



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Ordinance No. 1859 Entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Chapter 10.12 – Enforcement and Obedience to Traffic Regulations – by Repealing and Re-Enacting Section 10.12.020, 'Required Obedience to Traffic Regulations,' in its Entirety"

MEETING DATE: June 6, 2012

PREPARED BY: City Clerk

RECOMMENDED ACTION: Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1859.

BACKGROUND INFORMATION: Ordinance No. 1859 entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Chapter 10.12 – Enforcement and Obedience to Traffic Regulations – by Repealing and Re-Enacting Section 10.12.020, 'Required Obedience to Traffic Regulations,' in Its Entirety," was introduced at the regular City Council meeting of May 16, 2012.

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

RJ/jmr

Attachment

APPROVED:

Konradt Bartlam, City Manager

ORDINANCE NO. 1859

AN ORDINANCE OF THE LODI CITY COUNCIL
AMENDING LODI MUNICIPAL CODE CHAPTER 10.12 –
ENFORCEMENT AND OBEDIENCE TO TRAFFIC
REGULATIONS – BY REPEALING AND RE-ENACTING
SECTION 10.12.020, "REQUIRED OBEDIENCE TO
TRAFFIC REGULATIONS," IN ITS ENTIRETY

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BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

SECTION 1. Lodi Municipal Code Chapter 10.12 – Enforcement and Obedience to Traffic Regulations – is hereby amended by repealing and reenacting §10.12.020, "Required Obedience to Traffic Regulations," in its entirety to read as follows:

Except as preempted by Vehicle Code 921 regarding State law established violations, it shall be unlawful for any person to violate the traffic regulations as promulgated by this title or to fail to obey any device erected or maintained pursuant to this title or the traffic resolution. (Vehicle Code §21461 et seq.).

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 pursuant to law and shall become effective 30 days from the date of passage and adoption.

Approved this 6th day of June, 2012



JOANNE MOUNCE
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. 1859 was introduced at a regular meeting of the City Council of the City of Lodi held May 16, 2012, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held June 6, 2012, by the following vote:

AYES: COUNCIL MEMBERS - Hansen, Johnson, Katzakian, Nakanishi,
and Mayor Mounce

NOES: COUNCIL MEMBERS - None

ABSENT: COUNCIL MEMBERS - None

ABSTAIN: COUNCIL MEMBERS - None

I further certify that Ordinance No. 1859 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