

DRAFT ORDINANCE

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS DESIGNATING THE TOWN COUNCIL TO HEAR APPEALS FROM DECISIONS OF THE BUILDING OFFICIAL

WHEREAS, the Town is required to designate an appeal body to hear appeals from decisions of the Building Official;

WHEREAS, in 1991, the Town established a Building Board of Appeals;

WHEREAS, due to a lack of appeals since the Building Board of Appeals was established, the Town Council has rescinded the enabling resolutions establishing a Building Board of Appeals;

WHEREAS, California Building Code Section 1.8.8 authorizes city councils to assume the duties of a Building Board of Appeals;

WHEREAS, the Town Council has opted to assume the duties of a Building Board of Appeals; and

WHEREAS, Town Code Section 29.50.755 lists the Town Council duties;

WHEREAS, the proposed ordinance will revised the listed duties of the Town Council to add hearing appeals from decisions of the Building Official;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Los Gatos as follows:

SECTION I. Section 29.20.755, "Town Council," of the Town Code is hereby amended to read as follows:

Sec. 29.20.755. Town Council.

The Town Council:

- (1) May initiate and refer general plan amendments and specific plans or amendments to the Planning Commission for recommendation.
- (2) Hears and determines Planning Commission recommendations for the adoption or amendment of the general plan or any specific plans and conditional use permits for establishments selling alcoholic beverages for on premises consumption (excluding restaurants) and for retail sales of firearms, ammunition and/or destructive devices.
- (3) Adopts ordinances.

- (4) May initiate and refer zone changes and amendments to this chapter to the Planning Commission for recommendation. Nonsubstantive ordinance amendments may, but need not be, referred to the Planning Commission.
- (5) Hears appeals from decisions of the Building Official.
- (6) Hears appeals from decisions of the Planning Commission.
- (7) Determines whether to extend suspension under section 29.80.285.
- (8) Determines applications for permits for signs on public property, including but not limited to community-oriented bulletin boards and kiosks.
- (9) Determines mobile home park conversion permit applications.
- (10) Appoints Historic Preservation Committee members.
- (11) Determines requests for reasonable accommodation when action is not required of the Planning Commission, Development Review Committee, or the Planning Director.

(Ord. No. 1316, § 5.60.300, 6-7-76; Ord. No. 1328, 8-2-76; Ord. No. 1375, 11-21-77; Ord. No. 1758, § VIII, 8-1-88; Ord. No. 1762, § II, 9-19-88; Ord. No. 2220, § I(Exh. A), 10-7-13; Ord. No. 2222, § II(Exh. A), 10-21-13; Ord. No. 2304, § II, 2-18-20)

SECTION II. Severability.

In the event that a court of competent jurisdiction holds any Section, subsection, paragraph, sentence, clause, or phrase in this Ordinance unconstitutional, preempted, or otherwise invalid, the invalid portion shall be severed from this Section and shall not affect the validity of the remaining portions of this Section. The Town hereby declares that it would have adopted each Section, subsection, paragraph, sentence, clause, or phrase in this Section irrespective of the fact that any one or more Sections, subsections, paragraphs, sentences, clauses or phrases in this Section might be declared unconstitutional, preempted, or otherwise invalid.

SECTION III. CEQA.

Adopting this Ordinance is not a project subject to CEQA because it can be seen with certainty that it will not impact the environment (CEQA Guidelines Section 15378).

SECTION IV. Publication.

In accordance with Section 63937 of the Government Code of the State of California, this Ordinance takes effect 30 days from the date of its passage. The Town Council hereby directs the City Clerk to cause this Ordinance or a summary thereof to be published or posted in accordance with Section 36933 of the Government Code of the State of California.

SECTION V. Effective Date.

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on the ____ day of _____ 20 , and adopted by the Town Council of the Town of Los Gatos at its regular meeting on the ____ day of _____ 20 , by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____

ATTEST:

TOWN CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____