

**ORDINANCE NO. 28-2011**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE REPEALING ELK GROVE MUNICIPAL CODE SECTION 16.20.1135 RELATING TO APPEALS FEES, SECTIONS 16.18.1207 THROUGH AND INCLUDING 16.18.1212, SUBSECTIONS 16.20.400 (B)(6) THROUGH AND INCLUDING (B)(10), AND SECTIONS 16.20.560 THROUGH AND INCLUDING 16.20.580, RELATING TO APPEALS OF NOTICE AND ORDERS, AND AMENDING SECTIONS 16.18.1300 AND 16.20.500 RELATING TO APPEALS OF NOTICE AND ORDERS**

**WHEREAS**, the City of Elk Grove (the "City") adopted and maintains a Municipal Code to establish standards for enforcement of public nuisances; and

**WHEREAS**, the Elk Grove Municipal Code standards are intended to maintain public health and safety and quality of life for Elk Grove's residents; and

**WHEREAS**, sections of the Elk Grove Municipal Code establish a process related to the issuance and appeal of notices related to the enforcement of public nuisances; and

**WHEREAS**, certain sections of Elk Grove Municipal Code Chapters 16.18 and 16.20 are potentially in conflict with the appeal process set forth in Section 16.18.1300 and Chapter 1.11 and should therefore be repealed; and

**WHEREAS**, the City wishes to provide for a relatively unified appeal procedure within the City.

**NOW, THEREFORE**, the City Council of the City of Elk Grove does ordain as follows:

Section 1: Amendment to Title 16 – Buildings and Construction to repeal Elk Grove Municipal Code Section 16.20.1135 relating to appeals fees, Sections 16.18.1207 through and including 16.18.1212, Subsections 16.20.400 (B)(6) through and including (B)(10), and Sections 16.20.560 through and including 16.20.580, relating to appeals of Notice and Orders.

Elk Grove Municipal Code Sections 16.20.1135, 16.18.1207, 16.18.1208, 16.18.1209, 16.18.1210, 16.18.1211, 16.18.1212, Subsections 16.20.400 (B)(6) through (B)(10), Sections 16.20.560, 16.20.570, and 16.20.580 relating to the appeal process of a Notice of Public Nuisance and Order to Abate are hereby repealed.

Section 2: Amendment to Title 16- Buildings and Construction to amend Section 16.18.1300 relating to the appeals of Notice and Orders.

Elk Grove Municipal Code Section 16.18.1300 is hereby amended to read in its entirety:

"Notwithstanding any other provision of this Chapter, any person served with a Notice and Order issued pursuant to Section 16.18.1200 may appeal the Notice and Order pursuant to Chapter 1.11 of this Code provided, however, that any such appeal shall be filed no later than thirty (30) days after service of the Notice and Order."

Section 3: Amendment to Title 16- Buildings and Construction to amend Section 16.20.500 relating to the appeals of Notice and Orders.

Elk Grove Municipal Code Section 16.20.500 is hereby amended to read in its entirety:

"Notwithstanding any other provision of this Chapter, any person served with a Notice and Order issued pursuant to Section 16.20.400 may appeal the Notice and Order pursuant to Chapter 1.11 of this Code provided, however, that any such appeal shall be filed no later than thirty (30) days after service of the Notice and Order."

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 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.

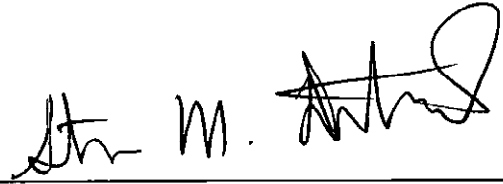
Section 5: No Mandatory Duty of Care.

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 6: 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 (5) 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).

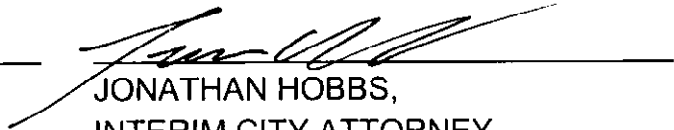
**ORDINANCE:** 28-2011  
**INTRODUCED:** October 12, 2011  
**ADOPTED:** October 26, 2011  
**EFFECTIVE:** November 25, 2011



STEVEN M. DETRICK, MAYOR of the  
CITY OF ELK GROVE

ATTEST:

APPROVED AS TO FORM:

  
JASON LINDGREN, CITY CLERK  
JONATHAN HOBBS,  
INTERIM CITY ATTORNEY

Date signed: October 31, 2011

**CERTIFICATION  
ELK GROVE CITY COUNCIL ORDINANCE NO. 28-2011**

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 October 12, 2011 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on October 26, 2011 by the following vote:*


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

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