



**CITY OF LODI
COUNCIL COMMUNICATION**

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AGENDA TITLE: Introduce Ordinance Amending Lodi Municipal Code Title 13 – Public Services, Chapter 13.16 “Solid Waste”, by Repealing and Reenacting Section 13.16.050 (A) Relating to Placement of Garbage Containers for Collection Purposes

MEETING DATE: June 5, 2013

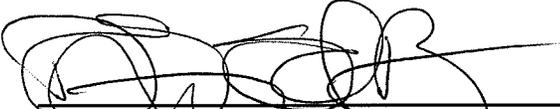
PREPARED BY: D. Stephen Schwabauer, City Attorney

RECOMMENDED ACTION: That the City Council introduce Ordinance amending Lodi Municipal Code Title 13 – Public Services, Chapter 13.16 “Solid Waste”, by repealing and reenacting Section 13.16.050(A) relating to placement of garbage containers for collection purposes.

BACKGROUND INFORMATION: This change to Title 13 is a clean up Ordinance required in connection with the Garbage Container Placement Ordinance to 1) require residential customers who utilize refuse carts to place the containers in the gutter immediately adjacent to the curb for pick up; and 2) to include a reference to the new Development Code Chapter 17.14 “General Property Development and Use Standards,” specifically Section 17.14.090 “Solid Waste Collection and Storage Areas” (attached) which deals directly with issues related to garbage container placement.

FUNDING: Not applicable.

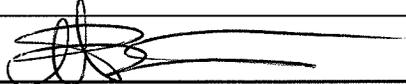
FISCAL IMPACT: N/A



D. Stephen Schwabauer, City Attorney

Attachment

cc: Wally Sandelin, Public Works Director

APPROVED: 
Konradt Bartlam, City Manager

ORDINANCE NO. _____

AN ORDINANCE OF THE LODI CITY COUNCIL
AMENDING LODI MUNICIPAL CODE CHAPTER
13.16 – SOLID WASTE – BY REPEALING AND
REENACTING SECTION 13.16.050(A) –
PLACEMENT OF CONTAINERS IN ITS ENTIRETY

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BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

SECTION 1. Lodi Municipal Code Section 13.16.050(A), "Placement of Containers," is hereby repealed and reenacted in its entirety to read as follows:

A. Residential. Residential customers utilizing refuse carts shall place containers **in the gutter immediately adjacent to** at the curb or other areas as approved by the public works director. All containers must be placed in a location readily accessible to the contractor, free of obstacles. **The placement shall also not impede pedestrian (including wheelchair) sidewalk access.** Containers shall be maintained in accordance with Lodi Municipal Code Title 17 - Zoning – Chapter 17.57, "General Regulations and Exceptions," Section 17.57.180, "Refuse Container Storage and Collection Areas."Development Code – Chapter 17.14 "General Property Development and Use Standards" Section 17.14.090 "Solid Waste Collection and Storage Areas." Failure to meet any of these conditions shall constitute cause for the contractor's refusal to perform collection services. The contractor shall, after collection, return containers/carts to the location from which they were collected.

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 ___ day of _____, 2013

ALAN NAKANISHI
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 June 5, 2013, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held _____, 2013, 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