

OJAI MUNICIPAL CODE

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.

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 (10) 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 (45) 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 (10) 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.

CALIFORNIA BUILDING CODE, TITLE 24, PART 2

SECTION 1.8.8 APPEALS BOARD

1.8.8.1 General. Every city, county, or city and county shall establish a process to hear and decide appeals of orders, decisions and determinations made by the enforcing agency relative to the application and interpretation of this code and other regulations governing use, maintenance and change of occupancy. The governing body of any city, county, or city and county may establish a local appeals board and a housing appeals board to serve this purpose. Members of the appeals board(s) shall not be employees of the enforcing agency and shall be knowledgeable in the applicable building codes, regulations and ordinances as determined by the governing body of the city, county, or city and county.

Where no such appeals boards or agencies have been established, the governing body of the city, county, or city and county shall serve as the local appeals board or housing appeals board as specified in California Health and Safety Code Sections 17920.5 and 17920.6.

1.8.8.2 Definitions. The following terms shall for the purposes of this section have the meaning shown.

HOUSING APPEALS BOARD. The board or agency of a city, county or city and county which is authorized by the governing body of the city, county or city and county to hear appeals regarding the requirements of the city, county or city and county relating to the use, maintenance and change of occupancy of buildings and structures, including requirements governing alteration, additions, repair, demolition and moving. In any area in which there is no such board or agency, "Housing appeals board" means the local appeals board having jurisdiction over the area.

LOCAL APPEALS BOARD. The board or agency of a city, county or city and county which is authorized by the governing body of the city, county or city and county to hear appeals regarding the building requirements of the city, county or city and county. In any area in which there is no such board or agency, "Local appeals board" means the governing body of the city, county or city and county having jurisdiction over the area.

1.8.8.3 Appeals. Except as otherwise provided in law, any person, firm or corporation adversely affected by a decision, order or determination by a city, county or city and county relating to the application of building standards published in the California Building Standards Code, or any other applicable rule or regulation adopted by the Department of Housing and Community Development, or any lawfully enacted ordinance by a city, county or city and county, may appeal the issue for resolution to the local appeals board or housing appeals board as appropriate.

The local appeals board shall hear appeals relating to new building construction and the housing appeals board shall hear appeals relating to existing buildings.

CALIFORNIA HEALTH AND SAFETY CODE

17920.5. As used in this part "local appeals board" means the board or agency of a city or county which is authorized by the governing body of the city or county to hear appeals regarding the building requirements of the city or county. In any area in which there is no such board or agency, "local appeals board" means the governing body of the city or county having jurisdiction over such area.

17920.6. As used in this part, "housing appeals board" means the board or agency of a city or county which is authorized by the governing body of the city or county to hear appeals regarding the requirements of the city or county relating to the use, maintenance, and change of occupancy of hotels, motels, lodging houses, apartment houses, and dwellings, or portions thereof, and buildings and structures accessory thereto, including requirements governing alteration, additions, repair, demolition, and moving of such buildings if also authorized to hear such appeals. In any area in which there is not such a board or agency, "housing appeals board" means the local appeals board having jurisdiction over such area.