AGENDA ITEM L-01

CITY OF LODI
COUNCIL COMMUNICATION

TM

AGENDA TITLE: Ordinance No. 1783 Entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Title 5 – Permits and Regulations – by Adding Chapter 5.25, 'Pedicabs'"

MEETING DATE: September 6, 2006

PREPARED BY: City Clerk

RECOMMENDED ACTION: Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1783.

BACKGROUND INFORMATION: Ordinance No. 1783 entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Title 5 – Permits and Regulations – by Adding Chapter 5.25, 'Pedicabs'" was introduced at the regular City Council meeting of August 16, 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.

Jennifer M. Perrin
Interim City Clerk

JMP
Attachment

APPROVED: _____
Blair King, City Manager

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ORDINANCE NO. 1783

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI AMENDING LODI MUNICIPAL CODE TITLE 5 – PERMITS AND REGULATIONS – BY ADDING CHAPTER 5.25, "PEDICABS"

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

SECTION 1. Lodi Municipal Code Title 5 – Permits and Regulations – is hereby amended by adding Chapter 5.25, "Pedicabs," to read as follows:

Chapter 5.25 PEDICABS
Section:

5.25.010 Purpose.
5.25.020 Definitions.
5.25.030 Permit Requirement to Operate Pedicab.
5.25.040 Application for Pedicab Operating Permit.
5.25.050 Pedicab Operating Permit Fee.
5.25.060 Duration of Validity of Pedicab Operating Permit.
5.25.070 Pedicab Operating Permit Renewal.
5.25.080 Denial of Pedicab Operating Permit.
5.25.090 Suspension or Revocation of Pedicab Operating Permit.
5.25.100 Identification Badges Issued to Pedicab Operators with a Pedicab Operating Permit.
5.25.110 Pedicab Decal.
5.25.120 Application for Pedicab Decal.
5.25.130 Requirements for Issuance of Pedicab Decal.
5.25.140 Pedicab Decal Fee.
5.25.150 Duration of Validity of Pedicab Decal.
5.25.160 Pedicab Decal Renewal.
5.25.170 Denial of Pedicab Decal for Failure to Comply with Chapter.
5.25.180 Suspension or Revocation of Pedicab Decal.
5.25.190 Other Laws Applicable to Pedicab Owners and Operators.
5.25.200 Report of Accidents.
5.25.210 Minimum Age for Pedicab Operators.
5.25.220 Driver's License Requirement to Operate Pedicab.
5.25.230 Business License Requirement to Operate Pedicab.
5.25.240 Equipment Regulations for the Operation of Pedicabs.
5.25.250 Insurance Requirements.
5.25.260 Fare Schedule.
5.25.270 Right of Appeal from Denial of Issuance of Pedicab Operating Permit or Decal.
5.25.280 Right of Appeal from Suspension or Revocation of Pedicab Operating Permit or Decal.
5.25.290 Procedure Upon Appeal.
5.25.300 Enforcement Authority.
5.25.310 Enforcement Remedies.
5.25.320 Strict Liability Offenses.
5.25.330 City Held Harmless.
5.25.340 General Pedicab Operation.

5.25.010 Purpose.

The City Council finds that regulations governing pedicabs, operators, and owners are necessary to protect the general safety and welfare of passengers using pedicabs for hire and pedestrians within the City.

5.25.020 Definitions.

For purposes of this Chapter, the following terms are defined as follows:

A. "City Clerk" means the City Clerk for the City of Lodi or his or her designee.

B. "Decal" means the numbered decal issued by the City of Lodi to a pedicab owner for display on the pedicab to indicate that the pedicab is permitted to operate.

C. "Identification Badge" means a badge that identifies the operator with a color passport-size photo.

D. "Operates with the city" means the soliciting, accepting, picking-up, or embarking within the city of a passenger or passengers for transportation or conveyance to any point within or without the city for receipt of any form of consideration.

E. "Operator" means any individual who operates a pedicab whether as an owner, an employee of the owner, or as an independent contractor within the City of Lodi.

F. "Owner" means any person who owns, leases, or otherwise has possession of a pedicab.

G. "Pedicab" means:

1. A bicycle (as defined by the California Vehicle Code) that has three or more wheels, that transports, or is capable of transporting, passengers on seats attached to the bicycle, that is operated by an individual, and that is used for transporting passengers for receipt of any form of consideration; or

2. A bicycle (as defined by the California Vehicle Code) that pulls a trailer, sidecar, or similar device, that transports, or is capable of transporting, passengers on seats attached to the trailer, sidecar, or similar device, that is operated by an individual, and that is used for transporting passengers for receipt of any form of consideration.

H. "Pedicab operating permit" means a written permit issued by the City of Lodi authorizing a person to operate a pedicab.

I. "Person" means both singular and plural, and shall mean any individual, firm, corporation, association, partnership, or society exclusive of public agencies.

J. "Police Chief" means the Chief of Police for the City of Lodi or his or her designee.

5.25.030 Permit Requirement to Operate Pedicab.

It shall be unlawful for any person to operate a pedicab within the city without first having obtained a pedicab operating permit issued by the city pursuant to this chapter. Pedicab operating permits are the property of the city and are not transferable to any other operator.

5.25.040 Application for Pedicab Operating Permit.

A. Before operating a pedicab, an applicant shall apply for a pedicab operating permit in person.

B. The pedicab operating permit application form shall be in a form prescribed by the city clerk.

C. The applicant shall provide the following information to complete the application under oath or affirmation:

1. The applicant's full name and residence address;
2. The applicant's date of birth; and
3. The applicant's valid California driver's license.

D. The applicant shall provide the following material to complete the application:

1. Proof that the applicant is eighteen years or older;
2. Proof of ability to drive lawfully in the United States;
3. Proof of a valid City of Lodi business license;
4. A complete set of fingerprints;
5. Two recent color passport-sized photographs; and
6. Such other material as the city clerk may require to evaluate the fitness of the applicant to be granted a pedicab operating permit.

E. Each applicant must sign the application which shall contain a warning that the application may be denied or the permit suspended or revoked if the applicant misrepresents facts relevant to the fitness of the applicant to be granted a pedicab operating permit.

F. The city clerk shall investigate the facts stated in an application for a pedicab operating permit and other relevant data.

G. When an application has been denied, the applicant may not reapply for a pedicab operating permit within three hundred sixty five (365) days from the date of denial, unless denial is without prejudice.

5.25.050 Pedicab Operating Permit Fee.

The city shall charge a nonrefundable fee to recover the cost of activities associated with the administration, regulation, and issuance of pedicab operating permits as may from time to time be determined by the city council.

5.25.060 Duration of Validity of Pedicab Operating Permit.

Pedicab operating permits shall be valid for a period of one year from date of issuance.

5.25.070 Pedicab Operating Permit Renewal.

Pedicab operating permits shall be renewable annually upon filing and approval of a new application and payment of a pedicab operating permit fee as determined by the city council.

5.25.080 Denial of Pedicab Operating Permit.

The city clerk may deny issuance of a pedicab operating permit if an applicant:

A. Fails to comply with the requirements of this chapter;

B. Misrepresents facts relevant to the fitness of the applicant;

C. Does not possess a valid driver's license issued by State of California;

D. Has any type of driving restrictions issued by the State of California;

E. Is currently required to register pursuant to California Penal Code section 290;

F. Has been convicted of a crime involving moral turpitude or narcotics; or

G. Has been convicted for hit and run, driving a vehicle recklessly or while under the influence of intoxicating alcohol or drugs within the seven (7) years immediately preceding application for a pedicab operating permit.

5.25.090 Suspension or Revocation of Pedicab Operating Permit.

A. The city clerk may suspend, for a period not to exceed thirty (30) days, and may revoke a pedicab operating permit if the operator:

1. Misrepresents facts relevant to the fitness of the operator if such misrepresentation becomes known after a permit has been issued;

2. Violates the traffic laws of the City, County or State;

3. Is convicted for misdemeanor reckless driving;

4. Drives a pedicab known to the operator not to be in good order and repair;

5. Knowingly falsifies material and relevant facts on an application for a pedicab operating permit;

6. Is convicted or pleads nolo contendere to the violation of any law involving alcohol;

7. Is convicted or pleads nolo contendere to the violation of any law involving moral turpitude;

8. Operates any vehicle in a manner which constitutes a misdemeanor under the laws of the State of California; or

9. Repeatedly fails to comply with the applicable provisions of this chapter or the rules and regulations prescribed by the city clerk.

B. The city clerk shall immediately suspend, for a period not to exceed thirty (30) days, and may revoke a pedicab operating permit of any operator upon the receipt of information reasonably sufficient and reliable to establish that the operator has committed a violation of law involving:

1. A felony;
2. A sex offense;
3. Soliciting for prostitution;
4. A narcotics offense; or
5. Has had a license to drive issued by the State of California either suspended or revoked by the State.

C. The city clerk shall immediately revoke the pedicab operating permit if that operator has been found guilty by final judgment of a court of competent jurisdiction of a violation of the law involving:

1. A felony;
2. A sex offense;
3. Soliciting for prostitution; or
4. A narcotics offense.

D. Upon suspension or revocation, the operator shall immediately surrender the pedicab operating permit to the city clerk. In the event of suspension, the city clerk shall return the pedicab operating permit to its operator immediately after termination of the suspension period.

5.25.100 Identification Badges Issued to Pedicab Operators With a Pedicab Operating Permit.

A. The city shall issue an identification badge to an individual after that individual has been issued a pedicab operating permit.

B. While the pedicab is in operation, the pedicab operator shall wear the identification badge at all times on his or her person, in a manner clearly visible to the public.

C. It shall be unlawful for a pedicab operator to fail to wear an identification badge, in a manner clearly visible to the public, while operating a pedicab.

D. Identification badges are the property of the city and are not transferable to any other operator. In the event that an operator's pedicab operating permit is suspended or revoked, the operator shall also immediately surrender the identification badge to the city clerk. In the event of a suspension, the city clerk shall return the identification badge to its holder immediately after termination of the suspension period.

5.25.110 Pedicab Decal.

A. It shall be unlawful for any owner to lease, rent, or allow a pedicab to be operated for hire within the city without first having obtained a decal issued pursuant to this chapter. The decal shall be affixed to the pedicab on the rear or back side of the pedicab in a manner clearly visible to the public.

B. It shall be unlawful for any person to operate a pedicab that does not have a valid decal affixed to it.

C. Decals are the property of the city and are not transferable to any other pedicab.

5.25.120 Application for Pedicab Decal.

A. Before allowing a pedicab to be operated for hire, an owner shall obtain a pedicab decal.

B. The pedicab decal application form shall be prescribed by the city clerk.

C. The applicant shall provide the following information to complete the application:

1. The full name and address of the applicant;

2. The name and address of all legal and registered owners of the pedicab;

3. A description of the pedicab, including trade name, if any, serial number or owner identification number, and body style;

4. Seating capacity of the pedicab;

5. Route(s) or area(s) over which the applicant proposes to operate the pedicab; and

6. Proof of insurance in accordance with Section 5.25.250 of this Chapter.

5.25.130 Requirements for Issuance of Pedicab Decal.

Pedicab decals will be issued only when a pedicab meets all of the following requirements:

A. A battery-operated headlight capable of projecting a beam of white light for a distance of 300 feet shall be permanently affixed to the pedicab;

B. Battery-operated taillights shall be permanently affixed on the right and the left, respectively, at the same level on the rear exterior of the passenger compartment. Taillights shall be red in color and plainly visible from all distances within 500 feet to the rear of the pedicab;

C. Side-mounted rearview mirrors affixed to the right and left side of the pedicab so located as to reflect to the driver a view of the street for a distance of at least 200 feet to the rear of the pedicab.

D. Seat belts for each available passenger seat; and

E. Those requirements related to bicycles as set forth in California Vehicle Code Section 21201.

5.25.140 Pedicab Decal Fee.

The City shall charge a nonrefundable fee to recover the cost of activities associated with the administration, regulation, and issuance of pedicab decals.

5.25.150 Duration of Validity of Pedicab Decal.

Pedicab decals shall be valid for a period of one year from date of issuance.

5.25.160 Pedicab Decal Renewal.

Pedicab decals shall be renewable annually upon filing of a new application and payment of a pedicab decal fee.

5.25.170 Denial of Pedicab Decal for Failure to Comply with Chapter.

The City may deny issuance of a pedicab decal if the city clerk determines that the pedicab does not meet the requirements of this chapter or applicable state law.

5.25.180 Suspension or Revocation of Pedicab Decal.

A. Decals may be suspended by the city clerk for a period of one to thirty days or revoked at any time if the owner:

1. Fails to comply with the applicable provisions of this chapter;

2. Fails to maintain insurance as required by Section 5.25.250;

3. Fails to notify the city clerk thirty (30) days prior to the effective date of liability insurance cancellation or change of insurer;

4. Fails to maintain pedicabs in good order and repair as prescribed herein;

5. Provides false statements on an application for a decal;

6. Fails to pay any fees or damages lawfully assessed upon the ownership or operation of any pedicab licensed under this chapter; or

7. Violates any of the provisions of this chapter or any applicable city, state, or federal laws, rules, or regulations.

B. Decals which have been suspended shall forthwith be surrendered to the city clerk for a period covering the term of suspension. The city clerk shall return the decal to its holder immediately after termination of the suspension period.

C. Decals which have been revoked shall forthwith be surrendered to the city clerk by the holder thereof.

D. The city clerk shall notify in writing and by certified mail, any decal holder whose permit has been suspended or revoked. Such notice shall state any and all reasons for such action as well as all laws or regulations violated by the decal holder.

5.25.190 Other Laws Applicable to Pedicab Owners and Operators.

Pedicab owners and operators are subject to all applicable city, county, state, and federal laws, rules, and regulations.

5.25.200 Report of Accidents.

Each holder of a pedicab decal and pedicab operating permit involved in any accident resulting in property damage or personal injury of any kind, shall within forty-eight (48) hours thereof give written report thereof to the city clerk. A copy of a report required under state law shall be deemed sufficient for such purposes; otherwise, such report shall contain all information required with respect to reports otherwise required under state law.

5.25.210 Minimum Age for Pedicab Operators.

It is unlawful for any individual under the age of eighteen to operate a pedicab.

5.25.220 Driver's License Requirement to Operate Pedicab.

A. It is unlawful for any individual without a motor vehicle driver's license issued by the State of California to operate any pedicab within the city.

B. While the pedicab is in operation, the pedicab operator shall have his or her valid driver's license on his or her person at all times.

5.25.230 Business License Requirement to Operate Pedicab.

It shall be unlawful for a person to operate a pedicab without first obtaining a business license from the city.

5.25.240 Equipment Regulations for the Operation of Pedicabs.

A. It shall be unlawful for any person to operate, or cause to be operated, a pedicab which fails to meet the equipment requirements of section 5.25.130 of this chapter.

5.25.250 Insurance Requirements.

In order to ensure the safety of the public, it is unlawful for any person who owns a pedicab to allow it to be operated or driven or to obtain a permit for its operation under this chapter unless and until said person has complied with the provisions of this section.

A. The owner or operator of any pedicab operated under this chapter must secure his or her ability to answer to any claim for damage to person or property which may arise against him or her by reason of the operation of said pedicab as follows:

1. Public liability insurance in the minimum limits of $100,000 for injury or death to any person and $300,000 for injury or death of more than one person in the same accident;

2. Public liability insurance for property damage in the minimum amount of $50,000 for any one occurrence;

3. The policy of insurance is endorsed to provide a hold harmless clause in favor or the city;

4. The policy provide that 30-days notice of cancellation of insurance be sent to the city clerk; and

5. A certificate evidencing insurance shall be filed with the City Clerk and the risk manager for the city, and must name the city, its officers, agents and employees as additional insureds.

B. The insurance required under this section shall remain in full force, at a level at least equal to the minimum requirements set forth above, or the pedicab decal will be subject to revocation or suspension pursuant to this chapter.

5.25.260 Fare Schedule.

A. Every pedicab shall have permanently affixed to the outside thereof, in a place readily to be seen by passengers, a frame covered with clear plastic, or similar material, enclosing a card upon which shall be printed in plain, legible letters the schedule of rates authorized for carriage in such pedicab.

B. It is unlawful for an operator to deceive any passenger who rides in the vehicle, or who expresses a desire to ride in such vehicle, as to that passenger's destination or the rate to be charged.

C. It is unlawful for any operator to demand from a passenger a fare greater than the fare contained in the posted fare schedule.

D. Section 5.25.260(C) does not apply to fares for special tours, provided that the fare for the special tour is agreed upon between the passenger and the operator prior to the beginning of the tour.

5.25.270 Right of Appeal from Denial of Issuance of Pedicab Operating Permit or Decal.

A. The city clerk shall notify the applicant that the issuance of his or her pedicab operating permit or decal has been denied. The city clerk shall also notify the applicant of the right to appeal the denial to the city manager. Any written appeal shall be filed with the city clerk within ten (10) calendar days after service of notice of denial. Service shall be by regular postal service or personal delivery. The applicant shall set forth in the appeal the reason why the denial is not proper.

B. If no appeal is filed within the time allowed, the decision of the city clerk to not issue the pedicab operating permit or decal shall be considered final.

C. The city manager shall direct an appeal to be heard within fifteen (15) days after a notice of appeal is filed with the city clerk as required by this section.

D. A denial shall remain in effect until a duly filed appeal is heard by a hearing officer under the procedures set forth in section 5.25.290.

5.25.280 Right of Appeal from Suspension or Revocation of Pedicab Operating Permit or Decal.

A. The city shall notify the pedicab operator or owner that his or her pedicab operating permit or decal has been suspended or revoked. The city clerk shall also notify the pedicab owner or operator of the right to appeal the suspension or revocation to the city manager. Any written appeal shall be filed within ten (10) calendar days after service of notice of suspension or revocation. The pedicab operator or owner shall set forth in the appeal the reason why the suspension or revocation is not proper.

B. If no appeal is filed within the time allowed, the pedicab operating permit or decal shall be considered suspended or revoked and the pedicab operator or owner shall immediately surrender the pedicab operating permit or decal to the city clerk in the manner prescribed by the city clerk.

C. Once a timely appeal is filed, the suspension or revocation of the operating permit or decal shall be stayed pending the final determination by the hearing officer as set forth in section 5.25.290.

5.25.290 Procedure Upon Appeal.

A. If an applicant served with a notice of denial, suspension, or revocation chooses to appeal, he or she shall file an appeal within ten (10) calendar days from the service of the notice from the city clerk.

B. Appeals to the city manager:

1. Any decision of the city clerk which is a denial to issue or a suspension or revocation of any pedicab operating permit or decal shall not become final until fifteen (15) days after the date of transmittal of the written notice to the person affected by such decision, during which period the party to the action may appeal the decision in the manner provided herein at any time prior to the expiration date of the fifteen (15) day period. If no appeal is taken before the expiration of the fifteen (15) day period, the decision of the city clerk shall be final.

2. The appeal of any decision shall be in writing signed by the party to the action briefly setting forth the reasons why such decision is not proper, stating an address at which the appellant will receive notices and filed with the city clerk.

3. The city clerk shall upon receipt of the appeal set the matter for hearing before a hearing officer. The hearing officer shall be an attorney or recognized mediator designated by the city attorney. The hearing shall be scheduled for not more than thirty (30) calendar days after receipt of the appeal unless a longer time is requested or consented to by the appellant.

4. The hearing shall not be conducted under the formal Rules of Evidence, but shall be subject to such standards of procedure and evidence as reasonable people would utilize in the conduct of serious business.

5. The appellant (or a representative) shall have the right to present his or her case in person.

6. The hearing officer shall consider the case record as well as any statements offered by interested parties. The hearing will be conducted according to administrative rules relating to evidence and witnesses as set forth in Chapter 1.10 of this code.

7. If the hearing officer refuses to issue or restore a pedicab operating permit or decal, the party to the action, or such party's agent, shall not file a new application within three hundred sixty five (365) days from the date of final action by the hearing officer.

8. If the hearing officer suspends a pedicab operating permit or decal, the city clerk shall determine a period of suspension of not more than thirty (30) days.

9. If the hearing officer's action is to grant or restore a decal or permit, the hearing officer shall direct the city clerk to issue or restore the certificate or license.

C. Any party dissatisfied with the decision of the hearing officer may carry the matter forward under the provisions for administrative mandamus (Code of Civil Procedure Section 1094.5) as it now exists or may later be amended.

5.25.300 Enforcement Authority.

The city is authorized to administer and enforce the provisions of this chapter. The city may exercise any enforcement powers as provided in this code.

5.25.310 Enforcement Remedies.

Any person violating the provisions of this chapter is guilty of an infraction, unless otherwise noted, punishable on conviction as set forth in Chapter 1.08 of this code. The city attorney may also seek injunctive relief and civil penalties in the superior court for violations of the provisions of this chapter.

5.25.320 Strict Liability Offenses.

Violations of this chapter shall be treated as strict liability offenses.

5.25.330 City Held Harmless.

A decal holder shall, and by acceptance of the decal does, agree to hereby indemnify and hold the City of Lodi, its officers, employees and agents from any and all damages, claims, liabilities, costs, suits, or other expense resulting from and arising out of said decal holder's operations.

5.25.340 General Pedicab Operation.

A. Any pedicab permitted by the city as a pedicab shall be operated according to the pedicab provisions of this chapter and the applicable provisions of the California Vehicle Code governing the operation of bicycles.

B. Each operator shall carry in the vehicle a current map of the city. Upon request, the operator shall make the map available to the passenger.

C. Every pedicab while in operation for the solicitation or transportation of passengers shall be attended by the operator at all times except when such operator is actually engaged in loading or unloading the vehicle, or in answering telephones in connection with the business.

D. An operator shall not leave the pedicab operating permit in an unattended or unsecured pedicab.

E. No owner or operator of a pedicab shall knowingly permit such pedicab to be used for unlawful purposes or knowingly to transport persons therein to places for such purposes. Violation of this provision is a misdemeanor under this Chapter.

F. Every pedicab operating under this chapter must be inspected by the police department for the city at such intervals as may be established by the chief of police, to insure the continued maintenance of safe operating conditions.

G. Every person owning or operating, or causing to be operated, any pedicab under this chapter must thoroughly wash each pedicab, when so operated, at least once a week, and shall also sweep and clean each of said pedicabs daily.

H. It shall be unlawful for any person operating, or causing to be operated, any pedicab to permit the same to remain standing upon the street for the purpose of loading or unloading passengers unless the side of the pedicab is within a legal parking stall or other designated loading zone.

SECTION 2. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 3. 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 4. 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 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 take effect thirty days from and after its passage and approval.

Approved this 6th day of September, 2006

SUSAN HITCHCOCK
Mayor

Attest:

JENNIFER M. PERRIN
Interim City Clerk

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State of California
County of San Joaquin, ss.

I, Jennifer M. Perrin, Interim City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1783 was introduced at a regular meeting of the City Council of the City of Lodi held August 16, 2006, and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held September 6, 2006, by the following vote:

AYES:	COUNCIL MEMBERS –	Beckman, Hansen, Johnson and Mayor Hitchcock
NOES;	COUNCIL MEMBERS –	None
ABSENT:	COUNCIL MEMBERS –	Mounce
ABSTAIN:	COUNCIL MEMBERS –	None

I further certify that Ordinance No. 1783 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

JENNIFER M. PERRIN
Interim City Clerk

Approved as to Form:

D. STEPHEN SCHWABAUER
City Attorney

By_____
Janice D. Magdich
Deputy City Attorney