

ORDINANCE NO. 7-2010

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE ADDING ELK GROVE MUNICIPAL CODE SECTION 6.18.120 AND AMENDING SECTION 6.18.360 RELATING TO "ABANDONED VEHICLES"

WHEREAS, Elk Grove Municipal Code Chapter 6.18 "Abandoned Vehicles" currently contains language adopted by the City upon incorporation and this current language needs to be changed to make it more accurate; and

WHEREAS, the proposed amendments state much more clearly that abandoning vehicles or parts of vehicles in Elk Grove is illegal; and

WHEREAS, proposed language will transfer the authority to enforce "Abandoned Vehicles" from the Planning Department to the City Manager's designee.

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

Section 1: Addition

Elk Grove Municipal Code Section 6.18.120, "Unlawful to Abandon" is hereby added to read as follows:

6.18.120 Unlawful to Abandon

It shall be unlawful for any person owning a vehicle or vehicle part to allow the vehicle or part to be abandoned, wrecked, inoperative or dismantled on any property, public or private, in the City of Elk Grove, except as authorized by the Elk Grove Municipal Code.

Section 2: Amendment

Elk Grove Municipal Code section 6.18.360, "Enforcement of parking regulations" is hereby amended to read as follows:

6.18.360 Enforcement of parking regulations.

Civilian employees of the City as directed by the City Manager, in addition to any other persons authorized by state law, are hereby authorized to enforce the provisions of EGMC Chapter 10.24 regarding parking regulations. The administrative procedures established by this chapter shall not apply to enforcement of such regulations. Instead, for the purposes of EGMC Section 10.24.150, the City shall establish procedures which conform to the requirements of Chapters 9 and 10 of Division 11 of the Vehicle Code of the State of California.

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 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 Government Code section 36933(c)(1).

ORDINANCE: 7-2010
INTRODUCED: March 24, 2010
ADOPTED: April 14, 2010
EFFECTIVE: May 14, 2010


 SOPHIA SCHERMAN, MAYOR of the
 CITY OF ELK GROVE

ATTEST:


 SUSAN J. BLACKSTON, CITY CLERK

APPROVED AS TO FORM:


 SUSAN COCHRAN, CITY ATTORNEY

Date signed: April 30, 2010

**CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 7-2010**

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 March 24, 2010 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on April 14, 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).



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