

ORDINANCE NO. 1943

AN ORDINANCE OF THE CITY OF SAN RAFAEL AMENDING TITLE 12 OF THE MUNICIPAL CODE OF THE CITY OF SAN RAFAEL, BY AMENDING CHAPTERS 12.12, 12.13, 12.14, 12.16, 12.20, 12.21 and 12.23 THEREOF; ADDING CHAPTER 12.22; ADOPTING THE CALIFORNIA BUILDING CODE, 2016 EDITION, WITH AMENDMENTS; THE CALIFORNIA RESIDENTIAL CODE, 2016 EDITION, WITH AMENDMENTS; THE CALIFORNIA MECHANICAL CODE, 2016 EDITION, WITH AMENDMENTS, THE CALIFORNIA PLUMBING CODE, 2016 EDITION, WITH AMENDMENTS, THE CALIFORNIA ELECTRICAL CODE, 2016 EDITION, WITH AMENDMENTS; THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2015 EDITION, WITH AMENDMENTS; THE 2016 CALIFORNIA EXISTING BUILDING CODE, WITH AMENDMENTS; THE CALIFORNIA GREEN BUILDING STANDARDS CODE 2016 EDITION, WITH AMENDMENTS; ADOPTING ENFORCEMENT AND PENALTIES PROVISIONS FOR THE FOREGOING CODES; AND ADOPTING FINDINGS OF FACT SUPPORTING THE AMENDMENTS TO THE 2016 CALIFORNIA BUILDING CODE, 2016 CALIFORNIA EXISTING BUILDING CODE AND THE 2016 CALIFORNIA RESIDENTIAL CODE.

THE COUNCIL OF THE CITY OF SAN RAFAEL DOES ORDAIN AS FOLLOWS:

DIVISION 1. Chapter 12.12 of the Municipal Code of the City of San Rafael is hereby amended to read as follows:

Chapter 12.12

CALIFORNIA BUILDING CODE

Sections:

- 12.12.010 Adoption of “2016 California Building Code”, (based on the International Building Code, 2015 Edition, with California amendments), with local amendments.**
- 12.12.020 Amendments to the California Building Code**
- 12.12.030 Enforcement and Penalties**

12.12.010 Adoption of “2016 California Building Code”, (based on the International Building Code, 2015 Edition, with California amendments), with amendments.

The city council hereby adopts, for the purpose of providing minimum requirements for the protection of life, limb, health, property, safety, and the welfare of the general public, that certain code known as the 2016 California Building Code, (based on the International Building Code, 2015 Edition), in its entirety, consisting of Volumes 1 and Volume 2, in its entirety, except that only the following appendices are adopted: Appendices C, H, and I , as published by the California Building Standards Commission in the California Code of Regulations, Title 24, Part 2, hereinafter referred to as the “California Building Code”, save

and except such portions as are hereinafter changed or modified by Section 12.12.020 of this chapter. Not less than one copy of said code shall be maintained by the office of the city clerk.

12.12.020 Amendments made to the California Building Code.

The California Building Code is amended or modified as follows:

Section **1.8.5**, "Right of Entry for Enforcement" is amended to read as follows:

1.8.5.1 General. Subject to the provisions of law, including Code of Civil Procedure Section 1822.50 et. seq., officers and agents of the chief building official may enter and inspect public and private properties to secure compliance with the provisions of this code and the rules and regulations promulgated by the department of housing and community development. For limitations and additional information regarding enforcement, see the following:

(The remainder of this section is unchanged)

Section **1.8.8.1** is amended by adding a sentence to the end that reads as follows:

Nothing contained in this section shall prevent the mayor or city council from appointing the mayor and city council as the local appeals board or housing appeals board.

Section 103 is deleted

Section **104.3** is amended to add the following language:

No person shall remove or deface any notice or order posted by the building official, except as authorized by the building official.

Section 104.6 is amended to add the following phrase to the end of the last sentence:

“, including the warrant provisions of Section 1822.50 et. seq. of the Code of Civil Procedure of the State of California.”

Section **105.2** is amended as follows:

105.2 Building: (1) is revised to read as follows:

1. One story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, providing the floor area does not exceed 120 square feet and the structure contains no plumbing, electrical or heating appliances.

105.2 Building: (2) is revised to read as follows:

2. Fences not over 7 feet (2134 mm) high, except that masonry fences in excess of 3 (914 mm) feet high shall require a building permit.

105.2 Building: (6) is revised to read as follows:

6. Sidewalks and driveways not more than 30 inches above adjacent grade, and not over any basement or story, are not part of an accessible route and are not part of the means of egress from a normally occupied building.

105.2 Building: (7) is revised to read as follows:

7. Painting, papering, flooring, carpeting, counter tops and similar finish work, except that striping or restriping of parking lots shall require a permit.

Section 105.5 is amended by adding the following concluding sentences:

All building permits are limited to a maximum term of 2 years. When requested in writing of the chief building official, a maximum of one 90 day extension may be granted in excess of two years for good cause. The owner shall be subject to a civil penalty, in an amount equal to 400 dollars per day, for construction activities which occur beyond the term limit up to a maximum penalty of 10% of the project valuation, or \$100,000, whichever is less.

Section 105.7 is amended to add the following:

A "Notification of Building Permit Issuance" placard shall be issued to each building permit recipient, and said placard shall be prominently posted and displayed on the front of the building or structure where such building permit activity is to be conducted, and shall be clearly visible from the street or right-of-way and shall remain in place for the duration of the construction activity.

Section 109 is amended to read as follows:

109.1 Unchanged

109.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be required as set forth in the Master Fee Schedule Resolution as adopted by the San Rafael City Council from time to time.

109.3 Unchanged

109.4 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits may be subject to a fee equal to three times the amount of normal permit fee for that work, and shall be in addition to the normal permit fees as specified in the Master Fee Schedule Resolution.

109.5 & 109.6 Unchanged

Section 109.7 is added to read as follows:

109.7 After-hours inspection fees. An after-hours inspection is an inspection conducted outside of normal work hours; 8:30 AM – 5:00 PM, Monday – Friday. Where an after-hours inspection is performed before or following normal work hours that inspection may be charged by the hour. Where an inspector is called back to duty to perform an after-hours inspection, that inspection may be charged at four (4) hours minimum, then by the hour for any additional hours required over four (4). The after-hours inspection fee shall be charged at a rate of one and one-half (1½) times the fully burdened hourly rate as established in the Master Fee Schedule Resolution.

Section 113.3 is amended by adding thereto the following concluding sentence:

Nothing contained in this section shall prevent the mayor or city council from appointing the mayor and city council as the board of appeals.

Section **202** is amended to add the following definitions:

GRADE PLANE. A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 5 feet from the building, between the building and a point 5 feet from the building.

RESIDENTIAL KITCHEN. An area in which the preparation of food for eating occurs (that has provisions for cooking or heating of food, or washing and storing of dishware and utensils, or refrigeration or storing of food).

SUBSTANTIAL REMODEL. Substantial remodel shall mean the alteration of any structure which combined with any additions to the structure, performed within any three (3) year period, affects a floor area which exceeds fifty percent (50%) of the existing floor area of the structure. When any changes are made in the building, such as walls, columns, beams or girders, floor or ceiling joists and coverings, roof rafters, roof diaphragms, foundations, piles or retaining walls or similar components, the floor area of all rooms affected by such changes shall be included in computing floor areas for purposes of applying this definition. This definition does not apply to the replacement and upgrading of residential roof coverings or exterior wall finishes.

Section **501.2** is amended to read as follows:

501.2 Address numbers. All structures abutting on any public or private street, avenue, drive, road, place or lane within the city shall be given and marked with an official address number. The Chief Building Official shall decide the proper number to be assigned to any structure. All requests for new addresses or change of address shall be reviewed and approved by the Chief Building Official. Address numbers shall be installed as described in City of San Rafael Standard "Premises Identification".

Section **903.2** is amended to read as follows:

903.2 Where Required; All Occupancies and Facilities. An automatic fire sprinkler system shall be installed in all of the following:

1. Every newly constructed, building or facility.

Exception: Freestanding Group U occupancies not more than one thousand (1,000) square feet in floor area, and provided with exterior wall and opening protection as per Table 602 of the Building Code.

2. Newly created, attached, second dwelling units which meet the definition of a substantial remodel.
3. All other existing buildings, fire sprinkler systems may be required by the Fire Chief in accordance with the following:
 - I. All buildings where improvements occur during any three (3) year period which cumulatively meet the definition of a substantial remodel.

- II. All buildings except R-3 occupancies in excess of three thousand (3,000) square feet which have more than ten percent (10%) floor area added within any three (3) year period. Exceptions may be granted by the Fire Chief when alternate means of protection are installed as approved by the Fire Code Official.
- III. A change in the use of a building that results in a higher fire or life safety hazard when the square footage of the area changing use is more than 50% of the square footage of the existing building.
- IV. Where fire sprinklers are required by provisions of this code, they shall be extended throughout the building.
- 4. All public storage facilities.
- 5. All tunnels used for the transportation of people or any type of vehicle.

The requirements for fire sprinkler systems in this code section are not meant to disallow the provisions for area increase, height increase, or fire-resistive-rated substitution if otherwise allowed by the Building Code or Residential Code.

Sections **903.2.1 through 903.2.17**. [Unchanged]

Section **903.2.18** is hereby modified by deleting the exception.

Section **903.2.19**. [Unchanged].

Section **907.2.11.2.3** is amended to add the following sentence at the end of the paragraph:

“Replacement of an existing smoke alarm which is hardwired, and/or interconnected shall be made with an alarm of the same functionality.”

Section **1015.2** is amended by adding the following concluding sentence:

Guards are also required at waterfront bulkheads, fixed piers and gangways.

Section 1015.8.2 & 1015.8.3 are added to read as follows:

1015.8.2 Existing Hotels. The provisions of sections 1015.8 shall apply retroactively to all existing hotels.

1015.8.3 Clear area adjacent to hotel window opening. There shall be no furniture, fixed or moveable, placed within thirty-six inches (36”) of any openable portion of a window. Hotels shall also provide notice to prospective guests of this requirement.

Section **1505.1** is amended as follows:

Section 1505.1 is amended to delete the last sentence and **delete Table 1505.1**, but the Exception remains.

Sections 1505.1.1 and 1505.1.2. [Unchanged]

Section **1505.1.3** is amended to read as follows:

1505.1.3 Roof coverings within all other areas. The entire roof covering of every existing structure, where more than 50% of the total roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is at least class A.

Exception:

Any roof covering material that is approved by the California State Fire Marshal and listed on their approved list of building materials for use in the WUI areas.

Section **1505.1.4** is amended to read as follows:

1505.1.4 Roofing requirements in a Wildland-Urban Interface Fire Area. Roofing requirement for structures located in a Wildland-urban Interface (WUI) Fire Area shall be a minimum class A roof covering and shall also comply with Section 705A.

Exception:

Any roof covering material that is approved by the California State Fire Marshal and listed on their approved list of building materials for use in the WUI areas.

Section **1807** shall be amended by adding the following subsection:

1807.4 Wooden retaining walls. Wooden retaining walls may not be used to support any building surcharge or vehicular way. In addition, wooden retaining walls shall not be employed to retain soils above or below a building where failure of the wall may subject the building to damage.

Sections 3109.3 through 3109.4.1.9 are deleted.

Section 3109.4.2 is amended to read as follows:

Indoor swimming pools. Walls surrounding indoor swimming pools shall not be required to comply with section 3109.4.4.3.

Section 3109.4.4.1 is amended to add the following definition:

PRIVATE SWIMMING POOL means a swimming pool or pool located at and intended primarily for the use of the occupants of a single or two-family dwelling unit.

Section 3109.4.4.3 is amended to read as follows:

3109.4.4.3 Enclosure required for private swimming pools. Every person who owns or is in possession of any land on which there is situated a private swimming pool shall secure the pool from unauthorized entry by an enclosure that meets the requirements of CBC **3109.4.4.3**. The enclosure shall be specifically designed to prevent unauthorized entry from adjacent private and/or public property. This enclosure shall be in addition to the "safety features" required by CBC 3109.4.4.2. An enclosure shall have all of the following characteristics:

Subsection 1 is amended to read as follows:

1. Any access gates through the enclosure open away from the swimming pool and are self-closing with a self-latching device placed not lower than 54" above the ground.

Subsections 2-5 are unchanged.

3109.4.4.3.1 Existing swimming pools. Any person who owns or is in possession of an existing private swimming pool that does not conform to the requirements of this section shall make the pool conform to the requirements of this section within ninety (90) days from its effective date.

Exceptions:

The chief building official is hereby authorized to exempt any private swimming pool from the provisions of 3109.4.4.3:

- (1) If it is located in an area sufficiently remote from other residences as to not constitute a hazard to small children; or
- (2) If it is secured from unauthorized entry by a natural or artificial barrier that provides the same or a greater degree of protection than would an enclosure.

An application for exception shall be filed in writing with the chief building official. The application shall contain a brief statement evidencing that the applicant is entitled to the exception and such other information as the chief building official may prescribe.

Section 3109.7 is added to read as follows:

3109.7 Hydrostatic pressure test. Circulation system piping, other than that integrally included in the manufacturer of the pool equipment, shall be subject to a hydrostatic pressure test of 25 pounds per square inch (psi) (172.4 Kpa). This pressure shall be held for not less than 15 minutes. Tests on piping systems constructed of plastic piping shall not use compressed air for the test.

Section 3202.2.3 is amended to read as follows:

3202.2.3 Awnings. The vertical clearance from the public right-of-way to the lowest part of any awning, including valances, shall be not less than 8 feet.

12.12.030 Enforcement and penalties.

A. In addition to the enforcement powers and/or remedies provided in this chapter, the building official shall have the power to enforce the provisions of this chapter as provided in Chapters 1.40, 1.42, 1.44, and 1.46.

B. The violations of the California Building Code as adopted in this chapter are misdemeanors/infractions and are subject to the penalties set forth in Section 1.42.010 of the San Rafael Municipal Code.

DIVISION 2. Chapter 12.13 of the Municipal Code of the City of San Rafael is hereby amended to read as follows:

Chapter 12.13

CALIFORNIA RESIDENTIAL CODE

Sections:

12.13.010 Adoption of “2016 California Residential Code”, (based on the International Residential Code, 2015 Edition, with California amendments), with local amendments.

12.13.020 Amendments to the California Residential Code

12.13.030 Enforcement and Penalties

12.13.10 Adoption of “2016 California Residential Code”, (based on the International Residential Code, 2015 Edition, with California amendments), with amendments.

The city council hereby adopts, for the purpose of providing minimum requirements for the protection of life, limb, health, property, safety, and the welfare of the general public, that certain code known as the 2016 California Residential Code, (based on the International Residential Code, 2015 Edition), in its entirety, except that only the following appendix is adopted: Appendix H, as published by the California Building Standards Commission in the California Code of Regulations, Title 24, Part 2.5, hereinafter referred to as the “California Residential Code”, save and except such portions as are hereinafter changed or modified by Section 12.13.020 of this chapter. Not less than one copy of said code shall be maintained by the office of the city clerk.

12.13.11 Amendments made to the California Residential Code.

The California Residential Code is amended or modified as follows:

Section **1.8.5.1** is amended to read as follows:

1.8.5.1 General. Subject to the provisions of law, including Code of Civil Procedure Section 1822.50 et. seq., officers and agents of the building official may enter and inspect public and private properties to secure compliance with the provisions of this code and the rules and regulations promulgated by the department of Housing and Community Development. For limitations and additional information regarding enforcement, see the following:

(The remainder of this section is unchanged)

Section **1.8.8.1** is amended by adding a sentence to the end that reads as follows:

Nothing contained in this section shall prevent the mayor or city council from appointing the mayor and city council as the local appeals board or housing appeals board.

Section **R104.6** is amended to add the following phrase to the end of the last sentence:

“, including the warrant provisions of Section 1822.50 et. seq. of the Code of Civil Procedure of the State of California.”

Section **R105.2** is amended as follows:

R105.2 Building: (1) is revised to read as follows:

1. One story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, providing the floor area does not exceed 120 square feet and the structure contains no plumbing, electrical or heating appliances.

R105.2 Building: (2) is revised to read as follows:

2. Fences not over 7 feet (2134 mm) high, except that masonry fences in excess of 3 feet (914 mm) high shall require a building permit.

R105.2 Building: (6) is revised to read as follows:

6. Painting, papering, flooring, carpeting, counter tops and similar finish work.

R105.2 Building: (10) is revised to read as follows:

10. Decks not exceeding 200 square feet in area that are not more than 30 inches above grade at any point, are not attached to a dwelling and are not part of any path of egress from the dwelling.

Section **R105.5** is amended by adding the following concluding sentences:

All building permits are limited to a maximum term of 2 years. When requested in writing of the chief building official, a maximum of one 90 day extension may be granted in excess of two years for good cause. The owner shall be subject to a civil penalty, in an amount equal to 100 dollars per day, for construction activities which occur beyond the term limit up to a maximum penalty of 10% of the project valuation or \$20,000, whichever is less.

Section **R105.7** is amended by adding the following:

A “Notification of Building Permit Issuance” placard shall be issued to each building permit recipient, and said placard shall be prominently posted and displayed on the front of the building or structure where such building permit activity is to be conducted, and shall be clearly visible from the street or right-of-way and shall remain in place for the duration of the construction activity.

Sections **R108.2**, **R108.6** are amended to read as follows:

R108.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be required as set forth in the Master Fee Schedule Resolution as adopted by the San Rafael City Council from time to time.

R108.6 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits may be subject to a fee equal to three times the amount of

normal permit fee for that work, and shall be in addition to the normal permit fee as specified in the Master Fee Schedule Resolution.

Section **R108.7** is added to read as follows:

R108.7 After-hours inspection fees. An after-hours inspection is an inspection conducted outside of normal work hours; 8:30 AM – 5:00 PM, Monday – Friday. Where an after-hours inspection is performed before or following normal work hours that inspection may be charged by the hour. Where an inspector is called back to duty to perform an after-hours inspection, that inspection may be charged at four (4) hours minimum, then by the hour for any additional hours required over four (4). The after-hours inspection fee shall be charged at a rate of one and one-half (1½) times the fully burdened hourly rate as established in the Master Fee Schedule Resolution.

Section **R112.3** is amended by adding thereto the following concluding sentence:

Nothing contained in this section shall prevent the mayor or city council from appointing the mayor and city council as the board of appeals.

Section **R202** is amended as follows:

The definition of “Grade Plane” is amended to read as follows:

GRADE PLANE. A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 5 feet from the building, between the building and a point 5 feet from the building.

The definition of “Kitchen” is amended to read as follows:

KITCHEN. An area in which the preparation of food for eating occurs (that has provisions for cooking or heating of food, or washing and storing of dishware and utensils, or refrigeration or storing of food).

The definition of “Substantial Remodel” is added to read as follows:

SUBSTANTIAL REMODEL. Substantial remodel shall mean the alteration of any structure which combined with any additions to the structure, performed within any three (3) year period, affects a floor area which exceeds fifty percent (50%) of the existing floor area of the structure. When any changes are made in the building, such as walls, columns, beams or girders, floor or ceiling joists and coverings, roof rafters, roof diaphragms, foundations, piles or retaining walls or similar components, the floor area of all rooms affected by such changes shall be included in computing floor areas for purposes of applying this definition. This definition does not apply to the replacement and upgrading of residential roof coverings or exterior wall finishes.

Section **R313.1** is revised to read as follows:

R313.1 TOWNHOUSE AUTOMATIC FIRE SPRINKLER SYSTEMS. An automatic residential fire sprinkler system shall be installed in all newly constructed townhouses and

in existing townhouses where alterations and/or additions to the existing structure, performed over any 3-year period, qualify as a “Substantial Remodel” as defined in this code. Any addition to a building with an existing fire sprinkler system shall have that system extended to the new portion(s) of the building irrespective of the size of the addition.

R313.1.1. [Unchanged]

Section **R313.2** is revised to read as follows:

R313.2 One- and two-family dwellings automatic fire systems. An Automatic residential fire sprinkler system shall be installed in all newly constructed one- and two-family dwellings and in existing one- and two- family dwellings where alterations and/or additions to the existing structure, performed over any 3-year period, qualify as a “Substantial Remodel” as defined in this code. Any addition to a building with an existing fire sprinkler system shall have that system extended to the new portion(s) of the building irrespective of the size of the addition.

R313.2.1. [Unchanged]

Section **R313.3.1.2** is amended as follows:

Delete Exception #4.

Section **R314.7.2** is amended to add the following concluding sentences:

“Smoke alarms shall be tested and maintained in accordance with the manufacturer’s instructions. Smoke alarms that no longer function shall be replaced. Replacement of an existing smoke alarm which is hardwired, and/or interconnected shall be made with an alarm of the same functionality.”

Section **R319.1** is amended to read as follows:

R319.1 Address numbers. All structures abutting on any public or private street, avenue, drive, road, place or lane within the city shall be given and marked with an official address number. The Chief Building Official shall decide the proper number to be assigned to any structure. All requests for new addresses or change of address shall be reviewed and approved by the Chief Building Official. Address numbers shall be installed as described in City of San Rafael Standard “Premises Identification”.

Section **R902.1.3** is amended to read as follows:

R902.1.3 Roof coverings within all other areas. The entire roof covering of every existing structure, where more than 50% of the total roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is at least class A.

Exception:

Any roof covering material that is approved by the California State Fire Marshal and listed on their approved list of building materials for use in the WUI areas.

Section **R902.1.4** is amended to read as follows:

R902.1.4 Roofing requirements in a Wildland-Urban Interface Fire Area. Roofing requirements for structures located in a Wildland-urban Interface (WUI) Fire Area shall be a minimum class A roof covering and shall also comply with California Building Code Section 705A.

Exception:

Any roof covering material that is approved by the California State Fire Marshal and listed on their approved list of building materials for use in the WUI areas.

12.13.010 Enforcement and penalties.

A. In addition to the enforcement powers and/or remedies provided in this chapter, the building official shall have the power to enforce the provisions of this chapter as provided in Chapters 1.40, 1.42, 1.44, and 1.46.

B. The violations of the California Residential Code as adopted in this chapter are misdemeanors/infractions and are subject to the penalties set forth in Section 1.42.010 of the San Rafael Municipal Code.

DIVISION 3. Chapter 12.14 of the Municipal Code of the City of San Rafael is hereby amended to read as follows:

Chapter 12.14

CALIFORNIA MECHANICAL CODE

Sections:

12.14.010 Adoption of “2016 California Mechanical Code”, with amendments.

12.14.020 Amendments to the California Mechanical Code

12.14.030 Enforcement and Penalties

12.14.010 Adoption of “2016 California Mechanical Code” with amendments.

The city council hereby adopts, for the purpose of providing minimum requirements for the protection of life, limb, health, property, safety, and the welfare of the general public, that certain code known as the 2016 California Mechanical Code, in its entirety, as published by the California Building Standards Commission in the California Code of Regulations,

Title 24, Part 4, hereinafter referred to as the "California Mechanical Code", save and except such portions as are hereinafter modified or amended by Section 12.14.020 of this Chapter. Not less than one copy of said code shall be maintained by the office of the city clerk.

12.14.020 Amendments made to the California Mechanical Code.

The 2016 California Mechanical Code is amended or modified as follows:

Section **1.8.5**, "Right of Entry for Enforcement" is amended to read as follows:

1.8.5.1 General. Subject to the provisions of law, including Code of Civil Procedure Section 1822.50 et. seq., officers and agents of the building official may enter and inspect public and private properties to secure compliance with the provisions of this code and the rules and regulations promulgated by the department of housing and community development. For limitations and additional information regarding enforcement, see the following:

(The remainder of this section is unchanged)

Section **1.8.8.1** is amended by adding a sentence to the end that reads as follows:

Nothing contained in this section shall prevent the mayor or city council from appointing the mayor and city council as the local appeals board or housing appeals board.

Section **104.3** is amended to read as follows:

104.3 Application for permit. To obtain a permit, the applicant shall apply to the Authority Having Jurisdiction for that purpose. Every such application shall:

(The remainder of this section is unchanged)

Section 104.3.2 is amended to read as follows:

The first paragraph is amended to add the phrase "as set forth in the Master Fee Schedule Resolution" to the end of the second sentence.

The fourth paragraph is amended to change the final phrase "in Table 104.5" to "as set in the Master Fee Schedule Resolution".

Section **104.5** is amended to read as follows:

104.5 Fees. Fees shall be assessed in accordance with the provisions of this section and as set forth in the Master Fee Schedule Resolution of the City Council as amended from time to time.

Section **104.5.2** is amended to read as follows:

104.5.2 Investigation Fees. Any person who commences any work on a mechanical system before obtaining the necessary permits may be subject to a fee equal to three times the amount of normal permit fee for that work, and shall be in addition to the normal permit fee as specified in the Master Fee Schedule Resolution. The payment of

such investigation fee shall not exempt a person from compliance with other provisions of this code, nor from a penalty prescribed by law.

Section **104.5.3** (2) is amended to read as follows:

104.5.3 (2) The Authority Having Jurisdiction may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

Section **105.2.6** is amended to replace the fourth paragraph with the following:

To obtain reinspection, the applicant shall first pay the reinspection fee in accordance with the Master Fee Schedule Resolution of the City Council as amended from time to time, and then schedule the inspection for the next normally available time.

Section **107.1** is amended to add the following concluding sentence:

Nothing contained in this section shall prevent the mayor or city council from appointing the mayor and city council as the local appeals board or housing appeals board.

Table 104.5 is deleted.

Section **203.0** is amended to read as follows:

The definition of "AUTHORITY HAVING JURISDICTION" is amended to read as follows:

AUTHORITY HAVING JURISDICTION -- The Authority Having Jurisdiction shall mean the chief building official or such official's duly authorized representative.

12.14.030 Enforcement and penalties.

A. In addition to the enforcement powers and/or remedies provided in this chapter, the building official shall have the power to enforce the provisions of this chapter as provided in Chapters 1.40, 1.42, 1.44, and 1.46.

B. The violations of the California Mechanical Code as adopted in this chapter are misdemeanors/infractions and are subject to the penalties set forth in Section 1.42.010 of the San Rafael Municipal Code.

DIVISION 4. Chapter 12.16 of the Municipal Code of the City of San Rafael is hereby amended to read as follows:

Chapter 12.16

CALIFORNIA PLUMBING CODE

Sections:

12.16.010 Adoption of “2016 California Plumbing Code” with amendments.

12.16.020 Amendments to the California Plumbing Code

12.16.030 Enforcement and Penalties

12.16.010 Adoption of “2016 California Plumbing Code” with amendments.

The city council hereby adopts, for the purpose of providing minimum requirements for the protection of health, safety, and the general welfare of the general public, that certain code known as the 2016 California Plumbing Code, in its entirety except that only the following appendices are adopted: Appendices A, C, D and I, as amended by the California Building Standards Commission in the California Code of Regulations, Title 24, Part 5, hereinafter referred to as the “California Plumbing Code”, save and except such portions as are hereinafter modified or amended by Section 12.16.020 of this chapter. Not less than one copy of said code shall be maintained by the office of the city clerk.

12.16.020 Amendments to the California Plumbing Code.

The 2016 California Plumbing Code is amended or modified as follows:

Section **1.8.5**, “Right of Entry for Enforcement” is amended to read as follows:

1.8.5.1 General. Subject to the provisions of law, including Code of Civil Procedure Section 1822.50 et. seq., officers and agents of the building official may enter and inspect public and private properties to secure compliance with the provisions of this code and the rules and regulations promulgated by the department of housing and community development. For limitations and additional information regarding enforcement, see the following:

(The remainder of this section is unchanged)

Section **1.8.8.1** is amended by adding a sentence to the end that reads as follows:

Nothing contained in this section shall prevent the mayor or city council from appointing the mayor and city council as the local appeals board or housing appeals board.

Section **104.3** is amended to read as follows:

104.3 Application for permit. To obtain a permit, the applicant shall apply to the Authority Having Jurisdiction for that purpose. Every such application shall:

(The remainder of this section is unchanged)

Section **104.5** is amended to read as follows:

104.5 Fees. Any person desiring a permit required by this code shall, at the time of issuance therefore, pay a fee, which fee shall be as set forth in the Master Fee Schedule Resolution of the City Council as adopted from time to time.

Section **104.5.2** is amended to read as follows:

104.5.2 Investigation Fees. Any person who commences any work on a plumbing system before obtaining the necessary permits may be subject to a fee equal to three times the amount of normal permit fee for that work, and shall be in addition to the normal permit fee as specified in the Master Fee Schedule Resolution. The payment of such investigation fee shall not exempt a person from compliance with other provisions of this code, nor from a penalty prescribed by law.

Section **104.5.3** (2) is amended to read as follows:

The Authority Having Jurisdiction may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

Section **105.2.6** is amended to replace the fourth paragraph with the following:

To obtain reinspection, the applicant shall first pay the reinspection fee in accordance with the Master Fee Schedule Resolution of the City Council as adopted from time to time, and then schedule the inspection for the next normally available time.

Table 104.5 is deleted.

Section **203.0** is amended to read as follows:

The definition of "AUTHORITY HAVING JURISDICTION" is amended to read as follows:

AUTHORITY HAVING JURISDICTION -- The Authority Having Jurisdiction shall mean the chief building official or such official's duly authorized representative.

12.16.030 Enforcement and penalties.

A. In addition to the enforcement powers and/or remedies provided in this chapter, the building official shall have the power to enforce the provisions of this chapter as provided in Chapters 1.40, 1.42, 1.44, and 1.46.

B. The violations of the California Plumbing Code as adopted in this chapter are misdemeanors/infractions and are subject to the penalties set forth in Section 1.42.010 of the San Rafael Municipal Code.

DIVISION 5. Chapter 12.20 of the Municipal Code of the City of San Rafael is hereby amended to read as follows:

Chapter 12.20

CALIFORNIA ELECTRICAL CODE

Sections:

12.20.010 Adoption of “2016 California Electrical Code” with amendments.

12.20.020 Amendments to the California Electrical Code

12.20.030 Enforcement and Penalties

12.20.010 Adoption of the “2016 California Electrical Code” with amendments.

The city council hereby adopts, for the purpose of providing minimum requirements for the protection of life, limb, health, property, safety, and the general welfare of the general public, that certain code known as the “2016 California Electrical Code”, in its entirety, except that only the following Annex is adopted: Annex H, as amended by the California Building Standards Commission in the California Code of Regulations, Title 24, Part 3, hereinafter referred to as the “California Electrical Code”, save and except such portions as are hereinafter modified or amended by Section 12.20.020 of this chapter. Not less than one copy of said code shall be maintained by the office of the city clerk.

12.20.020 Amendments to the California Electrical Code.

The 2016 California Electrical Code is amended or modified as follows:

Section 89.108.5.1 is amended to read as follows:

89.108.5.1 General. Subject to the provisions of law, including Code of Civil Procedure Section 1822.50 et. seq., officers and agents of the building official may enter and inspect public and private properties to secure compliance with the provisions of this code and the rules and regulations promulgated by the department of housing and community development. For limitations and additional information regarding enforcement, see the following:

(The remainder of this section is unchanged)

Section **89.108.8.1** is amended by adding a sentence to the end that reads as follows:

Nothing contained in this section shall prevent the mayor or city council from appointing the mayor and city council as the local appeals board or housing appeals board.

Annex H is amended as follows:

Annex H is amended to replace the term “National Electrical Code” with the term “California Electric Code” wherever that term appears.

Annex H, Section **80.2** is amended to revise the following definition:

AUTHORITY HAVING JURISDICTION -- The Authority Having Jurisdiction shall mean the chief building official or such official’s duly authorized representative.

Annex H, **Section 80.7** is deleted.

Annex H, **Section 80.15** is deleted

Annex H, Section **80.19(A) Application**, is amended to read as follows:

(1) Application. To obtain a permit, the applicant shall apply to the Authority Having Jurisdiction for that purpose.

(The remainder of this section is unchanged)

Annex H, Section **80.19(E) Fees** is amended to read as follows:

Any person desiring a permit required by this code shall, at the time of issuance therefore, pay a fee as set forth in the Master Fee Schedule Resolution of the City Council as adopted from time to time.

Annex H, Section 80.19 (E)(1) is added to read as follows:

(1) Any person who commences any work on an electrical system before obtaining the necessary permits may be subject to a fee equal to three times the amount of normal permit fee for that work, and shall be in addition to the normal permit fee as specified in the Master Fee Schedule Resolution.

Annex H, Section **80.19(F)(3)** is amended to read as follows:

(3) When any portion of the electrical installation within the jurisdiction of an electrical inspector is to be hidden from view by the permanent placement of parts of the building, the person, firm, or corporation installing the equipment shall notify the electrical inspector and such equipment shall not be concealed until it has been approved by the electrical inspector.

Annex H, Section **80.19(F)(5) Approvals** is amended to add the following concluding sentence:

To obtain reinspection, the applicant shall first pay the reinspection fee in accordance with the Master Fee Schedule Resolution of the City Council as adopted from time to time, and then schedule the inspection for the next normally available time.

Annex H, Section **80.23** is deleted.:

Annex H, Section 80.25 is amended to change the first sentence to read as follows:

80.25 Connection to Electricity Supply. Connections to the electrical supply shall conform to (A) through (D).

Annex H, Section 80.25(B), **Special Consideration.** is amended to change the first sentence to read:

By special permission of the Authority Having Jurisdiction, temporary power shall be permitted to be supplied to the premises for specific needs of the construction project.

Annex H, Section **80.25(C)** is deleted.

Annex H, Sections 80.25(D) and (E) are renumbered to be (C) and (D) respectively.

12.20.030 Enforcement and penalties.

A. In addition to the enforcement powers and/or remedies provided in this chapter, the building official shall have the power to enforce the provisions of this chapter as provided in Chapters 1.40, 1.42, 1.44, and 1.46.

B. The violations of the California Electrical Code as adopted in this chapter are misdemeanors/infractions and are subject to the penalties set forth in Section 1.42.010 of the San Rafael Municipal Code.

DIVISION 6. Chapter 12.21 of the Municipal Code of the City of San Rafael is hereby amended to read as follows:

Chapter 12.21

PROPERTY MAINTENANCE CODE

Sections:

12.21.010 Adoption of the International Property Maintenance Code, 2015 Edition, with amendments.

12.21.020 Amendments to International Property Maintenance Code

12.21.030 Enforcement and Penalties

12.21.010 Adoption of International Property Maintenance Code, 2015 Edition, with amendments.

The city council adopts, for the purpose of regulating and governing the conditions and maintenance for all property, buildings and structures; by providing the standard for supplied utilities and facilities and other physical conditions essential to ensure that structures are safe, sanitary, and fit for occupation and use; that certain code known as the International Property Maintenance Code, 2015 Edition including Appendix A, as

published by the International Code Conference, hereinafter referred to as the "Property Maintenance Code," save and except such portions as are hereinafter changed, added to or amended by Section 12.21.020 of this chapter.

12.21.020 Amendments to International Property Maintenance Code

The 2015 International Property Maintenance Code is amended or modified as follows:

Section **101.1** is amended to read as follows:

101.1. Title. These regulations shall be known as the Property Maintenance Code of the City of San Rafael (hereinafter referred to as "the Code" of "this Code").

Section **102.7** is amended to add the following to the end of the first paragraph:

Where the term "International Building Code" appears, it shall mean the California Building Code as adopted by this jurisdiction. Where the term "International Fire Code" appears, it shall mean the California Fire Code as adopted by this jurisdiction. Where the term "International Existing Building Code" appears, it shall mean the California Building Code as adopted by this jurisdiction. Where the term "International Fuel Gas Code" appears, it shall mean the California Plumbing Code as adopted by this jurisdiction. Where the term "International Mechanical Code" appears, it shall mean the California Mechanical Code as adopted by this jurisdiction. Where the term "International Plumbing Code" appears, it shall mean the California Plumbing Code as adopted by this jurisdiction. Where the term "International Zoning Code" appears, it shall mean the San Rafael Municipal Code, Chapter 14.

Section 103 is deleted.

Section 104.3 is amended as follows:

Add the words "including the warrant provisions of Section 1822.50 et seq. of the Code of Civil Procedure of the State of California." to the end of the section.

Sections 107 is deleted.

Section 108.3 is amended as follows:

108.3 Notice. Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with Section 1.08.060 of the San Rafael Municipal Code. If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in Section 1.08.060 San Rafael Municipal Code.

Sections 109.2, 109.3 and 109.4 are amended to read as follows;

109.2 Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official may order the necessary work to be done, including the boarding up of

openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

109.3 Closing streets. When necessary for public safety, the code official may temporarily close structures and close or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

109.4 Emergency repairs. For the purposes of this section, the code official may employ the necessary labor and materials to perform the required work as expeditiously as possible.

Sections 109.5 and 109.6 are deleted.

Section **110.1** is amended to change “two years” to “one year” in the first sentence.

Sections 110.2 and 110.3 are amended to read as follows:

110.2 Notices and Orders. All notices and orders shall comply with San Rafael Municipal Code [Chapter 1.46](#).

110.3 Failure to comply. If the owner of a premises fails to comply with a demolition order within the time prescribed, the code official may cause the structure to be demolished and removed, either through the forces of the an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

Section **111.2** is amended by adding thereto the following concluding sentence:

Nothing contained in this section shall prevent the mayor or city council from appointing the mayor and city council as the housing advisory and appeals board.

Section **112.4** is amended to read as follows

112.4: Failure to comply. 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 in violation of this code.

Section **202:** The definition for CODE OFFICIAL is amended to read as follows:

CODE OFFICIAL. Where used in this code, the term Code Official shall mean the Planning Manager or the Chief Building Official of the City of San Rafael, and their designees.

Section **302.4** is amended to read as follows:

302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of 6 inches tall. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs, provided however, this term shall not include cultivated flowers and gardens.

Section **304.14** is amended to read as follows:

304.14 Insect Screens. 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 not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

[Exception to remain unchanged.]

Section **308.2.2** is amended to add these words to the end of the sentence:

“or securing the doors in an approved manner.”

Section **308.3.1** is amended to read as follows:

Add the words: “Every person maintaining or using any solid waste can or receptacle shall keep the same clean and sanitary.

Section **308.3.1.1** is added to read as follows:

308.3.1.1. Within all residential districts in the city, no person shall use, locate or maintain (store) any solid waste can, garbage container or other waste receptacle within the public right-of-way other than on the day of removal service. Such waste receptacles shall be stored out of public view on non-service dates, whenever practical, or stored nearest the main structure.

Section **602.3** is amended to read as follows:

602.3 Heat supply. 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 order to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.

Section **602.4** is amended to read as follows:

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat in order to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

[Exceptions remain unchanged.]

12.21.030 Enforcement and penalties.

A. In addition to the enforcement powers and/or remedies provided in this chapter, both the building official and code enforcement manager shall the power to enforce the provisions of this chapter as provided in Chapters 1.40, 1.42, 1.44, and 1.46.

B. The violations of the International Property Maintenance Code as adopted in this chapter are misdemeanors/infractions and are subject to the penalties set forth in Section 1.42.010 of the San Rafael Municipal Code.

DIVISION 7. Chapter 12.22 of the Municipal Code of the City of San Rafael is hereby added to read as follows:

Chapter 12.22

CALIFORNIA EXISTING BUILDING CODE

Sections:

12.22.010 Adoption of “2016 California Existing Building Code”, (based on the International Existing Building Code, 2015 Edition, with California amendments), with local amendments.

12.22.020 Amendments to the California Existing Building Code

12.22.030 Enforcement and Penalties

12.22.010 Adoption of “2016 Existing California Building Code”, (based on the International Existing Building Code, 2015 Edition, with California amendments), with amendments.

The city council hereby adopts, for the purpose of providing minimum requirements for the protection of life, limb, health, property, safety, and the welfare of the general public, that certain code known as the 2016 California Existing Building Code, (based on the International Existing Building Code, 2015 Edition), in its entirety, Title 24, Part 10, hereinafter referred to as the “California Existing Building Code”, save and except such portions as are hereinafter changed or modified by Section 12.22.020 of this chapter. Not less than one copy of said code shall be maintained by the office of the city clerk.

12.22.020 Amendments to the California Existing Building Code

The 2016 California Existing Building Code is amended or modified as follows:

Sections 406.2.1 & 406.2.2 are added to read as follows:

406.2.1 Existing Hotels. The provisions of sections 406.2 shall apply retroactively to all existing hotels.

406.2.2 Clear area adjacent to hotel window opening. There shall be no furniture, fixed or moveable, placed within thirty-six inches (36") of any openable portion of a window. Hotels shall also provide notice to prospective guests of this requirement.

12.23.030 Enforcement and penalties

A. In addition to the enforcement powers and/or remedies provided in this chapter, the building official shall have the power to enforce the provisions of this chapter as provided in Chapters 1.40, 1.42, 1.44, and 1.46.

B. The violations of the California Existing Building Code as adopted in this chapter are misdemeanors/infractions and are subject to the penalties set forth in Section 1.42.010 of the San Rafael Municipal Code.

DIVISION 8. Chapter 12.23 of the Municipal Code of the City of San Rafael is hereby amended to read as follows:

Chapter 12.23

CALIFORNIA GREEN BUILDING STANDARDS CODE

Sections:

12.23.010 Adoption of the California Green Building Standards Code, 2016 Edition,

12.23.010 Amendments to California Green Building Standards Code

12.23.030 Enforcement and Penalties

12.23.010 Adoption of California Green Building Standards Code, 2016 Edition, with amendments.

The city council hereby adopts, for the purpose of improving public health, safety and general welfare by enhancing the design and construction of buildings through the use of building practices that reduce negative environmental impact and encourage sustainable construction practices, that certain code known as the 2016 California Green Building Standards Code, as is hereafter amended and modified by Section 12.23.020 of this chapter. Not less than one copy of said code shall be maintained by the office of the city clerk.

12.23.020 Amendments to the California Green Building Standards Code

The 2016 California Green Building Standards Code is amended or modified as follows:

In addition to complying with the base provisions of the 2016 California Green Building Standards Code, new buildings for which an application for a building permit is submitted on or after January 2, 2017, shall additionally comply with Appendix A4 of such Code, with respect to the Tier 1 measures, but excluding Division A4.2; or with Appendix A5 of such Code, with respect to the Tier 1 measures, but excluding Division A5.2, depending on occupancy type.

12.23.030 Enforcement and penalties

A. In addition to the enforcement powers and/or remedies provided in this chapter, the building official shall have the power to enforce the provisions of this chapter as provided in Chapters 1.40, 1.42, 1.44, and 1.46.

B. The violations of the California Green Standards Code as adopted in this chapter are misdemeanors/infractions and are subject to the penalties set forth in Section 1.42.010 of the San Rafael Municipal Code.

DIVISION 9. California Health and Safety Code Sections 17958.5, 17958.7, and 18941.5 require that findings be made in order to change or modify building standards found in the California Building Standards Code based on local climatic, geologic, or topographic conditions. Therefore, the San Rafael City Council hereby finds that these changes or modifications to the 2016 California Building Code as adopted in Chapter 12.12 of the San Rafael Municipal Code; the 2016 California Residential Code as adopted in Chapter 12.13; and the 2016 California Existing Building Code as adopted in Chapter 12.22 are reasonably necessary because of the following local climatic, geological and topographical conditions:

I. Climatic conditions:

- a) Most of the annual rainfall in San Rafael occurs during the winter, it receives no measurable precipitation between May and October. During this time, temperatures average between 70 and 90 degrees. These conditions eliminate most of the moisture in the natural vegetation and heavily wooded hillsides. The area also suffers periodic droughts that can extend the dry periods to other months of the year. These conditions can be further exacerbated by occasional off-shore hot, dry, Santa-Anna winds; all of which contribute to an elevated fire hazard.
- b) Most of the annual rainfall in San Rafael occurs during the winter, and some portions of San Rafael are subject to tidal influences, there are times that flooding conditions occur in low-lying areas

II. Geologic conditions:

- a) San Rafael lies near several earthquake faults, including the very active San Andreas Fault, there are significant potential hazards such as road closures, fires, collapsed buildings, and isolation of residents requiring assistance.

- b) Many areas of the city, including some highly developed industrial and commercial areas, are located on bay alluvial soils which are subject to liquefaction in the event of an earthquake.

III. Topographic conditions:

- a) Much of San Rafael is located in hilly areas, and many of the residential areas are heavily landscaped, and many exist adjacent to hilly open space areas which are characterized by dry vegetation and have limited access. In addition, the steepness of grades located in the hills and canyons results in narrow and winding roads, and limited water supply, making timely access, rescue and firefighting activities by emergency providers difficult.
- b) The major arterial route between San Francisco and Marin and Sonoma county areas, Highway 101, bisects the City of San Rafael; should that highway become impassable, alternative routes via surface streets in San Rafael may cause heavy traffic congestion, limiting emergency access.

More specifically, the above modified building standards are listed below with the corresponding climatic, geological or topographical condition which necessitates the modification.

CBC Section Numbers Climatic, geological and topographical condition

105.2	Ia, IIa, IIIa
501.2	Ia, IIa, IIIa
903.2	Ia, IIa, IIIa, IIIb
907.2.11.2.3	Ia, IIa, IIIa
1015	Ib, IIa
1505.1	Ia, IIIa
1807	Ib, IIa, IIb
3109	IIIa
3202.2.3	IIa, IIb, IIIb

CRC Section Numbers

R105	Ia, IIa, IIIa
R313.1	Ia, IIa, IIIa, IIIb
R313.2	Ia, IIa, IIIa, IIIb
R314.7.2	Ia, IIa, IIIa
R319.1	Ia, IIa, IIIa
R902.1	Ia, IIIa

CEBC Section Numbers

406	Ib, IIa
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DIVISION 10. The City Council finds that adoption of this Ordinance is exempt from the California Environmental Quality Act (CEQA), pursuant to 14 CCR Section 15061(b)(3), since it can be seen with certainty that there is no possibility that the adoption of this Ordinance may have a significant effect on the environment.

DIVISION 11. All former Ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance codified in this chapter or the Code hereby adopted are hereby repealed.

DIVISION 12. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The City Council of the City of San Rafael hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases shall be declared invalid.

DIVISION 13. This Ordinance shall be published once, in full or in summary form, before its final passage, in a newspaper of general circulation, published and circulated in the City of San Rafael and shall be in full force and effective on January 1, 2017. If published in summary form, the summary shall also be published within fifteen (15) days after the adoption, together with the names of those Council members voting for or against same, in a newspaper of general circulation published and circulated in the City of San Rafael, County of Marin, State of California.

GARY O. PHILLIPS, Mayor

Attest:

ESTHER BEIRNE, City Clerk

The foregoing Ordinance No. 1943 was read and introduced at a Regular meeting of the City Council of the City of San Rafael, held on the 7th day of November, 2016 and ordered passed to print by the following vote, to wit:

AYES: COUNCILMEMBERS: Bushey, Colin, McCullough & Mayor Phillips
NOES: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: Gamblin

and will come up for adoption as an Ordinance of the City of San Rafael at a Regular meeting of the council to be held on the 21st day of November, 2016.

ESTHER BEIRNE, City Clerk