



**CITY OF LODI  
COUNCIL COMMUNICATION**

**AGENDA TITLE:** Ordinance No. 1878 Entitled, "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"

**MEETING DATE:** June 19, 2013

**PREPARED BY:** City Clerk

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**RECOMMENDED ACTION:** Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1878.

**BACKGROUND INFORMATION:** Ordinance No. 1878 entitled, "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," was introduced at the regular City Council meeting of June 5, 2013.

**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.

A handwritten signature in black ink, appearing to be "Randi Johl", written over a horizontal line.

Randi Johl  
City Clerk

RJ/jmr  
Attachment

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**APPROVED:** A handwritten signature in black ink, appearing to be "Konradt Bartlam", written over a horizontal line.  
Konradt Bartlam, City Manager

ORDINANCE NO. 1878

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 Lodi Municipal Code Section 13.16.050(A), "Placement of Containers," is hereby repealed and reenacted in its entirety to read as follows: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 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 – 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 19<sup>th</sup> day of June, 2013



ALAN NAKANISHI  
MAYOR

ATTEST:



RANDL 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. 1878 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 June 19, 2013, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Johnson, Katzakian, and  
Mayor Nakanishi

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – Mounce

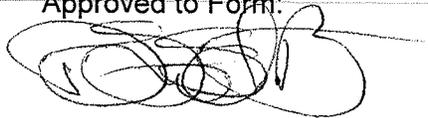
ABSTAIN: COUNCIL MEMBERS – None

I further certify that Ordinance No. 1878 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