



**CITY OF LODI
COUNCIL COMMUNICATION**

TM

AGENDA TITLE: Introduce an Uncodified Ordinance Amending Lodi Municipal Code Chapter 16.24 – Improvements, by Repealing Section 16.24.040 “Streets” in its Entirety; and Further Amending Chapter 16.40 – Reimbursements for Construction, by Repealing Sections 16.40.010 “Findings and Purpose” and 16.40.020 “Improvements to be Reimbursed” in their Entirety

MEETING DATE: August 21, 2013

PREPARED BY: City Attorney’s Office

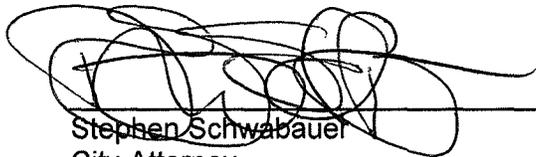
RECOMMENDED ACTION: Introduce an uncodified Ordinance amending Lodi Municipal Code Chapter 16.24 – Improvements by repealing Section 16.24.040 “Streets” in its entirety; and further amending Chapter 16.40 – Reimbursements for Construction by repealing Sections 16.40.010 “Findings and Purpose” and 16.40.020 “Improvements to be Reimbursed” in their entirety.

BACKGROUND INFORMATION: At the February 20, 2013 City Council meeting, Council adopted Ordinance 1869 adopting the new Zoning Code. At the same time, Council adopted Ordinance 1870 which revised several sections of the old Title 16 that were subsumed within new Title 17 (Title 16 no longer exists though most of the sections have been renumbered and appear in Title 17). Staff inadvertently overlooked that the Title 16 changes should have been made in their new Title 17 location. This uncodified ordinance will clean up the Title 16 changes by eliminating them. A second item will make the changes these sections made to Title 16 to their new locations in Title 17.

Staff recommends that the City Council introduce the ordinance repealing the referenced municipal code sections.

FISCAL IMPACT: N/A

FUNDING: N/A


Stephen Schwabauer
City Attorney

APPROVED: 
Konradt Bartlam, City Manager

ORDINANCE NO. _____

AN UNCODIFIED ORDINANCE OF THE LODI CITY COUNCIL AMENDING
LODI MUNICIPAL CODE CHAPTER 16.24 – IMPROVEMENTS – BY
REPEALING SECTION 16.24.040 “STREETS” IN ITS ENTIRETY; AND
FURTHER AMENDING CHAPTER 16.40 – REIMBURSEMENTS FOR
CONSTRUCTION – BY REPEALING SECTIONS 16.40.010, “FINDINGS AND
PURPOSE,” AND 16.40.020, “IMPROVEMENTS TO BE REIMBURSED”

=====

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

SECTION 1. Lodi Municipal Code Chapter 16.24 – Improvements – is hereby amended by repealing Section 16.24.040 “Streets” in its entirety.

SECTION 2. Lodi Municipal Code Chapter 16.40 – Reimbursements for Construction – is hereby amended by repealing Section 16.40.010 “Findings and Purpose”; and Section 16.40.020 “Improvements to be Reimbursed” in their entirety.

SECTION 3. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 4. 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 toward 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 5. 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 6. This uncodified 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 ____ day of _____, 2013

ALAN NAKANISHI
Mayor

Attest:

RANDI JOHL-OLSON
City Clerk

=====

State of California
County of San Joaquin, ss.

I, Randi Johl-Olson, City Clerk of the City of Lodi, do hereby certify that uncodified Ordinance No. ____ was introduced at a regular meeting of the City Council of the City of Lodi held August 21, 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-OLSON
City Clerk

Approved as to Form:

D. STEPHEN SCHWABAUER
City Attorney