

ORDINANCE NUMBER O- 19063 (NEW SERIES)

ADOPTED ON MAY 14 2002

AN ORDINANCE AMENDING CHAPTER 5, ARTICLE 4, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING DIVISION 10, TITLED "ABATEMENT OF LEAD HAZARDS," AND BY ADDING SECTIONS 54.1001, 54.1002, 54.1003, 54.1004, 54.1005, AND 54.1006, ALL RELATING TO THE ABATEMENT OF LEAD HAZARDS.

WHEREAS, the Centers for Disease Control and Prevention reports that more than 850,000 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, 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 (March 2002) and its accompanying oral and documentary evidence as presented before the PS&NS Committee; NOW, THEREFORE,

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

Section 1. That Chapter 5, Article 4, of the San Diego Municipal Code is hereby amended by adding a new Division 10 and adding new Sections 54.1001, 54.1002 , 54.1003, 54.1004, 54.1005, and 54.1006, to read as follows:

Division 10

Abatement of Lead Hazards

§ 54.1001 Findings and Declaration of Purpose

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

- (a) The Centers for Disease Control identified childhood lead poisoning as one of the most common pediatric health problems in the United States. While adults can be affected by lead hazards, children under seven are especially at risk.
- (b) 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. Between 1992 and 2000, there were 377 reported cases of childhood lead poisoning in the City of San Diego.
- (c) Studies show that children from low-income families, living in older, poorly maintained housing are at higher risk for lead poisoning. According to the 1990 United States census, approximately 70 percent of the housing units in the City of San Diego were built before 1978, and approximately 24 percent of the City's housing stock were constructed before 1950.

- (d) Childhood lead poisoning is preventable. Common household *lead hazards* can be permanently eliminated via abatement or controlled through interim measures.
- (e) A *lead hazard* found on any property, dwelling, or structure within the City of San Diego is a *public nuisance* when a *child* is diagnosed with *lead poisoning* as a result of being exposed to the hazard.

§ 54.1002 Definitions

“*Child*” means any person under seven years of age.

“*Director*” has the same meaning as that in Municipal Code section 11.0210.

“*Dwelling*” means a room or suite of rooms in a building or portion thereof, used, intended, or designed to be used or occupied for living purposes.

“*Lead-based paint*” has the same meaning as that in Title 17 of California Code of Regulations, Division 1, Chapter 8, section 35001 et seq.

“*Lead-contaminated dust*” has the same meaning as that in Title 17 of California Code of Regulations, Division 1, Chapter 8, section 35001 et seq.

“*Lead-contaminated soil*” has the same meaning as that in Title 17 of California Code of Regulations, Division 1, Chapter 8, section 35001 et seq.

“*Lead hazard*” has the same meaning as that in Title 17 of California Code of Regulations, Division 1, Chapter 8, section 35001 et seq.

“*Lead poisoning*” has the same meaning as that in California Health and Safety Code, Chapter 5, section 105275 et seq.

“*Premises*” has the same meaning as that in Municipal Code section 54.0202.

“*Public nuisance*” has the same meaning as that in Municipal Code section 11.0210.

“*Responsible person*” has the same meaning as that in Municipal Code section 11.0210.

“*Structure*” has the same meaning as that in Municipal Code section 113.0103.

§ 54.1003 Enforcement Authority

The *Director* of the Neighborhood Code Compliance Department, or any other Director authorized by the City Manager, is authorized to administer and enforce the provisions of this Division. The *Director* or anyone designated by the *Director* to be an Enforcement Official may exercise any enforcement powers as provided in Division 1, Article 2 of Chapter 1 of this Code.

§ 54.1004 Enforcement Remedies

Violations of this Division may be prosecuted as misdemeanors subject to the fines and custody provided in Municipal Code Section 12.0201. The *Director* may also seek injunctive relief and civil penalties in the Superior Court pursuant to Municipal Code section 12.0202 or pursue any administrative remedy provided in Chapter 1 of this Code.

§ 54.1005 Strict Liability Offenses

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

§ 54.1006 Lead Hazard Unlawful

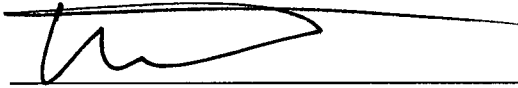
- (a) It is unlawful for any *responsible person* to maintain a *lead hazard* or allow a *lead hazard* to remain upon any *premises*, surfaces, *dwelling*, *structure*, or appurtenances that is within his or her control, ownership, or possession.
- (b) It is unlawful for any *responsible person* to fail to reduce or eliminate a *lead hazard* that is within his or her control, ownership, or possession.

Section 2. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 3. That this ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: CASEY GWINN, City Attorney

By



Linh T. Nguyen
Deputy City Attorney

LTN:GCL:lc:mb
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4/25/02 Corr. Copy
Or. Dept: ESD
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