

ORDINANCE NO. _____
BOARD OF SUPERVISORS, COUNTY OF SAN MATEO,
STATE OF CALIFORNIA

* * * * *

**AN ORDINANCE AMENDING THE SAN MATEO COUNTY ORDINANCE
CODE TO IMPLEMENT THE COUNTY REORGANIZATION**

The Board of Supervisors of the County of San Mateo, State of California, **ORDAINS** as follows

SECTION 1. Section 2.00.020 of Title 2 of the San Mateo County Ordinance Code is amended to read as follows:

2.00.020 COUNTY DEPARTMENTS.

- (a) Administrative Services
- (b) Assessor-County Clerk-Recorder
- (c) Child Support Services
- (d) Community Services
- (e) Controller
- (f) Coroner
- (g) County Counsel
- (h) County Manager/Clerk of the Board of Supervisors
- (i) District Attorney-Public Administrator
- (j) Health
- (k) Housing
- (l) Human Resources
- (m) Human Services
- (n) Information Services

- (o) Intergovernmental and Public Affairs
- (p) Parks
- (q) Planning and Building
- (r) Probation
- (s) Public Works
- (t) San Mateo Medical Center
- (u) Sheriff
- (v) Tax Collector-Treasurer
- (w) Five departments, one for each Office of Supervisor

SECTION 2. Section 2.11.020 is hereby added to Chapter 2.11 of Title 2 and shall read as follows:

2.11.020 DEPARTMENT OF COMMUNITY SERVICES

There is hereby created a Department of Community Services, the director of which shall be a Deputy County Manager. The Department of Community Services shall be responsible for the Department of Parks and Recreation, Planning and Building, Public Works and Housing, the Directors of which shall report to the Deputy County Manager. The Department of Community Services shall also be responsible for the Office of Public Safety Communications, the Office of Economic Development/Real Property, and the Office of Special Services, which shall include resource management, and administration of contracts between the County and the Local Agency Formation Commission (LAFCo) and the Library Joint Powers Agency.

SECTION 3. Section 2.20.020 of Chapter 2.20 of Title 2 is amended to read as follows:

2.20.020 DUTIES OF DIRECTOR OF THE HEALTH DEPARTMENT

The Director of the Health Department shall be charged with the enforcement of all County ordinances and State laws and applicable State regulations relating to health and sanitation. The Director shall also administer all programs pertaining to the local Emergency Medical Services Agency, environmental health services, mental health, sanitation, public health, vital statistics, aging and adult services, animal licensing and animal control, and agricultural

services. The Director shall also formulate policies and procedures for the operation of the various health programs and services rendered by the Department. The Director shall also supervise and control the issuance of any permits required under County ordinance or State laws relating to health and sanitation programs rendered by the Department.

SECTION 4. Chapter 2.26 comprised of sections 2.26.010 -2.26.050 is added to Title 2 and shall read as follows:

Chapter 2.26 AGRICULTURAL COMMISSIONER/SEALER

2.26.010 AGRICULTURAL COMMISSIONER/SEALER

The Director of Agricultural Services shall be appointed by and be under the administrative supervision of the Director of the Health Department. The Director of Agricultural Services shall act as the Agricultural Commissioner/Sealer for purposes of state law in the performance of any and all duties imposed by the Food and Agricultural Code and the Business and Professions Code.

2.26.020 ERADICATION OF PESTS; LIENS

(a) It shall be the duty of the Agricultural Commissioner to destroy, eradicate, abate or control wild animals, noxious weeds, insects and diseases injurious to livestock, or agricultural crops or other plant life, as required by state law or upon being directed to do so by resolution of the Board of Supervisors.

(b) The Agricultural Commissioner shall keep a complete record of all work done on private property to eradicate horticultural pests, and the cost thereof, and shall immediately present bills to all persons upon whose property such work has been performed, and if such bills are not paid, shall file or record liens against the property for the cost of said work as provided by law. Recorded liens, after being recorded, shall be forwarded to the office of the County Counsel.

2.26.030 REGISTRATION OF PEST CONTROL OPERATORS; FEES

The Agricultural Commissioner shall collect fees as set by resolution of the Board of Supervisors prior to registering pest control businesses for operation in San Mateo County including, but not limited to, pest control businesses, pest control advisors, and maintenance gardeners performing pest control work incidental to landscaping services in San Mateo County.

2.26.040 CERTIFICATION OF PRODUCTS

(a) It shall be the duty of the Agricultural Commissioner, when

certification is officially required as a condition of movement or entry of any agricultural shipment, upon the request of the shipper and receipt of the proper fee as set forth by resolution of the Board of Supervisors to make such inspections as may be necessary to meet the requirements of the state or country of destination.

(b) No charge shall be made for any such certificate if same is issued to meet the requirements of any law or regulation of the United States or of the State of California or of any ordinance, regulation or requirement of any County of California.

2.26.050 FEES

The Agricultural Commissioner shall collect fees as set by resolution of the Board of Supervisors for services rendered.

SECTION 5. Article 2.6 of Title 2 is repealed and a new Article 2.6 is hereby added to read as follows:

Article 2.6 PLANNING AND PARKS

Chapter 2.60 PLANNING AND BUILDING DEPARTMENT

2.60.010 DIRECTOR OF PLANNING AND BUILDING

There is hereby established a Department of Planning and Building, under the direction and management of the Director of Planning and Building.

2.60.020 DUTIES OF THE DEPARTMENT

The agency shall be responsible for the performance of services related to the physical environment for the unincorporated areas of the County as well as specific Cities within the County through Joint Powers Agreements or by contract including responsibility for (1) The administration of the County subdivision and zoning regulations, including the evaluation and approval of the design of new development and enforcement of such codes and regulations; (2) The administration of the California Environmental Quality Act and the County's timber harvesting, surface mining and oil and gas regulations and (3) the preparation and updating of development regulations such as zoning and subdivision ordinances and the County General Plan, including the Local Coastal Plan; and (4) other matters as determined by the County Manager.

2.60.030 BUILDING INSPECTION SERVICES

The Planning and Building Department shall serve as the "enforcement agency" with the responsibility of carrying out the duties of an enforcement agency under State Housing Law.

Chapter 2.61 PLANNING COMMISSION.

2.61.010 PLANNING COMMISSION

There is in the County a Planning Commission consisting of five members, who shall not be officials or employees of the County of San Mateo. In addition, there shall be three advisory non-voting members of the Commission, who shall be the County Counsel, the Director of Public Works and the County Health Officer. The five voting members shall be appointed by the Board of Supervisors. One member shall reside in each supervisorial district and the term of office shall coincide with the terms of office of the Supervisor of the supervisorial district in which the member resides. Each member shall reside in the district of appointment during his or her term.

In the event that the office of the Supervisor of the supervisorial district in which the member resides becomes vacant on the happening of any of the events enumerated in Government Code section 1770, the term of the Commissioner from that district shall also be vacated except that said Commissioner may continue in office until a successor is appointed by the Board of Supervisors. Said members are limited to three full consecutive full terms of office.

2.61.020 COMPENSATION AND TRAVEL EXPENSES

Voting members shall receive travel and meal expenses as elsewhere provided in this code and in addition a compensation of two hundred fifty dollars (\$250.00) per month for each month that such voting members are members of the Planning Commission.

2.61.030 ASSIGNMENT OF FUNCTIONS OF PLANNING AGENCY

The functions of the Planning Agency are assigned as follows:

(a) The Planning Commission shall review and recommend to the Board of Supervisors action on the general plan and specific plans, and all proposed implementing ordinances or other regulations with regard thereto, or proposed amendments thereto, including any property amendments with respect to the San Mateo County Local Coastal Program. Any such review and recommendation by the Planning Commission shall be in accordance with general law. The Planning Commission shall perform such other functions as are set forth in the Charter and the general law and the ordinances of the Board of Supervisors.

(b) All other functions of the Planning Agency are assigned to such officers or bodies as are specified in division VI (Zoning Annex) to the San Mateo County Ordinance Code, in the San Mateo County subdivision ordinance or in other applicable sections of the San Mateo

County Ordinance Code.

2.61.040 MEETINGS

The Planning Commission shall hold at least one regular public meeting in each month in the Hall of Justice and Records, and may schedule and hold such other meetings, or postpone or cancel meetings as it deems necessary.

Chapter 2.62 PARKS DEPARTMENT.

2.62.010 DIRECTOR OF PARKS

There is hereby established a Department of Parks the director of which shall be responsible for operation and management of County natural preserves, marine preserves, open space areas, trails, parks and/or recreation areas and facilities.

Chapter 2.63 PARKS AND RECREATION COMMISSION.

2.63.010 COMMISSION, MEMBERS, TERMS

(a) There is established a Parks and Recreation Commission, which shall consist of five members, appointed by the Board of Supervisors. One member shall reside in each supervisorial district and members shall serve at the pleasure of the Board of Supervisors. Each member shall reside in the district of appointment during his or her term. The requirement that one member reside in each supervisorial district may be waived by the Board of Supervisors if it finds such waiver to be in the public interest. In the event that the Board of Supervisors waives the residency requirement, every effort shall be made to seek appointees from areas as near as practicable to the district in which the appointee would otherwise reside under the requirements of this section. However, in no event shall more than two (2) members reside in the same supervisorial district.

(b) The term of office for each member shall be four years and shall coincide with the appointing Supervisor's term of office. Members are limited to three consecutive full terms of office. In the event that the office of the Supervisor of the supervisorial district from which the appointment has been made becomes vacant, the term of the Commissioner from that district shall also be vacated except that said Commissioner may continue in office until a successor is appointed by the Board of Supervisors.

2.63.020 POWERS AND DUTIES

(a) The Parks and Recreation Commission shall advise and make policy recommendations to the Board of Supervisors regarding the management and operation of County natural preserves, marine

reserves, open space areas, trails, parks and/or recreation areas and facilities, within unincorporated San Mateo County. The Parks and Recreation Commission shall adopt, and forward to the Board of Supervisors, recommendations regarding fees to be charged for the use of these areas. The Commission shall advise the Board of Supervisors regarding fish, game and wildlife policies and programs, and shall make recommendations to the Board regarding the expenditure of fish and game propagation funds.

(b) The Parks and Recreation Commission shall by resolution establish a meeting schedule and procedural rules for conducting the business of the Commission.

Chapter 2.64 MID-COAST PARK AND RECREATION DEVELOPMENT FEES.

2.64.010 FINDINGS AND PURPOSE

The Board of Supervisors has determined that:

(a) New development in the unincorporated Mid-Coast area, consisting of the communities of Montara, Moss Beach, El Granada, Miramar, and Princeton, adds incrementally to the need for park and recreation facilities to serve the population of the unincorporated Mid-Coast area.

(b) There is a need to acquire and develop land to provide park and recreation facilities to serve the unincorporated Mid-Coast area.

(c) A fee adopted in accordance with the State Mitigation Fee Act, and placed on new residential development, is an appropriate method of obtaining funding to pay the proportionate share of the cost of acquisition and development of park and recreation facilities to serve the anticipated growth in population resulting from such new residential development.

2.64.020 APPLICABILITY TO MID-COAST AREA

The provisions of this chapter shall be applicable only in (1) the entire geographical area located on the urban side of the Urban/Rural Boundary as shown on the San Mateo County General Plan Map for the Mid-Coast area, and (2) those lands designated Residential on the rural side of the Urban/Rural Boundary as shown on the San Mateo County General Plan Map for the Mid-Coast area.

2.64.030 AMOUNT AND STANDARDS FOR FEES

Except as otherwise provided herein, a fee shall be imposed on all building permits for new residential development in the amount of \$1.17 per square foot of assessable space. This fee represents the

portion of the approximate cost of providing park facilities to accommodate and which is attributable to the demand generated by the proposed development.

2.64.040 FEE CHARGED FOR RECONSTRUCTION OR REMODELING

A fee in the amount specified in Section 2.64.030 of this chapter shall also be charged for building permits for any reconstruction or remodeling of existing residential structures. The fee will be charged only on any increase in assessable space resulting from the reconstruction or remodeling from that existing prior to the reconstruction or remodeling.

2.64.050 ESTABLISHMENT OF MID-COAST PARKS DEVELOPMENT FUND

There is hereby established in the office of the County Auditor/Controller and the County Treasurer a special interest-bearing fund entitled "San Mateo County Mid-Coast Parks Development Fund." All fees collected for parks acquisition and development under this chapter shall be deposited in this fund.

2.64.060 LIMITATIONS ON THE USE OF FEE

(a) Fees collected from development in the Mid-Coast area may only be used to acquire or develop parks to be located in and primarily used by Mid-Coast residents, the proportionate demand for which is created by the new development from which the fees were collected.

(b) Fees may be used only for acquisition and development of parks and not for routine or periodic maintenance.

2.64.070 ADJUSTMENT OF FEE

(a) On January 1 of each year, the development fees imposed by this chapter shall be adjusted by a percentage amount equivalent to the percentage change in the Engineering News Record Construction Cost Index for the preceding twelve month period.

(b) The amount of fee applicable to any permit shall be computed based on the fee in effect as of the date of approval of the building permit. The Board of Supervisors shall review the adequacy of the development fees established herein at least once every five (5) years or, if it deems appropriate, more often than every five (5) years.

(c) The Planning and Building Department shall provide an annual report to the Board of Supervisors which specifies any change in the fee due to automatic annual adjustments, the status of trust funds established to fund the cost of acquiring and development park

facilities associated with new development, and the status of any improvement projects financed in full or in part by these funds.

2.64.080 IMPROVEMENTS IN LIEU OF FEE

Applicants for building permits required to pay fees under this chapter may, as an alternative to paying the required fee, offer to dedicate land or construct park improvements determined by the Board of Supervisors to be appropriate for the type of development being proposed. In making such determination, the Board shall take into consideration the extent to which the park land or facilities would meet the goals and objectives of the County for parks in the Mid-Coast area, including with reference to any plans or needs assessments for the area. In exchange for such dedication or construction, the applicant shall receive a partial or full offset of the fee that would otherwise be required by this chapter.

2.64.090 DEFINITION OF "NEW RESIDENTIAL DEVELOPMENT"

For purposes of this chapter, "new residential development" shall mean a new single or multifamily residential structure.

2.64.100 DEFINITION OF "ASSESSABLE SPACE"

For purposes of this chapter, "assessable space" shall mean all of the square footage within the perimeter of the residential structure, not including any carport, walkway, garage, overhang, patio, enclosed patio, detached accessory structure, or similar area.

2.64.110 EXEMPTIONS

(a) An applicant for a building permit or permits for a farm labor housing project, as defined in Policy 3.35 of the San Mateo County Local Coastal Program, shall be exempt from payment of fees provided by this chapter.

(b) An applicant for a building permit or permits for a housing development for lower income housing as defined in subdivision (b) of Section 65915 of the Government Code or successor statute, shall be exempt from the payment of fees provided by this chapter, provided that the applicant agrees to the requirements for continued affordability set forth in subdivision (c) of Section 65915 of the Government Code or successor statute. Such exemption shall apply only to those units in any development project which meet the definition of lower income housing.

2.64.120 CREDIT FOR PARTICIPATION IN ALTERNATIVE FUNDING MECHANISM

If property which could otherwise be subject to payment of a fee under this chapter has, at any time in the past, been made subject to

payment of assessments under an assessment district for the acquisition and development of parks in the Mid-Coast area of San Mateo County, or has paid money or incurred an obligation to pay money in the future for such purposes under any other alternative funding mechanism, the applicant for a building permit shall, upon request, be entitled to a credit against the fee otherwise payable under this chapter to the extent of such payment or obligation.

SECTION 6. Section 2.00.080 is added to Chapter 2.00 of Title 2 and shall read as follows:

2.00.080 DEPARTMENTAL NAME CHANGES

All references in this code to Employee and Public Services in this shall mean Human Resources. All references in this code to Health Services Agency shall mean Health Department.

SECTION 7. Section 6.04.010 of Title 6 of the San Mateo County Ordinance Code is amended to read as follows:

6.04.010 Definitions.

“Animal Control Officer” means that person designated as the Animal Control Program Manager of the Division of Animal Control Services for the County and his or her duly authorized officers or deputies, as well as the President of the County’s contract agent and his or her duly authorized officers or deputies.

“Animal Control Program” means that program within the Division of Animal Control Services of the Health Department of the County, or the County’s designated contract agent or both, which is specifically charged with regulating and enforcing laws dealing with animal control within its jurisdiction.

“Animal Control Shelter” means the facilities provided by the County or the County’s designated contract agent for the impounding of animals.

“Dangerous animal” means any animal, except a trained dog assisting a peace officer engaged in law enforcement duties, which, because of its disposition, behavior, training or other characteristic, constitutes a danger to persons or property, or which demonstrates any or all of the following behavior:

1. Any attack or other behavior which requires a defensive action by any person to prevent bodily injury or property damage or that results in an injury to a person or property;

2. Any aggressive attack or other behavior that constitutes a substantial threat of bodily harm to a person or animal, where such attack, injury or behavior occurs in a place where such person or animal is conducting himself or herself peaceably and lawfully;
3. An attack on another animal or livestock which occurs off the property of the owner of the attacking animal;
4. Any animal that has been deemed by another governmental jurisdiction as "potentially dangerous," "dangerous," "vicious," or any other similar designation.

"Director of Health Department" means that person so designated by the governing body of the County of San Mateo.

"Impoundment" means the picking up and confining of an animal by the Animal Control Program.

"Licensing program" means that program within the Health Department which is specifically charged with regulating and selling animal licenses and registrations in the County of San Mateo.

"Owner" of an animal means that person 18 years of age or over who holds the license to the animal, or if the animal is not licensed, that person 18 years of age or over legally entitled to possession of the animal concerned and who has primary responsibility for the care of the animal.

"Severe injury" means any physical injury directly caused by an animal attack that consists of muscle tears, multiple punctures, broken bones or disfiguring lacerations, or which requires multiple sutures or corrective or cosmetic surgery.

"Vicious animal" means any animal, except a trained dog assisting a peace officer engaged in law enforcement duties, which meets any or all of the following criteria:

1. Any animal previously designated as "dangerous," that, after investigation by an Animal Control Officer and/or Peace Officer, is found under conditions which constitute a violation of this chapter or applicable dangerous animal permit and which demonstrates a significant danger to the public health or safety;

2. Any animal seized under section 599aa of the Penal Code and/or upon the sustaining of a conviction of the owner or caretaker under subsection (a) of Section 597.5 of the Penal Code;
3. Any animal which inflicts severe injury on or kills a human being or another animal;
4. Any animal which has engaged in any aggressive behavior which demonstrates that the animal represents a clear and present substantial danger to the public health or safety and that, due to substantial risk to the public health or safety, it is unlikely that the animal could be safely maintained under a dangerous animal permit.

"Wolf hybrid" means any offspring of domestic dogs bred to wild canids (e.g., wolves or coyotes) and their subsequent generations.

SECTION 8. Section 6.04.100 (f) of Title 6 of the San Mateo County Ordinance Code is amended to read as follows:

(f) Should the owner of the animal wish to contest the dangerous animal designation, the owner may request a hearing, to be conducted according to the procedures set forth in section 6.04.115 of this chapter. The owner shall submit a written request for a Dangerous Animal Hearing to the Animal Control Officer and/or Peace Officer within five (5) calendar days of written notification by the Animal Control Officer and/or Peace Officer that the animal has been declared dangerous. Should the owner not submit a request for a hearing within five (5) calendar days of notification, the hearing process shall be deemed waived by the owner, and the dangerous animal declaration will be considered final by the County Director of the Health Department, or the city having jurisdiction. In that event, the County Director of the Health Department or the City having jurisdiction may allow the dangerous animal permit to be issued without a hearing. Unless a dangerous animal permit is immediately obtained, the animal shall be impounded at the owner's expense pending appropriate disposition as determined by the Animal Control Officer and/or Peace Officer.

SECTION 9. Section 6.04.105 (c) of Title 6 of the San Mateo County Ordinance Code is amended to read as follows:

(c) If the owner of the animal disputes the designation of an animal as a vicious animal by the Animal Control Officer and/or Peace Officer, (s)he may submit a written request for a hearing to the

Animal Control Officer and/or Peace Officer within five (5) calendar days of notification. Such hearing shall be conducted according to the procedures set forth in section 6.04.115 of this chapter. Failure of the owner to request a hearing shall result in the animal being declared vicious and humanely destroyed. The vicious animal declaration will be considered final by the County Director of the Health Department, or the City having jurisdiction.

SECTION 10. Section 6.04.115 (a) of Title 6 of the San Mateo County Ordinance Code is amended to read as follows:

6.04.115 Hearing procedures.

(a) Hearings held under this chapter shall be conducted by a Hearing Officer or designated representative appointed by the Director of the Health Department. Any city contracting with the County for animal control services may elect to utilize the services of any San Mateo County designated Hearing Officer to hold hearings under that city's animal control ordinances. The hearings shall be scheduled no less than five (5) working days and no more than fifteen (15) working days from the receipt of the request for the hearing unless agreed upon by the involved Animal Control Officer or Peace Officer and the animal owner. A hearing may be continued if the Hearing Officer deems it necessary and proper or if the owner, or Animal Control Officer and/or Peace Officer shows good cause.

SECTION 11. Section 6.04.160 (c) of Title 6 of the San Mateo County Ordinance Code is amended to read as follows:

(c) If, after investigation, the Animal Control Officer or Peace Officer concludes that it is probable that one or more of the above grounds for revocation or modification of the permit has occurred, the officer shall cause written notice thereof to be transmitted to the owner. Said notice shall specify the grounds of revocation or modification of the permit. Should the owner of the animal wish to contest the revocation or modification of the permit, (s)he may request a hearing to be held before a Hearing Officer not previously involved with the permit issuance or investigation, as designated by the Director of the Health Department within five (5) calendar days of receiving the notice of intent to modify or revoke permit. Said hearing date shall be not less than five (5) working days or more than 15 working days subsequent to the date the request for hearing is received. The hearing shall be conducted as set forth in section 6.04.115 of this chapter. After the hearing, the officer conducting the hearing may modify the terms of the permit or revoke the permit depending upon the owner's ability to comply with the requirements of this chapter and to control the animal

so that the health, safety and property of the public are protected.

SECTION 12. Section 6.04.280 of Title 6 of the San Mateo County Ordinance Code is amended to read as follows:

6.04.280 Service fees.

Animal Control Service fees for redemption of impounded animals, relinquishment, adoption, disposal, abatement, rescue, veterinary treatment or other services not specified in section 6.04.290 shall be reviewed by the Director of the Health Department or his/her designee for reimbursement of costs. The Director of the Health Department or his/her designee shall have the authority to determine the fee charged for said services. The fee charged shall be paid by the owner or person who has custody of animal(s) for which said services have been provided.

SECTION 13. Section 6.16.080 (a) and (b) of Title 6 of the San Mateo County Ordinance Code are amended to read as follows:

6.16.080 Appeal of revocation of permit

(a) Prior to revocation of a permit, the Animal Control Program Manager shall provide written notice to the permittee of its intention to revoke the permit. Such notice shall contain a statement of the grounds supporting permit revocation and shall advise the permittee that the permit will be revoked unless a hearing before the Director of Health Department or his designee is requested in writing to the Animal Control Program Manager within ten days of the mailing of the notice. Any request for a hearing must specify the reasons the license should not be revoked and why the grounds cited in the notice do not exist.

(b) Upon receipt of a request for hearing, the Animal Control Program Manager shall schedule a hearing before the Director of the Health Department or his designee and shall provide the permittee with reasonable written notice of the date, time and place of the hearing.

SECTION 14. This Ordinance shall be effective on November 19, 2006.
