

ORDINANCE NO. 94 - 09

**AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF AMERICAN CANYON
CREATING A CONSTRUCTION BOARD OF APPEALS
AND AN ACCESSIBILITY BOARD OF APPEALS**

The City Council of the City of American Canyon does ordain as follows:

Section 1. Construction Board of Appeals Established

In order to conduct hearings to determine the suitability of alternate materials and methods of installation, and to provide for reasonable interpretations of the building, plumbing, mechanical, electrical, housing and accessibility codes of the City, there is hereby established a Construction Board of Appeals. The Board shall consist of five (5) members, and shall be generally representative of the following:

- (A) General Building of Specialized Craft Contractors licensed by the State of California.
- (B) Civil or Structural Engineers licensed by the State of California.
- (C) Architects licensed by the State of California.
- (D) A citizen representative of the public at large.
- (E) A citizen representative of the physically disabled community.

Members of the Board shall be appointed by and serve at the pleasure of the City Council. Members shall not be employees of the City of American Canyon. The Building Official of the City shall serve as the secretary ex-officio to the Board.

Terms of initial appointment shall be for a term of two years. Each member of the Board shall be required to comply with the applicable provisions of the Political Reform Act of 1974, California Government Code Section 81000, et seq. The Board shall adopt reasonable rules and regulations, subject to approval and adoption by the City Council, for conduction of its business and shall conform to the requirements of the Ralph M. Brown Act, California Government Code Section 54950, et. seq., and shall render all decisions and findings in writing with a copy to the appellant.

Each member of the Board shall receive as compensation the sum of fifty dollars (\$50.00) for each meeting attended. In addition, each member shall receive necessary traveling compensation for expenses incurred in the discharge of his duties.

Section 2. Appeals Procedure

Any person aggrieved by a decision of the Building Official shall have the right to appeal the decision. The appeal shall be filed with the Building Official within thirty (30) business days after the rendering of the decision affecting the aggrieved person. Grounds for the appeal shall be set forth in writing.

The secretary of the Board shall set the time and place for a hearing on the appeal, and notice of the hearing shall be posted in a public place. A copy of the notice of hearing shall be mailed to the appellant, at his last known address, at least ten (10) calendar days prior to the date set for the hearing.

The decision of the Board on the appeal shall not become final until ten (10) working days after the Board has made its determination in order to allow time for an appeal to be made to the City Council from the Board's decision.

The City Council shall set appeal fees to the Construction Board of Appeals and the City Council by resolution. There shall be no fee charged for City initiated appeals.

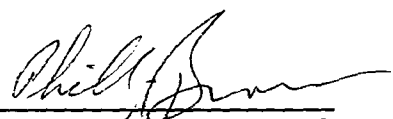
The foregoing ordinance was introduced and read at a regular meeting of the City Council of American Canyon, held on the 7th day of July, 1994, and passed at a regular meeting of the City Council of the City of American Canyon, held on the 21st day of July, 1994, by the following vote:

- AYES: Councilmembers Bennett, Orlando, Winters, Mayor Pro Tem Anderson, Mayor Mahanay
- NOES: None
- ABSENT: None



Richard J. Mahanay, Mayor

ATTEST:



Phillip J. Brown, Interim City Manager/
City Clerk

APPROVED AS TO FORM:



Nellie Ancel
Assistant City Attorney