



Legislation Text

File #: 13-495, **Version:** 2

ORDINANCE Repealing Article 4 and Adding Article 4 to Chapter 5 of Title VII of the San Leandro Municipal Code, Amending the State-Mandated California Building Standards Code, and Adopting by Reference the Uniform Mechanical Code, as Amended (adopts relevant codes by reference)

The City Council of the City of San Leandro does **ORDAIN** as follows:

Section 1. Article 4 of Chapter 5 of Title VII of the San Leandro Municipal Code is hereby repealed.

Section 2. Article 4 is hereby added to Chapter 5 of Title VII of the San Leandro Municipal Code to read as follows:

“ARTICLE 4. MECHANICAL CODE

Section 7-5-400: **ADOPTION.** Except as hereinafter specifically set forth, the “California Building Standards Code, 2013 Edition” is amended and that certain document entitled “Uniform Mechanical Code, 2012 Edition”, published by the International Association of Plumbing and Mechanical Officials is hereby adopted as the “Mechanical Code” of the City of San Leandro. However, in accordance with California Government Code Section 50022.4, no penalty clauses are adopted by reference. In the event an amendment to the California Building Standards Code results in differences between these building standards and the California Building Standards Code, the text of these building standards shall govern. In accordance with California Health and Safety Code Section 17958.7, express findings that modifications to the California Building Standards Code are reasonably necessary because of local climatic, geological or topographical conditions are either already on file with the California Building Standards Commission, or will be filed prior to the effective date of this Ordinance. In accordance with California Government Code Section 50022.6, at least one true copy of the Uniform Mechanical Code has been on file with the San Leandro City Clerk fifteen days prior to enactment of this Ordinance. While this Ordinance is in force, a true copy of the Uniform Mechanical Code shall be kept for public inspection in the office of the San Leandro City Clerk. A reasonable supply of copies of the Uniform Mechanical Code shall be available in the office of the San Leandro City Clerk for public purchase.

Section 7-5-405: **DELETIONS: ENFORCEMENT ABATEMENT PROCEDURES.** Chapter 1 is hereby deleted. Enforcement and abatement procedures set forth in The San Leandro Building Code or Articles 11, 12, and 13 of this Chapter shall apply to this Article.

Section 7-5-410: **BOARD OF APPEALS.** The Board of Appeals created under Section 7-5-113 of the San Leandro Building Code shall hear and decide appeals of orders, decisions or determinations made by the Chief Building Official relative to the application and interpretation of this Code. The Board shall function as described in said Section of the San Leandro Building Code.

Section 7-5-415: FEES. Section 115 of said Code is hereby deleted and replaced by Section 109.2 of Title 7, Chapter 5, Article 1, Section 109 of the San Leandro Municipal Code.”

Section 3. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of the Ordinance is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part hereof. The city council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of the Ordinance irrespective of the fact that one or more of them would be declared unconstitutional or invalid. To this end, the provisions of the Ordinance are declared to be severable.

Section 4. Effective Date and Publication. This ordinance shall take effect on January 1, 2014, and the title thereof shall be published twice prior to adoption pursuant to California Government Code Section 50022.3. The City Clerk is directed to post a complete copy of this ordinance on the City Council Chamber bulletin board prior to its adoption.

Introduced by Councilmember Cutter and passed and adopted this 21st day of October, 2013, by the following vote:

Members of the Council:

AYES: Councilmembers Cutter, Gregory, Lee, Prola, Reed, Souza; Mayor Cassidy(7)

NOES: None (0)

ABSENT: None (0)