

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF SAN BRUNO ADDING CHAPTER 11.22
(EXISTING CODE) OF TITLE 11 (BUILDINGS, CONSTRUCTION AND FIRE
PROTECTION) OF THE SAN BRUNO MUNICIPAL CODE AND ADOPTING BY
REFERENCE THE 2022 CALIFORNIA EXISTING CODE**

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

SECTION 1. Adding Chapter 11.22 (Existing 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 September 13, 2022 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 climatic, 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.

ADDING CHAPTER 11.22 (EXISTING CODE) OF TITLE 11 (BUILDINGS, CONSTRUCTION AND FIRE PROTECTION)
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Adding Chapter 11.22 (Existing Code) of Title 11 (Buildings, Construction and Fire Protection) and is amended as follows:

Chapter 11.22

EXISTING CODE

Sections:

- 11.22.010** **Adoption of the 2022 California Existing Code.**
11.22.020 **Amendments.**
11.22.030 **Violations.**
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11.22.010 Adoption of the 2022 California Existing Code.

A. Certain documents are marked “2022 California Existing Code”. One copy of this document is on file in the office of the City Building Official. The documents are published by the International Conference of Building Officials and the California Building Standards Commission. The documents and appendix 1 A, printed therein, together with any additions, deletions, amendments as set forth herein, and any future addenda or errata published by the State of California, are adopted as the energy code for the building standards of the city of San Bruno, and may be cited as such.

B. No section of the City’s Existing 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.

11.22.020 Amendments.

Amendments to the 2022 California Existing Codes are as follows:

A. Section 506A.4 is amended as follows:

Existing emergency escape and rescue openings. Where a change of occupancy would require an emergency escape and rescue opening in accordance with Section 1031.1 of the California Building Code, operable windows serving as the emergency escape and rescue opening shall comply with the following:

- ~~1. An existing operable window shall provide a minimum net clear opening of 4 square feet (0.38 m²) with a minimum net clear opening height of 22 inches (559 mm) and a minimum net clear opening width of 20 inches (508 mm).~~

ADDING CHAPTER 11.22 (EXISTING CODE) OF TITLE 11 (BUILDINGS, CONSTRUCTION AND FIRE PROTECTION)

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2 1. A replacement window where such window complies with both of the following:

~~2.1. The replacement window meets the size requirements in Item 1.~~

21.21. The replacement window is the manufacturer's largest standard size window that will fit within the existing frame or existing rough opening. The replacement window shall be permitted to be of the same operating style as the existing window or a style that provides for an equal or greater window opening area than the existing window.

11.22.030 Violations.

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.

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.

**ADDING CHAPTER 11.22 (EXISTING CODE) OF TITLE 11 (BUILDINGS, CONSTRUCTION
AND FIRE PROTECTION)**

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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