

ORDINANCE NO. 24-2004

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
ESTABLISHING THE SPEED LIMIT ON WEST STOCKTON
BOULEVARD BETWEEN AUTO CENTER DRIVE AND POPPY RIDGE
ROAD TO 35 MPH**

THE CITY COUNCIL OF THE CITY OF ELK GROVE, CALIFORNIA, does ordain as follows:

Section 1: Findings

On July 21, 2004, the City Council of the City of Elk Grove reviewed and considered the engineering of the results of the traffic survey dated May 11, 2004 ("Survey") on West Stockton Boulevard.

Based upon the review of the Survey and related information, the City Council finds the prevailing or 85th percentile speed of the vehicles using West Stockton Boulevard between Auto Center Drive and Poppy Ridge Road is 41 mph. Based on this review of the Survey, the City Council finds that the most appropriate speed limit to facilitate the orderly movement of traffic that is reasonable and safe for the above-listed street as set forth in Section 2.

Section 2: Declaration of speed limits

Based on findings set forth in Section 1, above, the City Council hereby declares that the speed limit on West Stockton Boulevard between Auto Center Drive and Poppy Ridge Road shall be thirty five (35) mile per hour.

Section 3: Direction to City Traffic Engineer

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

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.

Section 6: Effective Date

This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within 15 days after its passage, a summary of the ordinance may be published at least 15 days after its passage, a summary of the ordinance may be published at least five 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).


PASSED AND ADOPTED by the City Council of the City of Elk Grove on this 4th day of August 2004.


SOPHIA SCHERMAN, MAYOR of the
CITY OF ELK GROVE

ATTEST:


PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:


ANTHONY B. MANZANETTI,
CITY ATTORNEY

Effective Date: September 3, 2004

AYES: Scherman, Soares, Briggs, Cooper
NOES: None
ABSTAIN: None
ABSENT: Leary