



## Town of Atherton

### CITY COUNCIL STAFF REPORT – CONSENT AGENDA

**TO: HONORABLE MAYOR AND CITY COUNCIL  
GEORGE RODERICKS, CITY MANAGER**

**FROM: MICHAEL KASHIWAGI, COMMUNITY SERVICES DIRECTOR**

**DATE: June 18, 2014**

**SUBJECT: ADOPTION OF AN ORDINANCE TO AMEND TITLE 15 OF THE  
ATHERTON MUNICIPAL CODE ADDING A NEW CHAPTER  
RELATED TO THE USE OF PLACARDS TO DENOTE CONDITIONS  
RELATING TO CONTINUED OCCUPANCY OF BUILDINGS**

### **RECOMMENDATIONS**

Waive the second reading and adopt the ordinance to amend Title 15 of the Atherton Municipal Code adding a new chapter related to the use of placards to denote conditions relating to continued occupancy of buildings.

### **BACKGROUND**

At the May 21, 2014 City Council Meeting, the ordinance adopting placards to be used to denote the condition relating to the continued occupancy of buildings was introduced by Title and public comment was taken.

Placards are important public safety notifications first used after the Loma Prieta earthquake in 1989 to denote the condition of buildings and structures. A panel of building and safety industry experts was convened to review building condition notification protocols and standards during the post-earthquake recovery process based on the Loma Prieta experience.

One of the major revisions to come from that panel was to develop three placards that clearly identify the condition of buildings to owners and occupants. These revised placards have been included in California's Post-Disaster Safety Assessment Program.

### **DISCUSSION**

In addition to the adoption of new building notification placards, it is also important for public agencies to have the legal authority to monitor and enforce occupancy determinations by the Building Official. In past events, there have been a number of reports of placards being

removed from buildings by owners and tenants. In other cases there have been reports of unauthorized changes of placards. Both cases create public safety issues if the restrictions identified by the placards are not enforceable. Accordingly an Ordinance adding Chapter 15.56 to the Atherton Municipal Code has been prepared for City Council consideration and approval.

The new Ordinance:

- Establishes standard placards to identify condition of structures;
- Authorizes the Building Official and his or her authorized representatives to post the appropriate placard at the entry point to a building or structure upon completion of a safety assessment; and
- Provides the authority to enforce the posting by making it unlawful for any person, firm, or corporation to alter, remove, cover, or deface a placard.

**FISCAL IMPACT**

None.

Prepared By:

Approved:

\_\_\_\_\_  
Michael Kashiwagi, P.E.  
Community Services Director

\_\_\_\_\_  
George Rodericks  
City Manager

**ATTACHMENT**

- A. Ordinance Amending Title 15 of the Atherton Municipal Code
- B. Sample Placards

ORDINANCE \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF  
ATHERTON ADDING CHAPTER 15.56 TO THE ATHERTON  
MUNICIPAL CODE RELATED TO THE USE OF PLACARDS  
TO DENOTE CONDITIONS RELATING TO THE CONTINUED  
OCCUPANCY OF BUILDINGS**

WHEREAS, Placards have been widely used in past including during the post-earthquake recovery process to denote the condition of buildings and structures; and

WHEREAS, adopting placards by ordinance allows the jurisdiction to enforce the posting with local authorities; and

WHEREAS, the City Council wishes to adopt the use of placards used to indicate the condition of a structure for continued occupancy;

**NOW, THEREFORE, THE CITY COUNCIL OF THE TOWN OF ATHERTON DOES  
ORDAIN AS FOLLOWS:**

**Section 1.**

Adoption of a new Chapter 15.56 of the Atherton Municipal Code which is hereby added to read as follows:

**Chapter 15.56**

**USE OF PLACARDS TO DENOTE CONDITIONS RELATING TO THE CONTINUED  
OCCUPANCY OF BUILDINGS**

**15.56.010 Intent**

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

**15.56.020 Application of Provisions**

(a) The provisions of this chapter are applicable to all buildings and structures of all occupancies regulated by the Town of Atherton.

### **15.56.030 Definitions**

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

### **15.56.040 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. Actual Placards will be in a form recommended for use in the State of California.

(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 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) This Municipal Code Chapter number, the name of the jurisdiction, its address, and phone number shall be permanently affixed to each placard.

(c) Once a placard 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. It shall be unlawful for any person, firm or corporation to alter, remove, cover or deface a placard unless authorized pursuant to this section.

**Section 2.** Except as hereby amended, said Atherton Municipal Code as amended shall be and remain in full force and effect.

**Section 3.** If any section, subsection, sentence, clause, phrase, or portion of this ordinance or the application thereof to any person or circumstances is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof nor other 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 declared to be severable.

**Section 4.** Passed and adopted as an Ordinance of the Town of Atherton at the regular meeting thereof held on the 18th day of June, 2014

AYES: Council Members:  
NOES: Council Members:  
ABSENT: Council Members:  
ABSTAIN: Council Members:

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Cary Wiest, MAYOR  
Town of Atherton

ATTEST:

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Theresa N. DellaSanta, City Clerk

APPROVED AS TO FORM:

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William B. Connors, City Attorney

# INSPECTED

## LAWFUL OCCUPANCY PERMITTED

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

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Inspected Exterior Only

Inspected Exterior and Interior

Report any unsafe condition to local authorities; reinspection may be required.

Inspector comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Facility Name and Address:

\_\_\_\_\_  
\_\_\_\_\_

**(Caution:** Aftershocks since inspection may increase damage and risk)

This facility was inspected under emergency conditions by:

Town of Atherton  
Building Department  
91 Ashfield Road  
Atherton, CA 94027  
(650) 752-0560

Inspector ID/Agency:

\_\_\_\_\_  
\_\_\_\_\_



**Do not Remove, Alter or Cover this Placard  
until Authorized by the Building Official  
(Atherton Municipal Code Section 15.56)**

# RESTRICTED USE

**Caution:** This structure has been inspected and found to be damaged as described below:

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Entry, occupancy and lawful use are restricted as indicated below:

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Facility Name and Address:

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Date: \_\_\_\_\_

Time: \_\_\_\_\_

(Caution: Aftershocks since inspection may increase damage and risk.)

This facility was inspected under emergency conditions by:

Town of Atherton  
Building Department  
91 Ashfield Road  
Atherton, CA 94027  
(650) 752-0560

Inspector ID/Agency

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# UNSAFE

## DO NOT ENTER OR OCCUPY (THIS PLACARD IS NOT A DEMOLITION ORDER)

This structure has been inspected, found to be seriously damaged and is unsafe to occupy, as described below:

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**Do not enter, except as specifically authorized in writing by jurisdiction. Entry may result in death or injury.**

Facility Name and Address:

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Date: \_\_\_\_\_

Time: \_\_\_\_\_

This facility was inspected under emergency conditions by:

Town of Atherton  
Building Department  
91 Ashfield Road  
Atherton, CA 94027  
(650) 752-0560

Inspector ID/Agency

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**Do not Remove, Alter or Cover this Placard  
until Authorized by the Building Official  
(Atherton Municipal Code Section 15.56)**



