

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF SAN BRUNO ADDING CHAPTER 11.10 (RESIDENTIAL CODE) OF TITLE 11 (BUILDINGS, CONSTRUCTION AND FIRE PROTECTION) OF THE SAN BRUNO MUNICIPAL CODE AND ADOPTING BY REFERENCE THE 2022 CALIFORNIA RESIDENTIAL CODE**

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

**SECTION 1.** Adding Chapter 11.10 (Residential 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.**

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Adding Chapter 11.10 (Residential Code) of Title 11 (Buildings, Construction and Fire Protection) and is amended as follows:

## **Chapter 11.10**

### **RESIDENTIAL CODE**

#### **Sections:**

- 11.10.010 Adoption of the 2022 California Residential Code.**
  - 11.10.020 Amendments.**
  - 11.10.030 Violations.**
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#### **11.10.010 Adoption of the 2022 California Residential Code.**

A. Certain documents are marked “2022 California Residential 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 Residential 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.

#### **11.10.020 Amendments.**

**Amendments to the 2022 California Residential Codes are as follows:**

##### **A. Section R319.1 is amended as follows:**

**R319.1 Address identification.** Buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Directional address numbers or letters shall be provided. Said addresses or numbers shall be posted at a height no greater than five (5) feet, six (6) inches above the finished floor and shall be either internally or

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externally illuminated in all new construction. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 4 inches (102 mm) in height with a stroke width of not less than 0.5 inch (12.7 mm). Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building address cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address identification shall be maintained.

**R319.1.1: Rear Addressing.** When required by the fire code official, approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the fire apparatus road behind a property or where rear parking lots or alleys provide acceptable vehicular access.

### **B. Section R341 is added as follows:**

**R341 Construction Fencing.** For projects completing substantial construction where the structure does not meet the minimum habitable requirements in the Health and Safety code, protection shall be provided for adjoining public and private property to protect from damage and theft during construction, remodeling, and demolition work.

**R341.1** Protection shall be maintained in place and kept in good order for the entire length of construction

**R341.2** The construction site shall be secured by temporary chain-linked fencing, with a minimum height of seventy-two (72) inches; the chain-link fence is to be made of galvanized steel and must include a top and bottom rail. The fencing must be adequately anchored to prevent movement and the effects of wind. No visible gaps in the fencing are allowed, including in between or underneath panels.. Gates must be sliding or in-swinging and close tightly with no gaps in or around them.

**R341.3** When the construction site is adjacent to any public right-of-way, the fence adjacent to the right-of-way shall have a visual/dust barrier or screening. The screen is to be constructed of green knitted polyethylene or canvas securely fixed to the inside face of the fencing and shall be maintained in a taut condition throughout the project. No twisted wire is to protrude on the exterior side of the fence. No tears or rips greater than two (2) inches in any dimension are permitted. Any screening that is torn or ripped or fencing or barricades that have been defaced will be replaced at the contractor's expense within 48 hours.

**R341.4** In addition to the required screening, the temporary chain-link fencing facing a public right-of-way shall be set back two (2) feet from any property line or sidewalk, if site conditions allow. All areas visible from the public right-of-way shall be maintained free of weeds and litter.

**R341.5** Construction projects shall include the following language in their project specifications, conditions of approval, and/or building permit:

- 1.** Any construction site or staging area fencing facing a public right of way shall include a sign, securely installed on the fence that is made of durable and waterproof materials that provide the following information: the name and emergency contact telephone number of the general contractor and the City of San Bruno Building Division contact information. The sign lettering shall be large enough to be read from ten feet away and the sign shall not extend above the top of the fence

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**11.10.030 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.

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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:

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CONSTRUCTION AND FIRE PROTECTION)**  
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AYES: Councilmembers:

NOES: Councilmembers: \_\_\_\_\_

RECUSED: Councilmembers: \_\_\_\_\_

ABSENT: Councilmembers: \_\_\_\_\_

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Vicky Hasha  
Deputy City Clerk

APPROVED AS TO FORM:

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City Attorney