City of Merced
BUILDING AND HOUSING BOARD OF APPEALS
Agenda

ANNUAL SESSION

Assisted Listening Devices Available
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CALL TO ORDER

Merced City Council Chambers
Tuesday, May 24, 2011
3:00 p.m.

ROLL CALL

1. APPROVAL OF AGENDA

2. MINUTES: May 13, 2010

S P E A K E R S

Please be brief and to the point - preferably 3 to 5 minutes.
Max Time Limit prior to Agendized items: 15 minutes. Once the maximum has been reached, remaining speakers will be asked to wait until the end of the meeting to make their comments.

For further information on citizen participation and placing an item on the Building and Housing Board of Appeals Agenda, please contact Inspection Services at 209-385-4773.

THE PURPOSE OF THE BUILDING AND HOUSING BOARD OF APPEALS, CITY OF MERCED, CALIFORNIA

In order to hear and decide appeals of orders, decisions, or determinations made by the Chief Building Official relative to the application and interpretation of the Merced Municipal Code, including all Building Code, Housing Code, Administrative Code, Electrical Code, Mechanical Code, Plumbing Code, Fire Prevention Code, and Abatement of Dangerous Buildings Code adopted by reference, there shall be and hereby is created a Building and Housing Board of Appeals, consisting of five (5) members to be appointed by motion of the City Council adopted by at least five (5) affirmative votes, at least three (3) of whom shall be registered or licensed professionals in the trade of design, engineering, construction, or inspection of buildings, all of whom are qualified by experience and training to pass upon matters pertaining to building construction, engineering, or fire inspection. In addition thereto, the Chief Building Official shall be an ex officio member, shall act as Secretary to the Board, and shall have a voice, but no vote or authority to make or second any motion upon any matter before the Board. The Board shall adopt reasonable rules and regulations for conducting its hearings and shall render all of its decisions and findings in writing. The Board shall hold office at least once a year, or as called for by a majority of the members of the Board, or as requested by the Chief Building Official. The decision of the Board shall be final and conclusive on all matters decided therein. Upon receipt of the Board's written decision, the Chief Building Official shall proceed in accordance therewith.

BUILDING AND HOUSING BOARD OF APPEALS PROCESS, RIGHT TO APPEAL

For clarification purposes, the applicable subsection of the Health and Safety Code section is repeated.
Section 18945: (a) "Any person adversely affected by any regulation, rules, omission, interpretation, decision, or practice of any state agency, respecting the administration of any building standard may appeal the issue for resolution to the Commission." (Board)

APPEALS PROCESS

(1) Appellant must submit grievances, in writing, to the Chief Building Official; (2) Chief Building Official will have 14 business days to review and resolve grievances with appellant; (3) If appellant disagrees with the decision of the Chief Building Official, appellant can request an appeal, in writing, to the Chief Building Official within 14 business days; (4) Chief Building Official, as Secretary of the Board, must notify Board members of request for appeal, and schedule appeal within 30 calendar days; (5) Board of Appeals will review case presented by appellant and vote by majority, either in favor or against the appellant; (6) If ruled against, the appellant has the right to appeal to the City Council.

BUILDING AND HOUSING BOARD OF APPEALS MEETINGS

The Committee is interested in your views and wants to hear them. The Agenda for the meeting is posted for public review by the City Clerk's Office at least 72 hours prior to the meeting.

3. COMMUNICATIONS

At this time, any member of the audience may comment on any matter which is not listed on the agenda.

4. ITEMS

4.1 **Election of Chairperson and Vice-Chairperson**

4.2 **Building Department Update**

4.3 **Code Enforcement Update**

4.4 **Housing Department Update**

5. INFORMATION ITEMS

At this time, any member of the Board may comment on any matter, which is not listed on the agenda.

6. ADJOURNMENT (Traditionally no later than 4:30 p.m.)