

## ORDINANCE NO. 21-2023

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING ELK GROVE MUNICIPAL CODE CHAPTER 10.40 REGARDING TRUCK ROUTES

**WHEREAS**, the City of Elk Grove has constructed and improved roadways within the City as part of the Capital Improvement Projects; and

**WHEREAS**, certain improved roadways can now accommodate commercial vehicles weighing over seven tons; and

**WHEREAS**, the City Council wishes to amend Elk Grove Municipal Code (EGMC) Chapter 10.40 (Truck Routes) to update language and revise the locations of weight restrictions.

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

#### Section 1: Purpose

The purpose of this Ordinance is to amend the Elk Grove Municipal Code Chapter 10.40 Truck Routes to update the locations of weight restrictions.

#### Section 2: California Environmental Quality Act (CEQA)

**Finding:** The California Environmental Quality Act (Section 21000, et. seq. of the California Public Resources Code, hereafter CEQA) requires analysis of agency approvals of discretionary "Projects." A "Project," under CEQA, is defined as "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." The amending of the Elk Grove Municipal Code Chapter 10.40 Truck Routes does not meet the definition of a Project under CEQA; however, the amended code requires the City to install new weight restriction signs. The installation of new weight restriction signs meets the definition of a Project under CEQA.

Staff has reviewed the amended Elk Grove Municipal Code Chapter 10.40 Truck Routes to determine the required level of review under CEQA. The Project is exempt under CEQA Categorical Exemption Class 15301(c) (Class 1: Existing Facilities). This exemption applies to Projects involving the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features involving "negligible or no expansion of use".

**Evidence:** The amended Elk Grove Municipal Code Chapter 10.40 Truck Routes involves installing new weight restriction signs along existing roads and does not involve any expansion of use, it qualifies for the identified exemption and no additional environmental review under CEQA is required.

Section 3: EGMC Chapter 10.40 is hereby amended as provided in Exhibit A, incorporated herein by this reference.

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: 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 6: 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 effect; but every such act done, or right vested or accrued, or proceeding, suit or prosecution shall remain in full force and effect 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 7: 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 36933(c)(1).

**ORDINANCE:**           **21-2023**  
**INTRODUCED:**       September 27, 2023  
**ADOPTED:**           October 11, 2023  
**EFFECTIVE:**         November 10, 2023




BOBBIE SINGH-ALLEN, MAYOR of the  
CITY OF ELK GROVE

ATTEST:

  
JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:

  
JONATHAN P. HOBBS,  
CITY ATTORNEY

Date signed: October 12, 2023

**EXHIBIT A**  
**Amendments to Elk Grove Municipal Code Chapter 10.40**  
**Truck Routes**

*Proposed changes are shown in ~~strikeout~~ (for deleted text) and underline (for added text).*

**Section 10.40.010 (Establishing weight limits) shall be amended as follows:**

**10.40.010 Establishing weight limits.**

The Director is authorized to designate certain highways or parts thereof upon which the operation of commercial vehicles shall be prohibited as follows:

- A. Whenever the Director finds that a highway is unimproved as the word “unimproved” is used in Section 35706 of the Vehicle Code and the nature of the pavement or surface is such that it will be injured if vehicles of over a certain gross weight are permitted to operate thereon, the Director shall erect signs specifying the weight which the Director finds should be prohibited;
- B. Whenever the Director finds that the use of any street, road, or highway located in the City by any commercial vehicle exceeding a gross weight of fourteen thousand (14,000 lbs) pounds would not be in the best public interest or would be unsafe, and such street, road, or highway may be limited as to use in accordance with Section 35712 of the Vehicle Code, the Director shall erect appropriate signs;
- C. Whenever any structure of a bridge on a highway on which no weight limit has been imposed is such that it is unsafe for the vehicles over a certain weight to use the bridge, and whenever the Director finds that the structure of a bridge on a highway on which a weight limit has been imposed is such that the use of vehicles over a certain weight which is less than the weight limit on such highway would be unsafe, the Director shall erect appropriate weight limit signs at both entrances to such bridges as provided in this title;
- D. Wherever the Director finds that the use of any highway by a commercial vehicle exceeding a gross weight of three (3) tons would not be in the best public interest or would be unsafe or would create undue hazards to local traffic, the Director may prohibit commercial vehicles as provided in Section 21100 of the Vehicle Code by erecting appropriate signs ~~prohibiting commercial vehicles as provided in Section 21100 of the Vehicle Code;~~
- E. The Public Works Director may issue a permit for the operation of vehicles on City roadways that are in excess of the maximum load or size as specified in the Vehicle Code. The permit shall specify the description of the vehicle and shall be subject to such conditions as are deemed advisable in accordance with prevailing traffic conditions on the highway to be used;
- F. When signs are in place giving notice of any of the provisions of this section, no

person shall disobey the directions or provisions posted on the signs.

**Section 10.40.030 (Designation) shall be amended as follows:**

**10.40.030 Designation.**

The Director is authorized to designate any roadway by appropriate signs as a truck route for the movement of vehicles exceeding a maximum gross weight limit of three (3) tons where in his their opinion such designation is required.

**Section 10.40.040 (Locations of weight restrictions) shall be amended as follows:**

**10.40.040 Locations of weight restrictions.**

Hampton Oaks Drive	7 tons <u>maximum</u>
<del>Grantline Road between Highway 99 and Wilton Road</del>	<del>7 tons</del>
Mainline Drive between Waterman Road and Elk Grove Boulevard	7 tons <u>maximum</u>
Mosher Road between Waterman Road and Grant Line Road	7 tons <u>maximum</u>
Elk Grove Boulevard between <del>Highway 99</del> <u>Elk Grove Florin Road</u> and Grant Line Road	7 tons <u>maximum</u>
<del>Kammerer Road between Bruceville Road and Highway 99</del>	<del>7 tons</del>

Other roadways not listed above but determined by the Director to be weight restricted, may be shown on the Truck Routes Map. These roadway restrictions shown on the map shall only be effective after appropriate signs are installed, pursuant to Section 10.40.030.

**CERTIFICATION  
ELK GROVE CITY COUNCIL ORDINANCE NO. 21-2023**

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

***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 27, 2023, and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on October 11, 2023, by the following vote:***

**AYES:            COUNCILMEMBERS: Singh-Allen, Spease, Brewer, Suen**

**NOES:           COUNCILMEMBERS: None**

**ABSTAIN:       COUNCILMEMBERS: None**

**ABSENT:        COUNCILMEMBERS: Robles**

***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**