



CITY OF LODI
COUNCIL COMMUNICATION

AGENDA TITLE: Ordinance No. 1850 Entitled, "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"

MEETING DATE: September 7, 2011

PREPARED BY: City Clerk

RECOMMENDED ACTION: Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1850.

BACKGROUND INFORMATION: Ordinance No. 1850 entitled, "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," was introduced at the regular City Council meeting of August 17, 2011.

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. 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. GovY Code § 36934.

Ordinances take effect 30 days after their final passage. Cal. GovY Code § 36937.

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

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

Randi Johl
City Clerk

RJ/JMR
Attachments

APPROVED:

Konradt Bartlam, City Manager

ORDINANCE NO. 1850

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 Lodi Municipal Code Section 13.12.460 "L" is hereby repealed and reenacted to read as follows: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 Lodi Municipal Code Section 13.12.565 is hereby repealed and reenacted to read as follows: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 (54).

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.

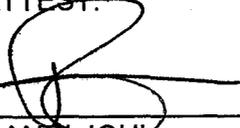
Section 6. This ordinance shall be published one time in the "Lodi News Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect 30 days from and after its passage and approval.

Approved this 7th day of September, 2011.



BOB JOHNSON
Mayor

ATTEST:



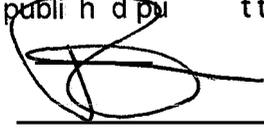
RANDI JOHL
City Clerk

State of California
County of San Joaquin, ss.

I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1850 was introduced at a regular meeting of the City Council of the City of Lodi held August 17, 2011, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held September 7, 2011, by the following vote:

- AYES: COUNCIL MEMBERS – Hansen, Katzakian, Mounce, Nakanishi, and Mayor Johnson
- NOES: COUNCIL MEMBERS – None
- ABSENT: COUNCIL MEMBERS – None
- ABSTAIN: COUNCIL MEMBERS – None

I further certify that Ordinance No. 1850 was approved and signed by the Mayor on the date of its passage and the same has been published in the law.



RANDI JOHL
City Clerk

APPROVED TO FORM:



D. STEPHEN SCHWABAUER
City Attorney