

RESOLUTION NO. C- 23275

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH CREATING AN APPEALS BOARD
PURSUANT TO SECTION 19957.5 OF THE CALIFORNIA
HEALTH AND SAFETY CODE PERTAINING TO ACCESS TO
PUBLIC ACCOMMODATIONS BY PHYSICALLY HANDICAPPED
PERSONS

WHEREAS, the State of California has adopted special
regulations pertaining to access to public accommodations by
physically handicapped persons [Health and Safety Code Section
19955, et seq.]; and

WHEREAS, under State law, these regulations are en-
forced in the City of Long Beach by the Department of Planning
and Building; and

WHEREAS, pursuant to Health and Safety Code Section
19957, the Department of Planning and Building is empowered to
grant exceptions to the literal requirements of these regulations
in cases of undue hardship; and

WHEREAS, Health and Safety Code Section 19957.5 autho-
rizes the creation of an appeals board to hear appeals from
action taken by the Department of Planning and Building in
enforcing these regulations; and

WHEREAS, the Department of Planning and Building
recommends and the City desires to create such an appeals board;

NOW, THEREFORE, the City Council of the City of Long

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1 Beach resolves as follows:

2 Section 1. Handicapped Appeals Board. Pursuant to
3 Health and Safety Code Section 19957.5, there is hereby created
4 a board to be known as the Handicapped Appeals Board to hear
5 written appeals regarding action taken by the Department of
6 Planning and Building in its enforcement of State regulations
7 pertaining to access to public accommodations by physically
8 handicapped persons.

9 Sec. 2. Members. The Handicapped Appeals Board shall
10 consist of five members. Two members of the Appeals Board shall
11 be physically handicapped persons, two members shall be persons
12 experienced in construction and one member shall be a public
13 member. The City Manager shall recommend members for appointment
14 by the Mayor and confirmation by the City Council. Members shall
15 serve two-year terms and shall be eligible for reappointment if
16 their service does not exceed the eight-year maximum established
17 by the City Council. The Building Official shall serve as
18 Secretary to the Board.

19 Sec. 3. Duties. The Handicapped Appeals Board shall
20 conduct hearings on written appeals regarding any action taken
21 by the Department of Planning and Building in enforcing the
22 provisions of State law pertaining to access to public accommoda-
23 tions by physically handicapped persons, including any exceptions
24 contained in Health and Safety Code Section 19957. In the appeal,
25 the Board may approve or disapprove interpretations of these
26 regulations and enforcement actions taken by the Department.

27 Sec. 4. Appeal. Any person may file a written notice
28 of appeal with the Secretary of the Board within thirty days

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1 after an action is taken by the Department regarding the regula-
2 tions pertaining to public access for handicapped persons.
3 Thereafter, the Appeals Board shall set a time and place for
4 hearing the appeal and all persons interested shall be heard.
5 The Secretary shall give the appellant at least ten days' notice
6 of hearing.

7 Sec. 5. Procedures. The Board shall adopt reasonable
8 rules and regulations for conducting the hearings and shall
9 appoint one member to preside as chairman. All decisions of the
10 Board shall be in writing and shall be final and conclusive in
11 the absence of fraud or prejudicial abuse of discretion.

12 Sec. 6. The City Clerk shall certify to the passage of
13 this resolution by the City Council of the City of Long Beach,
14 and it shall thereupon take effect.

15 I hereby certify that the foregoing resolution was
16 adopted by the City Council of the City of Long Beach at its
17 meeting of December 22, 1981, by the following vote:

18 AYES: Councilmembers: Wilder, Edgerton, Hall, Clark, Kell,
19 Wilson, Tuttle, Rubley, Sato.

20
21 NOES: Councilmembers: None.

22 ABSENT: Councilmembers: None.

23
24 Shelba Powell
City Clerk

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27
28
AYH:fl
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