

**TOWN OF PARADISE
ORDINANCE NO. 655**

**AN ORDINANCE OF THE TOWN OF PARADISE ADOPTING NEW SECTION 15.02.065 AND
MAKING FINDINGS OF FACTS RELATING TO BUILDING CODE COMPLAINTS AND
ESTABLISHING OVERSIGHT BY THE BUILDING DIVISION CORRECTIVE
ACTION PLAN AD HOC ADVISORY COMMITTEE**

The Town Council of the Town of Paradise, State of California does hereby **ORDAIN AS FOLLOWS:**

SECTION 1. Findings. The Town Council finds and declares as follows:

- a) Under Article XI, Section 7 of the California Constitution local agencies may make and enforce all local, police, sanitary and other ordinances within their jurisdiction, provided they do not conflict with general state laws; and
- b) The Town Council of Paradise hereby finds that the public health, safety, and welfare of the Town of Paradise will be best protected and served by ensuring that all buildings, structures, electrical, gas, mechanical, and plumbing systems comply with the Paradise Municipal Code which adopted and incorporated several sections of the California Building Standards Code (California Code of Regulations, Title 24); and
- c) The Town Council of the Town of Paradise desires to set forth certain procedures to ensure the enforcement of the Building Code by creating a system to process, review and manage complaints alleging violations of the Building Code.

SECTION 2. Section 15.02.065 is added to the Paradise Municipal Code as follows:

15.02.065 Building Code Complaint Procedure; Review and Determination by the Independent Reviewer.

A. Definitions

1. Building Code – The Paradise Municipal Code applicable to buildings and construction, including but not limited to Title 15 of the Paradise Municipal Code.

2. Permit Applicant (PA) – the individual or entity that applied for and was issued a permit for the construction of the building, structure, electrical, gas, mechanical, or plumbing system. In the event the Permit Applicant is an entity, the principals and signatory on the permit application shall be deemed to be Permit Applicants, as well as the entity.

3. Building Division Corrective Action Plan (CAP) Ad Hoc Advisory Committee – The CAP Ad Hoc Advisory Committee shall serve as an advisory and oversight body for the Building Code complaint process, consistent with the Town’s Building Division Corrective Action Plan. The Committee shall not serve as the primary decision-making body for technical determinations of Building Code compliance, however, will support and facilitate Independent Reviews while monitoring the overall intent of this ordinance.

4. Independent Reviewer – The Independent Reviewer shall be a third-party consultant retained by the Town responsible for the objective review of complaints, evidence,

inspections, and issuance of Notices of Determination regarding Building Code compliance. The Independent Reviewer shall not have had a primary role in supporting or facilitating the course of construction of the subject complaint.

5. Strike – a Strike is a finding against a Permit Applicant (PA) that a Building Code complaint has been deemed founded following the issuance of a Notice of Determination and an appeal by a Permit Applicant, or a failure to timely file an appeal, as outlined in this section. Only one Strike may be in effect for each Assessor's Parcel Number. A Strike shall be removed or inactivated only by remediation of the Building Code violations, which shall be confirmed in writing by the Building Official as outlined in this Section.

B. Every building permit granted under this title or any section hereof is granted and accepted by all parties with the express understanding that the building, structure, electrical, gas, mechanical, or plumbing system must meet the requirements of the Building Code. Following issuance of the building permit, and for a period of 10 years thereafter, if a property owner suspects the PA did not adhere to the Building Code, a complaint shall be submitted through the Town's CAP Community Intake Form as the exclusive initial point of contact. Complaints submitted outside of the CAP Intake process shall not be accepted.. The complaint must include: the location of the building, structure, electrical, gas, mechanical, or plumbing system, the nature of the alleged violation, and efforts the property owner has undertaken to obtain relief from the PA prior to submitting the complaint. Town staff shall conduct an initial completeness and eligibility screening and refer qualifying complaints to the Independent Reviewer.

All complaints, reviews, and determinations shall be documented and tracked in accordance with the Town's Building Division Corrective Action Plan (CAP).

C. The Independent Reviewer shall review all complaints submitted through the CAP Intake Form and determine whether the complaint references a potential violation of the Building Code. Complaints that reference aesthetic issues or issues that do not relate to the requirements of the Building Code will not be considered. If the complaint alleges an issue that may violate the Building Code, the Independent Reviewer shall issue a Notice of Complaint (NOC) that will be sent to the PA. The NOC must include the specific location of the building, structure, electrical, gas, mechanical, or plumbing system that is the subject of the complaint and the section of the Building Code, that has allegedly been violated. Within 10 business days of issuance of the NOC, the PA may respond with an explanation of how the requirements of the Building Code were met or with documentation refuting the allegations in the NOC.

D. After receiving the PA's response to the NOC, the Independent Reviewer may contact the owner of the building, structure, electrical, gas, mechanical, or plumbing system to schedule an inspection. In the event an inspection is requested, the property owner and the PA shall have the right to have one representative present at the inspection.

E. Within 10 business days following the gathering of evidence as outlined in Paragraphs C and D of this Section, the Independent Reviewer shall review the evidence and issue a written Notice of Determination (NOD), which shall be sent by the Town Clerk to the property owner and PA by regular mail. If the Independent Reviewer determines that the complaint has been unfounded, the complaint will be dismissed. If the Independent Reviewer confirms the existence of a Building Code violation, the NOD must include the specific location of the building, structure, electrical, gas, mechanical, or plumbing system that is the subject of the NOD and the section of the Building Code pertaining to the violation.

F. In the event that a PA disagrees with the NOD, the PA may appeal the determination by submitting a written appeal to the Town Council within 10 calendar days. The appeal shall be submitted to the Town Clerk. The appeal shall include evidence refuting the violation stated in the NOD and demonstrating that the requirements of the Building Code have been met. The Town Council shall review the appeal and all documents reviewed by the Independent Reviewer at a regular or special meeting, at which the property owner and the PA may appear and provide a statement to the Town Council. The statement by the property owner and PA shall not exceed 10 minutes each, unless additional time is needed to address questions by the Town Council.

G. The Town Council may, but is not required to, overturn the NOD issued by the Independent Reviewer by majority vote of the Council Members in attendance at the meeting. In the event that the NOD is overturned, the complaint shall be dismissed as unfounded.

H. Following an appeal by the PA and a failure to overturn the NOD, or in the event that a PA fails to timely file an appeal of an NOD, the PA shall receive a Strike. The Strike shall be active until the PA remediates the Building Code violation to the satisfaction of the Building Official, as defined in Section 2.12.054.

I. If a PA has two or more Strikes in effect that have not been removed or inactivated, all new permit applications for any buildings, structures, electrical, gas, mechanical, or plumbing systems shall be denied and all existing permits in the issued status to the PA will be suspended until all of the active Strikes on the PA's record have been removed.

J. It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, occupy or maintain any real property, building, structure, or building service equipment or cause or permit the same while the permit is suspended.

SECTION 4. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is for any reason held to be invalid by a court or competent jurisdiction, such provision shall be deemed severable, and the invalidity thereof shall not affect the remaining provisions or other applications of the ordinance, which can be given effect without the invalid provision or application thereof.

SECTION 5. CEQA Exemption. Adoption of this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to California Public Resources Code Section 21080(b)(3) regarding projects to maintain, repair, restore, or replace property or facilities damaged or destroyed as a result of a declared disaster and Section 21080(b)(4) regarding actions to mitigate or prevent an emergency, and CEQA Guidelines Section 15269(a) regarding maintaining, repairing, restoring, demolishing, or replacing property or facilities damaged or destroyed as a result of a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act, commencing with Section 8550 of the California Government Code.

SECTION 6. Publication. This ordinance shall take effect thirty (30) days after the date of its passage. Before the expiration of fifteen (15) days after its passage, this ordinance or a summary thereof shall be published in a newspaper of general circulation published and circulated within the Town of Paradise along with the names of the members of the Town Council of Paradise voting for and against same.

PASSED AND ADOPTED BY THE Town Council of the Town of Paradise, County of Butte, State of California, on this 12th day of May, 2026, by the following vote:

AYES: Greg Bolin, Steve "Woody" Culleton, Heidi Lange, Ronald Lassonde and Steve Crowder, Mayor

NOES: None

ABSENT: None

ABSTAIN: None



Steve Crowder, Mayor

ATTEST: *May 13, 2026*

Melanie

Melanie Elvis, Town Clerk

APPROVED AS TO FORM:
Scott E. Huber

Scott E. Huber, Town Attorney