

## ORDINANCE NO. 17-2019

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE ADDING CHAPTER 6.33 TO THE ELK GROVE MUNICIPAL CODE APPOINTING THE SACRAMENTO COUNTY HEALTH OFFICER AS THE CITY HEALTH OFFICER

**WHEREAS**, California Health and Safety Code Section 101460 requires the governing body of a city to appoint a health officer, except when the city has made other arrangements for the county to exercise the same powers and duties within the city, as are conferred upon city health officers by law; and

**WHEREAS**, California Health and Safety Code Section 101375 authorizes the county health officer to enforce and observe health laws when the governing body of a city consents by resolution or ordinance; and

**WHEREAS**, the City of Elk Grove ("City") wishes to appoint the Sacramento County Health Officer as the City Health Officer for purposes of enforcing and observing (a) orders and quarantine regulations prescribed by the Sacramento County Department of Health Services, the California Department of Public Health, and other regulations issued under the California Health and Safety Code; and (b) all statutes relating to the public health as provided for in California Health and Safety Code Section 101375.

**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 align the Elk Grove Municipal Code with state law concerning the appointment of a City Health Officer. The City Council has authority to adopt this ordinance pursuant to California Constitution Article XI, Section 7 and Health and Safety Code Sections 101375 and 101460.

#### Section 2: Amendments to Title 6 of the Elk Grove Municipal Code.

The City Council hereby amends Title 6 of the Elk Grove Municipal Code by adding the following chapter:

#### **Chapter 6.33 City Health Officer**

##### **Section 6.33.010 Appointment of City Health Officer.**

The Sacramento County Health Officer shall serve as the City Health Officer, and shall have all powers and duties within the City as are conferred upon city health officers by law.

##### **Section 6.33.020 Authority of City Health Officer.**

The City Health Officer shall enforce and observe all of the following:

A. Orders, quarantine regulations, and other regulations issued under the California Health and Safety Code, concerning the public health, prescribed by the Sacramento County Department of Health Services and the California Department of Public Health.

B. Statutes relating to the public health.

### **Section 6.33.030 Authority to Take Preventative Measures During Emergency.**

The City Health Officer may take any preventive measure that may be necessary to protect and preserve the public health from any public health hazard during any "state of war emergency," "state of emergency," or "local emergency," as defined by Section 8558 of the Government Code, within his or her jurisdiction. For purposes of this section, "preventive measure" means abatement, correction, removal or any other protective step that may be taken against any public health hazard that is caused by a disaster and affects the public health.

### 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 effect; 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 Government Code Section 36933(c)(1).

**ORDINANCE:**       **17-2019**  
**INTRODUCED:**     July 10, 2019  
**ADOPTED:**         July 24, 2019  
**EFFECTIVE:**       August 23, 2019



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PATRICK HUME, VICE MAYOR of the  
CITY OF ELK GROVE

ATTEST:

  
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JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:

  
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JONATHAN P. HOBBS,  
CITY ATTORNEY

Date signed: August 12, 2019

**CERTIFICATION  
ELK GROVE CITY COUNCIL ORDINANCE NO. 17-2019**

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 July 10, 2019 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on July 24, 2019 by the following vote:*

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

*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**