

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF  
THE CITY OF LONG BEACH AMENDING THE LONG  
BEACH MUNICIPAL CODE BY AMENDING SECTION  
18.10.020; AND BY REPEALING SECTION 18.10.030,  
RELATING TO THE BOARD OF EXAMINERS,  
APPEALS AND CONDEMNATION AND DISABLED  
ACCESS APPEALS BOARD

WHEREAS, in 1981, pursuant to Section 19957.5 of the California Health  
and Safety Code, the Disabled Access Appeals Board (DAAB) was established by the  
City Council. The DAAB was established to hear written appeals regarding actions taken  
by the City's Building Official relating to enforcement of State regulations pertaining to  
access and public accommodations by disabled individuals. Historically, the DAAB has  
met infrequently; and

WHEREAS, the Board of Examiners, Appeals and Condemnation (BEAC)  
was established by the City Council in 1977 to determine the suitability of alternate  
materials and types of construction, and to hear appeals of decisions made by the City's  
Building Official on matters related to enforcement of State codes and substandard  
conditions. The BEAC meets regularly once a month and holds meetings in accordance  
with the Brown Act; and

WHEREAS, the existence of two separate boards with functional similarities  
is no longer viable. Therefore, it is prudent and appropriate that the DAAB be dissolved  
and their responsibilities shifted to the BEAC, and that the BEAC act as the hearing body  
for all appeal proceedings. Currently, the BEAC has seven (7) members with no disabled  
individuals represented on the Board. The DAAB has five (5) members, including two  
disabled individuals. Combining these boards will require the appointment of two (2)

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1 disabled individuals to the BEAC in accordance with State law. The consolidation of  
2 these two boards will reduce redundancies, improve efficiencies and enhance the delivery  
3 of programs and services;

4 NOW, THEREFORE, the City Council of the City of Long Beach ordains as  
5 follows:

6 Section 1. Section 18.10.020 of the Long Beach Municipal Code  
7 is amended to read as follows:

8 A. General. In order to determine the suitability of alternate  
9 materials and types of construction and to provide for reasonable  
10 interpretations of the provisions of this title, municipal code or other  
11 ordinances of the City or laws and statutes of the State, and in order to  
12 provide a forum to review the determinations of the Building Official relative  
13 thereto as well as to make determinations relative to correction of  
14 substandard conditions in buildings and to abate nuisances, and to hear  
15 written appeals regarding action taken by the Building Official in its  
16 enforcement of State regulations pertaining to access to public  
17 accommodations by physically handicapped persons, there is created a  
18 Board of Examiners, Appeals and Condemnation established pursuant to  
19 Ordinance No. C-5332 in 1977 and amended pursuant to Ordinance No. C-  
20 5709 in 1981.

21 B. Members. The Board of Examiners, Appeals and  
22 Condemnation shall consist of seven (7) members at least five (5) of whom  
23 are qualified by experience and training to pass judgment upon matters  
24 pertaining to building construction; in accordance with State regulations at  
25 least two (2) of the seven (7) members shall be physically handicapped  
26 persons; they shall be recommended by the City Manager for appointment  
27 by the Mayor and confirmation by the City Council. Members shall serve  
28 two (2) year terms and shall be eligible for reappointment if their service

1 does not exceed the eight (8) year maximum established by City Council.

2 The Building Official shall serve as Secretary to the Board.

3 C. Duties. The Board of Examiners, Appeals and Condemnation  
4 shall conduct hearings on written appeals regarding any action taken by the  
5 Building Official in enforcing the provisions of this title, municipal code or  
6 other ordinances of the City or laws and statutes of the State. In the appeal,  
7 the Board of Examiners, Appeals and Condemnation may approve or  
8 disapprove interpretations of these regulations and enforcement actions  
9 taken by the Building Official. The Board of Examiners, Appeals and  
10 Condemnation shall also conduct hearings on written appeals regarding  
11 any action taken by the Building Official in enforcing the provisions of State  
12 law pertaining to access to public accommodations by physically  
13 handicapped persons, including any exceptions contained in Section 19957  
14 of the California Health and Safety Code. In the appeal, the Board may  
15 approve or disapprove interpretations of these regulations and enforcement  
16 actions taken by the Building Official.

17 D. Procedure. The Board of Examiners, Appeals and  
18 Condemnation shall adopt reasonable rules and regulations for conducting  
19 its investigations and hearings and where not specifically provided  
20 otherwise by such rules, Robert's Rules of Order shall govern. All decisions  
21 and findings of the Board of Examiners, Appeals and Condemnation shall  
22 be in writing and shall be filed with the Secretary with copies to the  
23 interested parties. Four (4) members shall constitute a quorum for  
24 transaction of business; and each member, including the member serving  
25 as Chairman, shall be entitled to vote on any matter coming before the  
26 Board of Examiners, Appeals and Condemnation. For those hearings on  
27 written appeals regarding the provisions of State law pertaining to access to  
28 public accommodations by physically handicapped persons, at least two (2)

1 members of the Board present and participating in the hearing shall be  
2 physically handicapped. All decisions shall be entered upon the minutes of  
3 the meetings of the Board, and the Building Official shall be guided in  
4 accordance therewith. All decisions of the Board of Examiners, Appeals and  
5 Condemnation shall be final and conclusive in the absence of fraud or  
6 prejudicial abuse of discretion.

7 E. Filing requirement. Any person aggrieved by any ruling of the  
8 Building Official interpreting the provisions of this title, municipal code or  
9 other ordinances of the City or laws and statutes of the State or requiring  
10 the doing of any remedial work, or with respect to such person's application  
11 for approval of a substitute material or type of construction may appeal to  
12 the Board of Examiners, Appeals and Condemnation within thirty (30) days  
13 from the date of such ruling or order by serving a written notice upon the  
14 Secretary of the Board. A written notice shall be submitted together with a  
15 fee as set forth in Section 18.06.100. Such written notice shall state that the  
16 applicant is dissatisfied with a ruling or order of the Building Official and  
17 shall describe the nature of the complaint. Such appellant shall pay the cost  
18 of all tests made or ordered by the Board of Examiners, Appeals and  
19 Condemnation. Such notice shall be at once transmitted to the Board of  
20 Examiners, Appeals and Condemnation, and the Board of Examiners,  
21 Appeals and Condemnation shall thereafter fix a time and place for a  
22 hearing, at which time all persons interested in the appeal shall be heard.  
23 The Secretary shall give the appellant at least ten (10) days' notice of  
24 hearing.

25 F. Filing requirement pertaining to public access for handicapped  
26 persons. Any person may file a written notice of appeal with the Secretary  
27 of the Board within thirty (30) days after an action is taken by the Building  
28 Official regarding the regulations pertaining to public access for

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handicapped persons. A written notice shall be submitted together with a fee as set forth in Section 18.06.100. Such written notice shall state that the applicant is dissatisfied with a ruling or order of the Building Official and shall describe the nature of the complaint. Thereafter, the Disabled Access Appeals Board shall set a time and place for hearing the appeal and all persons interested shall be heard. The Secretary shall give the appellant at least ten (10) days notice of hearing.

Section 2. Section 18.10.030 of the Long Beach Municipal Code is hereby repealed.

Section 3. The City Clerk shall certify to the passage of this ordinance by the City Council and cause it to be posted in three (3) conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the Mayor.

I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of \_\_\_\_\_, 20\_\_\_\_, by

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the following vote:

Ayes: Councilmembers: \_\_\_\_\_  
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Noes: Councilmembers: \_\_\_\_\_  
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Absent: Councilmembers: \_\_\_\_\_  
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\_\_\_\_\_  
City Clerk

Approved: \_\_\_\_\_  
(Date)

\_\_\_\_\_  
Mayor