

ORDINANCE NO. 17-2010

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
AMENDING ELK GROVE MUNICIPAL CODE SECTION 23.98.030 REGARDING THE
CLEAR-VISION TRIANGLE**

WHEREAS, the proposed text amendment to Elk Grove Municipal Code Section 23.98.030 implements the goals, policies, and actions items of the General Plan; and

WHEREAS, the proposed amendment implements General Plan Policy CI-16, which requires new roadway construction to provide facilities adequate to ensure pedestrian safety as determined by the City Engineer; and

WHEREAS, the proposed amendment would also help maintain the City's desired level of service on all roadways (General Plan Policies CI-13 and CI-14); and

WHEREAS, the proposed Zoning amendment is exempt from the California Environmental Quality Act (CEQA); and

WHEREAS, 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 approval of this action does not approve any development project nor does it, either directly or indirectly, disturb the physical environment. Future development under the proposed regulations would be subject to CEQA at that time, as those actions would be classified as "projects" under CEQA; and

WHEREAS, the Planning Commission considered the proposed amendment at a public hearing on May 20, 2010, and recommended City Council approval of the amendment; and

WHEREAS, the City Council is the appropriate authority to hear and take action on this project after a recommendation by the Planning Commission; and

WHEREAS, the City Council held a duly noticed public hearing as required by law to consider all of the information presented by staff and public testimony presented in writing and at the meeting.

NOW, THEREFORE, BE IT RESOLVED THAT, 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 Elk Grove Municipal Code Section 23.98.030 to make a minor revision to the definition of "clear vision triangle."

Section 2: Amendment

The City Council hereby amends the definition entry of "clear-vision triangle" under Elk Grove Municipal Code Section 23.98.030, removing Figure 23.98-1 in its entirety and amending the definition entry as set forth below:

"Clear-vision triangle" refers to the visibility standards as set forth in EGMC Chapter 12.12, Obstruction of Corners.

Section 3: 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 4: 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 5: 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: 17-2010
INTRODUCED: July 28, 2010
ADOPTED: September 8, 2010
EFFECTIVE: October 8, 2010


SOPHIA SCHERMAN, MAYOR of the
CITY OF ELK GROVE

ATTEST:

APPROVED AS TO FORM:


JASON LINDGREN, INTERIM CITY CLERK


SUSAN COCHRAN, CITY ATTORNEY

Dated: September 20, 2010

CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 17-2010

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

I, Jason Lindgren, Interim 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 July 28, 2010 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on September 8, 2010 by the following vote:

AYES : **COUNCILMEMBERS:** *Scherman, Detrick, Davis, Hume*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *Cooper*

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


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