



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Introduce Ordinance Amending Lodi Municipal Code Title 13 – “Public Services” by Repealing and Reenacting Section 13.12.460(L), and Further Repealing and Reenacting Section 13.12.565 Relating to “Sewer Service”

MEETING DATE: August 17, 2011

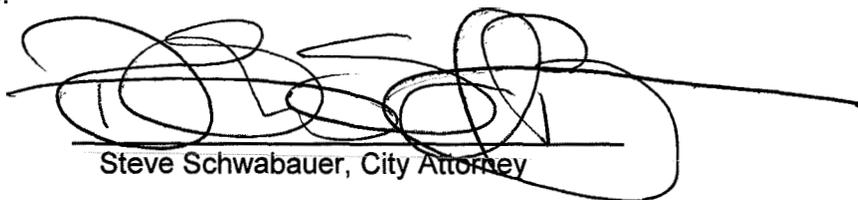
PREPARED BY City Attorney

RECOMMENDED ACTION: Introduce Ordinance amending Lodi Municipal Code Title 13 – “Public Services” by repealing and reenacting Section 13.12.460(L), and further repealing and reenacting Section 13.12.565 relating to “Sewer Service.”

BACKGROUND INFORMATION: Recent review of our federally mandated sewer pretreatment standards require the City to amend its sewer pretreatment Ordinance to repair two typographical errors in cross-references. A redline strikeout draft of the changes is attached. Adopting these changes is a condition of maintaining the City’s discharge permit.

FISCAL IMPACT: None.

FUNDING AVAILABLE: Not applicable.


Steve Schwabauer, City Attorney

APPROVED: 
Konradt Bartlam, City Manager

ORDINANCE NO. _____

AN ORDINANCE OF THE LODI CITY COUNCIL AMENDING LODI MUNICIPAL CODE TITLE 13 "PUBLIC SERVICES" BY REPEALING AND REENACTING SECTION 13.12.460 (L); AND FURTHER REPEALING AND REENACTING SECTION 13.12.565 RELATING TO SEWER SERVICE

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

Section 1. Lodi Municipal Code Section 13.12.460 "L" – is hereby repealed and reenacted to read as follows:

L. Requirements for "slug discharge" plans as required by 40 CFR 403.8(f)(2)(vi)(A)-(D).

Section 2. Lodi Municipal Code Section 13.12.565 – is hereby repealed and reenacted to read as follows:

13.12.565 Notice of Potential Problems, Including Slug Loading, Regardless of Whether or Not a Discharge Violates the Terms of this Chapter.

All Industrial users shall notify the Water Services Manager or White Slough Water Pollution Control Facility personnel immediately of all discharges that could cause problems to the WSWPCF including slug discharge as defined by Lodi Municipal Code §13.12.020 (504).

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 All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 6. 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 ____ day of _____, 2011.

BOB JOHNSON
Mayor

ATTEST:

RANDI JOHL
City Clerk

State of California
County of San Joaquin, ss.

I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance No. ____ was introduced at a regular meeting of the City Council of the City of Lodi held _____, 2011, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held _____, 2011, by the following vote:

- AYES: COUNCIL MEMBERS –
- NOES: COUNCIL MEMBERS –
- ABSENT: COUNCIL MEMBERS –
- ABSTAIN: COUNCIL MEMBERS –

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

RANDI JOHL
City Clerk

APPROVED TO FORM:

D. STEPHEN SCHWABAUER
City Attorney