

**ORDINANCE NO. 37-2011**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE  
AMENDING ELK GROVE MUNICIPAL CODE SECTION 3.70.060 RELATING TO  
UTILITY SERVICES BILLING**

**WHEREAS**, the City of Elk Grove (the "City") adopted and maintains the Elk Grove Municipal Code to establish standards for collection of revenues; and

**WHEREAS**, the Elk Grove Municipal Code standards are intended to maintain fair and effective methods of revenue recovery; and

**WHEREAS**, the City has a need to charge appropriate fees for City services; and

**WHEREAS**, sections of the Elk Grove Municipal Code establish a process related to the collection of revenue and methods for recovery of fees; and

**WHEREAS**, the City of Elk Grove repealed language in 2010 that allowed for liens to be utilized and desires to reassert the option of liening property to recover revenues.

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

Section 1: Purpose and Authority.

The purpose of this Ordinance is to amend Elk Grove Municipal Code Section 3.70.060 by adding Subsection 3.70.060(B)(7) relating to solid waste assessment and lien. Assessing and liening will provide the City an alternative to service suspension as a bill collections mechanism.

Section 2: Solid Waste Assessment and Lien.

Subsection 3.70.060(B)(7) is hereby added to read as follows:

**3.70.060 Nonpayment of charges.**

...

**B. Other Utility Services.**

...

7. Solid Waste Assessment and Lien. In addition to any other remedy allowed by law, the City may collect delinquent solid waste fees or charges in the manner provided in Government Code section 25831 as applied to cities in Government Code section 38790.1.

Section 3: 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.

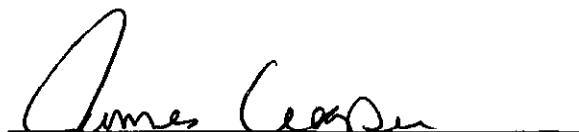
Section 4: No Mandatory Duty of Care.

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 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:** 37-2011  
**INTRODUCED:** December 14, 2011  
**ADOPTED:** January 11, 2012  
**EFFECTIVE:** February 10, 2012

  
JAMES COOPER, MAYOR of the  
CITY OF ELK GROVE

ATTEST:

  
JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:

  
JONATHAN HOBBS,  
INTERIM CITY ATTORNEY

Date signed: January 17, 2012

**CERTIFICATION  
ELK GROVE CITY COUNCIL ORDINANCE NO. 37-2011**

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 December 14, 2011 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on January 11, 2012 by the following vote:*

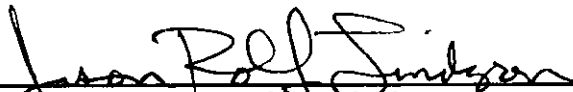
**AYES :**       **COUNCILMEMBERS:**       **Cooper, Hume, Davis, Scherman**

**NOES:**       **COUNCILMEMBERS:**       **None**

**ABSTAIN:**   **COUNCILMEMBERS:**       **None**

**ABSENT:**    **COUNCILMEMBERS:**       **Detrick**

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

  
**Jason Lindgren, City Clerk  
City of Elk Grove, California**