



Napa Municipal Code

Chapter 15.04.110 – *Disability Access Board of Appeals*

A. There shall be a Disability Access Board Of Appeals (“Access Board of Appeals”) to consist of five members. Each member shall be appointed and hold office in accordance with procedures established by resolution of the City Council. Three of the five members shall be members of the Building Board of Appeals, and shall be co-appointed by the City Council to be a member of the Building Board of Appeals and the Access Board of Appeals. Two of the five members shall be “physically handicapped persons” (as defined by California Health and Safety Code Section 19957.5).

B. The Access Board of Appeals shall be considered a “standing committee” with a continuing subject matter jurisdiction. Thus, the Access Board of Appeals shall be subject to the requirements of the Brown Act (California Government Code Sections 54950, et seq.); however, the Access Board of Appeals shall have no regular meetings, and all meetings shall be special meetings noticed pursuant to California Government Code Section 54956. The Access Board of Appeals shall conduct its meetings in accordance with procedures established by resolution of the City Council. The Access Board of Appeals may establish its own rules of procedure or by-laws consistent with City Council resolutions and ordinances.

C. Any person aggrieved by a determination made by the Chief Building Official or Fire Code Official in administering or enforcing the portions of this chapter related to access to “public accommodations or facilities” (pursuant to California Health and Safety Code Section 19955, et seq.) may appeal the determination to the Access Board of Appeals. The appeal shall be filed with the Chief Building Official no later than 10 days after receipt of written notice of the determination and the appeal provisions of this section. Upon receipt of an appeal by the Chief Building Official, a hearing shall be scheduled before the Access Board of Appeals, the Access Board of Appeals shall consider relevant evidence presented at the hearing, and the Access Board of Appeals shall render a final written decision within a reasonably prompt time after the filing of the appeal. The authority of the Access Board of Appeals to render a written decision shall be limited to the scope of authority of the Chief Building Official (or Fire Code Official), and the Access Board of Appeals shall have no authority to waive a requirement of this chapter.

D. Any person aggrieved by a decision of the Access Board of Appeals may request an administrative hearing within 10 days of the issuance of the final written decision. Any such request shall be made and heard in the same manner as an administrative hearing related to an administrative citation, in accordance with Napa Municipal Code Sections 1.24.070 through 1.24.100.

E. Failure to timely request an appeal to the Access Board of Appeals (pursuant to subsection C), or to an administrative Hearing Officer (pursuant to subsection D) constitutes a waiver of the hearing and a failure to exhaust administrative remedies.

F. Unless otherwise designated by the City Manager, the Chief Building Official shall be the principal city staff liaison to the Access Board of Appeals, and the Chief Building Official shall appoint a secretary to the Access Board of Appeals to comply with all procedural requirements (such as those identified in Council Policy Resolution No. 10, related to the Brown Act).

G. The Chief Building Official or the Fire Code Official may request a special meeting of the Access Board of Appeals in order to request advisory comments from the Access Board of Appeals related to this chapter, such as the potential adoption of new codes, proposed code changes, or alternate methods and materials. (O2007 20; O2010 14, 7/20/10)