



**COUNTY OF SAN MATEO**  
**Inter-Departmental Correspondence**

County Counsel

**DATE:** November 30, 2007

**BOARD MEETING DATE:** December 18, 2007

**SPECIAL NOTICE/HEARING:** No

**VOTE REQUIRED:** Majority

**TO:** Honorable Board of Supervisors

**FROM:** County Counsel

**SUBJECT:** Technical Amendments to the San Mateo County Ordinance Code

**RECOMMENDATION:**

Adopt an ordinance amending sections 1.030.020, 2.47.020, 3.38.040, 4.96.040, 5.144.010, 6.08.050 of the San Mateo County Ordinance Code consisting of technical amendments.

**VISION ALIGNMENT:**

**Commitment:** Responsive, effective and collaborative government.

**Goal:** (20) Government decisions are based on careful consideration of future impact, rather than temporary relief or immediate gain.

**BACKGROUND:**

In the summer and fall of 2006, the Board adopted a series of ordinances implementing the two phases of County's new organizational structure. It has come to our attention that some references to former departments in the prior organizational structure still exist in the ordinance code. These references need to be updated. In addition, from time to time, references to state law contained in the ordinance need to be updated.

**DISCUSSION:**

As part of the reorganization, the Environmental Services Agency was removed as a department and two new departments for Parks and Planning and Building were created. There are several technical changes consisting of deleting references to the Environmental Services Agency and referring to the correct department. The

proposed changes: (1) refer to the Director of Community Development or her designee as the hearing officers for Mobile home rent control in section 1.030.020; (2) refer to the Director of Public Works in regards to the graffiti removal process in section 3.38.040; and (3) refer to the Planning and Building Department in regards to exotic animal permits in section 6.08.030 and 6.08.050.

Under the reorganization, the Agricultural Commissioner/Sealer of Weights moved to the Health Department, consequently the definition in section 5.144.010 for "Department" should refer to Health Department.

Currently, the ordinance code section regarding the establishment of a county law library refers to the Political Code. This should be changed to Business and Professions Code.

The last technical change addresses the fact that there are two subsections called (c) in Section 4.96.040 relating to areas where smoking is prohibited. One needs to be renumbered to be Subsection (d).

All of these changes are reflected in the attached ordinance in the shaded font.

**FISCAL IMPACT:**

None.



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MICHAEL P. MURPHY, COUNTY COUNSEL

cc: John Maltbie, County Manager

**RECOMMENDED**  
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**COUNTY MANAGER**

[ATTACHMENT TO BOARD MEMO]

**ORDINANCE NO.** \_\_\_\_\_

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO,  
STATE OF CALIFORNIA

\* \* \* \* \*

AN ORDINANCE AMENDING SECTIONS 1.030.020, 2.47.020, 3.38.040, 4.96.040,  
5.144.010, 6.08.050 OF THE SAN MATEO ORDINANCE CODE  
CONSISTING OF TECHNICAL AMENDMENTS

The Board of Supervisors of the County of San Mateo, State of California,

**ORDAINS** as follows

**SECTION 1.** Title 1, Chapter 1.30 Mobilehome Rent Control, Section 1.030.020 of the San Mateo County Ordinance Code setting forth definitions, including "Hearing Officer" which shall be amended to read as follows:

"Hearing Officer" means the Director of Community Development or his/her designee.

**SECTION 2.** Title 2 Chapter 2.47 Miscellaneous Provisions, Section 2.47.020 Law Library", shall be amended to read as follows:

**SECTION 2.47.020 Law Library**

The provisions of Chapter 5 of Division 3 of the Business and Professions Code, commencing with section 6300, and any amendments and modifications thereof, regarding establishment of a county law library, are hereby made applicable to the County of San Mateo.

**SECTION 3.** Title 3 Chapter 3.48 Graffiti, Section 3.38.040, shall be amended to read as follows:

3.48.040 Notice and consent for removal of graffiti.

- (a) Whenever the Sheriff or designee, or the Director of Public Works or designee, determines that graffiti exists on any permanent structure in the unincorporated area of San Mateo County which is visible from the street or other public or private property, the Sheriff or Director shall cause a notice to be served on the property owner demanding abatement of the graffiti as provided by this section.
- (b) The notice shall be served on the owner(s) of the affected property, as such owner's name and address appear on the last equalized property tax assessment rolls of the County of San Mateo. The notice shall be served by either personal delivery or certified or first class mail. In addition, where the

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- property is known to be occupied by other than the record owner, a copy of the notice shall be sent by certified or first class mail to the occupant at the property address or posted on the affected property.
- (c) The notice shall inform the property owner that the graffiti exists and must be immediately abated. The notice shall request that, within ten days of personal delivery or mailing of the notice, the owner either abate the graffiti or sign and return a consent form authorizing the County to enter the property and abate the graffiti, at County expense, by cleaning, painting or otherwise removing the graffiti. The consent form to be signed by the owner shall be prepared by the County and served with the notice to abate.
  - (d) If the property owner consents to removal by the County, as provided by subsection (c) of this section, the Sheriff or the Director of Public Works may enter and abate the graffiti by County forces, volunteer labor, private contractor, or other means.

**SECTION 4.** Subsection (c) to Section 4.96.040 of Chapter 4.96, Title 4 of the San Mateo County Ordinance Code which relates to areas where smoking is prohibited shall be renumbered to be Subsection (d) to Section 4.96.040 and:

- (d) Within any area, including public parking areas, of county owned, operated or maintained beaches, parks and trails, including but not limited to the following: Coyote Point Marina; Coyote Point Park, Crystal Springs Trail, Edgewood Park and Natural Reserve, Fitzgerald Marine Reserve, Flood Park, Huddart Park, Junipero Serra Park, Memorial/Pescadero Park, Mirada Surf East and Mirada Surf West, Sanchez Adobe, Sam McDonald Park, San Bruno Mountain Park, San Pedro Valley Park, Woodside Store, and Wunderlich Park.

**SECTION 5.** Title 5, Chapter 5.144 Registration Certification And Fee For Point-Of-Sale Stations (Scanners), Section 5.144.010 definition for "Department" shall be amended to read as follows:

"Department" means the Agricultural Commissioner/Sealer of Weights and Measures Division of the Health Department.

**SECTION 6.** Title 6, Chapter 6.08 Exotic Animals, Sections 6.08.030 and 6.08.050 of the San Mateo County Ordinance Code regarding exotic animal permits, shall be amended to read as follows:

6.08.030 Permit required.

No person shall own or keep any exotic animal without first applying to and receiving from the Planning and Building Department a use permit to do so. Section 6315 (u) San Mateo County Ordinance Code, Zoning Annex.

The application for a Health Department permit shall contain the name of the applicant, his address, the address of the proposed location of the exotic animal, (if different from

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the applicant's) and a brief description of the applicant's plan for keeping the exotic animal which shall include the species of animal, the number of individuals of each species and a description of the housing facilities, for the exotic animal, and the reason for the keeping of such animal.

Health Department Permit fees for keeping of exotic animals shall be established by resolution of the Board of Supervisors. The initial Health Department fee shall be a filing fee for the issuance of each Health Department permit. Each permit shall be valid for a period of one year from the date of issuance unless revoked or suspended. The fee may cover either one exotic animal or a collection, and the maximum number of specimens permitted to be kept shall be specified in the permit. Whenever a new exotic animal or collection is added so as to exceed the maximum number permitted, a new Health Department permit must be secured and a new fee shall be due and payable at the time of issuance of the permit.

Whenever, in any given Health Department permit year, there are new exotic animals in a collection due to the reproduction of members of the collection or due to trade, exchange, or replacement in the same number and of the same zoological order as the members of the collection traded, exchanged or replaced, the new exotic animals do not require an additional permit during that year, provided the director is notified in writing of the new exotic animals within thirty days of acquisition.

### 6.08.050 Approval of application.

Upon receipt of an application for an initial Health Department permit by the director, he shall make any investigation he deems proper. He shall approve an application if he makes all of the findings specified below. Alternatively, the application may initially be forwarded to the Public Works and Planning and Building Departments of the County or any other appropriate agency if the director, in his discretion, concludes that the assistance of such departments/agencies is necessary in order for him to approve the application. Designated employees of those departments shall ascertain whether or not the applicant's plan is in conformity with the law administered by these departments. If the applicant's plan is in conformity with the law administered by said departments, their approval shall be indicated on the face of the application. If the applicant's plan is not in conformity with the law administered by said departments, the face of the application shall be marked "Not Approved" and the reason for non-approval noted thereon, along with any revisions or changes in the applicant's plan which if made would result in approval by the department in question.

Upon approval by said departments of the application for an initial Health Department permit or upon the receipt of an application for a renewal permit, the director shall make any investigation he deems proper. He shall approve an application if he finds all of the following:

- (a) The keeping of the exotic animal at the location specified in the application will not violate any ordinance or other regulation of this County or any law of the

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- State;
- (b) The keeping and maintenance of the exotic animal will not endanger the peace, health, or safety of persons in the immediate vicinity, or in the County as a whole;
  - (c) The premises and housing where the exotic animal is to be kept are in clean and sanitary condition, and any exotic animal will not be subject to suffering, cruelty or abuse;
  - (d) The applicant has not had a Health Department permit, issued pursuant to this chapter, revoked within a year prior to the date of application.
  - (e) The keeping and maintenance of the exotic animal does not constitute a public nuisance.

**SECTION 7.** This Ordinance shall be effective thirty (30) days from the passage date thereof.

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