

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF SAN BRUNO AMENDING CHAPTER
11.08 (MECHANICAL CODE) OF TITLE 11 (BUILDINGS,
CONSTRUCTION AND FIRE PROTECTION) OF THE SAN BRUNO
MUNICIPAL CODE ADOPTING BY REFERENCE THE 2022 CALIFORNIA
MECHANICAL CODE**

The City Council of the City of San Bruno **ORDAINS** as follows:

SECTION 1. Existing Chapter 11.08 (Mechanical Code) of Title 11 (Buildings, Construction and Fire Protection) of the San Bruno Municipal Code is hereby amended.

SECTION 2. FINDINGS.

WHEREAS, it is the intent of the City Council of San Bruno to formally adopt the 2022 Fire and Building Codes at its regular meeting of _____ for that purpose;

WHEREAS, the proposed San Bruno Municipal Code Amendments will be consistent with the General Plan and Specific Plans of the City of San Bruno; and

WHEREAS, California Health and Safety Code seeks to have uniform building standards in substantially the same format throughout the state; and

WHEREAS, the City of San Bruno is authorized by Health and Safety Code Sections 17958.5 and 17958.7 to impose modifications on the California Building Standards, providing such modifications are more stringent than state standards and the modifications “are reasonably necessary because of local climatic, geological or topographical conditions”; and

WHEREAS, the City Council of San Bruno has determined and finds that the attached changes and modifications are needed and reasonably necessary because of local climactic, geological or topographical conditions in San Bruno.

WHEREAS, on September 13, 2022, the City Council introduced the ordinance amendments and scheduled a public hearing. On _____, the City Council held a duly-noticed public hearing on the proposed Municipal code amendment and on said date the public hearing was opened, held, and closed and the Ordinance was adopted.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of San Bruno that the following findings are made in support of modifications, amendments, additions and deletions to the Fire and Building Codes.

SECTION 3. REGULATION.

Existing Chapter 11.08 (Mechanical Code) of Title 11 (Buildings, Construction and Fire Protection) is amended as shown in underline for additions and ~~striketrough~~ for deletions, as follows:

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(BUILDINGS, CONSTRUCTION AND FIRE PROTECTION)**

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MECHANICAL CODE

Sections:

11.08.010 Adoption of the 2016 2019 2022 California Mechanical Code.

11.08.020 Amendments.

11.08.010 Adoption of the 2016 2019 2022 California Mechanical Code.

A. Certain documents are marked “2016 2019 2022 California Mechanical Code.” One copy of this document is on file in the office of the building official. The documents are published by the International Code Council and the California Building Standards Commission. The documents (and any appendices printed therein, if any) with additions, deletions and amendments as set forth herein, and any future addenda or errata published by the State of California, are adopted as the mechanical code for the building standards of the city of San Bruno, and may be cited as such.

B. No section of the City’s Mechanical Code shall impose a mandatory duty of enforcement on the city, or on any officer, official, agent, employee, board, council, or commission thereof. Instead, if any section purports to impose a mandatory duty of enforcement, such section shall be deemed to invest the city, and the appropriate officer, official, agent, employee, board, council or commission thereof with the discretion to enforce the section, or not to enforce it.

11.08.020 Amendments.

Amendments, additions, and deletions to the 2016 2019 2022 California Mechanical Section are as follows:

A. ~~Section 108.4.2, Fees and plan review, is amended by the addition of the following:~~

~~**Section 108.4.2.1—General** Fees shall be assessed as set forth in the fee schedule adopted the City Council.~~

~~**Section 108.4.2.2—Permit Fees** the fee for each permit shall be established by resolution of the City Council.~~

~~**Section 108.4.2.3—Plan Review Fees** when submittal documents are required by Section 108.4.3, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be established by resolution of the City Council. The plan review fees specified in this subsection are separate fees from the permit fees specified in Section 108.4.2.1 and are in addition to the permit fees. When submittal documents are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged as established by resolution of the City Council.~~

B. Section ~~108.8~~ 107.0 of the 2016 2019 2022 California Mechanical Code, is amended

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to read as follows:

Appeal and Review

- a) The building official shall be charged with the duty and responsibility of administering the provisions of this chapter.
- b) Whenever it is provided herein that certain things shall be done in accordance with the order, opinion, or approval of the building official, such order, opinion or approval shall be complied with; provided, any person aggrieved thereby, or believing that such order, opinion or approval is erroneous or faulty, may appeal except as otherwise provided in this chapter, to the city manager in writing within seventy-two hours after such order, opinion or approval has been given, and the city manager shall affirm, modify or reverse the same within seventy-two (72) hours thereafter. The decision of the city manager shall be final and conclusive. In the meantime, except in the case of immediate hazard, the order, opinion, or approval shall be deemed suspended until such person has exhausted his or her right of appeal as herein provided.

~~C. Section 111.2.1.3 of the 2019 California Mechanical Code, is amended to read as follows:~~

~~Any person, firm or corporation violating any provisions of this Code shall be deemed guilty of a misdemeanor, and each such person, firm or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof during which such violation exists and shall be punished as set forth in San Bruno Municipal Code Chapter 1.28.~~

SECTION 4. NO MANDATORY DUTY OF CARE. This Ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or parties within the city or outside of the city, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 5. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, invalid or ineffective by a court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this 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 unconstitutional, invalid or ineffective.

SECTION 6. CEQA EXEMPTION. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3) and 15378 (b)(5), that this Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project that has the potential for causing a significant effect on the environment. The Council therefore directs that the Planning Division may file a Notice of Exemption with the San Mateo County Clerk.

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SECTION 7. EFFECTIVE DATE. This Ordinance shall take effect on January 1, 2023.

SECTION 8. PUBLICATION. The City Clerk is directed to cause publication of this Ordinance as required by law.

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I, Vicky Hasha, Deputy City Clerk, do hereby certify that the foregoing **Ordinance** No. ____ was introduced at a regular meeting of the San Bruno City Council on _____ and adopted by the San Bruno City Council at a regular meeting on _____, by the following vote:

AYES: Councilmembers: _____

NOES: Councilmembers: _____

RECUSED: Councilmembers: _____

ABSENT: Councilmembers: _____

Vicky Hasha
Deputy City Clerk

APPROVED AS TO FORM:

City Attorney