

ORDINANCE NO. 22-2011

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE ADDING ELK GROVE MUNICIPAL CODE CHAPTER 16.06 RELATING TO PLACARDS USED TO DENOTE CONDITIONS RELATING TO CONTINUED OCCUPANCY OF BUILDINGS

WHEREAS, the City of Elk Grove (the "City") has adopted and maintains a Municipal Code to establish standards for building safety standards; and

WHEREAS, the Municipal Code standards are intended to maintain public health and safety and quality of life for Elk Grove's residents; and

WHEREAS, in the event of a disaster, buildings and/or structures may become damaged requiring Building Official and his or her staff to restrict or refuse the entrance or occupation of damaged buildings and/or structures; and

WHEREAS, standardized placards are used to quickly identify the safety condition of a building and/or structure and legally control the access to the damaged building and/or structure.

NOW, THEREFORE, the City Council of the City of Elk Grove does ordain as follows:

Section 1: Purpose and Authority

The purpose of this Ordinance is to add Elk Grove Municipal Code Chapter 16.06 to Title 16 relating to Post-Disaster Assessment utilizing placards to denote conditions relating to continued occupancy of buildings and/or structures.

Section 2: Amendment to Title 16 – Buildings and Construction to add EGMC Chapter 16.06 relating to Post-Disaster Assessment.

Elk Grove Municipal Code (EGMC) Chapter 16.06 is hereby added to read as follows:

Chapter 16.06 Post-Disaster Assessment

Sections:

16.06.100 Intent.

16.06.105 Application of Provisions.

16.06.110 Safety Assessment Defined.

16.06.115 Placards.
16.06.120 Placard Contents.
16.06.125 Removal Prohibited

16.06.100 Intent.

This Chapter establishes standard placards to be used to indicate the condition of a building and/or structure for continued occupancy. 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 and/or structure upon completion of a safety assessment.

16.06.105 Application of Provisions.

The provisions of this chapter are applicable to all buildings of all occupancies regulated by the City.

16.06.110 Safety Assessment Defined.

Safety assessment means a visual, non-destructive examination of a building and/or structure for the purpose of determining the condition for continued occupancy.

16.06.115 Placards.

Official jurisdiction placards use three (3) categories to designate the condition for continued occupancy of buildings and/or structures as follows:

A. Inspected - Lawful Occupancy Permitted. This category description is to be posted on any building and/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 and/or structure.

B. Restricted Use. This category description is to be posted on each building and/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 shall note the type of damage encountered and shall note the restrictions on continued occupancy.

C. Unsafe - Do Not Enter or Occupy. This category description is to be posted on each building and/or structure that has been damaged such that continued occupancy poses a threat to life safety. Buildings and/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 and/or structures at any time. This placard is not to be used or considered as a demolition order. The individual who posts this placard shall note the type of damage encountered.

16.06.120 Placard Contents.

Placards referenced in this Chapter should include all of the following information:

- a. Name of the jurisdiction
- b. Address and phone number of jurisdiction
- c. The category designated in EGMC Section 16.06.115 that the building's and/or structure's condition conforms to. This designation should be in bold face type.
- d. For "Inspected" placards the language 'Lawful Occupancy Permitted'
- e. For "Restricted Use" placards the language 'Caution: This building and/or structure has been inspected and found to be damaged as described:' and 'Entry, occupancy and lawful use are restricted as indicated:'
- f. For "Unsafe" placards the language 'Do not enter or occupy (This placard is not a demolition order). This building and/or structure has been inspected, found to be seriously damaged and is unsafe to occupy, as described:' and 'Do not enter, except as specifically authorized in writing by jurisdiction. Entry may result in injury or death'
- g. The address of the building and/or structure inspected
- h. The advisement "Caution: Aftershocks since inspection may increase damage and risk"
- i. The date and time of inspection
- j. The name, employing agency and if applicable the identification number of the inspector
- k. The advisement "Do not remove, alter or cover this placard until authorized by the Building Official (EGMC Section 16.06.125)"

16.06.125 Removal Prohibited.

Once a placard has been attached to a building and/or structure, a placard is not to be removed, altered or covered until done so by an authorized representative of the Building Official. It shall be a misdemeanor enforced pursuant to EGMC Chapter 1.08 for any person or entity to alter, remove, cover or deface a placard unless authorized pursuant to this Chapter.

Section 3: Severability.

If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or

application, and to this end the provisions of this Ordinance are severable. This City Council declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the Ordinance be enforced.

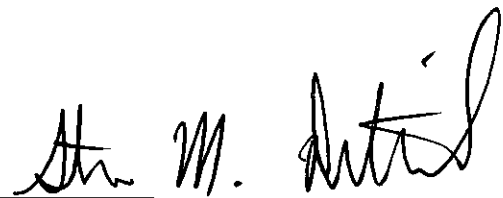
Section 4: No Mandatory Duty of Care

This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City, the Cosumnes Community Services District, or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 5: Effective Date and Publication

This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage, a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the Office of the City Clerk, pursuant to GC 36933(c)(1).


ORDINANCE: 22-2011
INTRODUCED: July 27, 2011
ADOPTED: August 24, 2011
EFFECTIVE: September 23, 2011



STEVEN M. DETRICK, MAYOR of the
CITY OF ELK GROVE

ATTEST:

APPROVED AS TO FORM:


JASON LINDGREN, CITY CLERK
JONATHAN HOBBS,
INTERIM CITY ATTORNEY

Date signed: August 31, 2011

**CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 22-2011**

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss
CITY OF ELK GROVE)

I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing urgency ordinance, published and posted in compliance with State law, was duly introduced on July 27, 2011 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on August 24, 2011 by the following vote:


AYES : COUNCILMEMBERS: *Detrick, Cooper, Davis, Hume, Scherman*

NOES: COUNCILMEMBERS: *None*

ABSTAIN: COUNCILMEMBERS: *None*

ABSENT: COUNCILMEMBERS: *None*

A summary of the ordinance was published pursuant to GC 36933(c) (1).


***Jason Lindgren, City Clerk
City of Elk Grove, California***