

ORDINANCE NO. 14-2009

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
AMENDING ELK GROVE MUNICIPAL CODE SECTION 15.10.045(C)
ENTITLED LEVY OF CHARGE IN SOUTH ELK GROVE
STORM DRAINAGE UTILITY FEE AREA**

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

Section 1: Purpose and Authority

This purpose of this ordinance is to amend Section 15.10.045(C) by removing the numerical divisor of "2,000" in the monthly charge equation and replacing it with an unspecified quantified divisor. This will allow the divisor to be quantified and amended by resolution in the future. The City Council enacts this ordinance pursuant to the authority of California Health and Safety Code Section 5471.

Section 2: Application

The following Section 15.10.045(C) of the Elk Grove Municipal Code is hereby amended to read as follows:

All other non-exempt parcels shall pay a monthly charge equal to the administrative charge + (USC x parcel area in square feet x the Impervious Factor ÷ number of drainage units per one equivalent residential unit). The number of drainage units per one equivalent residential unit shall be adopted by resolution of the City Council.

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 fifteen (15) days after its passage, a summary of

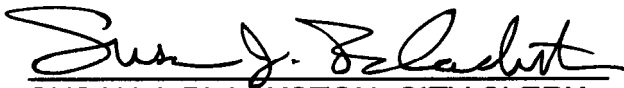
the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to Government Code Section 36933(c)(1).

ORDINANCE: 14-2009
INTRODUCED: June 24, 2009
ADOPTED: July 8, 2009
EFFECTIVE: August 7, 2009



PATRICK HUME, MAYOR of the
CITY OF ELK GROVE

ATTEST:



SUSAN J. BLACKSTON, CITY CLERK

APPROVED AS TO FORM:



SUSAN COCHRAN, CITY ATTORNEY

Date signed: July 13, 2009

**CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 14-2009**

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 June 24, 2009 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on July 8, 2009 by the following vote:


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

NOES: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

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


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