

**SANTA CRUZ COUNTY
BOARD OF SUPERVISORS INDEX SHEET**

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Resolution(s):

Ordinance(s): 5024

Contract(s):

Continue Date(s):

Index: --Ordinance

--Electronic Correspondence of Andrea Sanchez, dated November 24, 2008

Item: 39.1 ADOPTED ORDINANCE NO. 5024 Amending Subsection C of Section 2.38.270; Section 2.100.010; Section 2.100.020; Subsection E of Section 2.100.050; Section 7.92.108.1; Subsection 108.4.1 of Section 7.92.108.4; Section 12.10.150; Subsection (b) of Section 12.10.215; Section 12.10.435; Section 12.12.010; Section 12.12.020; Section 12.12.030; Section 12.12.040; Section 12.12.050; Section 12.12.060; and Section 12.12.080 of the Santa Cruz County Code relating to the Building and Fire Code Appeals Board

COUNTY OF SANTA CRUZ
STATE OF CALIFORNIA



AT THE BOARD OF SUPERVISORS MEETING

On the Date of November 25,2008

REGULAR AGENDA Item No. 39.1

Upon the motion of Supervisor Coonerty, duly seconded by Supervisor Beautz, the Board, by unanimous vote, adopted Ordinance No. 5024 Amending Subsection C of Section 2.38.270; Section 2.100.010; Section 2.100.020; Subsection E of Section 2.100.050; Section 7.92.108.1; Subsection 108.4.1 of Section 7.92.108.4; Section 12.10.150; Subsection (b) of Section 12.10.215; Section 12.10.435; Section 12.12.010; Section 12.12.020; Section 12.12.030; Section 12.12.040; Section 12.12.050; Section 12.12.060; and Section 12.12.080 of the Santa Cruz County Code relating to the Building and Fire Code Appeals Board

cc:

State of California, County of Santa Cruz-ss.

I, Susan A. Mauriello, Ex-officio Clerk of the Board of Supervisors of the County of Santa Cruz, State of California, do hereby certify that the foregoing is a true and correct copy of the order made and entered in the Minutes of said Board of Supervisors. In witness thereof I have hereunto set my hand and affixed the seal of said Board of Supervisors.

by _____ , Deputy Clerk ON December 01,2008

ORDINANCE NO. 5024

ORDINANCE AMENDING SUBSECTION C OF SECTION 2.38.270; SECTION 2.100.010; SECTION 2.100.020; SUBSECTION E OF SECTION 2.100.050; SECTION 7.92.108.1; SUBSECTION 108.4.1 OF SECTION 7.92.108.4; SECTION 12.10.150; SUBSECTION (b) OF SECTION 12.10.215; SECTION 12.10.435; SECTION 12.12.010; SECTION 12.12.020; SECTION 12.12.030; SECTION 12.12.040; SECTION 12.12.050; SECTION 12.12.060; AND SECTION 12.12.080 OF THE SANTA CRUZ COUNTY CODE ALL RELATING TO THE BUILDING AND FIRE CODE APPEALS BOARD

The Board of Supervisors of the County of Santa Cruz ordains as follows:

SECTION I

Subsection C of Section 2.38.270 of the Santa Cruz County Code is hereby amended to read as follows:

C. For the purposes of this section, the following boards, commissions and committees shall be deemed to possess decision-making authority:

- 1. Boards:
 - a. Assessment appeals board,
 - b. Building, accessibility, and fire code appeals board; (Ord. 5024 , 11/25/08)

SECTION II

Section 2.100.010 of the Santa Cruz County Code is hereby amended to read as follows:

2.100.010 Established--Statutory authority.

The building, accessibility, and fire code appeals board, hereinafter referred to in this chapter as "board," is established pursuant to the authority of Sections 19957.5 and 17920.5 of the Health and Safety Code; Section 31000.1 of the Government Code; and in compliance with Chapters 2.38, 7.92 and 12.12 of the Santa Cruz County Code. (Ord. 3620 § 24,1985; Ord. 3602 § 24,1985; prior code § 3.51.010: Ord. 2280, 4/20/76; Ord. 2368, 12/7/76; Ord. 2518, 1/10/78; Ord. 5024 , 11/25/08)

SECTION III

Section 2.100.020 of the Santa Cruz County Code is hereby amended to read as follows:

2.100.020 Membership.

- A. The board shall consist of five at-large members appointed as follows:
1. Two members shall be persons specifically knowledgeable about issues related to accessibility for persons with disabilities;
 2. Two members shall have at least five years experience in California as either a licensed contractor, a licensed civil engineer, or a licensed architect; and
 3. One member shall be a public member.
- B. Each member of the board:
1. Shall be qualified and specifically knowledgeable in the California Building Standards Codes and the Building and Fire Codes of the County of Santa Cruz;
 2. Shall be residents of the County; and
 3. Shall not be a current employee of the County of Santa Cruz. (Ord. 4621 § 1, 6/5/01; Ord. 4353 § 1, 1995; prior code § 3.51.030: Ord. 2280, 4/20/76; Ord. 2368, 12/7/76; Ord. 2518, 1/10/78; Ord. 5024, 11/25/08)

SECTION IV

Subsection E of Section 2.100.050 of the Santa Cruz County Code is hereby amended to read as follows:

- E. Hear all appeals filed by persons regarding actions taken by the building department of the county in the enforcement of the requirements of Sections 19955 et seq. of the Health and Safety Code; (Ord. 5024, 11/25/08)

SECTION V

Section 7.92.108.1 of the Santa Cruz County Code is hereby amended to read as follows:

7.92.108.1 Section 108.1 amended--Board of appeals established.

Section 108.1 of Chapter 1 of the Fire Code of Santa Cruz County is amended to read as follows:

108.1 - Board of Appeals Established. In order to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code, there shall be and is hereby created a Board of Appeals. The Board of Appeals shall be the Building, Accessibility, and Fire Code Appeals Board established by Chapter 2.100 of the Santa Cruz County Code. The fire code official shall be an ex-officio member of said board but shall have no vote on any matter before the board. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the fire code official.

(Ord. 4893 § 2 (part), 11/6/07; Ord. 5024, 11/25/08)

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SECTION VI

Subsection 108.4.1 of Section 7.92.108.4 of the Santa Cruz County Code is hereby amended to read as follows:

Section 7.92.108.4.1 - Initiating Appeal. Any beneficially interested party has the right to appeal the order served by the fire code official by filing a written "NOTICE OF APPEAL" with the office of the fire code official within fourteen calendar days after service of such order. The notice shall state the order appealed from, the identity and mailing address of the appellant, and the specific grounds upon which the appeal is made. (Ord. 5024 , 11/25/08)

SECTION VII

Section 12.10.150 of the Santa Cruz County Code is hereby amended to read as follows:

12.10.150 Definitions.

General. Whenever in any of the Codes adopted hereby the following names or terms are used, such name or term shall have the meaning ascribed to it by this section. If the same term is defined in Chapter 2 of the 2007 California Building Code, then the definition in this Chapter shall prevail. For any terms defined expressly for a particular chapter or section of the Building Standard Codes adopted hereby, such terms shall have the meanings ascribed to them as in those chapters.

Building Official. "Building Official," "Chief Building Inspector," "Chief Electrical Inspector," "Chief Mechanical Inspector," "Chief Plumbing Inspector," "Administrative Authority," and all other terms and designations indicating the person authorized and directed to carry out, enforce, and exercise government rights, privileges, and duties shall, unless expressly indicated otherwise, mean the Building Official and his or her duly authorized deputies, assistants and inspectors. The "Building Official" is the Planning Director or his or her appointed designee.

Building Department. The Office of the Planning Director.

The Building, Accessibility, and Fire Code Appeals Board. The appeals board established by the Board of Supervisors of the County of Santa Cruz, as authorized by Section 17920.5 of the Health and Safety-Code and as established by Chapter 2.100 of the Santa Cruz County Code.

Building and/or Property Service Equipment refers to the plumbing, mechanical, electrical and elevator equipment including piping, wiring, fixtures and other accessories which provide sanitation, lighting, heating, ventilation, cooling,

refrigeration, fire-fighting and transportation facilities essential to the occupancy of the building or structure for its designated use.

City. The County of Santa Cruz when referring to a political entity or an incorporated area of said County when referring to area.

City Clerk. County Clerk; Ex Officio Clerk of the Board of Supervisors.

City Council. The Board of Supervisors of the County of Santa Cruz.

Commencement of Work. Shall be the completion of the first permanent work (not including wells, septic tanks, grading or temporary power poles). Said permanent work shall include footing and foundation materials such as poles, cussions, etc., signed off by the building inspector with the concrete to be poured within five (5) days.

Fire Chief. The Chief Officer of the fire department serving the jurisdiction, or a duly authorized agent.

Structure. That which is built or structured, as edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

Valuation or Value, as applied to a building and its building service equipment, shall be as noted in the County of Santa Cruz Planning Department's adopted Fee Schedule. For purposes of calculating square footage refer to the definition of Area, Building in section 502.1 of the 2007 California Building Code. (Ord. 4894 § 2 (part), 11/20/07; Ord. 5024 , 11/25/08)

SECTION VIII

Subsection (b) of Section 12.10.215 of the Santa Cruz County Code is hereby amended to read as follows:

(b) Administrative amendment -- Appeals Board. Section 108.8 of the 2007 California Building Code, Section 108.8 of the 2007 California Plumbing Code, Section 89.108.8 of the 2007 California Electrical Code, and Section 108.8 of the 2007 California Mechanical Code, all relating to the "Appeals Board," are deleted. The Building, Accessibility, and Fire Code Appeals Board (See Chapter 12.12 and Chapter 2.100 of the Santa Cruz County Code.) shall serve as the local appeals board required by Health and Safety Code Section 17920.5. (Ord. 5024 , 11/25/08)

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SECTION IX

Section 12.10.435 of the Santa Cruz County Code is hereby amended to read as follows:

12.10.435 Appeals. All appeals of actions taken pursuant to the provisions of this chapter shall be made in conformance with the procedures set forth in Chapter 12.12. The Building, Accessibility, and Fire Code Appeals Board shall have no authority relative to interpretation of the administrative provisions of this code nor shall the Board be empowered to waive requirements of this code. (Ord. 4894 § 2 (part), 11120107; (Ord. 5024, 11/25/08))

SECTION X

Section 12.12.010 of the Santa Cruz County Code is hereby amended to read as follows:

12.12.010 Appeals to Building, Accessibility, and Fire Code Appeals Board.

Any property owner or other person aggrieved, or any person whose interests are adversely affected by any of the following acts or determinations of the Building Official or of any other employee charged with the administration and enforcement of the provisions of Chapter 12.10 may appeal the decision, order or determination as hereunder provided to the Building, Accessibility, and Fire Code Appeals Board created by Chapter 2.100 of this Code:

- (a) Determinations of the suitability of alternate building materials and methods of construction for use in this County.
- (b) Interpretations of the provisions of the Uniform Codes adopted by Chapter 12.10 of the Santa Cruz County Code.
- (c) Actions taken in the enforcement of the requirements of Sections 19955, et seq., of the Health and Safety Code relating to access to public accommodations by persons with disabilities, including the ratification of hardship exceptions granted pursuant to Section 19957.
- (d) Decisions, orders or determinations made by the fire code official relative to the application and interpretation of Chapter 7.92 of this Code.

The Building, Accessibility, and Fire Code Appeals Board shall have no authority to amend, waive, or otherwise modify the requirements of this title, the Uniform Codes adopted under this title, or Chapter 7.92 of this Code. (Ord. 4389A, 4/2/96; Ord. 2281,4120176; Ord. 2368, 12/7/76; 4202,612192; 4353,2114195; Ord. 5024, 11/25/08)

SECTION XI

Section 12.12.020 of the Santa Cruz County Code is hereby amended to read as follows:

12.12.020 Notice of Appeal.

(a) Appeals to the Building, Accessibility, and Fire Code Appeals Board shall be taken by filing a written Notice of Appeal with the Planning Department within fourteen calendar days after service of such decision, order, or determination appealed from was made.

(b) The filing fee established by Resolution of the Board of Supervisors shall accompany the Notice of Appeal. (Ord. 2281, 4/20/76; Ord. 2551, 4/18/78; 4500-C, 8/4/98; (Ord. 5024, 11/25/08)

SECTION XII

Section 12.12.030 of the Santa Cruz County Code is hereby amended to read as follows:

12.12.030 Effect of filing Notice.

Filing of the Notice of Appeal shall have the effect of staying the issuance of any permit or other action taken by the county official provided for by the terms of this title until the matter is disposed of on appeal except for decisions, orders, or determinations affecting acts or conditions which in the opinion of the county official, pose an immediate threat to life, property, or the environment as a result of panic, fire, explosion, or release. Ord. 2281, 4/20/76; Ord. 5024, 11/25/08.)

SECTION XIII

Section 12.12.040 of the Santa Cruz County Code is hereby amended to read as follows:

12.12040. Contents of Notice.

The Notice of Appeal shall state the decision, order, or determination appealed from, the identity of the appellant and his interest in the matter, a brief statement in ordinary and concise language of the relief sought and the reasons that it is claimed that the protested decision, order, or determination should be reversed, modified, or otherwise set aside, and the signature of all appellants and their official mailing addresses. (Ord. 2281, 4/20/76; Ord. 5024, 11/25/08)

SECTION XIV

Section 12.12.050 of the Santa Cruz County Code is hereby amended to read as follows:

12.12.050 Setting for hearing.

Upon receipt of the Notice of Appeal, the matter shall be set for hearing before the Building, Accessibility, and Fire Code Appeals Board not later than 30 days following the date on which the Notice was filed. Written notice of the time and place set for hearing the appeal shall be given to the appellant, and the officer

whose decision, order, or determination is appealed from, at least ten days prior to the hearing. Further notice shall be given in the same manner as required for the original action appealed from. The department or officer involved in the appeal shall transmit to the Building, Accessibility, and Fire Code Appeals Board all records related to the appeal and shall, upon request, furnish such additional information relative to the proceedings as may be requested by the Building, Accessibility, and Fire Code Appeals Board. (Ord. 2281, 4/20/76; Ord. 5024, 11/25/08)

SECTION XV

Section 12.12.060 of the Santa Cruz County Code is hereby amended to read as follows:

12.12.060 Hearing procedures.

(a) At the hearing on the appeal, the appellant shall, in the first instance present evidence in support of the grounds enumerated in her/his notice of appeal. The county official shall next present evidence in support of her/his decision, order, or determination. The appellant and the county official shall each have one opportunity to rebut the evidence presented by the other. The hearing shall be de novo in all respects.

(b) Upon hearing the appeal, the Board may issue a decision affirming, modifying, or vacating the decision, order, or determination of the county official. The decision shall be in writing and shall be served upon the appellant by first class mail to the mailing address given in the notice of appeal.

(c) The Board shall render a final decision no later than 14 calendar days following the opening of the appeal hearing, except that the Board may extend the limit set by this subsection if it determines that additional time is required to hear the matter. (Ord. 2281, 4/20/76; Ord. 5024, 11/25/08)

SECTION XVI

Section 12.12.080 of the Santa Cruz County Code is hereby amended to read as follows:

12.12.080 Appeals to Board of Supervisors.

Any property owner or other person aggrieved, or any person whose interests are adversely affected by any act or determination of the Building, Accessibility, and Fire Code Appeals Board may appeal the act or determination to the Board of Supervisors in accordance with Sections 18.10.340 through 18.10.350 of the Santa Cruz County Code in the same manner as provided for appeals from acts or determinations of the Planning Commission under Chapter 18.10 of the County Code. For this purpose the procedure therein set forth is incorporated herein and made a part of this Chapter. (Ord. 2281, 4/20/76; Ord. 5024, 11/25/08)

CBD BOSMAIL

From: CBD BOSMAIL
Sent: Monday, November 24, 2008 8:13 AM
To: CBD BOSMAIL
Subject: Agenda Comments

Meeting Date : 11/25/2008

Item Number : 9.1

Name : Andrea Sanchez

Email : ansan@cruzio.com

Address : Not Supplied

Phone : Not Supplied

Comments :

Item 9.1 on BS agenda Nov 25:

Is this going to be an honest board? Or will it simply be Supervisor cronies who nod blindly to whatever they are told to do?