

RESOLUTION NO. 04-72

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, REGARDING CONSOLIDATION OF ACCESS APPEALS BOARD AND BUILDING, FIRE, AND HOUSING BOARD OF APPEALS

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, the City of Costa Mesa is required by the California Building Code and the California Administrative Code to provide a board of appeals to hear and decide appeals of orders, decisions, or determinations made by the Building Official with regard to applications and interpretations of the City's building code; and

WHEREAS, the City of Costa Mesa is allowed, but not required, by California state law to provide a board of appeals to hear and decide appeals of orders, decisions or determinations made by the Building Official with regard to applications and interpretations of the City's building code with regard to physically handicapped access issues; and

WHEREAS, the City Council of the City of Costa Mesa had created a board designated as the Building, Fire and Housing Board of Appeals to conduct hearings on appeals from orders, decisions or determinations made by the Building Official and/or the Fire Marshall with regard to applications and interpretations of the City's building and fire codes; and

WHEREAS, the City Council of the City of Costa Mesa had created a board designated as the Access Appeals Board to conduct hearings on appeal from orders, decisions or determinations made by the Building Official with regard to applications and

interpretations of the City's building code with regard to physically handicapped access issues; and

WHEREAS, because of the similarity of issues addressed by each of the two boards, the City Council consolidated the two boards pursuant to a motion passed on November 6, 2000, which board is now known as the "Access, Building, Fire and Housing Board of Appeal"; and

WHEREAS, the City Council of the City of Costa Mesa hereby wishes to clarify the membership composition and requirements of the Access, Building, Fire, and Housing Board of Appeal.

NOW, THEREFORE, BE IT RESOLVED that, the Access, Building, Fire, and Housing Board of Appeal shall consist of five members and two alternatives; and

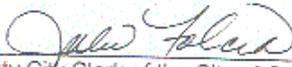
BE IT FURTHER RESOLVED that the Access, Building, Fire, and Housing Board of Appeal shall include two members who are physically handicapped persons, two members who are persons experienced in construction, and one member who is a public member; and

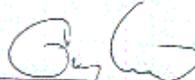
BE IT FURTHER RESOLVED that, the Access, Building, Fire, and Housing Board of Appeal shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and who are not employees of the City of Costa Mesa; and

BE IT FURTHER RESOLVED that, the Building Official shall act as Secretary to the Access, Building, Fire, and Housing Board of Appeal but shall have no vote on any matter before the Board.

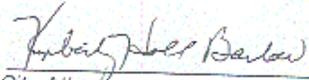
PASSED AND ADOPTED this 15th day of November, 2004.

ATTEST:


Deputy City Clerk of the City of Costa Mesa


Mayor of the City of Costa Mesa

APPROVED AS TO FORM


City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF COSTA MESA)

I, JULIE FOLCIK, Deputy City Clerk and ex-officio Clerk of the City Council of the City of Costa Mesa, hereby certify that the above and foregoing Resolution No. 04-72 was duly and regularly passed and adopted by the said City Council at a regular meeting thereof held on the 15th day of November, 2004, by the following roll call vote:

AYES: Monahan, Mansoor, Cowan, Scheafer, Steel

NOES: None

ABSENT: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Costa Mesa this 16th day of November, 2004.


Deputy City Clerk and ex-officio Clerk of
the City Council of the City of Costa Mesa

ORDINANCE NO. 04-14

AN ORDINANCE OF THE CITY OF COSTA MESA, CALIFORNIA,
AMENDING SECTION 5-3 OF THE COSTA MESA MUNICIPAL
CODE REGARDING APPEALS FROM DETERMINATIONS AND
ORDERS BY THE BUILDING OFFICIAL AND FIRE MARSHAL.

WHEREAS, the City of Costa Mesa is required by the Uniform Building Code and the Uniform Administrative Code to provide a board of appeals to hear and decide appeals of orders, decisions, or determinations made by the Building Official with regard to applications and interpretations of the City's building code; and,

WHEREAS, the City of Costa Mesa is allowed, but not required, by State Law to provide a board of appeals to hear and decide appeals of orders, decisions or determinations made by the Building Official with regard to applications and interpretations of the City's building code with regard to physically handicapped access issues; and,

WHEREAS, the City Council of the City of Costa Mesa had created a board designated as the Building, Fire and Housing Board of Appeal to conduct hearings on appeal from orders, decisions or determinations made by the Building Official and/or the Fire Marshal with regard to applications and interpretations of the City's building and fire codes; and,

WHEREAS, the City Council of the City of Costa Mesa had also created a board designated as the Access Appeals Board to conduct hearings on appeal from orders, decisions or determinations made by the Building Official with regard to applications and interpretations of the City's building code with regard to physically handicapped access issues; and,

WHEREAS, because of the similarity of issues addressed by each of the two boards, the City Council consolidated the two boards pursuant to a motion passed on November 6, 2000, which board is now known as the "Access, Building, Fire and Housing Board of Appeal"; and,

WHEREAS, the City Council of the City of Costa Mesa hereby wishes to amend the Costa Mesa Municipal Code to reflect the consolidation of these boards.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES ORDAIN AS FOLLOWS:

Section 1. Section 5-3 of Title 5, Chapter I of the Costa Mesa Municipal Code is hereby amended to read as follows:

Sec. 5-3. Appeals.

(a) Notwithstanding the provisions of sections 1-33(d) and 5-1, all appeals from determinations and orders by the Building Official and/or the Fire Marshall shall be to

the Access, Building, Fire and Housing Board of Appeals (the "Board"). The Board may adopt reasonable rules and regulations for conducting its investigations and shall render its decisions and findings on contested matters in writing to the Building Official or the Fire Marshal, as applicable, with a duplicate copy thereof to any appellant or contestant affected by a decision or findings of the Board.

(b) Appeals shall be filed with the Building Official or Fire Marshal, as applicable, on application forms established by the Board and consistent with the Uniform Codes adopted in section 5-1. Each appeal application shall be accompanied by a non-refundable filing fee, established by separate resolution of the City Council. Notice of the appeal and appeal hearing shall comply with the Uniform Codes adopted in section 5-1.

(c) The decision by the Board shall be final on the date made and not subject to further appeal to city council.

(d) The decision by the Board shall be final on the date made and the provisions of California Code of Civil Procedure Section 1094.6 shall apply to such decision.

(e) Where a notice and order of the Building Official or Fire Marshal, or decision of the Board becomes final and a violation of this title has been determined to exist, the City Attorney is hereby authorized to commence civil or criminal proceedings to abate the violation of the provisions of this title. A violation of any provision of this title shall constitute a public nuisance and costs for abatement, including attorney's fees and court costs, shall be subject to reimbursement from the property owner to the City pursuant to the Uniform Codes adopted in section 5-1.

Section 2. Any provision of the Costa Mesa Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to affect the provisions of this Ordinance.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Costa Mesa hereby 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, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

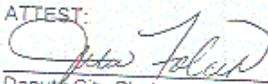
Section 4. This Ordinance shall take effect and be in full force thirty (30) days from and after the passage thereof and prior to the expiration of fifteen (15) days from its passage shall be published once in the ORANGE COAST DAILY PILOT, a newspaper of general circulation, printed and published in the City of Costa Mesa or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the office of the City Clerk five (5) days prior to the date of adoption of this Ordinance, and within fifteen (15)

days after adoption, the City Clerk shall cause to be published the aforementioned summary and shall post in the office of the City Clerk a certified copy of this Ordinance together with the names and member of the City Council voting for and against the same.

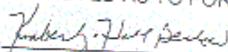
PASSED AND ADOPTED this 6th day of December, 2004.



Mayor

ATTEST:


Deputy City Clerk

APPROVED AS TO FORM:


City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF COSTA MESA)

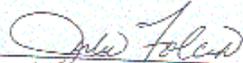
I, JULIE FOLCIK, Deputy City Clerk and ex-officio clerk of the City Council of the City of Costa Mesa, hereby certify that the above and foregoing Ordinance No. 04-14 was introduced and considered section by section at a regular meeting of said City Council held on the 15th day of November, 2004, and thereafter passed and adopted as a whole at a regular meeting of said City Council held on the 6th day of December, 2004, by the following roll call vote:

AYES: Monahan, Mansoor, Bever, Dixon, Foley

NOES: None

ABSENT: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the City of Costa Mesa this 7th day of December, 2004.



Deputy City Clerk and ex-officio Clerk of the
the City Council of the City of Costa Mesa

ACCESS, BUILDING, FIRE AND HOUSING BOARD OF APPEAL

LETTERS OF INTEREST RECEIVED (8)

Applicant

Qualifications

- | | |
|---------------------|--|
| 1. Gilbert Figueroa | construction experience |
| 2. Chris Bibeau | construction experience |
| 3. Douglas O'Kieffe | physically handicapped; previous Board member |
| 4. Thomas Steinfeld | construction experience; previous Board member |
| 5. Larry Weichman | construction experience; previous Board member |
| 6. Janie Arnold | physically handicapped |
| 7. Bret Murphy | construction experience |
| 8. Larry Hemming | construction experience; previous Board member |