ORDINANCE NUMBER O-_____ (New Series)

DATE OF FINAL PASSAGE _____

AN ORDINANCE OF THE CITY OF SAN DIEGO AMENDING CHAPTER 5, ARTICLE 4, DIVISION 10 OF THE SAN DIEGO MUNICIPAL CODE BY RENAMING DIVISION 10; BY AMENDING SECTIONS 54.1001, 54.1002, 54.1003, 54.1004, 54.1005, AND 54.1006; AND BY ADDING SECTIONS 54.1007, 54.1008, 54.1009, 54.1010, 54.1011, 54.1012, 54.1013, 54.1014, AND 54.1015; ALL RELATING TO LEAD HAZARD PREVENTION AND CONTROL; AND FINDING AS TO ENVIRONMENTAL IMPACT.

WHEREAS, the Centers for Disease Control and Prevention estimates that more than 434,000 preschoolers are affected by lead poisoning in the United States, and that lead poisoning is one of the most common, preventable pediatric health problems in this country; and

WHEREAS, lead is most harmful to young children because lead is absorbed into their growing bodies, interfering with the developing brain and other organs and systems such as the nervous system and kidneys. Lead poisoning has been linked to reduced IQ, attention deficit disorder, hearing loss, impaired growth, reading and learning disabilities, and other health, behavioral, and intellectual consequences; and

WHEREAS, while lead poisoning crosses socioeconomic, geographic, and racial boundaries, lead poisoning predominantly affects children from low-income families living in older, poorly maintained housing; and

WHEREAS, the Council of the City of San Diego takes legislative notice of the contents of the City Manager's Report regarding the Lead-Safe Neighborhoods Program (CMR-04-178) and its accompanying oral and documentary evidence as presented before the Land Use and Housing Committee on August 4, 2004; NOW, THEREFORE,

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter 5, Article 4, Division 10, of the San Diego Municipal Code is hereby amended by renaming Division 10 "Lead Hazard Prevention and Control Ordinance," by amending Sections 54.1001, 54.1002, 54.1003, 54.1004, 54.1005, and 54.1006, and by adding Sections 54.1007, 54.1008, 54.1009, 54.1010, 54.1011, 54.1012, 54.1013, 54.1014, and 54.1015, to read as follows:

Division 10

Lead Hazard Prevention and Control Ordinance

§ 54.1001 Findings

The Council of the City of San Diego finds and declares that:

(a) Problem: In the City of San Diego, between 1992 and 2003, there were 781 reported cases of childhood *lead* poisoning (greater then 15 µg/dL) and almost 300 children in 2003 with blood *lead* levels greater then 10 µg/dL in San Diego County. These figures are not considered a true representation of the problem, as only a small percentage of children are tested (state average is 20%). The Centers for Disease Control and Prevention has declared that the most effective approach to *lead* poisoning is prevention by eliminating *lead hazards* from children's environment.

(b) Health Effects: *Lead* is most harmful to young children because it interferes with the development of the brain, as well as other organs and systems such as the kidneys and nervous system. *Lead* poisoning has been linked to reduced IQ, attention deficit disorder, hearing loss, impaired growth, and reading and learning disabilities. Recent research has revealed that even low levels of *lead*

exposure can cause a permanent decrease in a *child's* IQ. In adults, high *lead* levels can cause high blood pressure, headaches, digestive problems, memory and concentration problems, kidney damage, mood changes, nerve disorders, sleep disturbances, and muscle or joint pain.

(c) Housing Stock: *Lead-based paint*, and associated *lead-contaminated dust* and *lead-contaminated soil*, is the number one source of *lead* poisoning. According to the 2000 United States census, approximately sixty-six percent (310,000) of the housing units in the City of San Diego were built before 1979, and approximately twenty-eight percent (135,000) of the City of San Diego's housing stock was constructed before 1960.

(d) Prevention is Key: Childhood *lead* poisoning is preventable. There is no medical treatment to reverse the effects of *lead* poisoning. Household *lead hazards* can be permanently eliminated by abatement or controlled through proper maintenance and *lead*-safe work practices.

(e) Lead Paint Ban: The Consumer Product Safety Commission banned the use of *lead* in concentrations greater than 600 parts per million in residential paint after February 27, 1978. For this reason, *paint* applied to a *dwelling unit* or *structure* prior to January 1, 1979, is presumed to contain *lead* unless *lead-based paint testing* proves it is below thresholds defined in Division 10. All *paint* applied to a *steel structure* is presumed to contain *lead* unless *lead-based paint testing* proves it is below thresholds defined in Division 10.

(f) Lead Hazard: A *lead hazard* found on any *property, premises, dwelling unit, structure,* or *steel structure* within the City of San Diego is a *public nuisance.*

(g) Lead Safe Work Practices: Dust generated in disturbance of *lead paint* during renovation and repair is a principal source of *lead* dust exposure to our children and community. Unless the dust is contained, it permeates the carpet, ductwork, and soil, so that children and adults may breathe or ingest the dust for months and years to come.

(h) Authority: The implementation of Division 10 and the associated enforcement will assist in reducing the presence of *lead hazards* and, thereby, help the City of San Diego in achieving its goal of eliminating childhood *lead* poisoning. On January 1, 2003, California implemented Senate Bill 460, which modified California Civil Code section 1941.1 and California Health and Safety Code sections 17920.10, 17980, 105255, and 105256 that state that the existence of *lead hazards* in housing can constitute a violation of State Housing Law and make it illegal for maintenance or construction activities to generate *lead hazards*. Amended Health and Safety Code sections 17961, 17980, 105255, and 105256 provide local jurisdictions with specific authority to correct and prevent *lead hazards*. Division 10 establishes the City of San Diego's enforcement mechanism for purposes of Senate Bill 460 and also provides additional regulation and enforcement tools which will help reduce the exposure of children and others to *lead hazards*.

(i) Tenant Protection: The Council acknowledges that California Civil Code section 1942.5 prohibits certain acts of retaliation by a landlord against a tenant because of the tenant's complaint to an appropriate agency regarding a residential unit which contains *lead hazards*.

(j) Necessary Service: The performance of a *lead risk assessment* in the interior and on the *exterior* of a *dwelling unit* constructed prior to January 1, 1979, as well as the common areas of the *dwelling unit*, is a necessary service and/or repair to protect the health, safety, and welfare of the occupants of the *dwelling unit* and the public.

§ 54.1002 Purpose

The purpose of Division 10 is:

(a) to prevent, identify, and remedy *lead hazards* in housing before children are poisoned;

(b) to protect occupants and the public from exposures to *lead hazards*;

(c) to provide standards to implement *lead hazard* control requirements;

(d) to strengthen the authority of local agencies responding to *lead paint* poisoning cases; and

(e) to establish and promote *lead*-safe work practice standards for *owners*, maintenance workers, and all *persons* involved in *lead hazard* control and activities such as remodeling, *renovation*, rehabilitation, and repair that disturb *lead paint*, in order to protect occupants and the public from exposure to *lead hazards*.

§ 54.1003 Definitions

All defined terms in Division 10 appear in *italics*, except for the terms Building Permit and Demolition/Removal Permit which refer to those terms respectively as used in the Land Development Code and which, consistent with the Land Development Code, are not italicized in this Division. For purposes of Division 10, the following terms have the following meanings:

Accredited laboratory means a laboratory which is accredited through the United States Environmental Protection Agency National Lead Laboratory Accreditation Program.

Adjacent properties means *properties* that abut the *property* at which activities which *disturb or remove paint* have been, are being, or will be performed.

Certified means a process used by the State of California Department of Health Services and the United States Environmental Protection Agency to identify individuals who have completed training and other requirements to permit the proper and safe execution of *lead risk assessments* and *lead inspections*, *lead* dust clearance sampling, or *lead hazard* reduction and control work.

Child means any person less than six years of age.

Child-care facility means a facility that provides nonmedical care for children less than 18 years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis. This includes day care centers and employer-sponsored child care centers.

Clearance inspection means an onsite limited investigation, performed by a *certified lead* inspector/assessor or a *certified lead* project monitor, of single surface dust sampling or soil sampling a minimum of one hour after completion of final cleanup activities to determine whether dust or soil *lead* levels are below thresholds defined in Division 10. The methodology for conducting the sampling shall follow procedures as defined in 40 Code of Federal Regulations part 745.227, as it may be amended from time to time.

Containment barriers means a system, process, or barrier, on the interior or *exterior* of a *dwelling unit, structure,* or *steel structure,* designed to ensure that *lead-contaminated dust, lead-contaminated soil,* or *lead paint contaminants* are not spread, blown, or tracked from inside to outside of a work site, which system, process, or barrier is at least as effective as those contained within the *HUD Guidelines*, or, for *steel structures*, at least as effective as those contained in the most recent edition of the Lead Paint Removal Guide published by the Steel Structures Painting Council.

De minimis levels means an area less than: (1) two square feet in any one interior room or space of a *dwelling unit* or *structure*; or (2) twenty square feet on an *exterior* surface; or (3) ten percent of the surface area on any component part, either interior room or space or *exterior,* with a small surface area such as a window sill, baseboard, or trim.

Department means the City Environmental Services Department and/or the Neighborhood Code Compliance Department.

Deteriorated paint means *paint* that is cracking, flaking, chipping, peeling, or otherwise separating from the substrate of the *dwelling unit* or any component thereof.

DPH means the California Department of Public Health.

Director has the same meaning as set forth in section 11.0210 of this Code.

Disturb or remove paint means any action that creates friction, pressure, heat, or a chemical reaction upon any *paint* on an interior or *exterior* surface so as to abrade, loosen, penetrate, chip, cut through, remove, or eliminate *paint* from that surface. This term shall include all *lead hazard* correction activities, all demolition activities, and all surface preparation activities performed upon an interior or *exterior* surface containing *paint*.

Dwelling unit has the same meaning as set forth in section 113.0103 of this Code and also includes *multiple dwelling unit* and *single dwelling unit* as those terms are defined in section 113.0103 of this Code.

Enforcement official has the same meaning as set forth in section 11.0210 of this Code.

Exterior means the outside of a *dwelling unit*, *structure*, or *steel structure* and the areas around it within the boundaries of the *property*, including the *exterior* of any detached *structure*, and including, but not limited to, freestanding and common walls, stairways, fences, light wells, breezeways, sheds, garages, patio covers, decks, and any similar *structures*.

HEPA means a High Efficiency Particulate Air Filter.

Home improvement store means all retail stores which sell home improvement products including, but not limited to, *paint* and *paint* removal products, construction and building materials, and tools and hardware.

HUD Guidelines means the most recent version of the United States Department of Housing and Urban Development "Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing."

Imminent lead hazard means a *lead hazard* which creates a present and immediate danger to life, *property*, health, or public safety.

Landlord means an *owner*, lessor, or sublessor who receives or is entitled to receive rent for the use or occupancy of any commercial or residential rental *property* in the City of San Diego, and the agent, representative, or successor of any of the foregoing.

Lead means metallic lead and all inorganic and organic compounds of lead.

Lead-based paint or *lead paint* means *paint* or other surface coatings that contain an amount of *lead* equal to, or in excess of, one milligram per square centimeter (1.0 mg/cm^2) or one-half of one percent (0.5%) by weight.

Lead-based paint testing means: (1) testing of surfaces to determine the presence of *lead-based paint* performed by an independent *Certified Lead* Risk Assessor/Inspector, in accordance with the *HUD Guidelines*, and which testing includes bulk *paint* samples analyzed by an *accredited laboratory;* or (2) testing by an *XRF*.

Lead-contaminated dust means dust that contains an amount of *lead* equal to, or in excess of, forty micrograms per square foot (40 $\mu g/ft^2$) for interior floor

surfaces, two hundred and fifty micrograms per square foot (250 µg/ft^2) for interior horizontal window surfaces, and four hundred micrograms per square foot (400 µg/ft^2) for *exterior* floor and *exterior* horizontal window surfaces.

Lead-contaminated soil means bare soil that contains an amount of *lead* equal to, or in excess of, four hundred parts per million (400 ppm) in childrens' play areas and one thousand parts per million (1000 ppm) in all other areas.

Lead dust testing means tests conducted in accordance with the most recent federal guidelines to determine the presence or absence of *lead-contaminated dust* within a defined area.

Lead hazard means: (1) the existence of *deteriorated paint* over a surface area larger than *de minimis levels* in the interior or *exterior* of a *dwelling unit* or *structure* constructed prior to January 1, 1979; or (2) the existence of *deteriorated paint*, in the interior or *exterior* of a *dwelling unit* or *structure* constructed prior to January 1, 1979, over a surface area smaller than *de minimis levels* but which, as determined by an e*nforcement official*, is likely to endanger the health of the public or the occupants of the *dwelling unit* or *structure*; or (3) the disturbance of *lead-based paint* or *presumed lead-based paint* without *containment barriers*; or (4) the creation or maintenance of any other condition which may result in persistent and quantifiable *lead* exposure; or (5) the presence of *lead-contaminated dust* or *lead-contaminated soil*.

Lead inspection means a surface by surface investigation to determine the presence of *lead paint*, as described in Chapter 7: Lead-Based Paint Inspection, *HUD Guidelines*, as they may be amended from time to time, conducted by a *Certified Lead* Inspector/Assessor.

Lead paint contaminants means substances containing *lead paint* or *presumed lead-based paint* which are potentially hazardous to human health or the environment including, but not limited to, *paint* chips and *paint*-containing soil, debris, dust, abrasives, fumes, or water.

Lead risk assessment means an on-site investigation by a *Certified Lead* Inspector/Assessor to determine the existence, nature, severity, and location of *lead hazards* and the preparation of a written report describing the results of the investigation and options for eliminating *lead hazards*.

Lead soil testing means tests conducted in accordance with the most recent federal guidelines to determine the presence or absence of *lead-contaminated soil* within a defined area.

Occupants means tenants or other *persons* legally authorized to occupy or partially occupy the *property*.

Owner means the *person* or *persons* owning *property* or any improvements thereon in the City of San Diego and includes such *person's* legally authorized agent or representative and any successors in interest.

Paint means any paint, varnish, shellac, or other similar coating.

Person means any natural person, municipal, county, or state agency to the extent allowable by law, firm, joint venture, joint stock company, business concern, trust, organization, club, association, partnership, company, or corporation, or the officers, agents, employees, managers, representatives, heirs, executors, administrators, successors, or assigns of any of them or any other entity which is recognized by law as the subject of rights and duties.

Premises has the same meaning as set forth in section 54.0202 of this Code.

Presumed lead-based paint means *paint* or surface coating affixed to a component in or on a *dwelling unit*, s*tructure*, or *steel structure*, excluding *paint* or surface coating affixed to a component in or on a *dwelling unit* or *structure* constructed on or after January 1, 1979.

Prohibited practices means work practices prohibited under section 54.1006 of this Code.

Property means real property, together with any and all improvements thereon.

Public nuisance has the same meaning as that set forth in section 11.0210 of this Code.

Regulated area means an area in which work is being performed that *disturbs or removes paint* and to which access is restricted in order to prevent migration of *paint* contaminants. *Regulated area* shall also include any area contaminated with *lead paint* as a result of a breach or lack of *containment barriers* or a violation of the containment requirements set forth in section 54.1006.

Renovation means any modification of all or part of an existing *dwelling unit*, s*tructure*, or *steel structure* which modification *disturbs or removes paint*.

Renovator means any *person* who performs for compensation a *renovation*.

Responsible person means a *person* who a *Director* determines is responsible for causing or maintaining a *public nuisance* or a violation of this Code or applicable state codes. The term *responsible person* includes, but is not limited to,

an *owner*, tenant, *person* with a legal interest in *property* or improvements thereon, and/or a *person* in possession of *property*.

Steel structure means any *structure* that is not a building and that has *exterior* surfaces made of steel or other metal including, but not limited to, bridges, billboards, walkways, water towers, steel tanks, and roadway or railway overpasses.

Structure has the same meaning as that set forth in section 113.0103 of this Code.

Underlying defect means any condition or circumstance which generates, creates, or sustains a *lead hazard*.

XRF means a portable X-Ray Fluorescence Spectrometer.

§ 54.1004 Lead Hazard Unlawful

(a) It is unlawful to create and/or maintain a *lead hazard* or allow a *lead hazard* to remain upon any *property*, *premises*, surfaces, *dwelling unit*, *structure*, *steel structure*, or appurtenances.

(b) It is unlawful to fail to reduce or eliminate a *lead hazard*.

§ 54.1005 Lead-Safe Work Practice Standards Required

(a) It is presumed that *paint* in the interior or on the *exterior* of all *dwelling units* and all *structures* constructed prior to January 1, 1979, and all *steel structures* is *lead-based paint*.

(b) Any *person* who *disturbs or removes paint* from any surface in the interior or on the *exterior* of a *dwelling unit* or *structure* constructed prior to January 1, 1979, or from any surface on a *steel structure* shall use *lead*-safe work

practice standards as set forth in section 54.1006, unless a *Certified Lead* Inspector/Assessor determines, prior to the commencement of activities which *disturb or remove paint*, that the concentration of *lead* in the *paint* is below 1000 ppm or .5 mg/cm^2.

(c) Any *person* who *disturbs or removes paint* in any amount in the interior or on the *exterior* of a *dwelling unit* to correct a *lead hazard* where a *child* with blood lead levels greater than or equal to 10 µg/dL has been identified shall use *lead*-safe work practice standards as set forth in section 54.1006.

(d) Section 54.1005 does not change the definition of *lead-based paint* and is only intended to identify when *lead*-safe work practice standards are required.

(e) The failure to use *lead*-safe work practice standards as set forth in section 54.1005 shall constitute a violation of Division 10. The *lead*-safe work practice standards set forth in Division 10 are in addition to, and are not a substitute for, any requirements under state or federal law. Compliance with the *lead*-safe work practice standards set forth in section 54.1006 does not negate responsibility for a violation of section 54.1004.

§ 54.1006 Lead Safe Work Practice Standards

The *lead*-safe work practice standards in this section apply to all activities which *disturb or remove paint* which is *lead-based paint* or *presumed lead-based paint*.

(a) Notice to Occupants

Not less than seven business days before beginning activities which *disturb or remove paint*, a written notice, in accordance with state and federal law,

shall be posted in a conspicuous location and provided to each *occupant* of a *dwelling unit* and/or *structure* where such activities will be conducted.

A *person* who engages in unplanned activities that *disturb or remove paint*, in response to a sudden, unexpected event which, if not immediately attended to, would present a safety or public health hazard or would threaten *property* with significant damage, shall provide written notice to each *occupant* of a *dwelling unit* and/or *structure* prior to engaging in such activities.

(1) The written notice shall identify the location in the *dwelling unit* and/or *structure* where such activities will take place, state that *lead*-related activities will be performed at the *dwelling unit* and/or *structure*, and state the dates for the performance of such activities.

(2) The written notice shall be in the form of a sign and letter or memorandum, shall be placed in a conspicuous location open and available to *occupants* of or any *person* visiting the *dwelling unit* and/or *structure*, and shall prominently state the following: "Work is scheduled to be performed beginning [date] on this property that may disturb or remove lead-based paint."

(3) Prior to beginning activities which *disturb or remove paint*, the *owner* of the *property* shall provide each *occupant* with a copy of the U.S. Environmental Protection Agency pamphlet entitled "Protect Your Family From Lead-Based Paint in Your Home," unless the *owner* has previously provided this pamphlet to the *occupant*.

(4) For purposes of Division 10, *renovators* performing activities which *disturb or remove paint* shall comply with 40 Code of Federal Regulations part 745, subpart E, as they may be amended from time to time, by providing to each *occupant* the U.S. Environmental Protection Agency pamphlet entitled "Protect Your Family From Lead-Based Paint in Your Home," by complying with the required paperwork, and by maintaining the required records.

(b) Occupant Protection

Occupants shall not be permitted to enter the *regulated area* during the course of activities which *disturb or remove paint* (unless they are employed in the conduct of these activities in the *regulated area*), until after activities which *disturb or remove paint* have been completed and clearance as set forth in section 54.1006 has been achieved.

(c) Temporary Relocation

(1) Occupants of a *dwelling unit* shall be temporarily relocated, before and during the course of activities which *disturb or remove paint*, to a suitable, decent, safe, comparable, and similarly accessible *dwelling unit* that does not have a *lead hazard*, unless:

(A) the activities will not disturb *lead-based paint*, *lead-contaminated dust* or *lead-contaminated soil*;

(B) the activities affect only the *exterior* of the *dwelling unit*, and windows, doors, ventilation intakes, and other openings in or near

the *regulated area* are sealed during the course of the activities and cleaned afterward, and at least one entrance is free of *lead-contaminated dust*, *lead-contaminated soil*, and *lead paint contaminants*;

(C) the activities in the interior of the *dwelling unit* will be started and completed during the daytime within eight consecutive hours, the *regulated area* is contained so as to prevent the release of *lead-contaminated dust* and *lead paint contaminants* into other areas, and the activities do not create other safety, health, or environmental hazards (e.g., exposed live electrical wiring, release of toxic fumes, or on-site disposal of hazardous waste); or

(D) the activities in the interior of the *dwelling unit* will be completed within five consecutive days, the *regulated area* is secure so as to prevent the release of *lead-contaminated dust* and *lead paint contaminants* into other areas, the activities do not create other safety, health, or environmental hazards, and, at the end of work on each day, the *regulated area* and the area within at least ten feet of the *regulated area* is cleaned to remove any visible dust or debris, and occupants have safe access to sleeping areas and bathroom and kitchen facilities.

(2) Occupants' belongings shall be protected from contamination by *lead-contaminated dust* and *lead paint contaminants* during the course of

activities which *disturb or remove paint*. Occupants' belongings in the *regulated area* shall be relocated to a safe and secure area outside the *regulated area* or shall be completely covered with an impermeable covering with all seams and edges taped or otherwise sealed.

(d) Worksite Preparation

The *regulated area* shall be prepared to prevent the release of dust, and to contain, within the *regulated area*, *lead-based paint* chips, *lead-contaminated dust*, *lead-contaminated soil*, and *lead paint contaminants* from activities which *disturb or remove paint* until they can be safely removed from the *regulated area*. Practices that minimize the spread of *lead-contaminated dust*, *lead-based paint* chips, *lead-contaminated soil*, and *lead paint contaminants* shall be used during preparation of the *regulated area* for work which *disturbs or removes paint*. The tables in Appendix "A" identify the minimum required levels of worksite preparation, as excerpted from the *HUD Guidelines.*

(e) Specialized Cleaning

After activities which *disturb or remove paint* have been completed, the *regulated area* shall be cleaned by using:

(1) methods, products, and devices which are successful in removing *lead-contaminated dust*, such as a *HEPA* vacuum or other method of equivalent efficacy; and

(2) all purpose general detergents or *lead*-specific detergents or by following the *HUD Guidelines*.

(f) Visible Lead Paint Contaminants

All visible *lead paint contaminants* shall be cleaned up daily and removed from the *regulated areas* prior to completion of the activities which *disturb or remove paint.*

(g) Disposal

All waste generated from activities which *disturb or remove paint*, which is *lead-based paint* or *presumed lead-based paint*, is deemed hazardous waste pursuant to title 22 of the California Code of Regulations, as it may be amended from time to time, and must be disposed of lawfully.

(h) Lead-Safe Work Practice Clearance Inspection Standards

(1) A visual inspection to verify the absence of visible dust or debris must be performed upon the completion of all activities which *disturb or remove paint*:

(A) where the *paint* is *presumed lead-based paint* covering a surface area and/or affecting a component as described in the tables in Appendix "A"; or

(B) where *lead-based paint testing* performed on the *paint* revealed *lead* levels greater than 1000 ppm or 0.5 mg/cm^2.

A *renovator* shall record the results of the visual inspection on the form provided by the City of San Diego, shall maintain that form for a minimum of three years, and shall make all such forms available to the City of San Diego upon request.

(2) A *clearance inspection* must be performed upon the completion of all activities which *disturb or remove paint* and after visual inspection:

(A) where the *paint* is *presumed lead-based paint* covering a surface area and/or affecting a component as described in the tables in Appendix "A"; or

(B) where *lead-based paint testing* performed on the *paint* revealed *lead* levels greater than 5000 ppm or 1.0 mg/cm^2.

A copy of the *DPH* Form 8552 for each *clearance inspection* shall be submitted to the City of San Diego at:

Environmental Services Department
Lead Safe Neighborhoods Program Form 8552
9601 Ridgehaven Court, Ste 310
San Diego, CA 92123

Submittal of the 8552 form to the City of San Diego does not satisfy the requirement of title 17 of the California Code of Regulations for submittal of the 8552 form to the *DPH*.

(3) The *lead*-safe work practice *clearance inspection* standards shall be performed only by a *Certified Lead* Inspector/Assessor or *certified lead* project monitor.

(4) All *clearance inspection* procedures shall be in compliance with 40 Code of Federal Regulations part 745.227, as it may be amended from time to time, and shall meet title 17 of the California Code of Regulations clearance guidelines, as it may be amended from time to time.

(i) Prohibited Practices

It is unlawful to use *prohibited practices* while conducting activities which *disturb or remove paint* including, but not limited to:

(1) acetylene or propane burning and torching;

(2) scraping, sanding, or grinding without *containment barriers* or a *HEPA* local vacuum exhaust tool;

(3) hydro-blasting or high-pressure wash without *containment barriers*;

(4) abrasive blasting or sandblasting without *containment barriers* or a *HEPA* local vacuum exhaust tool; or

(5) heat guns operating above 1,100 degrees fahrenheit;

§ 54.1007 Lead Hazards in Housing

(a) Presumption

For all *dwelling units* constructed prior to January 1, 1979, it is presumed that the *paint* in the interior or on the *exterior* of the *dwelling unit* is *lead-based paint*.

(b) Owner's Opportunity to Rebut Presumption

(1) The *owner* of a *dwelling unit* constructed prior to January 1, 1979, may apply to the *Department* to have such *dwelling unit* exempted from the presumption contained in section 54.1007(a) when either:

(A) *lead-based paint testing* results demonstrate that no *lead paint* is present in the interior or on the *exterior* of such *dwelling unit*; or

(B) documentation from a *Certified Lead* Inspector/Assessor demonstrates that alterations have been made to the *dwelling unit* and such alterations have resulted in the removal of all *lead-based paint* in that *dwelling unit.*

(2) The *Director* shall establish written policies that set forth criteria for granting the exemption described in section 54.1007(b).

(c) Owner's Duty to Correct

(1) The existence of a *lead hazard* in any *dwelling unit* is hereby declared to constitute a condition dangerous to life and health. The *owner* of a *dwelling unit* shall take action to prevent the occurrence of a *lead hazard* and shall expeditiously correct a *lead hazard*, upon receiving notice of its existence, in accordance with section 54.1006. If the *lead hazard* is caused in whole or in part by an *underlying defect*, the *owner* of the *dwelling unit* shall correct the *underlying defect* to prevent a further *lead hazard*.

(2) The *owner* of a *dwelling unit* shall correct all identified *lead hazards* and complete the *clearance inspection* within thirty (30) days of receiving notice of the existence of the *lead hazard*, unless:

(A) the *Director* or designee determines that a *lead hazard* is present, which *lead hazard* constitutes an immediate threat to the health and safety of occupants of the *dwelling unit*, in which case the *owner* of the *dwelling unit* shall comply with the *Director's* or designee's directives; or

(B) the *owner* of the *dwelling unit* files a statement of intent and work plan demonstrating the need for additional time to correct the *lead hazard*, a proposed work schedule, and the methods by which the *owner* will accomplish compliance with Division 10 including, but not limited to, compliance with the temporary relocation requirements of section 54.1006(c), in which case the *Director* or designee may extend the time for compliance with Division 10.

(3) Within seven days after completing the *clearance inspection*, the *owner* of a *dwelling unit* shall provide proof of compliance with section 54.1007 by submitting a copy of the *DPH* Form 8552 for each *clearance inspection* to the City of San Diego at:

Environmental Services Department
Lead Safe Neighborhoods Program Form 8552
9601 Ridgehaven Court, Ste 310
San Diego, CA 92123

Submittal of the 8552 form to the City of San Diego does not satisfy the requirement of title 17 of the California Code of Regulations for submittal of the 8552 form to the *DPH*.

(d) Administrative abatement of a *lead hazard* shall be in accordance with the procedures provided in San Diego Municipal Code Chapter 1, Article 2, Division 6.

(e) Summary abatement of an *imminent lead hazard* shall be in accordance with the procedures provided in San Diego Municipal Code Chapter 1, Article 2, Division 7.

(f) Judicial abatement of a *lead hazard* shall be in accordance with the procedures provided in San Diego Municipal Code Chapter 1, Article 2, Division 2.

§ 54.1008 Procedures for Occupant Relocation

(a) The *responsible person* is responsible for the relocation and associated costs of any *occupants* displaced as a result of a judicial, administrative or summary abatement action pursuant to Division 10 and must follow applicable requirements of state law.

(b) If relocation costs are paid by the City, the costs shall be assessed against the *responsible person* as an administrative or summary abatement cost or as part of a judicial action and may be recovered pursuant to procedures in San Diego Municipal Code Chapter 1, Article 3, Division 3 (Recovery of Abatement Costs).

§ 54.1009 Visual Lead Inspection and Correction Prior to Re-Occupancy of Rental Housing

For all rental *dwelling units* constructed prior to January 1, 1979, the *responsible person* shall conduct a visual inspection for *deteriorated paint* each time a tenant vacates the *dwelling unit* and prior to re-occupancy of the *dwelling unit.* *Deteriorated paint* shall be corrected prior to re-occupancy in accordance with Division 10, unless *lead-based paint testing* proves the *deteriorated paint* is not *lead-based paint*. Inspection, testing, and correction documents shall be maintained for three years and shall be made available to the City of San Diego upon request.

§ 54.1010 Duty to Notify

(a) All *home improvement stores* and stores which sell or rent high pressure water equipment shall maintain a supply of the *lead*-safe work practices pamphlets prepared and supplied by the *Director*. The pamphlets shall be prominently displayed where painting supplies are sold and high pressure water equipment is sold or rented and shall be provided upon request to customers or other invitees.

(b) *Home improvement stores* and stores which sell or rent high pressure water equipment shall conspicuously post the *Lead*-Safe Work Practices sign prepared by the *Director* or a sign of substantially the same size, typeface, and language. The sign shall make the following statement, or a substantially equivalent statement, in large or boldface capital letters no less than one-half inch in size:

> IT IS UNLAWFUL TO CREATE A LEAD HAZARD. YOU ARE REQUIRED TO USE LEAD-SAFE WORK PRACTICES IF YOU LIVE IN A PRE-1979 DWELLING AND WILL BE DISTURBING PAINT. PAINTING AND REMODELING CAN EXPOSE YOUR FAMILY TO LEAD. ASK FOR A FREE PAMPHLET ON LEAD-BASED PAINT HAZARDS.

(c) For all *dwelling units* constructed prior to January 1, 1978, the *responsible person* shall be in compliance with 24 Code of Federal Regulations parts 35.80–98 inclusive.

(d) All *DPH-certified lead* personnel conducting *lead hazard* evaluation (e.g., risk assessment, *clearance inspection*, *paint* testing, dust sampling, etc.) shall

deliver a completed copy of the *DPH Lead Hazard* Evaluation Report (Form 8552) to the City of San Diego, if the *property* evaluated is located within the city limits of the City of San Diego, within thirty days of conducting the evaluation. The copy shall be submitted to:

City of San Diego
Environmental Services Lead Form 8552
9601 Ridgehaven Court, Suite 310
San Diego, CA 92123

Submittal of the 8552 form to the City of San Diego does not satisfy the requirement of title 17of the California Code of Regulations for submittal of the 8552 form to the *DPH*.

§ 54.1011 Child-Care Facility

Each *child-care facility* licensed or approved by the State of California, except for a *child-care facility* located on public school property, shall require a parent or legal guardian of each *child* between the ages of six months and seven years of age inclusive to provide a statement from a physician or health care provider that the *child* has been screened for *lead* poisoning. This statement must indicate that the screening of the *child* has been performed in accordance with applicable criteria mandated by the State of California. This statement shall be provided prior to admission, but in no event later than thirty days after admission. The *child-care facility* shall maintain the statement for three years after receipt and shall make such statements available to the City for review during normal operating hours upon request. Nothing in section 54.1012 shall be construed to require any *child* to undergo a blood *lead* level screening or test when the parent or guardian of the

child objects on the grounds that the screening or test conflicts with his or her religious beliefs.

§ 54.1012 Enforcement Authority

(a) The *Director* is authorized to administer and enforce the provisions of Chapter 5, Article 4, Division 10 of this Code. The *Director* or anyone designated by the *Director* to be an *enforcement official* may exercise any enforcement powers as provided in Chapter 1 of this Code.

(b) In addition to the general enforcement powers provided in Chapter 1 of this Code, the *Director* or designee may exercise any of the following supplemental enforcement powers as the *Director* or designee determines may be necessary under the circumstances.

(1) Inspection Authority

The *Director* or designee is authorized to inspect the interior and *exterior* of any *dwelling unit*, *structure*, *steel structure*, *adjacent properties*, or *premises* where conditions may exist which could amount to a *lead hazard* or where activities which may *disturb or remove paint*, which is *lead-based paint* or *presumed lead-based paint*, have been, are being, or will be conducted, for the purpose of determining the validity of a complaint or compliance with Division 10. All inspections shall be conducted in a reasonable manner. If an *owner*, *occupant*, or agent refuses permission to enter or inspect, the *Director* or designee may seek an administrative inspection warrant pursuant to the procedures provided

for in California Code of Civil Procedure sections 1822.50 through 1822.60.

(2) Sampling Authority

The *Director* or designee may collect *paint*, dust, and soil samples from the interior or *exterior* of a *dwelling unit*, *structure*, *steel structure*, *adjacent properties*, or *premises* where conditions may exist which amount to a *lead hazard* or where activities which *disturb or remove paint*, which is *lead-based paint* or *presumed lead-based paint*, have been, are being, or will be conducted, for the purpose of determining the validity of a complaint or compliance with Division 10.

(3) Training

The *Director* or designee may require a *responsible person*, and any employee, agent, or representative of a *responsible person* in violation of Division 10 to attend an approved *lead*-safe work practice training course. The *Director* or designee shall require proof of attendance and satisfactory completion of the course, including certification from the instructor or provider of the course. Upon receipt of said proof, the *Director* or designee, in his or her sole discretion, may reduce or eliminate an administrative penalty, if any, imposed for a violation of Division 10.

§ 54.1013 Enforcement Remedies

(a) It is unlawful to violate any provision or requirement of Division 10. The failure to comply with any requirement of Division 10 constitutes a violation

of Division 10. Violations of the provisions or requirements of Division 10 may be prosecuted as misdemeanors subject to the penalties provided in section 12.0201 of this Code. The *Director* or designee alternatively may seek injunctive relief or civil penalties in the Superior Court pursuant to section 12.0202 of this Code or may pursue any administrative remedy provided in Chapter 1, Article 2, Divisions 3 through 10 inclusive, of this Code.

(b) Remedies under section 54.1013 are in addition to and do not supersede or limit any and all other remedies, civil or criminal. The remedies provided for herein shall be cumulative and not exclusive.

§ 54.1014 Cost Recovery

(a) Reinspection Fee

Whenever the *Director* or designee reinspects a *dwelling unit*, s*tructure*, *steel structure*, *adjacent properties*, or *premises* to determine compliance with Division 10, this Code, or applicable state law, the *Director* may assess and collect fees, as set forth in Chapter 1, Article 3, Division 1 of this Code, against the *responsible person* to recover the fully ascertainable costs to the City for the following:

(1) *dwelling unit*, *structure*, or *steel structure* reinspections;

(2) *lead*-safe work practice reinspections;

(3) laboratory analysis; and

(4) sample collection fees.

(b) Fees, including but not limited to Reinspection Fees and increases to Building Permit fees and Demolition/Removal Permit fees, which are imposed for purposes of regulation, education, and enforcement under Division 10 shall be segregated and deposited into a separate account within a fund. All such fees and accrued interest thereon shall be used solely and exclusively for the purposes for which the fee was imposed.

(c) The assessment and collection of these fees shall not preclude the imposition of any administrative or judicial penalty or fine for violations of this Code or applicable state laws.

(d) Civil penalties collected pursuant to Division 10 and investigative costs associated with the enforcement action shall be deposited in the Code Enforcement Civil Penalty Fund established pursuant to section 13.0402 of this Code.

(e) A fee schedule shall be established and revised as necessary by the City Manager in accordance with Council Policy and City Administrative Regulations to reflect current costs. The fee schedule shall be filed in the Rate Book of City Fees and Charges in the City Clerk's Office.

§ 54.1015 Strict Liability Offenses

Violations of Division 10 shall be treated as strict liability offenses regardless of intent.

APPENDIX "A"

*INTERIOR WORKSITE PREPARATION LEVELS (NOT INCLUDING WINDOWS)				
Description	**Level 1**	**Level 2**	**Level 3**	**Level 4**
Typical Applications (Hazard Controls)	Dust removal and any abatement or interim control method disturbing no more than 2 square feet of painted surface per room.	Any interim control or abatement method disturbing between 2 and 10 square feet of painted surface per room.	Same as Level 2.	Any interim control or abatement method disturbing more than 10 square feet per room.
Time Limit Per Dwelling	One work day.	One work day.	Five work days.	None.
Containment and Barrier System	Single layer of plastic sheeting on floor extending 5 feet beyond the perimeter of the treated area in all directions. No plastic sheeting on doorways is required, but a low physical barrier (furniture, wood planking) to prevent inadvertent access by resident is recommended.	Two layers of plastic on entire floor or isolate the work area. Plastic sheet with primitive airlock flap on all door-ways. Doors secured from inside the work area need not be sealed.	Two layers of plastic on entire floor or isolate the work area. Plastic sheet with primitive airlock flap on all door-ways to work areas. Doors secured from inside the work area need not be sealed. Overnight barrier should be locked or firmly secured.	Two layers of plastic on entire floor or isolate the work area. If entire unit is being treated, cleaned, and cleared, individual room door- ways need not be sealed. If only a few rooms are being treated, seal all doorways with primitive airlock flap to avoid cleaning entire dwelling. Doors secured from inside the work area need not be sealed.
Warning Signs	Required at entry to room but not on building (unless exterior work is also under way).	Same as Level 1.	Posted at main and secondary entryways, if resident will not be present to answer the door.	Posted at building exterior near main and secondary entryways, if resident will not be present to answer the door.

APPENDIX "A"

*INTERIOR WORKSITE PREPARATION LEVELS (NOT INCLUDING WINDOWS)				
Description	**Level 1**	**Level 2**	**Level 3**	**Level 4**
Ventilation System	Dwelling ventilation system turned off, but vents need not be sealed with plastic if they are more than 5 feet away from the surface being treated. Negative pressure zones (with "negative air: machines) are not required, unless large supplies of fresh air must be admitted into the work area to control exposures to other hazardous substances (for example, solvent vapors).	Turned off and all vents in room sealed with plastic. Negative pressure zones (with "negative air" machines) are not required, unless large supplies of fresh air must be admitted into the work area to control exposure to other hazardous substances (for example, solvent vapors).	Same as Level 2.	Same as Level 2.
Furniture	Left in place uncovered if furniture is more than 5 feet from working surface. If within 5 feet, furniture should be sealed with a single layer of plastic or moved for paint treatment. No covering is required for dust removal.	Removed from work area. Large items that cannot be moved can be sealed with a single layer of plastic sheeting and left in work area.	Same as Level 2.	Same as Level 2.

APPENDIX "A"

*INTERIOR WORKSITE PREPARATION LEVELS (NOT INCLUDING WINDOWS)				
Description	**Level 1**	**Level 2**	**Level 3**	**Level 4**
Cleanup (See Chapter 14 of HUD Guidelines for further discussion of cleanup methods)	HEPA vacuum, wet wash, and HEPA vacuum all surfaces and floors extending 5 feet in all directions from the treated surface. For dust removal work alone, a HEPA vacuum and wet wash cycle is adequate (i.e., no second pass with a HEPA vacuum is needed). Also wet wash and HEPA vacuum floor in adjacent area(s) used as pathway to work area. Do not store *lead paint contaminants* inside dwelling overnight; transfer to a locked secure area at the end of each day.	HEPA vacuum, wet wash, and HEPA vacuum *all* surfaces in room. Also wet wash and HEPA vacuum floor in adjacent area(s) used as pathway to work area. Do not store *lead paint contaminants* inside dwelling overnight; use a secure locked area.	Remove top layer of plastic from floor and discard. Keep bottom layer of plastic on floor for use on the next day. HEPA vacuum, wet wash, and HEPA vacuum *all* surfaces in room. Also wet wash and HEPA vacuum floor in adjacent area(s) used as pathway to work area. Do not store *lead paint contaminants* inside dwelling overnight; use a secure locked area.	Full HEPA vacuum, wet wash, and HEPA vacuum cycle, as detailed in Chapter 14 of HUD Guidelines.
Clearance Inspection	Visual Clearance only	*Clearance inspection* if it is *presumed lead-based paint* or testing determines *lead* levels are greater than 5000 ppm or 1.0 mg/cm^2.	*Clearance inspection* if it is *presumed lead-based paint* or testing determines *lead* levels are greater than 5000 ppm or 1.0 mg/cm^2.	*Clearance inspection* if it is *presumed lead-based paint* or testing determines *lead* levels are greater than 5000 ppm or 1.0 mg/cm^2.

* Worksite preparation levels for floor sanding and abrasive blasting on surfaces that contain *lead paint* or *presumed lead-based paint* are not included in this table. Work shall follow the *HUD Guidelines* chapter 8, section VII.

Note: Primitive air locks are constructed using two sheets of plastic. The first one is taped on the top, the floor, and two sides of doorway. Next, cut a slit 6 feet high down the middle of the plastic; do not cut the slit all the way down to the floor. Tape the second sheet of

plastic across the top of the door only, so that it acts as a flap. The flap should open *into* the work area.

***EXTERIOR WORKSITE PREPARATION LEVELS (NOT INCLUDING WINDOWS)**			
Description	**Level 1**	**Level 2**	**Level 3**
Typical Applications	Any interim control or abatement method disturbing less than 10 square feet of exterior painted surface per dwelling. Also includes soil control work.	Any interim control or abatement method disturbing between 10 to 50 square feet of exterior painted surface per dwelling. Also includes soil control work.	Any interim control or abatement method disturbing more than 50 square feet of exterior painted surface per dwelling. Also includes soil control work.
Time Limit Per Dwelling	One day.	None.	None.

APPENDIX "A"

*EXTERIOR WORKSITE PREPARATION LEVELS (NOT INCLUDING WINDOWS)			
Description	**Level 1**	**Level 2**	**Level 3**
Containment and Barrier System	One layer of plastic on ground extending 10 feet beyond the perimeter of working surfaces. Extend plastic further if necessary to collect paint chips and associated debris. Do not anchor ladder feet on top of plastic (Puncture the plastic to anchor ladders securely to ground). For all other exterior plastic surfaces, protect plastic with boards to prevent puncture from falling debris, nails, etc., if necessary. Raise edges of plastic to create a basin to prevent contaminated runoff in the event of unexpected precipitation. Secure plastic to side of building with tape or other anchoring system (no gaps between plastic and building). Weight all plastic sheets down with two-by-fours or similar objects. Keep all windows within 20 feet of working surfaces closed, including windows of adjacent structures.	Same as Level 1.	Same as Level 1.
Playground Equipment, Toys, Sandbox	Remove all movable items to a 20-foot distance from working surfaces. Items that cannot be readily moved to a 20-foot distance can be sealed with taped plastic sheeting.	Same as Level 1.	Same as Level 1.

APPENDIX "A"

***EXTERIOR WORKSITE PREPARATION LEVELS (NOT INCLUDING WINDOWS)**			
Description	**Level 1**	**Level 2**	**Level 3**
Security	Erect temporary fencing or barrier tape at a 20-foot perimeter around working surfaces (or less if distance to next building or sidewalk is less than 20 feet). If an entryway is within 10 feet of working surfaces, require use of alternative entryway. If practical install vertical containment to prevent exposure. Use a locked dumpster, covered truck, or locked room to store *lead paint contaminants* before disposal.	Same as Level 1.	Same as Level 1.
Signs	Post warning signs on the building and at a 20-foot perimeter around building (or less if distance to next building or sidewalk is less than 20 feet).	Same as Level 1.	Same as Level 1.
Weather	Do not conduct work if wind speeds are greater than 20 miles per hour or if paint chips and/or associated debris are blown off containment. Work must stop and cleanup must occur before rain begins.	Same as Level 1.	Same as Level 1.
Cleanup (See Chapter 14 of HUD Guidelines)	Do not leave *lead paint contaminants* or plastic out overnight if work is not completed. Keep all *lead paint contaminants* in secured area until final disposal.	Same as Level 1.	Same as Level 1.

APPENDIX "A"

*EXTERIOR WORKSITE PREPARATION LEVELS (NOT INCLUDING WINDOWS)			
Description	**Level 1**	**Level 2**	**Level 3**
Porches	If dwelling is occupied, one lead-safe entryway must be made available to residents at all times. Do not treat front and rear porches at the same time if there is not a third doorway.	Same as Level 1.	Same as Level 1.
Clearance Inspection	Visual *Clearance Inspection*	*Clearance inspection* required if it is *presumed lead-based paint* or testing determines *lead* levels are greater than 5000 ppm or 1.0 mg/cm^2.	*Clearance inspection* required if it is *presumed lead-based paint* or testing determines *lead* levels are greater than 5000 ppm or 1.0 mg/cm^2.

* Worksite preparation levels for floor sanding and abrasive blasting on surfaces that contain *lead paint* or *presumed lead-based paint* are not included in this table. Work shall follow the *HUD Guidelines* chapter 8, section VII.

WINDOW TREATMENT OR REPLACEMENT WORKSITE PREPARATION	
Appropriate Applications	**Any Window Treatment or Replacement**
Time Limit Per Dwelling	None.
Containment and Barrier System	One layer of plastic on ground or floor extending 5 feet beyond the perimeter of window being treated/ replaced. Two layers of plastic taped to interior wall if working on window from outside; if working from the inside, tape two layers of plastic to exterior wall. If working from inside, implement a minimum interior Worksite Preparation Level 2. Children cannot be present in an interior room where plastic sheeting is located due to suffocation hazard. Do not anchor ladder feet on top of plastic (place a hard surface such as plywood under ladder). For all other exterior plastic surfaces, protect plastic with boards to prevent puncture from falling debris, nails, etc. (if necessary). Secure plastic to side of building with tape or other anchoring system (no gaps between plastic and building). Weigh all plastic sheets down with two-by-fours or similar objects. All windows in dwelling should be kept closed. All windows in adjacent dwellings that are closer than 20 feet to the work area should be kept closed.

APPENDIX "A"

WINDOW TREATMENT OR REPLACEMENT WORKSITE PREPARATION	
Appropriate Applications	**Any Window Treatment or Replacement**
Signs	Post warning signs on the building and at a 20-foot perimeter around building (or less if distance to next building or sidewalk is less than 20 feet). If window is to be removed from inside, no exterior sign is necessary.
Security	Erect temporary fencing or barrier tape at a 20-foot perimeter around building (or less if distance to next building or sidewalk is less than 20 feet). Use a locked dumpster, covered truck, or locked room to store *lead paint contaminants* before disposal.
Weather	Do not conduct work if wind speeds are greater than 20 miles per hour or if paint chips and/or associated debris are blown off containment. Work must stop and cleanup must occur before rain begins.
Playground Equipment, Toys, Sandbox	Remove from work area and adjacent areas. Remove all items to a 20-foot distance from dwelling. Large, unmovable items can be sealed with taped plastic sheeting.
Cleaning	If working from inside, HEPA vacuum, wet wash, and HEPA vacuum all interior surfaces within 10 feet of work area in all directions. If working from the exterior, no cleaning of the interior is needed, unless the containment is breached. Similarly, no cleaning is needed on the exterior if all work is done on the interior and the containment is not breached. If containment is breached, then cleaning on both sides of the window should be performed. No *lead paint contaminants* or plastic should be left out overnight if work is not completed. All *lead paint contaminants* must be kept in a secure area until final disposal.
Clearance Inspection	*Clearance inspection* required if work is performed from interior of *dwelling unit* and if it is *presumed lead-based paint* or testing determines *lead* levels are greater than 5000 ppm or 1.0 mg/cm^2.

Section 2. That this activity is not subject to the California Environmental Quality Act pursuant to CEQA guideline 15060(c)(2) because this activity will not result in a direct or reasonably foreseeable indirect physical change in the environment.

Section 3. That a full reading of this ordinance is dispensed with prior to final passage, since a written copy was made available to the City Council and the public prior to the day of its passage.

Section 4. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By _____
Grace C. Lowenberg
Deputy City Attorney

GCL:mb
02/27/08
Or.Dept:ESD
O-2008-91

I hereby certify that the foregoing ordinance was passed by the Council of the City of San Diego, at its meeting of _____.

ELIZABETH S. MALAND, City Clerk

By_____
Deputy City Clerk

Approved: _____ _____
(date) JERRY SANDERS, Mayor

Vetoed: _____ _____
(date) JERRY SANDERS, Mayor