

ORDINANCE NO. 2015 -291

**AN ORDINANCE OF THE TOWN OF WINDSOR
AMENDING SECTIONS 7-1-115 AND 7-1-175 OF TITLE VII, CHAPTER 1,
ARTICLE 1 OF THE TOWN OF WINDSOR CODE RELATING
TO THE BOARD OF BUILDING APPEALS**

WHEREAS, Chapter 1, Article 1 of Title VII of the Town of Windsor Code establishes a Board of Building Appeals to hear appeals from decisions by the building official; and

WHEREAS, Chapter 1, Article 1 of Title VII does not specify who shall serve on the Board of Building Appeals; and

WHEREAS, the Town Council desires to amend Sections 7-1-115 and 7-1-175 of Title VII, Chapter 1, Article 1 of the Town of Windsor Code to specify that the Town Council shall serve as the Board of Building Appeals.

**THE TOWN COUNCIL OF THE TOWN OF WINDSOR DOES HEREBY ORDAIN
AS FOLLOWS:**

Section 1. Section 7-1-115 of Article 1 of Chapter 1 of Title VII of the Town of Windsor Code is hereby amended as follows:

7-1-115 - Appeals.

Appeal may be made from any decision of the Building Official to the Board of Building Appeals by any applicant or owner of property contiguous to the property to be regulated. For purposes of determining contiguity, property lines shall be projected to the center of public streets or highways. Appeals must be filed with the Town Clerk no more than thirty (30) days after the decision from which appeal is being made has been rendered. All applicants and appellants shall be given reasonable opportunity to be heard and present evidence. Decisions of the Board of Building Appeals shall be in writing and shall be delivered to the appellant either in person or by mailing to the address stated on the appeal or application. Decisions of the Board of Building Appeals are final. Should no decision be rendered within twenty (20) days after the filing of the appeal, the appeal is denied unless time is extended by action of the Board of Building Appeals. The Board of Building Appeals shall have no authority relative to interpretation of the administrative provisions of this Code or the administrative provisions of the technical codes nor shall the Board be empowered to waive requirements of either this Code or the technical codes.

Section 2. Section 7-1-175 of Article 1 of Chapter 1 of Title VII of the Town of Windsor Code is hereby amended as follows:

7-1-175 - Definitions.

Whenever any of the following names or terms are used herein or in any of the codes adopted by reference by this chapter, unless the context directs otherwise, such names or terms so used shall have the meaning ascribed thereto by this section as follows:

BUILDING OFFICIAL, CHIEF BUILDING OFFICIAL, CODE ENFORCEMENT ADMINISTRATOR, FIRE CODE OFFICIAL, ADMINISTRATIVE AUTHORITY, AND SIMILAR REFERENCES TO A CHIEF ADMINISTRATIVE POSITION shall mean the Building Official of the Town of Windsor, and is the designated authority authorized and directed to enforce the provisions of this Code. The Building Official shall have the authority to render interpretations of this Code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this Code.

BUILDING DIVISION shall mean the Department of Building Safety of the Town of Windsor.

CITY shall mean the Town of Windsor.

CITY CLERK shall mean Town Clerk and Ex Officio Clerk of the Town Council.

CITY COUNCIL or **MAYOR** shall mean the Town Council or Mayor of the Town of Windsor.

BOARD OF BUILDING APPEALS shall mean the Town Council.

Section 3. Severability.

The provisions of this Ordinance are severable and if any provision, clause, sentence, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, sections, words or parts thereof of this Ordinance or their applicability to other persons or circumstances.

Section 4. Effective Date.

This Ordinance shall take effect and be in force 30 days following its adoption.

Section 5. Publication or Posting.

The Town Clerk of the Town of Windsor shall cause this Ordinance to be published, or to be posted in at least three (3) public places in the Town of Windsor, in accordance with Section 36933 of the Government Code of the State of California.

PASSED, APPROVED AND ADOPTED this 17th day of June, 2015 by the following vote:

**AYES: COUNCILMEMBERS FUDGE, MILLAN, SALMON AND
MAYOR OKREPKIE**
NOES: NONE
ABSTAIN: NONE
ABSENT: COUNCILMEMBER FOPPOLI



BRUCE OKREPKIE, MAYOR

ATTEST:



MARIA DE LA O, TOWN CLERK