

ORDINANCE NO. 12-2017

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING ELK GROVE MUNICIPAL CODE CHAPTER 10.48 SPEED ZONES TO ESTABLISH THE SPEED LIMIT ON HAMPTON OAK DRIVE

WHEREAS, with certain exceptions for prima facie speed limits for certain roadways, the California Vehicle Code (CVC) requires speed limits to be set by ordinance on the basis of an Engineering and Traffic Survey; and

WHEREAS, new Engineering and Traffic Surveys have been performed on Hampton Oak Drive within the City; and

WHEREAS, the California Vehicle Code (CVC) section 22358 allows Local Agencies to decrease local speed limits by ordinance; and

WHEREAS, a new speed limit must be set and posted in conformance with the new Engineering and Traffic Survey.

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 the Elk Grove Municipal Code Chapter 10.48 Speed Zones to establish the speed limit on Hampton Oak Drive.

Section 2: Findings

On April 12, 2017, the City Council of the City of Elk Grove reviewed and considered the engineering and traffic survey and related information, on file with the City's Department of Public Works and incorporated herein by reference.

Based on the review of the Engineering and Traffic Speed Surveys, the City Council finds that the most appropriate speed limit to facilitate the orderly movement of traffic that is reasonable and safe on:

- Hampton Oak Drive between E. Stockton Boulevard and a point 350 feet east of Westpark Drive is 40 mph.
- Hampton Oak Drive between a point 350 feet east of Westpark Drive and Iron Rock Way is 25 mph.

Section 3: Declaration of Speed Limits

The City Council hereby declares that the speed limits be set in accordance with the findings and recommendations provided in Section 2 above.

Section 4: Direction to City Engineer

On or after the effective date of this ordinance, the City Engineer is directed to clearly post, or cause to be posted, speed limit signs effectuating Section 2, above, to give notice that this ordinance is in effect.

Section 5: Amendment to Elk Grove Municipal Code Section 10.48.020(D)(11)

Section 10.48.020(D)(11) of the Elk Grove Municipal shall be amended to read as follows:

10.48.020 Speed limits.

...

D. A speed limit of 40 miles per hour shall apply to the following streets:

...

11. Hampton Oak Drive between E Stockton Boulevard and a point 350 feet east of Westpark Drive;

Section 6: 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 7: 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 8: 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 9: Effective Date and Publication

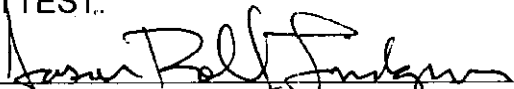
This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage, a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to GC 36933(c)(1).

ORDINANCE: 12-2017
INTRODUCED: April 26, 2017
ADOPTED: May 10, 2017
EFFECTIVE: June 9, 2017



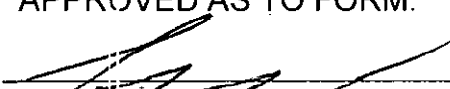
STEVE LY, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN P. HOBBS,
CITY ATTORNEY

Signed: May 18, 2017

**CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 12-2017**

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 April 26, 2017 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on May 10, 2017 by the following vote:

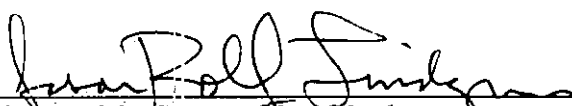
AYES : **COUNCILMEMBERS:** *Ly, Detrick, Hume, Nguyen, Suen*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*

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


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