

TO: Tom Frutchey, City Manager

FROM: Warren Frace, Community Development Director

SUBJECT: Second Reading –
Amendment to Local Building Code (Title 17 of the Paso Robles Municipal Code)
Creation of Alternate Board Members to the Building Board of Appeals

DATE: May 3, 2016

Needs: For the City Council adopt a draft ordinance on second reading amending the Local Building Code (Title 17 of the Paso Robles Municipal Code) to create two alternate Board Member Positions to the Building Board of Appeals.

Facts:

1. On April 19, 2016 the City Council held a public hearing and then introduced the attached ordinance for first reading by title only.
2. No substantive changes have been made to the proposed ordinance since first reading.
3. Following second reading, the proposed ordinance will be printed in its entirety in a newspaper of general circulation.

Analysis and Conclusion:

Proposed Ordinance 16-XXX would modify the Local Building Code (Title 17 of the Paso Robles Municipal Code), and the local amendments to the California Building Code, as adopted by the City, to allow for appointment of two (2) Alternate Board Members.

Policy

Reference: 2013 California Building Code Volume 1, Paso Robles Municipal Code Title 17.

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Impact: None.

Options: The City Council may consider the following options:

- a) Adopt on 2nd reading by title only, Draft Ordinance A (No. 16-XXX), amending the Municipal Code to allow for alternate Board Member positions to the Building Board of Appeals
- b) Refer back to staff.
- c) Take no action.

Attachments

Attachment 1: Draft Ordinance A (Ordinance 16-XXX), amending Section 17.04.020 C. of Title 17 of the Municipal Code, and Section 113.3.1 of the California Building Standards Code, as adopted, to create two alternate Board Member positions to the Building Board of Appeals.

Attachment 1 – Draft Ordinance A

ORDINANCE 16-XXX

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES, STATE OF CALIFORNIA, AMMENDING SECTION 17.04.020 C. OF TITLE 17 OF THE MUNICIPAL CODE, AND SECTION 113.3.1 OF THE CALIFORNIA BUILDING STANDARDS CODE, AS ADOPTED, TO CREATE TWO ALTERNATE BOARD MEMBER POSITIONS TO THE BUILDING BOARD OF APPEALS.

WHEREAS, on December 17, 2013, pursuant to California Government Code Section 50022.1 et seq, the City Council of the City of El Paso de Robles adopted Ordinance No. 999 N.S, adopting the California Building Standards Code, as provided in Title 24 of the California Code of Regulations and other model codes by reference; and,

WHEREAS, on January 5, 2016, the City Council adopted Resolution No. 16-004, establishing the Building Board of Appeals; making appointments thereto and adopting bylaws therefor; and,

WHEREAS, the City Council seeks to create two alternate Board Member Positions to the Building Board of Appeals; and,

WHEREAS, the creation of alternate positions is necessary to carry out the application of the California Building Standards Code and does not modify or create a building standard pursuant to California Health & Safety Code Section 17958, 17958.5, 17958.7, and/or 18941.5; and,

WHEREAS, it is in the interest of the health, safety and welfare of the residents of the City to create two alternate Board Member Positions to the Building Board of Appeals; and,

WHEREAS, the City Council held a public hearing on March xx, 2016 and introduced the ordinance for first reading; and,

NOW, THEREFORE, the City Council of the City of El Paso de Robles, State of California, does ordain as follows:

SECTION 1. Section 17.04.020 C. of Title 17 of the City of El Paso de Robles Municipal Code, and Section 113.3.1 of the California Building Code, as adopted, are hereby amended, as follows:

113.3.1 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 and two (2) alternates; the Disabled Access Board of Appeals shall consist of the five (5) members of the Board of Housing Appeals (two of the members of the board must work in construction as required by Health & Safety Code § 19957.5) 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 8100 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 2. Publication. The City Clerk shall cause this ordinance to be published once within fifteen (15) days after its passage in a newspaper of general circulation, printed, published and circulated in the City in accordance with Section 36933 of the Government Code.

SECTION 3. Severability. If any section, subsection, sentence, clause, or phrase of the Ordinance is, for any reason, found to be invalid or unconstitutional, such finding shall not affect the remaining portions of this Ordinance.

The City Council hereby declares that it would have passed this ordinance by section, subsection, sentence, clause, or phrase irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases are declared unconstitutional.

SECTION 4. Inconsistency. To the extent that the terms of provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City

ordinance(s), motion, resolution, rule, or regulation governing the same subject matter thereof and such inconsistent and conflicting provisions of prior ordinances, motions, resolutions, rules, and regulations are hereby repealed.

SECTION 5. Effective Date. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the 31st day after its passage.

Introduced at a regular meeting of the City Council held on April 19, 2016, and passed and adopted by the City Council of the City of El Paso de Robles on the ____ day of _____, 2016 by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

STEVE MARTIN, MAYOR

KRISTY BUXKEMPER, DEPUTY CITY CLERK