

**ORDINANCE NO. 12-2009**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE  
AMENDING TITLE 14 OF THE ELK GROVE MUNICIPAL CODE TO ADD CHAPTER  
14.07 REGARDING AGRICULTURAL DISPUTES**

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

Section 1: Purpose and Authority

Under California Constitution Article XI, Section 7, the City of Elk Grove may enact ordinances to preserve and protect the public safety, health, and welfare. To this end, the City Council of the City of Elk Grove has undertaken an addition to the Elk Grove Municipal Code adding Chapter 14.07 "Agricultural Disputes".

Section 2: Amendment of Title 14

Title 14 of the Elk Grove Municipal Code is hereby amended adding Chapter 14.07 "Agricultural Disputes" to read as follows:

**Chapter 14.07  
Agricultural Disputes**

Sections:

- 14.07.010 Complaints Investigated
- 14.07.020 Qualifications of Experts Performing Investigations.
- 14.07.030 Findings.
- 14.07.040 Public Nuisance.
- 14.07.050 Appeals.

**14.07.010 Complaints Investigated.**

The City Manager shall investigate all complaints of practices regarding agricultural uses, regardless of the zoning of the property upon which the alleged violation is occurring. As used in this Chapter, "agricultural uses" shall include animal husbandry, farming, and other activities in the agricultural/urban interface.

**14.07.020 Qualifications of Experts Performing Investigations.**

In accordance with EGMC Section 14.05.400 investigations shall be conducted by City staff or any other person, appointed by the City Manager in the exercise of his or her sole discretion, who possesses expertise in the field related to the complaint under

investigation. The information validating the subject matter expert's qualifications shall be kept in written form in the City's file for the complaint.

**14.07.030 Findings.**

The findings of the expert shall be presented in written form to the City. In cases where a complaint is sustained (either in part or in full) the findings shall include recommendations to correct the actions. The written findings shall be sent both to the City and to the property owner, business owner, and occupant of the property where the actions are taking place within fifteen (15) days of the completion of the investigation.

**14.07.040 Public Nuisance.**

Upon the City's receipt of the findings and documentation that the recommendations have not been implemented the City may then enforce the findings as a public nuisance as provided in EGMC Chapters 1.04, 1.08, 1.12, and EGMC Sections 16.18.1200 through 16.18.1207.

**14.07.050 Appeals.**

Any party aggrieved by or subject to the recommendations may appeal the recommendations in accordance with EGMC Chapter 1.11.

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

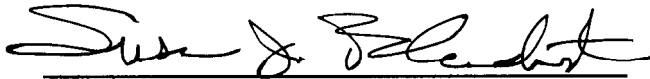
adoption by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to GC 36933(c)(1).

**ORDINANCE:**       **12-2009**  
**INTRODUCED:**     May 27, 2009  
**ADOPTED:**         June 10, 2009  
**EFFECTIVE:**       July 10, 2009



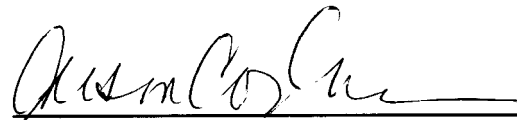
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PATRICK HUME, MAYOR of the  
CITY OF ELK GROVE

ATTEST:



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SUSAN J. BLACKSTON, CITY CLERK

APPROVED AS TO FORM:



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SUSAN COCHRAN, CITY ATTORNEY

Date signed: June 17, 2009

**CERTIFICATION  
ELK GROVE CITY COUNCIL ORDINANCE NO. 12-2009**

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 May 27, 2009 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on June 10, 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).***

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