

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF SAN BRUNO AMENDING CHAPTER 11.02
(ADMINISTRATIVE AND REFERENCED STANDARDS CODE) OF TITLE 11
(BUILDINGS, CONSTRUCTION AND FIRE PROTECTION) OF THE SAN BRUNO
MUNICIPAL CODE AND ADOPTING BY REFERENCE THE 2022 CALIFORNIA
REFERENCED STANDARDS CODE AND THE 2022 ADMINISTRATIVE CODE**

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

SECTION 1. Existing Chapter 11.02 (Administrative and Referenced Standards 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 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,

AMENDMENT TO CHAPTER 11.02 (ADMINISTRATIVE AND REFERENCED STANDARDS CODE) OF TITLE 11 (BUILDINGS, CONSTRUCTION AND FIRE PROTECTION)

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amendments, additions and deletions to the Fire and Building Codes.

SECTION 3. REGULATION.

San Bruno Municipal Code Chapter 11.02 (Administrative and Referenced Standards Code) of Title 11 (Buildings, Construction and Fire Protection) is hereby amended as shown in underline for additions and ~~striketrough~~ for deletions, as follows:

Chapter 11.02

ADMINISTRATIVE AND REFERENCED STANDARDS CODE

Sections:

- 11.02.010 Adoption of the ~~2016 2019~~ 2022 California Administrative Code and the ~~2016 2019~~ 2022 California Referenced Standards Code.**
11.02.020 Violations.
-

11.02.010 Adoption of the ~~2016 2019~~ 2022 California Administrative Code

A. Certain documents are marked the “~~2016 2019~~ 2022California Referenced Standards Code” and the “~~2016 2019~~ 2022California Administrative Code.” One copy of these documents 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, 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 administrative and referenced standards code for the building standards of the city of San Bruno, and may be cited as such.

B. No section of this chapter 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.

11.02.020 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

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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:

**AMENDMENT TO CHAPTER 11.02 (ADMINISTRATIVE AND REFERENCED STANDARDS
CODE) OF TITLE 11 (BUILDINGS, CONSTRUCTION AND FIRE PROTECTION)**

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AYES: Councilmembers:

NOES: Councilmembers:

RECUSED: Councilmembers:

ABSENT: Councilmembers:

Vicky Hasha
Deputy City Clerk

APPROVED AS TO FORM:

City Attorney