

ORDINANCE NO. 1577

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA AMENDING ARCATA MUNICIPAL CODE REGULATIONS REGARDING THE BOARD OF APPEALS

TITLE II: ADMINISTRATION CHAPTER 3: BOARDS, COMMISSIONS, COMMITTEES, AND TASK FORCES ARTICLES: 5 AND 6

The City Council of the City of Arcata does ordain as follows:

Section 1: Article 5 (*Board of Permit Appeals*) in Chapter 3 (*Boards, Commissions, Committees and Task Forces*) of Title II (*Administration*) is hereby amended as shown in the following strike through (removal) and bold double underscore (addition) text. Text unaffected but excluded here is indicated by three asterisks:

SEC. 2223. Creation, Powers and Duties.

The Board of ~~Permit~~ Appeals is hereby created. Its powers and duties shall be to hear and act upon appeals and decisions made by the Building Official of the City of Arcata.

SEC. 2224. Meetings.

The Board of ~~Permit~~ Appeals shall meet as necessary and upon call of its Secretary.

SEC. 2225. Membership.

The Board of Permit Appeals shall consist of five (5) members appointed by the City Council.—~~At least two (2) of the five (5) members shall be experienced in building construction and one (1) member shall be a public member. Members of the board shall not be employees of the City of Arcata and shall be knowledgeable in the applicable building codes, regulations and ordinances as determined by the City Council.~~ It is not necessary that members of the Board of Permit Appeals live or work in the Arcata Planning Area.

SEC. 2226. Secretary.

The ~~Director of Community Development~~ City Manager, or his/her designee, shall be the Secretary to the Board.

Section 2: Article 6 is hereby Repealed and Reserved. Article 6 (*Handicapped Access Appeals Board*) in Chapter 3 (*Boards, Commissions, Committees and Task Forces*) of Title II (*Administration*) is hereby amended as shown in the following strike through (removal) and bold double underscore (addition) text. Text unaffected but excluded here is indicated by three asterisks:

SEC. 2227. Creation, Powers and Duties.

— The Handicapped Access Appeals Board is hereby created. Its powers and duties shall be to hear appeals of decisions made by the Building Official concerning any matter for which an appeal is allowed pursuant to Health and Safety Code Section 19957.5. In such appeals, the Handicapped Access Appeals Board shall act with the authority of and in the stead of the Board of Permit Appeals. The Handicapped

~~Access Appeals Board shall be considered a sub board of the Board of Permit Appeals; however, decisions of the Handicapped Access Appeals Board shall be final decisions and there shall not be right of further appeal therefrom.~~

SEC. 2228. Meetings.

~~The Handicapped Access Appeals Board shall meet as necessary and upon the call of its Secretary.~~

SEC. 2229. Membership.

~~The Handicapped Access Appeals Board shall consist of five (5) members as follows: two (2) shall be experienced in building construction and shall be appointed by the Board of Permit Appeals from among its members; one (1) shall be a public member and shall be appointed by the Board of Permit Appeals from among its members except that in the event there is no public member on the Board of Permit Appeals, such member shall be appointed by the Council; two (2) members shall be physically handicapped persons appointed by the Council. It is not necessary that members of the Handicapped Access Appeals Board live or work in the Arcata Planning Area.~~

SEC. 2230. Organization.

~~All rules of procedure established by the Board of Permit Appeals, and all other provisions of this Chapter except to the extent inconsistent with the express provisions of this Article or the provisions of Health and Safety Code Section 19957.5, shall be deemed to refer to and shall apply to the Handicapped Access Appeals Board.~~

Section 4: Severability. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council hereby declares that it would have adopted the ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 5: Limitation of Actions. Any action to challenge the validity or legality of any provision of this ordinance on any grounds shall be brought by court action commenced within thirty (30) days of the date of adoption of this ordinance.

Section 6: California Environmental Quality Act (CEQA). This ordinance makes administrative amendments to the Arcata Municipal Code that will not cause a physical change to the environment. Consequently, it can be seen with certainty that there is no possibility that enactment of this ordinance will have a significant impact on the environment and this action is exempt from CEQA pursuant to CEQA Guidelines Section 16061(b)(3), common sense exemption.

Section 7: Effective Date: This ordinance shall become effective thirty (30) days from and after its final passage, provided it is published pursuant to Government Code section 36933 in a newspaper of general circulation within fifteen (15) days after its adoption.

DATE: April 16, 2025

ATTEST:

/s/Rhea Varley
City Clerk, City of Arcata

APPROVED:

/s/Alexandra Stillman
Mayor, City of Arcata

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of **Ordinance No. 1577**, passed and adopted at a regular meeting of the City Council of the City of Arcata, Humboldt County, California, held on the 16th day of April, 2025, by the following vote:

AYES: STILLMAN, ATKINS-SALAZAR, MATTHEWS, SCHAEFER

NOES: NONE

ABSENT: WHITE

ABSTENTIONS: NONE

/s/Rhea Varley
City Clerk, City of Arcata