

**ORDINANCE NO. 9-06 N.S.**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RICHMOND AMENDING SECTIONS 6.02.130 AND 6.02.170 OF THE MUNICIPAL CODE REGULATING BUILDING CONSTRUCTION, ALTERATIONS AND ADDITIONS, AND APPEALS FROM DETERMINATIONS THEREFROM**

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The Council of the City of Richmond do ordain as follows:

SECTION 1. Section 6.02.130 of the Municipal Code of the City of Richmond is hereby amended to read as follows:

6.02.130 Board of Appeals.

(A) GENERAL. In order to hear and decide appeals of orders, decisions or determination made by the Building Official relative to the application and interpretations of the technical codes, there shall be and is hereby created a Board of Appeals consisting of the Public Works Director, the Fire Chief and the Planning Director or their representatives who are qualified by experience and training to pass upon matters pertaining to building construction. The Building Official shall be an ex officio member and shall act as secretary of the Board but shall have no vote upon any matter before the Board.

(B) RULES and REGULATIONS. The Board shall adopt reasonable rules and regulations for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Building Official. Other interested persons may be provided with a copy of such decision upon request to the Building Official.

(C) LIMITATIONS of AUTHORITY. The Board of Appeals shall have no authority relative to interpretation of the administrative provisions of this chapter nor shall the Board be empowered to waive requirements of either this chapter or the technical codes.

(D) Prior to making a final determination on a specific matter, the Building Official may request the Board of Appeals to advise him regarding the suitability of alternate materials and methods of construction or assist him in the interpretations of the technical code without the Building Official having first made such determination.

**Decisions of the Board shall be final, except that the Building Official's application or interpretation of Municipal Code § 6.02.170 may be appealed to the City Council if the occupiable space in question is 100,000 square feet or more.**

Advisory decisions rendered by the Board shall not be binding upon the Building Official. However, the final determination, once made by the Building Official, is subject to appeal in the manner prescribed in Subsection (A).

SECTION 2. Section 6.02.170 of the Municipal Code of the City of Richmond is hereby amended to read as follows:

6.02.170 Permits issuance.

(A) ISSUANCE. The application, plans and specifications, and other data, filed by an applicant for permit shall be reviewed by the Building Official. Such plans may be reviewed by other departments of this jurisdiction to verify compliance with any applicable laws under their jurisdiction. If the Building Official finds that the work described in an application for a permit and the plans, specifications and other data filed therewith conform to the requirements of this chapter and the technical codes and other pertinent laws and ordinances, and that the fees

specified in the city's adopted fee schedule have been paid, he shall issue a permit therefor to the applicant.

When the Building Official issues the permit where plans are required, he shall endorse in writing and stamp the plans and specifications "ACCEPTED, City of Richmond, by \_\_\_\_\_." Such stamped plans and specifications shall not be changed, modified or altered without authorization from the Building Official, and all work shall be done in accordance with the stamped plans.

The Building Official may issue a permit for the construction of part of a building, structure or building service equipment before the entire plans and specifications for the whole building, structure or building service equipment have been submitted or approved, provided, adequate information and detailed statements have been filed complying with all pertinent requirements of the technical codes. The holder of such permit shall proceed at his own risk without assurance that the permit for the entire building, structure or building service will be granted.

(B) RETENTION of PLANS. One set of stamped plans and specifications shall be returned to the applicant and shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress. One set of stamped plans, specifications and computations shall be retained by the Building Official for at least ninety (90) days after final approval and inspection of the work. After the retention period the Building Official shall cause to be delivered to the address of the permitted work or to the owner of such plans, specifications and records which are not required by law to be kept as official records.

(C) VALIDITY of PERMIT. The issuance of a permit or approval of plans and specifications shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this chapter or the technical codes, or of any other ordinance of the jurisdiction.

No permit presuming to give authority to violate or cancel the provisions of these laws shall be valid.

The issuance of a permit based upon plans, specifications and other data shall not prevent the Building Official from thereafter requiring the correction of errors in said plans, specifications and other data, or from preventing building operations being carried on thereunder when in violation of these codes or of any other ordinances of this jurisdiction.

EXPIRATION. Every permit issued by the Building Official under the provisions of the technical codes shall expire by limitation and become null and void; if the work is not completed within ~~730~~ **365** days; or if the building or work authorized by such permit is not commenced within 180 days from the date of such permit; or if the building or work authorized by such permit has not had a satisfactory inspection after the work has commenced for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained and the fee for such new permit shall be one half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that such suspension or abandonment has not exceeded one year.

Any permittee holding an unexpired permit may apply for an extension of the time within which he may commence or complete work under that permit when he is unable to commence or complete work within the time required by this section for good and satisfactory reasons. The Building Official may extend the time for action by the permittee for a period not exceeding 180 days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than twice once. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee.

(E) UTILITY SERVICE. Until all work and inspections are completed and during the course of construction all utility service to the property shall be temporary construction utility service and/or temporary occupancy utility service. Temporary utility service is at the discretion of the Building Official.

(F) SUSPENSION or REVOCATION. The Building Official may, in writing, suspend or revoke a permit issued under the provisions of this chapter and the technical codes whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance, regulation or any of the provisions of law.

SECTION 3. Any provisions of the Richmond Municipal Code, or appendices thereto, or any other ordinances of the City inconsistent herewith, to the extent of such inconsistencies and no further, are hereby repealed.

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

SECTION 5. This Ordinance shall be effective 30 days after passage and adoption.

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First read at a regular meeting of the City Council of the City of Richmond held on February 7, 2006 and finally passed and adopted at a regular meeting held on, February 28, 2006 by the following vote:

AYES: Councilmembers Bates, Butt, Griffin, Marquez, Rogers, Thurmond, and Mayor Anderson  
NOES: None  
ABSTENTIONS: None  
ABSENT: Councilmember McLaughlin and Vice-Mayor Viramontes

SANDRA THOMPSON  
Acting Clerk of the City of Richmond

(SEAL)

Approved:

IRMA L. ANDERSON  
Mayor

Approved as to form:

JOHN EASTMAN  
City Attorney

State of California            }  
County of Contra Costa    : ss.  
City of Richmond            }

I certify that the foregoing is a true copy of Ordinance No. 9-06 N.S., finally passed and adopted by the Council of the city of Richmond at a meeting held on February 28, 2006.