

**ORDINANCE NO. 06-2016**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE  
AMENDING ELK GROVE MUNICIPAL CODE CHAPTER 3.70 RELATING TO  
UTILITY SERVICES BILLING**

**WHEREAS**, the City Council desires to provide a clean and healthy environment for its residents; and

**WHEREAS**, the City Council desires to create policy that fosters excellent customer service, a positive image of Elk Grove, and makes moving to or within Elk Grove as easy a process for residents as is possible, while protecting the City's financial stability; and

**WHEREAS**, the City Council desires to retain the Turn Off Trash program as an optional means of collection rather than a mandatory result of non-payment, as the program results have presented minimal benefit and increased customer frustration; and

**WHEREAS**, the City Council desires to maintain all available options for collection and administration of delinquent accounts to ensure the maximum amount of revenue is recovered for services provided.

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

Section 1: Purpose

The purpose of this ordinance is to amend the Elk Grove Municipal Code Chapter 3.70 to provide flexibility to staff in the collection of delinquent solid waste services accounts.

Section 2: Elk Grove Municipal Code Chapter 3.70.060 (B.1.) "Utility Services Billing, Nonpayment of Charges" shall be amended to read as follows:

B Other Utility Services

1. Service may be terminated if the bills, plus any applicable fees and penalties, remain unpaid for a period in excess of two (2) billing cycles. Delinquent amounts not paid by the time the next bill is prepared shall be separately stated on the next bill rendered to the customer, and such amount shall be subject to a late charge as described in EGMC Section 3.70.060 and such statement shall constitute a notice of the delinquency to the customer.

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: Savings Clause

The provisions of this ordinance shall not affect or impair an act done or right vested or approved or any proceeding, suit or prosecution had or commenced in any cause before such repeal shall take affect; but every such act done, or right vested or accrued, or proceeding, suit or prosecution shall remain in full force and affect to all intents and purposes as if such ordinance or part thereof so repealed had remained in force. No offense committed and no liability, penalty or forfeiture, either civilly or criminally incurred prior to the time when any such ordinance or part thereof shall be repealed or altered by said Code shall be discharged or affected by such repeal or alteration; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted and proceeded with in all respects as if such prior ordinance or part thereof had not been repealed or altered.

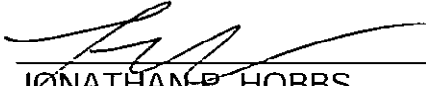
Section 6: Effective Date and Publication

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:**       **06-2016**  
**INTRODUCED:**     March 23, 2016  
**ADOPTED:**         April 27, 2016  
**EFFECTIVE:**       May 27, 2016

  
\_\_\_\_\_  
GARY DAVIS, MAYOR of the  
CITY OF ELK GROVE

ATTEST:  
  
\_\_\_\_\_  
JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:  
  
\_\_\_\_\_  
JONATHAN P. HOBBS,  
CITY ATTORNEY

Date signed: May 10, 2016

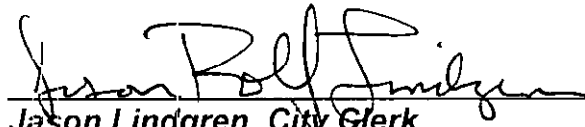
**CERTIFICATION  
ELK GROVE CITY COUNCIL ORDINANCE NO. 06-2016**

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 March 23, 2016 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on April 27, 2016 by the following vote:*

<b>AYES :</b>	<b>COUNCILMEMBERS:</b>	<i>Davis, Ly, Detrick, Hume, Suen</i>
<b>NOES:</b>	<b>COUNCILMEMBERS:</b>	<i>None</i>
<b>ABSTAIN:</b>	<b>COUNCILMEMBERS:</b>	<i>None</i>
<b>ABSENT:</b>	<b>COUNCILMEMBERS:</b>	<i>None</i>

*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**