

ORDINANCE NO. 27-2019

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE REPEALING CHAPTER 16.34 OF THE ELK GROVE MUNICIPAL CODE RELATING TO THE UNIFORM CODE FOR BUILDING CONSERVATION

WHEREAS, the Uniform Building Codes were developed and published by the International Conference of Building Officials until 1997; and

WHEREAS, in 2000 the International Building Code was published by the International Code Council, which had merged with the International Conference of Building Officials; and

WHEREAS, since 2001, the City of Elk Grove has kept as reference the Uniform Code for Building Conservation as a supplemental code concerning the remodel and restoration of existing buildings; and

WHEREAS, with the adoption of the 2019 Existing Building Code and the 2019 Historical Building Code, the standards contained in the Uniform Code for Building Conservation are now antiquated and its inclusion in the Elk Grove Municipal Code is unnecessary.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove hereby ordains as follows:

Section 1: Repeal of Elk Grove Municipal Code Chapter 16.34 Uniform Code for Building Conservation

Chapter 16.34 of the Elk Grove Municipal Code is hereby repealed in its entirety.

Section 2: California Environmental Quality Act (CEQA)

The California Environmental Quality Act (CEQA) requires analysis of agency approvals of discretionary “projects.” A “project,” under CEQA, is defined as “the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.” (CEQA Guidelines, § 15378.) The proposed project includes discretionary amendments to the City’s Municipal Code and is a project under CEQA; but it is exempt from CEQA review as set forth below.

CEQA Guidelines section 15060(c)(2) states that a project is not subject to CEQA review where the activity will not result in a direct or reasonably foreseeable indirect physical change to the environment. CEQA Guidelines Section 15061(b)(3) states that a project is exempt from CEQA “where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.” The repeal of Chapter 16.34 of the Elk Grove Municipal Code as set forth in this Ordinance does not approve any physical development project, and it would not result in a direct or indirect physical change in the environment. Therefore, the approval of the Ordinance is exempt from CEQA review.

Section 3: No Mandatory Duty of Care

This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 4: 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, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any portion thereof and intends that the invalid portions should be severed, and the balance of the ordinance be enforced.

Section 5: Effective Date and Publication

This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage, a summary of the ordinance may be published at least five days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to GC 36933(c)(1).

ORDINANCE: 27-2019
INTRODUCED: November 13, 2019
ADOPTED: December 11, 2019
EFFECTIVE: January 10, 2020




STEVE LY, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN P. HOBBS,
CITY ATTORNEY

Date signed: December 16, 2019

**CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 27-2019**

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) **ss**
CITY OF ELK GROVE)

I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing ordinance, published and posted in compliance with State law, was duly introduced on November 13, 2019 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on December 11, 2019 by the following vote:

AYES:	COUNCILMEMBERS:	Ly, Hume, Detrick, Nguyen, Suen
NOES:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None

A summary of the ordinance was published pursuant to GC 36933(c) (1).



**Jason Lindgren, City Clerk
City of Elk Grove, California**