

**AN ORDINANCE OF THE CITY OF EUREKA REPEALING AND REPLACING
EUREKA MUNICIPAL CODE TITLE 15, CHAPTER 150, SECTION 150.029,
PERTAINING TO THE BOARD OF APPEALS**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF EUREKA AS FOLLOWS:

Section 1.

Title XV, Chapter 150, Section 150.029 is hereby repealed and replaced to read as follows:

SECTION 150.029 BOARD OF APPEALS.

- (A) A Board of Appeals shall be established consisting of five members, three of whom shall be qualified by experience and training in matters pertaining to building construction and two of whom that need not be qualified in matters pertaining to building construction. The members of the Board of Appeals shall be appointed by the Mayor with the approval of the Council. The Board of Appeals shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the appellant, with a duplicate copy to the Building Official, and may recommend to the Council such new legislation as is consistent therewith. The Building Official, or designee, shall be the Executive Secretary of the Board of Appeals, except when matters pertaining to an appeal from the provisions of the California Fire Code are being considered, the Fire Chief of the Humboldt Bay Fire Joint Powers Authority, or designee, shall serve as the Executive Secretary of the Board.
- (B) Any person shall have the right to appeal an action (notice, order, decision) of the Building or Fire Official to the Board. An application for appeal of an action of the Building or Fire Official shall be based on a claim that the intent of this chapter or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better method of construction is proposed. Appeals shall be filed with the Building Official within thirty (30) days of the action being appealed. Upon receiving an appeal, the Building Official shall set a date, place, and time for a hearing on the appeal. This date shall be not less than ten (10) days and not more than sixty (60) days from the date the appeal was filed. The Building Official shall provide written notice of the time and place of the hearing at least ten (10) days prior to the hearing to each appellant either by personal delivery, mail, or email. The Board shall recommend that an appeal or proposal be granted, modified, or denied within thirty (30) days following the conclusion of the hearing.
- (C) *Limitations of authority.* The Board of Appeals shall have no authority relative to interpretation of the administrative provisions of this code nor shall the Board be

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empowered to waive requirements of this code.

- (D) The Board of Appeals shall review triennially the various construction codes listed in this chapter and the California Fire Code listed in Chapter 92 of the Eureka Municipal Code together with the later editions and revisions of these codes as they become available and shall recommend to the City Council the adoption of such editions or amendments as the Board deems necessary.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Eureka in the County of Humboldt, State of California, on the 6th day of June, 2023 by the following vote:

AYES: COUNCILMEMBERS
NOES: COUNCILMEMBERS
ABSENT: COUNCILMEMBERS

Leslie Castellano, Mayor Pro Tem

THE ABOVE ORDINANCE WAS PRESENTED TO THE MAYOR on the ____ day of _____, 2023, and hereby approved.

Kim Bergel, Mayor

Approved as to Administration:

Approved as to form:

Miles Slattery, City Manager

Autumn Luna, City Attorney

THE ABOVE ORDINANCE WAS ATTESTED BY THE CITY CLERK OF THE CITY OF EUREKA on the_____

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day of _____, 2023.

Pamela J. Powell, City Clerk