

ORDINANCE NO. 14-10 N.S.

AN ORDINANCE OF THE CITY OF RICHMOND, CALIFORNIA, AMENDING RICHMOND MUNICIPAL CODE SECTION 6.02.130 AND SECTION 6.02.140 REGARDING A BOARD OF APPEALS AND PENALTIES FOR VIOLATIONS OF THE CALIFORNIA BUILDING STANDARDS CODE AND THE UNIFORM CODE OF ABATEMENT OF DANGEROUS BUILDINGS AS ADOPTED BY REFERENCE IN THE RICHMOND MUNICIPAL CODE

WHEREAS, the California Building Standards Code (CBSC), codified in Title 24 of the California Code of Regulations, provides statewide standards governing appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of the CBSC, which has been adopted by reference (as amended) into the Richmond Municipal Code; and

WHEREAS, the Uniform Code for the Abatement of Dangerous Buildings as adopted by reference and as amended into the Richmond Municipal Code provides automatic appeal rights to a Board of Appeals whenever the Building Official recommends demolition of a dangerous building that the owner has not repaired in the time specified in an order issued by the Building Official; and

WHEREAS, Richmond Municipal Code Section 1.04.100 provides that every violation of the Municipal Code (including but not limited to violations of the California Building Standards Code and the Uniform Code for the Abatement of Dangerous Buildings) is a misdemeanor and a separate offense on each day that the violation occurs or continues; and

WHEREAS, the City Council finds this ordinance to be exempt from the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guideline 15061(b)(3) because adoption of this ordinance has no potential to cause a significant adverse effect on the environment,

NOW THEREFORE the City Council of the City of Richmond, California, do ordain as follows:

SECTION 1: Richmond Municipal Code Sections 6.02.130 and 6.02.140 are hereby repealed and replaced to read as follows:

Section 6.02.130. Board of Appeals

(a) General. There is created a Board of Appeals to hear appeals of decisions, orders or determinations of the Building Official, or his or her designee, regarding the application and interpretations of the technical codes, as well as the soundness or habitability of all new or existing buildings, dwellings and structures, including all alterations, additions, repair, demolition, and moving thereof. The Board shall also hear appeals of all Notices and Orders issued by the Building Official, or his or her designee.

(b) Board Members. The Board shall consist of five members who are qualified by experience and training to pass upon matters pertaining to building construction in conformance with the California Building Standards Code and applicable local ordinances, including the Uniform Code for Abatement of Dangerous Buildings. Board members shall not be City employees and shall be appointed by and serve at the pleasure of the City Manager. A quorum for the conduct of business shall be three.

(c) Appeals. Except as otherwise provided by law, any person, firm, or corporation adversely affected by a decision, order, or determination by the Building Official, or his or her designee, relating to the application of building standards published in the California Building Standards Code, the Uniform Code for Abatement of Dangerous Buildings, or any lawfully enacted City ordinance, may appeal the issue for resolution to the Board of Appeals.

(d) Form of Appeal. Appeals of notice, orders and determinations of the Building Official, or his or her designee, shall follow the requirements set forth in Chapter 5 (Appeal) of the Uniform Code for Abatement of Dangerous Buildings. All appeals shall be filed within thirty (30) days from the date of the service of such order or action of the Building Official; provided, however, that if the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or adjacent property and is ordered vacated, such appeal shall be filed within ten (10) days from the date of service of the notice, order or determination of the Building Official, or his or her designee. Decisions of the Board may be challenged only through the courts. Failure to comply with the appeal deadline acts as a waiver of all appeal rights and constitutes a failure to exhaust administrative remedies.

(e) Hearing on Appeal. The Board of Appeals shall conduct a hearing within sixty (60) days from the date the appeal is filed. The Board shall render a written decision within fifteen (15) business days from the date the hearing is closed.

Section 6.02.140. Violations-Penalties.

(a) It is unlawful and a misdemeanor for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy or maintain any building, structure or building service equipment, or to cause, suffer or permit the same to be done, in violation of any provision of state or local law, including the California Building Standards Code, the Uniform Code for Abatement of Dangerous Buildings or the Richmond Municipal Code.

(b) Cumulative Remedies. The rights and remedies provided herein are cumulative and in addition to any other rights and remedies provided by law.

SECTION 2: Severability

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the unconstitutionality or invalidity of any section, subsection, subdivision, paragraph, sentence, clause or phrase.

SECTION 3: Effective Date

This Ordinance becomes effective 30 days after its final passage and adoption.

First introduced at a regular meeting of the City Council of the City of Richmond held on March 16, 2010, and finally passed and adopted at a regular meeting held on April 6, 2010, by the following vote:

AYES: Councilmembers Bates, Butt, Lopez, Rogers, Viramontes, Vice Mayor Ritterman, and Mayor McLaughlin.

NOES: None.

ABSTENTIONS: None.

ABSENT: None.

DIANE HOLMES
Clerk of the City of Richmond

(SEAL)

Approved:

GAYLE MCLAUGHLIN
Mayor

Approved as to form:

RANDY RIDDLE
City Attorney

I certify that the foregoing is a true copy of Ordinance No. 13-10 N.S., finally passed and adopted by the Council of the City of Richmond at a regular meeting on April 6, 2010.