

## ORDINANCE NO. 17-2013

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING ELK GROVE MUNICIPAL CODE SECTIONS 1.12.150 AND 16.18.1205 RELATING TO SERVICE OF CODE VIOLATION NOTICES

**WHEREAS**, the Elk Grove Municipal Code ("Municipal Code") was established to support safe, livable, and attractive communities and is enforced through issuance of notices to inform property owners of violations needing corrective action; and

**WHEREAS**, the Municipal Code sets out regulations regarding providing of notice of alleged code violations to property owners and responsible persons; and

**WHEREAS**, an amendment to the Municipal Code concerning code enforcement noticing procedures is appropriate to improve the efforts the City undertakes when noticing property owners or responsible persons of violations related to those conditions, and to increase the likelihood of actual notice to the property owner or responsible person.

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

#### Section 1: Amend Elk Grove Municipal Code Section 1.12.150 titled *Notices*

Elk Grove Municipal Code Section 1.12.150 is hereby amended to read as follows:

#### 1.12.150 Notices.

A. Method of Service. The administrative citation and all notices required to be given by this chapter shall be served on the responsible party either by personal service or by first class certified mail, return receipt requested.

B. Real Property. When real property is involved in the violation, the original notice, the administrative citation and all notices required to be given by this chapter shall be served on the responsible party and, if different, to the property owner at the address as shown on the last equalized County assessment roll. Additionally, the notice shall be served on the responsible party by first class certified mail, return receipt requested, sent to the address contained in records of the City of Elk Grove Finance Department for utility billings, if such address is different than that listed on the last equalized County assessment roll. If personal service or service by first class certified mail, return receipt requested, on the property owner is unsuccessful, a copy of each notice and the citation shall be conspicuously posted at the property which is the subject of the violation. The

City may, in its discretion, also serve notice on a tenant, a mortgagor or any other person having an interest in the property.

C. Failure to Receive Notice. The failure of a person to receive a required notice shall not affect the validity of any proceedings taken under this chapter.

Section 2: Amend Elk Grove Municipal Code Section 16.18.1205 titled *Method of Service*

Elk Grove Municipal Code Section 16.18.1205 is hereby amended to read as follows:

16.18.1205 Method of service.

Service of a copy of the notice and order shall be made upon such persons that are entitled thereto either personally or by certified mail, postage prepaid, return receipt requested, at their address as it appears on the last equalized assessment roll of the County. Additionally, the notice shall be served on the responsible party by first class certified mail, return receipt requested, sent to the address contained in records of the City of Elk Grove Finance Department for utility billings, if such address is different than that listed on the last equalized County assessment roll. If an address of any such person does not appear on the last equalized assessment roll or is not otherwise known to the issuing inspector or enforcement officer, then a copy of the notice and order shall be addressed to such person(s) and mailed to the address of the subject premises. The failure of any such person to receive a copy of the notice and order shall not affect the validity of any proceedings or actions taken under this chapter. Service by certified mail in the manner herein provided shall be affixed to the copy of the notice and order and retained by the inspector or enforcement officer.

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.

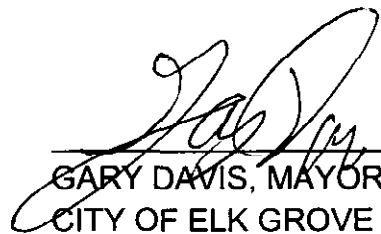
Section 5: Savings Clause

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.

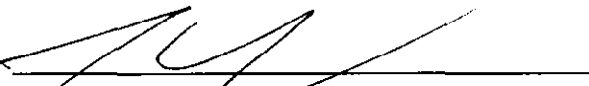
Section 6: Effective Date and Publication

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 NO. 17-2013**  
INTRODUCED: September 11, 2013  
ADOPTED: September 25, 2013  
EFFECTIVE: October 25, 2013

  
\_\_\_\_\_  
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: September 30, 2013

**CERTIFICATION  
ELK GROVE CITY COUNCIL ORDINANCE NO. 17-2013**

STATE OF CALIFORNIA       )  
COUNTY OF SACRAMENTO    )  
CITY OF ELK GROVE         )       ss

*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 September 11, 2013 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on September 25, 2013 by the following vote:*

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

**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**