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## BUILDING AND FIRE CODE BOARD OF APPEALS REQUEST TO SPEAK / INTERESTED PARTY

ITEM ADDRESS: Grand AGENDA ITEM NUMBER: \_\_\_\_\_

YOUR FULL NAME: Will Rehling / Accessible Jats Barber

YOUR ADDRESS: \_\_\_\_\_

CITY/STATE/ZIP: \_\_\_\_\_ PHONE NUMBER: (\_\_\_\_) \_\_\_\_\_

Organization represented (if applicable): \_\_\_\_\_

Written material also submitted: Yes \_\_\_\_\_ No \_\_\_\_\_ Please use other side of this form for written comments. ⇨

EMAIL ADDRESS \_\_\_\_\_

### COMMENTS:

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G. Section 113 "Board of appeals" is amended to read as follows:

**113. Board of Appeals.** In order to hear and decide appeals of orders, decisions or determinations made by the Fire Code Official or Building Official relative to the application and interpretations of the technical codes, there shall be and is hereby created a Building and Fire Code Board of Appeals consisting of members who are qualified by experience and training to pass upon matters pertaining to building construction and building service equipment and who are not employees of the jurisdiction. The Building and Fire Code Board of Appeals shall be appointed by the City Council and shall hold office at its pleasure. The Board is not empowered to waive requirements of the State Title 24 codes. The Board shall adopt rules of procedure 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 or Building Official.

**113.1.1 Alternatives.** The Board may consider any alternate provided that it finds that the proposed design, material, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed in the technical codes in accessibility, suitability, strength, effectiveness, fire resistance, durability, safety, and sanitation. The Board shall have no authority to waive the requirements of the applicable Code.

**113.1.2 Appointments.** The City Council shall appoint qualified individuals to an eligibility list. Appeals shall be scheduled before five members selected from the eligibility list by the Community Development Director or the Fire Code Official as may be appropriate based on the subject matter.

**113.1.3 Quorum.** For other than appeals and ratifications relative to Chapter 11, it shall take a quorum of three members to hear an appeal and majority vote of the Board convened to sustain an appeal. Appeals and ratifications relative to the enforcement of Chapter 11, at least 2 of the Board members hearing the item must be disabled. (Ref: State Health & Safety Code, Section 19957.5)

**113.1.4 Chairperson.** The chairperson shall be selected annually by the convened Board. The chairperson shall maintain order and conduct the meeting in accordance with Section 113.1.7.

**113.1.5 Meetings.** The Board shall meet when needed to hear an appeal or when needed to transact business of the Board. Either the Chief Building Official or the Fire Code Official or their designee shall act as Secretary of the Board.

**113.1.6 Board Decisions.** The decision of the Building and Fire Code Board of Appeals shall be final on all matters of appeals and shall become an order to the Appellant, Building Official or Fire Code Official as may be appropriate.

**113.1.7 Procedural Rules.** Appeal hearings shall be conducted substantially in accordance with the following format: