

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

**AN ORDINANCE OF THE CITY OF SAN BRUNO AMENDING CHAPTER 11.16 (ELECTRICAL CODE) OF TITLE 11 (BUILDINGS, CONSTRUCTION AND FIRE PROTECTION) OF THE SAN BRUNO MUNICIPAL CODE AND ADOPTING BY REFERENCE THE 2022 CALIFORNIA ELECTRIC CODE**

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

**SECTION 1.** Existing Chapter 11.16 (Electrical 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 introduced.

**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 11.16 (Electrical Code) of Title 11 (Buildings, Construction and Fire Protection) is amended as shown in underline for additions and ~~strike through~~ for deletions,

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as follows:

## Chapter 11.16

### ELECTRICAL CODE

#### Sections:

- 11.16.010    ~~2016 2019~~ 2022 Adoption of the California Electrical Code.**  
**11.16.020    Amendments, additions and deletions to the ~~2016 2019~~ 2022 California Electrical Code.**
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**11.16.010    Adoption of the ~~2016 2019~~ 2022 California Electrical Code.**

A. The code of rules and regulations known and designated as the ~~2016 2019~~ 2022 California Electrical Code as published by the California Building Standards Commission as adopted and amended by the State of California is adopted. The documents (and the appendices printed with additions, deletions and amendments, and any future addenda or errata published by the State of California, are adopted as the electrical code for the building standards of the City of San Bruno, and may be cited as such. A copy of the code shall be kept in the office of the building official.

B. No section of the California Electrical 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 discretion to enforce the section, or not to enforce it.

**11.16.020    Amendments, additions and deletions to the ~~2016 2019~~ 2022 California Electrical Code.**

The amendments, additions and deletions to the ~~2016 2019~~ California Electrical Code are as follows:

- A. Section ~~89.108.8~~ 90.4 of the 2022 Electrical Code is amended by the addition of the following:

**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

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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.

- B. Section 90.4 of the 2022 California Electrical Code is amended by the addition of the following:

The authority having jurisdiction for enforcing this Code is the building official.

- C. Section ~~89.108.9.2~~ 90.4 of the 2022 California Electrical Code is amended by the addition of the following:

**Violation Penalties.** Any person, firm, or corporation violating any provision 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.

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CONSTRUCTION AND FIRE PROTECTION)**

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**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: \_\_\_\_\_

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Vicky Hasha  
Deputy City Clerk

APPROVED AS TO FORM:

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City Attorney