



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Ordinance No. 1659 Entitled, "An Ordinance of the City Council of the City of Lodi Amending Chapter 17.72 of the Lodi Municipal Code by Adding Section 17.72.040 (F) Requiring the Issuance of a Use Permit Prior to the Approval of an Establishment Selling Alcoholic Beverages"

MEETING DATE: April 15, 1998

PREPARED BY: City Clerk

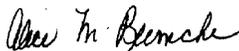
RECOMMENDED ACTION: Following reading by title, it would be appropriate for the City Council to adopt Ordinance No. 1659.

BACKGROUND INFORMATION: Ordinance No. 1659 entitled, "An Ordinance of the City Council of the City of Lodi Amending Chapter 17.72 of the Lodi Municipal Code by Adding Section 17.72.040 (F) Requiring the Issuance of a Use Permit Prior to the Approval of an Establishment Selling Alcoholic Beverages" was introduced at the regular City Council meeting of April 1, 1998.

Pursuant to State statute, ordinances may be adopted five days after their introductions following reading by title.

This Ordinance has been approved as to form by the City Attorney.

FUNDING: None required.


Alice M. Reimche
City Clerk

Attachment

APPROVED: _____
H. Dixon Flynn -- City Manager

ORDINANCE NO. 1659

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI
AMENDING CHAPTER 17.72 OF THE LODI MUNICIPAL CODE BY
ADDING SECTION 17.72.040 (F) REQUIRING THE ISSUANCE OF A
USE PERMIT PRIOR TO THE APPROVAL OF AN ESTABLISHMENT
SELLING ALCOHOLIC BEVERAGES

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

SECTION 1. Chapter 17.72.040 – Adjustments and Use Permits - is hereby amended by adding thereto a new Sub-Section 17.72.040 (F) relating to the requirement of a use permit prior to the approval of an establishment selling alcoholic beverages, to read as follows:

“F. Sale of alcoholic beverages, including beer and wine,
for on or off-site consumption.”

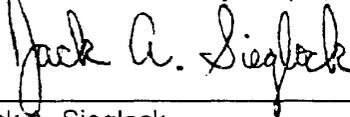
Section 2. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer, employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of all liability for damages, except as otherwise imposed by law.

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. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

Section 4. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

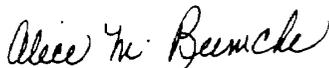
Section 5. This ordinance shall be published one time in the “Lodi News Sentinel,” a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this 15th day of April, 1998



Jack A. Sieglock
Mayor

Attest:



ALICE M. REIMCHE
City Clerk

State of California
County of San Joaquin, ss.

I, Alice M. Reimche, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1659 was introduced at a regular meeting of the City Council of the City of Lodi held April 1, 1998 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held April 15, 1998 by the following vote:

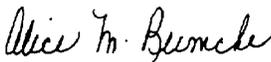
Ayes: Council Members - Johnson, Land, Mann, Pennino and Sieglock
(Mayor)

Noes: Council Members - None

Absent: Council Members - None

Abstain: Council Members - None

I further certify that Ordinance No. 1659 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.


ALICE M. REIMCHE
City Clerk

Approved as to Form:



RANDALL A. HAYS
City Attorney