

1 [Mechanical Code - Repeal of Existing 2010 Code and Enactment of 2013 Edition]

2

3 **Ordinance repealing the 2010 Mechanical Code in its entirety and enacting a 2013**  
4 **Mechanical Code consisting of the new model code, as amended by the State of**  
5 **California and as further amended by San Francisco; adopting environmental findings**  
6 **and findings of local conditions under the California Health and Safety Code; providing**  
7 **for an operative date of January 1, 2014; and directing the Clerk of the Board to forward**  
8 **the legislation to the State Building Standards Commission as required by State law.**

9 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
10 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
11 **Deletions to Codes** are in ~~*italics Times New Roman font*~~.  
12 **Board amendment additions** are in Arial font.  
13 **Board amendment deletions** are in ~~Arial font~~.  
14 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
15 subsections or parts of tables.

16 Be it ordained by the People of the City and County of San Francisco:

17

18 Section 1. Environmental Findings. The Planning Department has determined that the  
19 actions contemplated in this ordinance comply with the California Environmental Quality Act  
20 (California Public Resources Code Sections 21000 et seq.). Said determination is on file with  
21 the Clerk of the Board of Supervisors in File No. \_\_\_\_\_ and is incorporated herein by  
22 reference.

23 Section 2. General Findings.

24 A. The State of California adopts a new California Building Standards Code every  
25 three years that goes into effect throughout the State 180 days after publication. The  
California Building Standards Code is contained in Title 24 of the California Code of

1 Regulations, and consists of several parts that are based upon model codes with  
2 amendments made by various State agencies. The California Mechanical Code is Part 4 of  
3 Title 24 of the California Code of Regulations. The 2013 California Mechanical Code will go  
4 into effect throughout California on January 1, 2014.

5 B. Local jurisdictions are required to enforce the California Mechanical Code but  
6 they may also enact more stringent standards when reasonably necessary because of local  
7 conditions caused by climate, geology or topography.

8 C. As in past State code adoption cycles, in this ordinance San Francisco repeals  
9 its existing Mechanical Code in its entirety and enacts a new Mechanical Code consisting of  
10 the new model code, as amended by the California Mechanical Code, and as further  
11 amended by San Francisco.

12 D. On August 21, 2013, at a duly noticed public hearing, the Building Inspection  
13 Commission considered this legislation.

14 Section 3. Findings regarding Local Conditions.

15 A. California Health & Safety Code Section 17958.7 provides that before making  
16 any changes or modifications to the California Mechanical Code and any other applicable  
17 provisions published by the State Building Standards Commission, the governing body must  
18 make an express finding that each such change or modification is reasonably necessary  
19 because of specified local conditions, and the findings must be filed with the State Building  
20 Standards Commission before the local changes or modifications can go into effect.

21 B. The City and County of San Francisco is unique among California communities  
22 with respect to local climatic, geological, topographical, and other conditions. A specific list of  
23 findings that support San Francisco's modifications to the 2013 California Mechanical Code  
24 and a section-by-section correlation of each modification with a specific numbered finding are  
25 contained in Exhibit A entitled "Standard Findings for San Francisco Amendments," on file

1 with the Clerk of the Board of Supervisors in File No. 130839, which is hereby declared to be  
2 part of this ordinance as if set forth fully therein.

3 C. Pursuant to California Health and Safety Code Section 17958.7, the Board of  
4 Supervisors finds and determines that the local conditions described in Exhibit A constitute a  
5 general summary of the most significant local conditions giving rise to the need for  
6 modification of the 2013 California Mechanical Code provisions published by the State  
7 Building Standards Commission. The Board of Supervisors further finds and determines that  
8 the proposed modifications are reasonably necessary based upon the local conditions set  
9 forth in Exhibit A.

10 Section 4. The 2010 San Francisco Mechanical Code is hereby repealed in its entirety.  
11 The Mechanical Code being repealed was enacted by Ordinance 273-10, which is available  
12 on the website of the Board of Supervisors. There have been no subsequent amendments.

13 Section 5. The 2013 San Francisco Mechanical Code is hereby enacted. The  
14 Mechanical Code being enacted consists of the new model code, as amended by the 2013  
15 California Mechanical Code, and as further amended by the San Francisco amendments. A  
16 copy of the new model code, as amended by the 2013 California Mechanical Code, together  
17 with the San Francisco amendments, is on file with the Clerk of the Board of Supervisors in  
18 File No. 130839 all of which is hereby declared to be part of this ordinance as if set forth fully  
19 therein. Additions to the 2013 California Mechanical Code are shown in bold underlined type;  
20 deletions are shown with strikethrough.

21 Section 6. Continuance of Actions Under Prior Code. Nothing contained in this  
22 ordinance shall be construed as abating any action now pending under or by virtue of any  
23 ordinance of the City and County of San Francisco hereby repealed, nor shall this ordinance  
24 be construed as discontinuing, abating, modifying or altering any penalties accruing, or to  
25 accrue, or as waiving any right of the City under any such ordinance.

1 Section 7. Severability. If any section, subsection, sentence, clause, or phrase of this  
2 ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the  
3 validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares  
4 that it would have passed this ordinance, and each section, subsection, sentence, clause, or  
5 phrase of this Ordinance, irrespective of the fact that any one or more sections, subsections,  
6 sentences, clauses, or phrases be declared unconstitutional.

7 Section 8. Effective and Operative Dates. This ordinance shall become effective 30  
8 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor  
9 returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it,  
10 or the Board of Supervisors overrides the Mayor's veto of the ordinance. This ordinance shall  
11 take effect and be in full force on and after either January 1, 2014 or its effective date if the  
12 effective date is later.

13 Section 9. Directions to Clerk. Upon final passage of this ordinance, the Clerk of the  
14 Board of Supervisors is hereby directed to transmit this ordinance with the Exhibit A  
15 attachment and the San Francisco modifications to the 2013 California Mechanical Code to  
16 the State Building Standards Commission pursuant to the applicable provisions of State law.

17  
18 APPROVED AS TO FORM:  
19 DENNIS J. HERRERA, City Attorney

20 By: \_\_\_\_\_  
21 JUDITH A. BOYAJIAN  
22 Deputy City Attorney

23  
24  
25  
n:\legana\as2013\1400074\00865472.doc