



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Ordinance No. 1836 entitled, "An Ordinance of the Lodi City Council Adopting the '2010 California Electrical Code'; Thereby, Repealing and Re-Enacting Lodi Municipal Code Chapter 15.16 in Its Entirety"

MEETING DATE: November 17,2010

PREPARED BY: City Clerk

RECOMMENDED ACTION: Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1836.

BACKGROUND INFORMATION: Ordinance No. 1836 entitled, "An Ordinance of the Lodi City Council Adopting the '2010 California Electrical Code'; Thereby, Repealing and Re-Enacting Lodi Municipal Code Chapter 15.16 in Its Entirety," was introduced at the regular City Council meeting of November 3, 2010.

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.

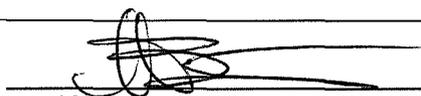
FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.


Randi Johl
City Clerk

RJNMR

Attachment

APPROVED: 
Konradt Bartlam, Interim City Manager

ORDINANCE NO. 1836

AN ORDINANCE OF THE LODI CITY COUNCIL ADOPTING THE "2010 CALIFORNIA ELECTRICAL CODE"; THEREBY, REPEALING AND RE-ENACTING LODI MUNICIPAL CODE CHAPTER 15.16 IN ITS ENTIRETY

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NOW, THEREFORE, the City Council of the City of Lodi does ordain as follows:

Section 1. Lodi Municipal Code Chapter 15.16, "California Electrical Code," is hereby repealed and reenacted in its entirety to read as follows.

Chapter 15.16

Electrical Code

Sections:

- 15.16.010 Adoption.
- 15.16.020 Fees.
- 15.16.030 Fee Schedule.
- 15.16.040 Investigation Fee.
- 15.16.050 Appeals Board.
- 15.16.060 Inspectors Qualifications.
- 15.16.070 Violation – Misdemeanor.

15.16.010 Adoption

The provisions set forth in the "2010 California Electrical Code" together with Annex C, Annex H, and Administration and Enforcement thereto, are hereby adopted as the Electrical Code of the City of Lodi and copies of the same are maintained by the City Building Official and available for review in the Community Development Department. The Electrical Code of the City of Lodi shall apply to all matters pertaining to the installation, alteration, or addition of electrical wiring, devices, appliances, or equipment in the City of Lodi, California; and the enforcement of the rules and regulations as set forth in the 2010 California Electrical Code together with Annex C, Annex H and Administration and Enforcement thereto.

15.16.020 Fees

A fee for each electrical permit required by this Code shall be paid to the City of Lodi. Fees shall be paid prior to permit issuance.

15.16.030 Fee Schedule

The Schedule of Electrical Permit Fees required by this Chapter will be those established and adopted by the City Council from time to time by Resolution.

15.16.040 Investigation Fee – Work Without a Permit

Work commenced before permit is issued. Any person who commences work requiring a permit before obtaining the necessary permits shall be subject to a fee established by the applicable governing authority that shall be in addition to the required permit fee.

15.16.050 Appeals Board (CEC Annex H)

Annex H 80.15 - is amended to read: In order to determine the suitability of alternate materials and types of construction and to provide for reasonable interpretations of this Chapter, the City Council shall sit as a board of appeals. The Building Official shall be an ex-officio member and shall act as secretary of the Board. Three members present shall constitute a quorum and no act of the board shall be valid unless a majority of the full board shall concur therein.

The board of appeals shall adopt reasonable rules and regulations for conducting a meeting and investigations and shall render a decision and findings in duplicate. A copy will go to the Building Official with the other copy to the applicant.

15.16.060 Inspectors Qualifications

Annex H 80.27- is amended to read: All electrical inspectors shall meet the minimum certification and experience as required by the City of Lodi's job discription.

15.16.070 Violation – Misdemeanor

A. It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, or maintain any electrical wiring, devices, appliances or equipment or permit the same to be done in violation of this Chapter.

B. Any person, firm, or corporation violating any of the provisions or failing to comply with any of the mandatory requirements of this Chapter is guilty of a misdemeanor punishable on conviction as set forth in Chapter 1.08 of this Code. Each separate day or any portion of thereof, during which any violation of this Chapter occurs or continues, shall be deemed to constitute a separate offense and punished accordingly.

C. In addition to the penalties set forth in Section 15.16.070(B) above, City may at its sole discretion, seek to enforce its Building Code under Chapter 1.10 of this Code.

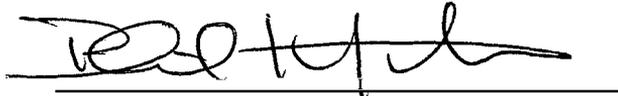
Section 2 - No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide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

Section 3 – 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 newspaper of general circulation printed and published in the City of Lodi, and shall be in force and take effect January 1, 2011, which date is at least 30 days after the passage of this ordinance.

Approved this 17th day of November, 2010



PHIL KATZAKIAN
Mayor

Attest:

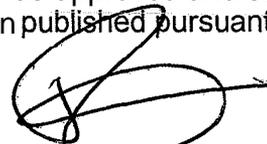

RANDI JOHL
City Clerk

State of California
County of San Joaquin, ss.

I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1836 was introduced at a regular meeting of the City Council of the City of Lodi held November 3, 2010, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held November 17, 2010, by the following vote:

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

I further certify that Ordinance No. 1836 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 as to Form:

D. STEVEN SCHWABAUER
City Attorney, City of Lodi

By 

JANICE MAGDICH
Deputy City Attorney