

Council Meeting of
February 6, 2007

Honorable Mayor and Members
of the City Council
City Hall
Torrance, California

Members of the Council:

SUBJECT: City Manager – Adopt Ordinance repealing Article 12 of Chapter 3 of Division 1 of the Torrance Municipal Code establishing a Chemical Board and Article 2 of Chapter 6 of Division 8 requiring a Chemical Permit

RECOMMENDATION

City Manager recommends that Council adopt an ordinance repealing Article 12 of Chapter 3 of Division 1 of the Torrance Municipal Code establishing a Chemical Board and Article 2 of Chapter 6 of Division 8 requiring a Chemical Permit.

Funding
N/A

BACKGROUND/ANALYSIS

The Chemical Board was created in 1960 to review chemical permit applications and issue permits to applicants of operations it deemed non-hazardous. The Chemical Board was to meet as necessary to review applications, grant permits and was responsible, at City expense, for securing a chairman (Chemical Engineer) and determining the conditions necessary to protect the public health, safety, and general welfare.

Due to several existing conditions, the Chemical Board is found to no longer be necessary. Since the 1960's, federal and state laws have been created that address hazardous materials issues, including: "right to know" laws; the Resource Conservation and Recovery Act (RCRA), which gives the Environmental Protection Agency the authority to control the generation, transportation, treatment, storage, and disposal of hazardous waste, including a framework for managing non-hazardous waste; current Certified Unified Program Agency (CUPA) laws which administer the Hazardous Waste Generator Program, the Hazardous Materials Release Response Plans and Inventory Program, the California Accidental Release Prevention Program (Cal-ARP), the Aboveground Storage Tank Program and the Underground Storage Tank Program.

Today there are broader laws and processes in place to ensure that businesses and individuals take responsibility for the safe use and storage of hazardous materials. The

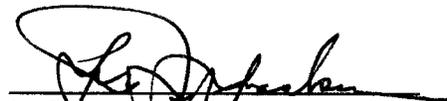
City also now has an established Fire Prevention and Hazardous Materials division of the City Fire Department which verifies by inspection that businesses or individuals are complying with required reporting and proper handling of hazardous materials. It is therefore the recommendation of the City Manager that Council repeal the Chemical Board and associated references to a Chemical Permit.

Respectfully submitted,

LeROY J. JACKSON
CITY MANAGER

By 
Fran Fulton
Management Associate

CONCUR:


LeRoy J. Jackson
City Manager

Attachments: A) Ordinance
B) Municipal Code Articles

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
TORRANCE REPEALING ARTICLE 12 OF CHAPTER 3 OF DIVISION 1
OF THE TORRANCE MUNICIPAL CODE ESTABLISHING A CHEMICAL
BOARD AND ARTICLE 2 OF CHAPTER 6 OF DIVISION 8 REQUIRING
A CHEMICAL PERMIT.**

The City Council of the City of Torrance does ordain as follows:

SECTION 1

That Article 12 of Chapter 3 of Division 1, entitled CHEMICAL BOARD, is repealed in its entirety.

SECTION 2

That Article 2 of Chapter 6 of Division 8, entitled PERMIT, is repealed in its entirety.

SECTION 3

Any provisions of the Torrance Municipal Code or its appendices, or any other ordinances of the City inconsistent with this ordinance, to the extent of the inconsistencies and no further, are repealed.

SECTION 4

This ordinance will take effect thirty days after the date of its adoption. Within fifteen days following adoption, this ordinance or a summary of this ordinance, if

authorized by the City Council, will be published at least once in the Daily Breeze, a newspaper of general circulation, published and circulated in the City of Torrance.

INTRODUCED AND APPROVED the ___ day of _____, 2007.

ADOPTED AND PASSED this ___ day of _____, 2007.

Frank Scotto, Mayor

ATTEST:

Sue Herbers, City Clerk

APPROVED AS TO FORM:

JOHN L. FELLOWS III
City Attorney

By: _____
Ronald T. Pohl, Assistant City Attorney

ARTICLE 12 - CHEMICAL BOARD (Added by O-1188)**SECTION 13.12.1. APPOINTMENT OF CHEMICAL BOARD.**

(Amended by O-1212)

There is hereby created the Chemical Board for the City consisting of three members. The Chairman of the Board shall be a graduate chemical engineer, appointed by the City Manager. One member shall be a member of the Fire Department appointed by the Chief of the Fire Department. One member shall be a member of the Building Division appointed by the Superintendent of Building Inspection. The secretary of the Board shall be appointed by the City Manager. Any member of the Board may be removed at any time without cause by the appointing authority.

SECTION 13.12.2. COMPENSATION OF MEMBERS.

The Chairman shall receive such compensation as directed by the City Council. The other members and the secretary shall serve without compensation therefor.

SECTION 13.12.3. MEETINGS.

The Board shall meet regularly at least once a month and as often as necessary for the proper performance of its duties.

SECTION 13.12.4. RULES AND REGULATIONS.

The Board may establish such rules and regulations as it deems necessary for its government and for the faithful performance of its duties.

SECTION 13.12.5. CHEMICAL CODE.

The Board shall make recommendations to the City Council on the adoption, amendment, administration and enforcement of a Chemical Code for the City.

ARTICLE 2 - PERMIT

SECTION 86.2.1. PERMIT REQUIRED; USE.

No person shall manufacture, store or otherwise use or deal with any of the explosives or other dangerous articles as set forth in said Part 72 of the Interstate Commerce Commission regulations in a manner or in accordance with a process different from that used by such person on January 1, 1961, without having received a chemical permit therefor as provided in this Chapter, and except in accordance with the conditions of such permit.

SECTION 86.2.2. PERMIT REQUIRED; CONSTRUCTION.

No building, structure or improvement shall be erected, constructed, established, altered or enlarged on or after January 1, 1961, which is designed, arranged or intended to be occupied or used for the manufacture, storage or other use of explosives or other dangerous articles for which a permit is required by the provisions of this Chapter without having received a permit therefor and except in accordance with the conditions of such permit.

SECTION 86.2.3. CONDITIONS OF PERMIT.

The Chemical Board shall issue a Chemical Permit subject to such conditions as in its reasonable judgment are necessary or proper to protect the public health, safety and general welfare.

SECTION 86.2.4. APPLICATION FOR PERMIT.

- a) Applications for a chemical permit shall be filed with the secretary of the Board and accompanied by a filing fee of Twenty-five Dollars (\$25.00). If the Board determines that no hazard will exist from the operation of the applicant, the Board shall refund said filing fee. No fee shall be charged for an application for a chemical permit for a school.
- b) The application shall include such information as the Board reasonably deems necessary or proper to determine the conditions upon which the application shall be granted.

SECTION 86.2.5. HEARING.

The secretary shall set a date and place for a public hearing thereon before the Board, not less than ten (10), nor more than twenty (20) days after the application is filed and shall send notice thereof to the applicant. The Board may conduct the hearing in an informal manner. The rules of evidence shall not apply. The hearings may be adjourned to a future time at the discretion of the Board without giving of further notice other than an

announcement by the Board of the date, time and place of such adjourned meeting.

SECTION 86.2.6. REVOCATION.

The Board may suspend or revoke any chemical permit on breach of the conditions of the permit after notice and hearing as provided in Section 86.2.5.

SECTION 86.2.7. RIGHT OF APPEAL.

(Amended by O-2822)

In any case where the Board approves or fails to approve an application for a Chemical Permit or has revoked or refused to revoke such permit, the matter may be appealed to the City Council pursuant to the provisions of Article 5, Chapter 1, Division 1 of this Code, commencing at Section 11.5.1.

SECTION 86.2.8. EXPLOSIVES; ISSUING AUTHORITY.

(Added by O-2199; Amended by O-2343)

The issuing authority of applications and permits to manufacture, store, receive, transport, use, sell or otherwise dispose of explosives as provided in Section 12007 of the Health and Sanitation Code within the City of Torrance shall be the Chief of the Fire Department.

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