



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Ordinance No. 1774 Entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Title 13 – Public Services – Chapter 13.16, 'Solid Waste,' by Repealing and Reenacting Section 13.16.050 (A) Relating to Placement of Garbage Containers"

MEETING DATE: March 1, 2006

PREPARED BY City Clerk

RECOMMENDED ACTION: Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1774.

BACKGROUND INFORMATION: Ordinance No. 1774 entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Title 13 – Public Services – Chapter 13.16, 'Solid Waste,' by Repealing and Reenacting Section 13.16.050 (A) Relating to Placement of Garbage Containers" was introduced at the regular City Council meeting of February 15, 2006.

ADOPTION: With the exception of urgency ordinances, no ordinance may be passed within five days of its introduction. Two readings are therefore required – one to introduce and a second to adopt the ordinance, Ordinances may only be passed at a regular meeting or at an adjourned regular meeting; except for urgency ordinances, ordinances may not be passed at a special meeting. Id. All ordinances must be read in full either at the time of introduction or at the time of passage, unless a regular motion waiving further reading is adopted by a majority of all council persons present. **Cal. Gov't Code § 36934.**

Ordinances take effect 30 days after their final passage. **Cal. Gov't Code § 36937.**

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

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

A handwritten signature in black ink, appearing to read "Susan J. Blackston".

Susan J. Blackston
City Clerk

SJBNMP
Attachments

APPROVED:

A handwritten signature in black ink, appearing to read "Blair King".

Blair King, City Manager

ORDINANCE NO. 1774

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI AMENDING
LODI MUNICIPAL CODE TITLE 13 – PUBLIC SERVICES – CHAPTER 13.16,
"SOLID WASTE," BY REPEALING AND REENACTING SECTION 13.16.050 (A)
RELATING TO PLACEMENT OF GARBAGE CONTAINERS

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

Section 1. Lodi Municipal Code Title 13 – Public Services – Chapter 13.16, "Solid Waste," is hereby amended by repealing and reenacting Section 13.16.050(A) relating to placement of garbage containers and shall read as follows:

- A. Residential. Residential customers utilizing refuse carts shall place containers at the curb or other areas as approved by the Public Works Director. All containers must be placed in a location readily accessible to the contractor, free of obstacles. Containers shall be maintained in accordance with Lodi Municipal Code Title 17 – Zoning – Chapter 17.57, "General Regulations and Exceptions," Section 17.57.180, "Refuse Container Storage and Collection Areas." Failure to meet any of these conditions shall constitute cause for the contractor's refusal to perform collection services. The contractor shall, after collection, return containers/carts to the location from which they were collected.

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 or 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 civil liability for damages, except as otherwise imposed by law.

Section 3. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 4. 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 30 days from and after its passage and approval.

Approved this 1st day of March, 2006.

Attest:



SUSAN J. BLACKSTON
City Clerk



SUSAN HITCHCOCK
Mayor

State of California
County of San Joaquin, ss.

I, Susan J. Blackston, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1774 was introduced at a regular meeting of the City Council of the City of Lodi held February 15, 2006, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held March 1, 2006, by the following vote:

AYES: COUNCIL MEMBERS – Beckman, Johnson, Mounce, and Mayor Hitchcock

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – Hansen

ABSTAIN: COUNCIL MEMBERS – None

I further certify that Ordinance No. 1774 was approved and signed by the Mayor of the date of its passage and the same has been published pursuant to law.



SUSAN J. BLACKSTON
City Clerk

Approved as to **Form**:



D. STEPHEN SCHWABAUER
City Attorney

L-4

Susan Blackston

From: Larry Johnson [keepitsimpleengineer@gmail.com]
Sent: Wednesday, March 01, 2006 2:17 PM
To: Richard Prima
cc: Steve Schwabauer; ljohnson@kise-inc.com; cwied@wm.com; Rebecca Areida; Bob Johnson; Susan Blackston; JoAnne Mounce; John Beckman; Larry Hansen; Susan Hitchcock; Blair King
Subject: Re: Proposed city code involving garbage collection receptacle placement.
 Richard...

Thank you for your assistance in this matter.

I knew the garbage company had been sold, but I had in my files Rueben's business card. One of the reasons I kept it was because he was particularly adept in working out a solution acceptable to all.

Placing the receptacle next door is a small inconvenience for me, but the extra effort is well worth a long term, workable solution for everybody.

Larry Johnson

On 3/1/06, **Richard Prima** <rprima@lodi.gov> wrote:

Larry,

No problem, we just needed to verify your information with Central Valley Waste Service (CVWS). Apparently your memory is a very long one as Rueben Beccera and California Waste Recovery is not our current hauler and hasn't been since the very late 1990's when the company was purchased.

Anyway, CVWS has your situation on file and no record of complaints, so you do have Public Works approval.

Richard

-----Original Message-----

From: Larry Johnson [mailto:keepitsimpleengineer@gmail.com]
Sent: Wednesday, March 01, 2006 1:09 PM
To: Richard Prima; Steve Schwabauer
Cc: ljohnson@kise-inc.com; cwied@wm.com; Rebecca Areida; Bob Johnson; Susan Blackston; JoAnne Mounce; John Beckman; Larry Hansen; Susan Hitchcock; Blair King
Subject: Re: Proposed city code involving garbage collection receptacle placement.

Richard

3/1/2006

Is there a problem with approving this agreement?

if so, what would be the problem?

Larry Johnson

On 3/1/06, **Larry Johnson** <keepitsimpleengineer@gmail.com> wrote:

Richard

First, thanks for providing a copy of the proposed ordinance. It is always best to work with the facts at first hand. This is, I believe, why they put windows in weather bureaus.

Second, reading the actual proposed ordinance relieves much concern on my part.

So all I need with the proposed ordinance is your approval to continue the agreement in place since before the year 2000.

The agreement, reached with Ruben Becerra, Field Service Representative for California Waste Systems, was that the garbage receptacle (brown) container only, may be placed in front of 1150 Junewood., in *so* that the garbage collection vehicle can use it's equipment to empty the container. Recycling and yard waste containers, which are emptied by a different vehicle, will remain in front of 1144 Junewood Ct.

Please grant your approval to continue this agreement. I have no further objections to this ordinance.

Thanks again, Larry Johnson

On 2/28/06, **Richard Prima** <rprima@lodi.gov > wrote:

Mr. Johnson,

Here are the changes to the current City Code. This was taken from the last meeting when the ordinances were introduced. This subject is addressed, in part, in two sections of the Code, Solid Waste and Zoning. Strikeout text is being deleted and red is new. (I hope you're using HTML e-mail!)

I've tried to address your specific comments in the copy of your last message below.

Since this thread is getting pretty long, I would suggest you give me a call if you have further questions

Richard Prima

CITY COUNCIL
SUSAN HITCHCOCK.
Mayor
BOB JOHNSON,
Mayor Pro Tempore
JOHN BECKMAN
LARRY D. HANSEN
JOANNE MOUNCE

CITY OF LODI



BLAIR KING,
City Manager

SUSAN J. BLACKSTON.
City Clerk

D. STEPHEN SCHWABAUER.
City Attorney

CITY HALL, 221 WEST PINE STREET / P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6702 / FAX (209) 333-6807 / www.cityclrk.gov

March 9, 2006

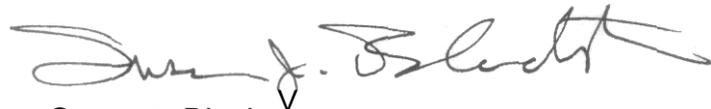
Claire Lima
1121 W. Elm Street
Lodi. CA 95240

**RE: ORDINANCES REGARDING THE PLACEMENT AND STORAGE OF
GARBAGE CONTAINERS**

The Lodi City Council, at its meeting of March 1, 2006, adopted the enclosed Ordinance No. 1773 regarding refuse container storage and collection areas and Ordinance No. 1774 relating to placement of garbage containers.

Should you have any questions, please feel free to contact my office.

Sincerely,



Susan J. Blackston
City Clerk

SJB/JMP

Enclosure