



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Ordinance No. 1841 Entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Title 15 – Buildings and Construction – by Adding Chapter 15.22, 'ATC-20 Safety Assessment Placards,' Used to Denote Conditions Relating to Continued Occupancy of Buildings"

MEETING DATE: November 17, 2010

PREPARED BY: City Clerk

RECOMMENDED ACTION: Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1841.

BACKGROUND INFORMATION: Ordinance No. 1841 entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Title 15 – Buildings and Construction – by Adding Chapter 15.22, 'ATC-20 Safety Assessment Placards,' Used to Denote Conditions Relating to Continued Occupancy of Buildings," was introduced at the regular City Council meeting of November 3, 2010.

ADOPTION: With the exception of urgency ordinances, no ordinance may be passed within five days of its introduction. Two readings are therefore required – one to introduce and a second to adopt the ordinance. Ordinances may only be passed at a regular meeting or at an adjourned regular meeting; except for urgency ordinances, ordinances may not be passed at a special meeting. Id. All ordinances must be read in full either at the time of introduction or at the time of passage, unless a regular motion waiving further reading is adopted by a majority of all council persons present. **Cal. Gov't Code § 36934.**

Ordinances take effect 30 days after their final passage. **Cal. Gov't Code § 36937.**

This ordinance has been approved as to form by the City Attorney.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

Randi Johl
City Clerk

RJ/JMR

Attachments

APPROVED: _____

Konradt Bartlam, Interim City Manager

ORDINANCE NO. 1841

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
LODI AMENDING LODI MUNICIPAL CODE TITLE 15 –
BUILDINGS AND CONSTRUCTION – BY ADDING CHAPTER
15.22, “ATC-20 SAFETY ASSESSMENT PLACARDS,” USED TO
DENOTE CONDITIONS RELATING TO CONTINUED
OCCUPANCY OF BUILDINGS

WHEREAS, one of the functions of the Applied Technology Council ATC-20 publication entitled Post-Disaster Safety Assessment Program was the development of placards that clearly identify the condition of buildings to owners and occupants during a disaster; and

WHEREAS, these placards were first used after the Loma Prieta earthquake in 1989; and

WHEREAS, a panel was convened by the Applied Technology Council to review ATC-20 and update the publication and placards based on the Loma Prieta experience that recommended revisions to the placards; and

WHEREAS, placards have been widely used in past earthquakes to denote the condition of buildings and structures, and in many cases, the placards have been those recommended in the ATC-20 publication; and

WHEREAS, in past events, there have been a number of reports of placards being removed from buildings by owners or tenants or an unauthorized change of placards, usually from UNSAFE to one of the other categories, compromising the protection of the public; and

WHEREAS, adopting the ATC-20 recommended placards by ordinance makes them the City's official placards and their use enforceable under this Code and the misuse or removal of the placards punishable under this Code; and

WHEREAS, only authorized representatives of a jurisdiction may place official placards, and for this reason, the Post-Disaster Safety Assessment Program recommends that safety assessment evaluators be deputized. If evaluators are not deputized, the jurisdiction must send out its own personnel to post the buildings. In accordance with Article 17, Section 8657(b) of the California Emergency Services Act, local government is not financially responsible for providing disaster volunteers with worker's compensation coverage if the jurisdiction deputizes and registers the volunteers. Volunteering safety assessment evaluators registered with OES as Disaster Service Worker Volunteers are provided worker's compensation coverage by the State of California; safety assessment evaluators who are State or local government employees are covered by their respective jurisdiction and respond to disasters under the terms of mutual aid agreements.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

SECTION 1. Lodi Municipal Code Title 15 – Buildings and Construction – is hereby amended by adding Chapter 15.22, “ATC-20 Safety Assessment Placards,” to read as follows:

CHAPTER 15.22

ATC-20 SAFETY ASSESSMENT PLACARDS

Sections:

15.22.010	Intent
15.22.020	Application of Provisions
15.22.030	Definitions
15.22.040	Placards

Section 15.22.010 Intent

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

Section 15.22.020 Application of Provisions.

- (a) The provisions of this Chapter are applicable to all buildings and structures of all occupancies regulated by the City of Lodi. The Council may extend the provisions as necessary.

Section 15.22.030 Definitions.

- (a) Safety assessment is a visual, non-destructive examination of a building or structure for the purpose of determining the condition for continued occupancy.

Section 15.22.040 Placards.

- (a) The following are verbal descriptions of the official jurisdiction placards to be used to designate the condition for continued occupancy of buildings or structures. Copies of actual placards are attached.
 - (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 will note on the placard 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/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 on the placard in general terms the type of damage encountered.

- (b) The number of the ordinance adopting this Chapter, along with the address and phone number of the Building Division of the City's Community Development Department, shall be permanently affixed to each placard.
- (c) Once it has been attached to a building or structure, a placard is not to be removed, altered, or covered until done so by an authorized representative of the Building Official, including deputized safety assessment evaluators. It shall be unlawful for any person, firm, or corporation to alter, remove, cover, or deface a posted placard unless authorized to do so pursuant to this section.
- (d) Placards Shall Read as Follows:



INSPECTED

LAWFUL OCCUPANCY PERMITTED

Community Development Department, Building Division
221 West Pine Street, Lodi, California 95240
(209) 333-6714

City of Lodi Ordinance No. _____ Adopted: _____

This structure has been inspected (as indicated below) and no apparent structural hazard has been found.

inspected Exterior Only

Inspected Exterior and Interior

Report any unsafe condition to local authorities; Re-inspection may be required.

Inspector Comments:

Inspector ID/Agency:

Facility Name & Address:

Date: _____

Time: _____

(Caution: Aftershocks Since Inspection May Increase Damage and Risk)

This Facility was inspected under emergency conditions by:

Jurisdiction: _____

Address: _____

Telephone: _____

DO NOT REMOVE, ALTER OR COVER THIS PLACARD UNTIL AUTHORIZED BY THE BUILDING OFFICIAL (LODI MUNICIPAL CODE §15.22.040)



**LIMITED ENTRY
OFF LIMITS TO UNAUTHORIZED PERSONNEL
DO NOT ENTER OR OCCUPY**

**(THIS PLACARD IS NOT A DEMOLITION ORDER)
Community Development Department, Building Division
221 West Pine Street, Lodi, California 95240
(209) 333-6714**

City of Lodi Ordinance No. _____ Adopted: _____

This Structure has been Inspected, Found to be Seriously Damaged and is Unsafe to Occupy, as Described Below:

DO NOT ENTER, EXCEPT AS SPECIFICALLY AUTHORIZED IN WRITING BY JURISDICTION. ENTRY MAY RESULT IN DEATH OR INJURY.

Facility Name & Address:

This Facility was Inspected Under Emergency Conditions By:

Jurisdiction: _____
Address: _____
Telephone: _____

Inspector ID/Agency:

Date: _____

Time: _____

DO NOT REMOVE, ALTER OR COVER THIS PLACARD UNTIL AUTHORIZED BY THE BUILDING OFFICIAL (LODI MUNICIPAL CODE §15.22.040)



UNSAFE

Community Development Department, Building Division
221 West Pine Street, Lodi, California 95240
(209) 333-6714

City of Lodi Ordinance No. _____ Adopted: _____

CAUTION: This Structure Has Been Inspected and Found to be Damaged as Described Below:

Entry, Occupancy and Lawful Use are Restricted as Indicated Below:

Facility Name & Address:

Date: _____

Time: _____

(Caution: Aftershocks Since Inspection may Increase Damage and Risk)

This Facility was inspected under emergency conditions by:

Jurisdiction: _____

Address: _____

Telephone: _____

Inspector

ID/Agency: _____

DO NOT REMOVE, ALTER OR COVER THIS PLACARD UNTIL AUTHORIZED BY THE BUILDING OFFICIAL (LODI MUNICIPAL CODE §15.22.040)

Section 2. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 3. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 4. This ordinance shall be published one time in the "Lodi News Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi, and shall be in force and take effect 30 days from and after its passage and approval.

Approved this 17th day of November, 2010.


PHIL KATZAKIAN
Mayor

Attest:



RANDI JOHL, City Clerk

State of California
County of San Joaquin, ss.

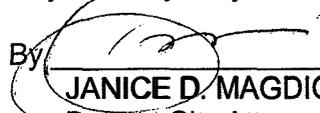
I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance No. **1841** was introduced at a regular meeting of the City Council of the City of Lodi held November 3, 2010, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held November 17, 2010, by the following vote:

- AYES: COUNCIL MEMBERS – Hansen, Hitchcock, Johnson, Mounce, and Mayor Katzakian
- NOES: COUNCIL MEMBERS – None
- ABSENT: COUNCIL MEMBERS – None
- ABSTAIN: COUNCIL MEMBERS – None

I further certify that Ordinance No. **1841** was approved and signed by the Mayor of the date of its passage and the same has been published pursuant to law.


RANDI JOHL
City Clerk

Approved as to Form:
D. STEPHEN SCHWABAUER
City Attorney, City of Lodi

By 

JANICE D. MAGDICH
Deputy City Attorney