably prompt time after the filing of the appeal. The authority of the building appeals board to render a written decision shall be limited to the scope of authority of the building official in the first instance and the building appeals board shall have no authority to waive a requirement of this title.

(e) The decision of the building appeals board shall be final and conclusive. The written decision shall be sent to the appellant and shall provide that, pursuant to California Code of Civil Procedure Section 1094.6, any action to review said decision shall be commenced in an appropriate court of law not later than the ninetieth day after the date that the decision becomes final.

SECTION 3. Section 9-1.203(b) of Chapter 1 of Title 9 of the Ojai Municipal Code is amended to read as follows:


(b) "Board of Appeals" shall mean the Building Appeals Board as established in Section 9-1.214 of this Title.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance, and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, phrases or portions might be declared invalid or unconstitutional.

SECTION 5. The City Clerk shall cause this Ordinance to be published once, within fifteen (15) calendar days after its passage, in the *Ojai Valley News*, a newspaper of general circulation, printed, published and circulated in the City, and shall cause a copy of this Ordinance and its certification, together with proof of publication, to be entered in the Book of Ordinances of the City.

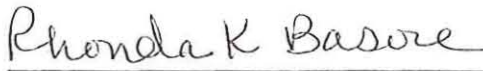
SECTION 6. This Ordinance shall become effective on the thirty-first (31st) day after its adoption.

CITY OF OJAI, CALIFORNIA

By 

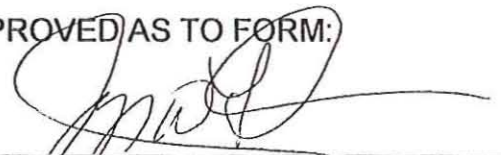
Paul Blatz, Mayor

ATTEST:



Rhonda K. Basore, City Clerk

APPROVED AS TO FORM:



Joseph W. Fletcher, City Attorney

STATE OF CALIFORNIA)
)
COUNTY OF VENTURA)
)
CITY OF OJAI)

I, Rhonda K. Basore, City Clerk of the City of Ojai do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Ojai held on June 11, 2013 and adopted at a regular meeting held on June 25, 2013 by the following vote:

AYES: Blatz, Clapp, Lara, Smith, Strobel
NOES: None
ABSTAIN: None
ABSENT: None

Rhonda K Basore
Rhonda K. Basore
City Clerk for the City of Ojai