

ORDINANCE NO. 20-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO SANTA MARGARITA, CALIFORNIA, AMENDING STREET SURVEY IDENTIFICATION NOS. 50, 53, AND 59 SET FORTH IN SECTION 12.01.090 (SPEED LIMITS) OF CHAPTER 12.01 (GENERAL AND ADMINISTRATIVE PROVISIONS) OF TITLE 12 (VEHICLES AND TRAFFIC) OF THE CITY OF RANCHO SANTA MARGARITA MUNICIPAL CODE TO CORRECT THE NAMES/DESCRIPTIONS OF THREE STREET SEGMENT LENGTHS

THE CITY COUNCIL OF THE CITY OF RANCHO SANTA MARGARITA, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council of the City of Rancho Santa Margarita hereby finds, determines, and declares as follows:

A. California Vehicle Code Section 40803(b) provides, in pertinent part, as follows:

"In any prosecution under this Code of a charge involving the speed of a vehicle where enforcement involves the use of radar or other electronic devices which measure the speed of moving objects the prosecution shall establish, as part of its prima-facie case, that evidence or testimony presented is not based upon a speed trap as defined in subdivision (b) of Section 40802."

B. Pursuant to California Vehicle Code Section 40802 vehicle speed limit enforcement involving the use of radar or other electronic device is permissible and does not constitute a "speed trap" where the prima facie speed limit is justified by an engineering and traffic survey conducted within five to seven years prior to the date of the alleged violation.

C. The City desires to continue to use radar and other electronic devices to measure the speed of moving objects to protect the lives and property of motorists traveling on City streets and to improve the enforcement of speed limits within the City of Rancho Santa Margarita.

D. The City has caused an Engineering and Traffic Survey for Speed Limits to be prepared in compliance with California Vehicle Code § 40802 establishing and justifying prima-facie speed limits on certain City streets within the City of Rancho Santa Margarita, which is incorporated herein by reference.

E. Three street segment descriptions set forth in the E&TS for Speed Limits that were incorporated into the Rancho Santa Margarita Municipal Code Section 12.01.090 (Speed Limits) were inadvertently published wrong into the Municipal Code.

F. This minor clerical error related to the Code publication requires a simple amendment to the Speed Limit ordinance in order to ensure that the Code is consistent with the E&TS.

**SECTION 2.** Street survey identification Nos. 50, 53, and 59 set forth in Section 12.01.090 (Speed Limits) of Chapter 12.01 (General and Administrative Provisions) of Title 12 (Vehicles and Traffic) of the Rancho Santa Margarita Municipal Code are hereby revised and amended to correct the name/descriptions of the street segment lengths as follows:

ID	Street	Segment	Speed Limit (mph)
50	Antonio Parkway	Tijeras Creek to SR-241	55
53	Avenida de Las Banderas	Avenida de Las Flores/Alma Aldea to Aventura/Esperanza	45
59	Robinson Ranch Road	Shadow Rock Lane to North Peak Drive	40

**SECTION 3.** If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more section, subsection, subdivision, sentence, clause, phrase, or portion thereof be declared invalid or unconstitutional.

**SECTION 4.** The City Clerk shall certify to the adoption of this Ordinance and cause the same to be posted at the duly designated posting places within the City and published once within fifteen days after passage and adoption as may be required by law; or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the Office of the City Clerk five days prior to the date of adoption of this Ordinance; and, within fifteen days after adoption, the City Clerk shall cause to be published, the aforementioned summary and shall post a certified copy of this Ordinance, together with the vote for and against the same, in the Office of the City Clerk.

**SECTION 5.** This Ordinance shall take effect thirty (30) days after its adoption. The City Clerk, or his or her duly appointed deputy, shall certify to the adoption of this Ordinance and shall cause this Ordinance to be published as required by law.

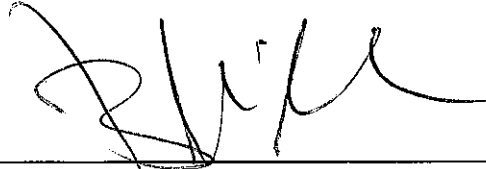
PASSED, APPROVED AND ADOPTED THIS 13<sup>TH</sup> DAY OF MAY, 2020.

AYES: Council Members Figueroa, Gamble, Holloway, Mayor Pro  
Tempore Beall and Mayor McGirr (5)

NOES: None (0)

ABSTAIN: None (0)

ABSENT: None (0)



BRADLEY J. MCGIRR, MAYOR

ATTEST:



AMY DIAZ, CITY CLERK

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss  
CITY OF RANCHO SANTA MARGARITA )

I, Amy Diaz, City Clerk of the City of Rancho Santa Margarita, California, DO  
HEREBY CERTIFY that the foregoing Ordinance No. 20-02 was duly introduced and  
placed upon its first reading at a Regular Meeting of the City Council on the 22<sup>nd</sup> day of  
April, 2020, and that thereafter, said Ordinance was duly adopted and passed at a  
Regular Meeting of the City Council held on the 13<sup>th</sup> day of May, 2020, by the following  
vote, to wit:

AYES: Council Members Figueroa, Gamble, Holloway, Mayor Pro  
Tempore Beall and Mayor McGirr (5)

NOES: None (0)

ABSTAIN: None (0)

ABSENT: None (0)



AMY DIAZ, CITY CLERK

**AFFIDAVIT OF POSTING  
AND PUBLICATION**

STATE OF CALIFORNIA                     )  
COUNTY OF ORANGE                     ) ss  
CITY OF RANCHO SANTA MARGARITA     )

AMY DIAZ, being first duly sworn, deposes and says:

That she is the duly appointed and qualified City Clerk of the City of Rancho Santa Margarita;

That in compliance with State Laws of the State of California, ORDINANCE NO. 20-02, being:

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO SANTA MARGARITA, CALIFORNIA, AMENDING STREET SURVEY IDENTIFICATION NOS. 50, 53, AND 59 SET FORTH IN SECTION 12.01.090 (SPEED LIMITS) OF CHAPTER 12.01 (GENERAL AND ADMINISTRATIVE PROVISIONS) OF TITLE 12 (VEHICLES AND TRAFFIC) OF THE CITY OF RANCHO SANTA MARGARITA MUNICIPAL CODE TO CORRECT THE NAMES/DESCRIPTIONS OF THREE STREET SEGMENT LENGTHS**

on the 22<sup>nd</sup> day of May, 2020, was published in the Coto De Caza News; and was in compliance with City Resolution No. 00-01-06-07, on the 22<sup>nd</sup> day of May, 2020 caused to be posted in three places in the City of Rancho Santa Margarita, to wit:

Rancho Santa Margarita City Hall  
Fire Station 45  
Trabuco Canyon Water District

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AMY DIAZ, CITY CLERK  
Rancho Santa Margarita, California