

ORDINANCE NO. 10-01

AN ORDINANCE OF THE CITY OF RANCHO SANTA MARGARITA, CALIFORNIA AMENDING SECTIONS 11.01.050 OF CHAPTER 11.01, AND 11.02.170 OF CHAPTER 11.02, AND ADDING SECTION 11.07.280 TO CHAPTER 11.07 OF TITLE 11 OF THE RANCHO SANTA MARGARITA MUNICIPAL CODE REGARDING ADOPTION OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, CALIFORNIA SUPPLEMENT

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

SECTION 1. Purpose.

A. Under California law, the City may adopt rules and regulations regarding the regulation of traffic by means of official traffic control devices meeting uniform standards and specifications adopted by the State Department of Transportation.

B. The State Department of Transportation has adopted the 2006 edition of the Manual on Uniform Traffic Control Devices, California Supplement, as the uniform standards and specifications for regulation of traffic by means of official traffic control devices.

C. This ordinance conforms the City's Municipal Code to State law.

SECTION 2. Code Amendment. Section 11.01.050 (Closing Highway) of Chapter 11.01 (City Streets Defined, Construction Standards, Driving Over New Pavements, and Closing City Streets) of Title 11 (Streets and Sidewalks), is hereby amended to read, in its entirety, as follows:

**Sec. 11.01.050. Closing Highway.**

(a) *Necessity determined by the City Engineer.* Whenever it shall be deemed necessary by the City Engineer to restrict the use of, or close any City street for the protection of the public, or for the protection of such City street from damage during storms or during construction, improvement, or maintenance operations thereon, the City Engineer may close or restrict the use of the whole or any part of such City street deemed necessary to be excluded from public travel.

(b) *Warning signs, lights, and devices required for closed highway or during construction.* While any such City street, or portion thereof, is closed, or while such City street, or portion thereof, is in the process of construction or repair or maintenance, the City Engineer may erect, or cause to be erected, suitable barriers or obstructions thereon, may post, or cause to be posted, conspicuous notices to the effect that such City street, or portion thereof, is closed or directing the traffic, and may place, or cause to be placed, warning lights or devices on

such street or portion thereof. All warning signs, lights and devices shall conform to the State of California, Division of Highways Uniform Sign Chart and/or the 2006 Manual on Uniform Traffic Control Devices (MUTCD) California Supplement, as may be revised.

(c) *Violation; damage to barrier, notices, warning signs.* When such City street, or portion thereof, is closed to the public or is in process of construction, repair or maintenance, as provided herein, any person who willfully breaks down, removes, injures or destroys any such barrier or obstruction, or tears down, removes or destroys any such notices, or extinguishes, removes, injures or destroys any such warning lights or devices so erected, posted or placed by the City Engineer, or willfully enters upon or drives any vehicle on or over said road or highway or portion thereof when in the process of construction, repair, or maintenance, without first obtaining a permit so to do from the City Engineer, shall be guilty of a misdemeanor.

SECTION 3. Code Amendment. Section 11.02.170 (Safety and Warning Devices Required) of Chapter 11.02 (Appurtenant Construction) of Title 11 (Streets and Sidewalks) is hereby amended to read, in its entirety, as follows:

**Sec. 11.02.170. Safety and Warning Devices Required.**

A permittee shall place and maintain adequate warning signs, lights, and devices conforming to the State of California Division of Highways Uniform Sign Chart and the 2006 Manual on Uniform Traffic Control Devices (MUTCD) California Supplement, as may be revised, throughout the length of the work and at each end of the project until the work is completed to the satisfaction of the City Engineer. The Permittee shall take such other precautions as may be necessary for the protection of the traveling public. The City Engineer may, as a condition of the issuance of a permit, specify such additional signs, warning devices, or measures to be used by the Permittee, but the failure of the City Engineer to so specify the signs, devices, or measures shall not relieve the Permittee of his obligation hereunder.

SECTION 4. Code Amendment. Section 11.07.280 (Traffic Control Devices and Procedures) is hereby added to Chapter 11.07 (Encroachment Excavation, Filling and Obstruction of Highways ) of Title 11 (Streets and Sidewalks) of the Rancho Santa Margarita Municipal Code to read in its entirety as follows:

**Sec. 11.07.280. Traffic Control Devices and Procedures**

As directed by the City Engineer, all traffic control devices, procedures, including, but not limited to street closures, related material, and equipment shall conform to the requirements of the Manual on Uniform Traffic Control Devices (MUTCD) California Supplement, as may be revised.

SECTION 5. Compliance With The California Environmental Quality Act. Environmental review is not required under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15060(c)(2) (the activity will not result in a direct or, reasonably foreseeable, indirect physical change in the environment) and

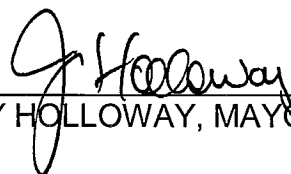
15060(c)(3) (the activity is not a project as defined in Section 15378), Title 14, California Code of Regulations, because adoption of the proposed ordinance has no potential for resulting in physical change to the environment, directly or indirectly.

SECTION 6. Severability. 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 7. Effective Date. 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 24<sup>TH</sup> DAY OF FEBRUARY, 2010,  
BY VOTE AS FOLLOWS:

AYES:	5	COUNCIL	Blais, Thompson, Thor, Mayor Pro
		MEMBERS:	Tempore Beall and Mayor Blais
NOES:	0	COUNCIL	
		MEMBERS:	None
ABSTAIN:	0	COUNCIL	
		MEMBERS:	None
ABSENT:	0	COUNCIL	
		MEMBERS:	None

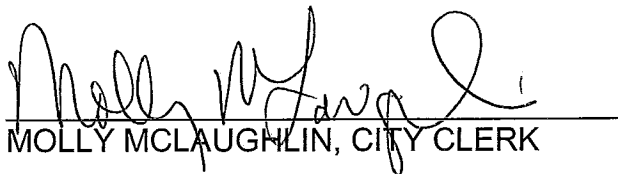
  
\_\_\_\_\_  
JERRY HOLLOWAY, MAYOR

ATTEST:

  
\_\_\_\_\_  
MOLLY MCLAUGHLIN, CITY CLERK

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

I, Molly McLaughlin, City Clerk of the City of Rancho Santa Margarita, California, DO HEREBY CERTIFY that the foregoing Ordinance No. 10-01 was regularly introduced and placed upon its first reading at a regular meeting of the City Council on the 10<sup>TH</sup> day of February 2010, and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the 24<sup>th</sup> day of February, 2010.

  
MOLLY MCLAUGHLIN, CITY CLERK