

ORDINANCE NO. 2982

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ADDING CHAPTER 15.58 TO THE CHULA VISTA MUNICIPAL CODE RELATING TO PLACARDS USED TO DENOTE THE CONDITION OF STRUCTURES AND THE ABILITY TO SAFELY OCCUPY OR USE THOSE STRUCTURES AFTER A DISASTER

WHEREAS, in 1987, the California Governor's Office of Emergency Services, the Statewide Health Planning and Development and the Federal Emergency Management Agency jointly contracted with Applied Technology Council (ATC) for the purpose of standardizing the procedures for post earthquake safety assessment of buildings and structures; and

WHEREAS, the outcome was a publication titled "Procedures for Post-Earthquake Safety Evaluation of Buildings" also known as ATC-20; and

WHEREAS, the procedures outlined in ATC-20 are an essential component of the statewide Standardized Emergency Management System (SEMS) used by jurisdictions, including Chula Vista, to respond to any type of emergency or disaster; and

WHEREAS, the ATC-20 procedures include posting placards that clearly identify the conditions of buildings and structures for owners, occupants and the general public; and

WHEREAS, the placards are intended to identify unsafe buildings or structures, and at the same time, identify buildings or structures that can be reoccupied or used, keeping fewer people homeless.

NOW, THEREFORE, the City Council of the City of Chula Vista does hereby ordain:

SECTION I. That Chapter 15.58 of the Chula Vista Municipal Code is hereby added to read as follows:

CHAPTER 15.58

SAFETY ASSESSMENT PLACARDS

Sections:

- 15.58.010 Intent
- 15.58.020 Application of Provisions
- 15.58.030 Definitions
- 15.58.040 Placards to be used
- 15.58.50 Violation – Penalty

- 15.58.010 Intent

This chapter establishes standard placards to be used to indicate the condition of a structure for continued occupancy or use after the occurrence of a disaster. The chapter further authorizes the Building Official and his or her authorized representatives to post the appropriate placard at each entry point to a building or structure upon completion of a safety assessment.

15.58.020 Application of Provisions

The provisions of this chapter are applicable to all buildings and structures of all occupancies or use regulated by the City of Chula Vista.

15.58.030 Definitions

“Disaster” shall mean any natural or human-created occurrence which results in a disaster declaration by a governmental entity or person authorized to issue such a declaration, including but not limited to, the City Manager, City Council, the governor of the State of California and the President of the United States. “Disaster” shall include wind storms, earthquakes and after shocks, fires, floods, terrorist attacks, hazardous materials incidents and other occurrences resulting in a disaster declaration.

“Safety assessment” shall mean a visual, non-destructive examination of a building or structure for the purpose of determining the condition for continued occupancy.

15.58.040 Placards to be used

A. Placard descriptions. The following are descriptions of the official City of Chula Vista placards to be used to designate the condition for continued occupancy of buildings or structures.

1. INSPECTED - Lawful Occupancy Permitted is to be posted on any building or structure wherein no apparent structural hazard has been found. This placard is not intended to mean that there is no damage to the building or structure.

2. RESTRICTED USE is to be posted on each building or structure that has been damaged wherein the damage has resulted in some form of restriction to the continued occupancy. The individual who posts this placard should note in general terms the type of damage encountered and will clearly and concisely note the restrictions on continued occupancy.

3. UNSAFE - Do Not Enter or Occupy is to be posted on each building or structure that has been damaged such that continued occupancy poses a threat to life safety. Buildings or structures posted with this placard shall not be entered under any circumstance except as authorized in writing by the Building Official, or his or her authorized representative. Safety assessment teams shall be authorized to enter these buildings at any time. This placard is not to be used or considered as a demolition order. The individual who posts this placard will note in general terms the type of damage encountered.

B. No liability created. The inspection and posting of a building as allowing occupancy or restricted occupancy does not guarantee its safety. The City shall not be held liable for any injuries, damage or death resulting from a building or structure which fails after having been inspected and posted to allow occupancy.

C. Other placards. From time to time the three placards listed above may need to be modified or new ones developed. The City Manager and Building Official are hereby authorized to modify those placards as well as develop new placards with a different focus or purpose. All

new placards and changes to existing placards shall be consistent with the purpose and intent of this chapter.

D. Other placard contents. The text "CVMC Chapter 15.58," the City logo, City name, City address and City phone number shall be permanently affixed to each placard.

E. Illegal to occupy. Once a placard has been attached to a building or structure, it shall be unlawful to occupy or use a building or structure in a way which contravenes the order contained in the placard.

F. Illegal to remove, cover or alter placard. Once posted, a placard shall not to be removed, altered or covered until done so by an authorized representative of the Building Official. It shall be unlawful for any person, firm or corporation to alter, remove, cover or deface a placard unless authorized pursuant to this section.

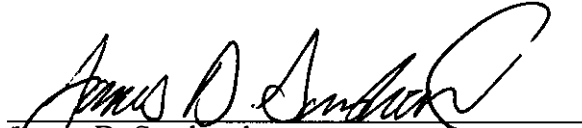
15.58.050 Violation – Penalty

Any person who violates any provision of this chapter is guilty of a misdemeanor and is punishable by a fine not exceeding \$1,000 or by imprisonment for a period of not exceeding six months, or by both. Each such person shall be guilty of a separate offense for each and every day a violation of this chapter is committed, continued, or permitted by any such person.

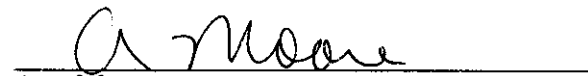
SECTION II. This ordinance shall take effect and be in full force on the thirtieth day from and after its adoption.

Presented by

Approved as to form by



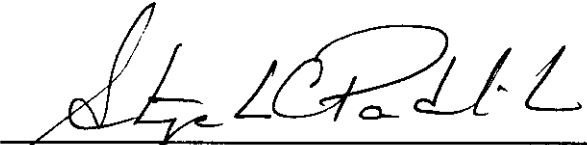
James D. Sandoval
Planning and Building Director



Ann Moore
City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 26th day of October, 2004, by the following vote:

AYES:	Councilmembers:	Davis, McCann, Rindone, Salas and Padilla
NAYS:	Councilmembers:	None
ABSENT:	Councilmembers:	None



Stephen C. Padilla, Mayor

ATTEST:



Susan Bigelow, MMC, City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO)
CITY OF CHULA VISTA)

I, Susan Bigelow, City Clerk of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 2982 had its first reading at a regular meeting held on the 19th day of October, 2004 and its second reading and adoption at a regular meeting of said City Council held on the 26th day of October, 2004.

Executed this 26th day of October, 2004.



Susan Bigelow, MMC, City Clerk