

## **ORDINANCE NO. 28-2009**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE REPEALING ELK GROVE MUNICIPAL CODE CHAPTER 4.16**

The City Council of the City of Elk Grove does ordain as follows:

#### **Section 1: Purpose and Authority**

The purpose of this ordinance is to repeal Chapter 4.16 of the Elk Grove Municipal Code, "Medical Cannabis Dispensaries". The City has authority to adopt this ordinance pursuant to California Constitution Article XI, Section 7.

#### **Section 2: Application.**

Chapter 4.16 of the Elk Grove Municipal Code is hereby repealed in its entirety.

#### **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 particular 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 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:** 28-2009  
**INTRODUCED:** December 9, 2009  
**ADOPTED:** January 13, 2010  
**EFFECTIVE:** February 12, 2010

  
SOPHIA SCHERMAN, MAYOR of the  
CITY OF ELK GROVE

ATTEST:

  
SUSAN J. BLACKSTON, CITY CLERK

Date signed: January 19, 2010

APPROVED AS TO FORM:

  
SUSAN COCHRAN, CITY ATTORNEY

**CERTIFICATION**  
**ELK GROVE CITY COUNCIL ORDINANCE NO. 28-2009**

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

*I, Susan J. Blackston, 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 December 9, 2009 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on January 13, 2010 by the following vote:*


**AYES :**        **COUNCILMEMBERS:**        *Scherman, Detrick, Cooper, Davis, Hume*

**NOES:**        **COUNCILMEMBERS:**        *None*

**ABSTAIN:**   **COUNCILMEMBERS:**        *None*

**ABSENT:**    **COUNCILMEMBERS:**        *None*

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

  
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**Susan J. Blackston, City Clerk**  
**City of Elk Grove, California**