

**CITY OF SAN MATEO
ORDINANCE NO. 2017-1**

**AMENDING TITLE 7 OF THE SAN MATEO MUNICIPAL CODE
TO REPEAL CHAPTER 7.14 "HOUSING CODE" AND ADOPT NEW CHAPTER 7.14
"PROPERTY MAINTENANCE CODE"**

The City Council of the City of San Mateo, California, ordains as follows:

Section 1. Chapter 7.14 "Housing Code" of the San Mateo Municipal code is hereby repealed in its entirety.

Section 2. Chapter 7.14 "Property Maintenance Code" is hereby adopted as follows:

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| 7.14.010 | Adoption |
| 7.14.020 | Chapter 1 – Scope and Administration |
| 7.14.030 | Chapter 2 – Definitions |
| 7.14.040 | Chapter 3 – General Requirements |
| 7.14.050 | Chapter 5 – Plumbing Facilities and Fixture Requirements |
| 7.14.060 | Chapter 6 – Mechanical and Electrical Requirements |
| 7.14.070 | Chapter 7 – Fire Safety Requirements |

7.14.010 ADOPTION.

This chapter shall be known and may be cited as the "Property Maintenance Code" and will be referred to in this chapter as "this code."

- (a) The purpose of this chapter is to protect the public health, safety, and welfare in both existing residential and nonresidential buildings, structures, and premises within the city.
- (b) The 2015 edition of the International Property Maintenance Code as published by the International Code Council is adopted with amendments as listed below as the rules, regulations, and standards as to all matters contained therein.
- (c) A copy of this Code shall be maintained on file in the office of the city clerk.

7.14.020 SCOPE AND ADMINISTRATION.

Chapter 1 Scope and Administration is amended as follows:

- (a) Section 102.7.1 Conflicts is amended as follows:

Where conflicts occur between provision of this code and the referenced standards, the provisions of this code shall apply. Where conflicts occur between either this code or the referenced standards and California Building Standards Code, as adopted by the City in Title 23 Buildings and Construction of the municipal code, the provisions of Title 23 shall apply.

- (b) Section 103.1 General is amended as follows:

The community development director shall be known as the code official.

- (c) 103.4 Liability is amended as follows:

The code official, or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered civilly or criminally liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties.

(d) Section 104.1 General is amended as follows:

The code official is hereby authorized and directed to enforce the provisions of this code, as well as the State Housing Law as contained in Part 1.5 of Division 13 of the Health and Safety Code. The code official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall be in compliance with the intent and purpose of this code. Such policy and procedures shall not have the effect of waiving requirements specifically provided for in this code.

(e) Section 104.3.1 Costs incurred in securing right of entry, is added as follows:

Any and all costs incurred by the city in connection with securing lawful entry to a structure or premises including but not limited to, costs of investigation, staffing costs incurred in the preparation of warrants, and all subsequent costs necessary to enforce compliance with the provisions of this code may be recovered including costs of collection by use of any and all available legal means.

(f) Section 106.1 Unlawful acts is amended as follows:

It is unlawful and a public nuisance for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any premises, building, structure, building service equipment in violation of this code or Title 23, or in a substandard condition; or cause or permit the same to be done.

(g) Section 108.1 General is amended as follows:

When a premises, building, structure, or equipment is found by the code official based on a determination by the building official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be posted in accordance with this section and declared to be a public nuisance and the violations shall be abated by repair, rehabilitation, demolition or removal pursuant to the applicable provisions of the adopted California Standards Building Code and this code where applicable.

(h) Section 108.1.4 Unlawful structure is amended as follows:

An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered, occupied or maintained contrary to law; or one that is partially constructed, reconstructed or demolished, and such work is abandoned. Work is deemed abandoned if there is no valid building or demolition permit.

(i) Section 108.4 Placarding is amended as follows:

When the code official determines a structure, equipment or premise has been erected, constructed, enlarged, altered, repaired, moved, improved, removed, damaged, converted or demolished, equipped, used, occupied or maintained in violation of the adopted building codes and/or this code and/or the structure, equipment or premise constitutes a danger to the life, limb, property or safety of the public or the occupants, the code official shall post a placard on the structure, equipment or premise in a conspicuous place in or about the affected structure, equipment or premise. The placard shall clearly state the code official's order regarding the structure, equipment or premise, and specify the conditions which necessitated the posting. Furthermore, the placard shall direct the premise owner/ manager to contact building department for necessary approvals/ permits/ inspections where applicable. (model code text removed in its entirety)

(j) Section 108.4.1 Placard removal is amended as follows:

The code official shall remove the placard whenever the defect or defects upon which the placarding action was based has been eliminated. Any person who defaces or removes a placard without the approval of the code official shall be subject to the penalties provided by this code and applicable state law.

(k) Section 108.5 Prohibited occupancy is amended as follows:

It shall be unlawful for any person, owner, owner's authorized agent, or other person responsible for the premise to occupy or allow to be occupied a placarded structure or premise or operate placarded equipment in violation of the code official's posted order.

(l) Section 109.6 Hearing is amended as follows:

Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the Community Relations Commission, be afforded an appeal hearing as prescribed in Section 1.10.060.

(m) Section 111 Means of Appeal is not adopted. Appeals of administrative citations or compliance orders of the code official issued under this code shall be conducted in accordance with Chapter 1.10 Administrative Citations or Chapter 1.14 Administrative Compliance Orders.

(n) Section 112.4 Failure to comply is amended as follows:

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for penalties in accordance with Chapter 1.04 General Penalty.

7.14.030 DEFINITIONS.

Chapter 2, Section 202 DEFINITIONS is amended as follows:

(a) INOPERABLE MOTOR VEHICLE is amended as follows:

Inoperative motor vehicle is defined in section 7.16.041 of the municipal code.

(b) SUBSTANDARD BUILDING is added as follows:

A substandard building is any building or portion thereof, or the premises on which the same is located, in which there exists any of the conditions listed in the rules and regulations of the State Housing Law, as codified in section 17920.3 of the Health and Safety Code.

(c) TEMPORARY is added as follows:

Temporary shall mean buildings, facilities, or structures intended for use at one location for not more than six months or as approved by the building official for the purpose of this code only.

(d) WEEDS is added as follows:

Weeds is defined in section 7.20.020 of the municipal code.

7.14.040 GENERAL REQUIREMENTS

CHAPTER 3, GENERAL REQUIREMENTS is amended as follows:

(a) Section 302.1 Sanitation is amended as follows:

The property owner is responsible for ensuring the property exterior and premises is maintained in a clean, safe and sanitary condition. Such owner or authorized agent shall remain liable for violations thereof regardless of any contract or agreement with any third party regarding such property. The occupant may also be held jointly and severally liable for causing or contributing violations of this section.

(b) Section 302.2 Grading and drainage is amended as follows:

All premises shall be graded and maintained in accordance with Title 23 Building and Construction, to prevent the erosion of soil and prevent the accumulation of stagnant water thereon, or within any structure located thereon. Exception: Approved retention areas and reservoirs.

(c) Section 302.4 Weeds is amended as follows:

No owner, authorized agent, lessee or occupant or other person having charge or control of any building, lot or premises within the city shall permit weeds exceeding twelve inches in height to remain or accumulate upon such premises or upon public sidewalks or streets or alleys between such premises and the centerline of any public street or alley. All noxious weeds shall be prohibited.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to citation, administrative enforcement, or other means of enforcement prescribed by the municipal code or state law. Upon failure to comply with the notice of violation, any duly authorized employee of the city or contractor hired by the city shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or authorized agent responsible for the property.

(d) Section 304.14 Insect screens is amended as follows:

Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25mm), and every screen door used for insect control shall have a self-closing in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

(e) Section 303 SWIMMING POOLS, SPAS, AND HOT TUBS is not adopted.

(f) Section 304.3 Address identification is not adopted.

(g) Section 304.15 Doors is amended as follows:

All exterior doors, door assemblies including weather stripping, thresholds and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall be tightly secure the door.

(h) Section 304.16 Basement hatchways is amended as follows:

Basement hatchways and under-floor access doors and ventilation openings shall be maintained to prevent the entrance of rodents, rain and surface drainage water. Doors shall be tight fitting and ventilation openings shall be properly screened with corrosion-resistant wire mesh having openings not exceeding 1/4 inch in any dimension or alternate approved materials pursuant to the adopted California Building Standards Code.

7.14.050 PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

Chapter 5 Plumbing Facilities and Fixture Requirements is amended as follows:

(a) Section 505.4 Water heating facilities is amended as follows:

Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a minimum temperature of 110° F (43°C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless the installation complies with Title 23 Buildings and Construction. An approved combination temperature and pressure-relief valve discharge pipe shall be properly installed and maintained on water heaters.

7.14.060 MECHANICAL AND ELECTRICAL REQUIREMENTS

Chapter 6 Mechanical and Electrical Requirements is amended as follows:

(a) Section 602.2 Residential occupancies is amended as follows:

Dwellings shall be provided with heating facilities in accordance with Title 23 Buildings and Construction. Cooking appliances, fireplaces, and portable space heaters shall not be used as a means to provide required heating.

(b) Section 602.3 Heat Supply is amended as follows:

Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat in accordance with Title 23 Buildings and Construction.

(c) Section 604.3 Electrical system hazards is amended as follows:

Where it is found by the code official that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation including the improper use of extension cords as permanent wiring, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

7.14.070 FIRE SAFETY REQUIREMENTS

Chapter 7 Fire Safety Requirements is amended as follows:

(a) Section 702.1 General is amended as follows:

A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with Title 23 Buildings and Construction.

Section 3. SEVERABILITY. In the event any section, clause or provision of this Ordinance shall be determined invalid or unconstitutional, such section, clause or provision shall be deemed severable and all other sections or portions hereof shall remain in full force and effect. It is the intent of the City Council that it would have adopted all other portions of this Ordinance irrespective of any such portion declared to be invalid or unconstitutional.

Section 4. ENVIRONMENTAL DETERMINATION. In accordance with California Environmental Quality Act (CEQA) Guidelines section 15378(b)(5), this action is categorically exempt from (CEQA) as an administrative activity that will not result in a potentially significant physical impact on the environment.

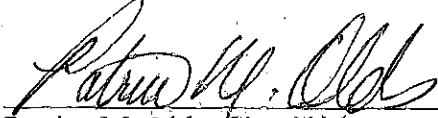
Section 5. PUBLICATION. This Ordinance shall be published in summary in a newspaper of general circulation, posted in the City Clerk's Office, and posted on the City's website, all in accord with Section 2.15 of the City Charter.

Section 6. LEGISLATIVE HISTORY AND EFFECTIVE DATE. This Ordinance was introduced on November 21, 2106 and adopted on January 3, 2017, and shall be effective on January 5, 2017.


The foregoing ordinance was adopted by the City Council of the City of San Mateo, State of California by the following vote:

AYES: Council Members Lim, Bonilla, Freschet, Goethals and Papan
NOES: None
ABSENT: None

ATTEST:



Patrice M. Olds, City Clerk



David Lim, Mayor