

ORDINANCE NO. 18-2010

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING ELK GROVE MUNICIPAL CODE CHAPTER 12.12 REGARDING OBSTRUCTION OF CORNERS

The City Council of the City of Elk Grove does ordain as follows:

Section 1: Purpose and Authority

The purpose of this chapter is to establish visibility standards for public street intersections and driveways to protect the health, safety, and welfare of motor vehicle occupants, bicyclists and pedestrians using these facilities.

Section 2 Application:

Elk Grove Municipal Code Chapter 12.12 is hereby amended to read as follows:

Chapter 12.12 OBSTRUCTION OF CORNERS

Sections:

- 12.12.010 Obstructions at public street intersections and intersection elbows.
- 12.12.020 Obstructions at private driveways and public streets.
- 12.12.030 Street right-of-way line defined.
- 12.12.040 Exceptions.
- 12.12.050 Enforcement.
- 12.12.060 Scope.

12.12.010 Obstructions at public street intersections and intersection elbows.

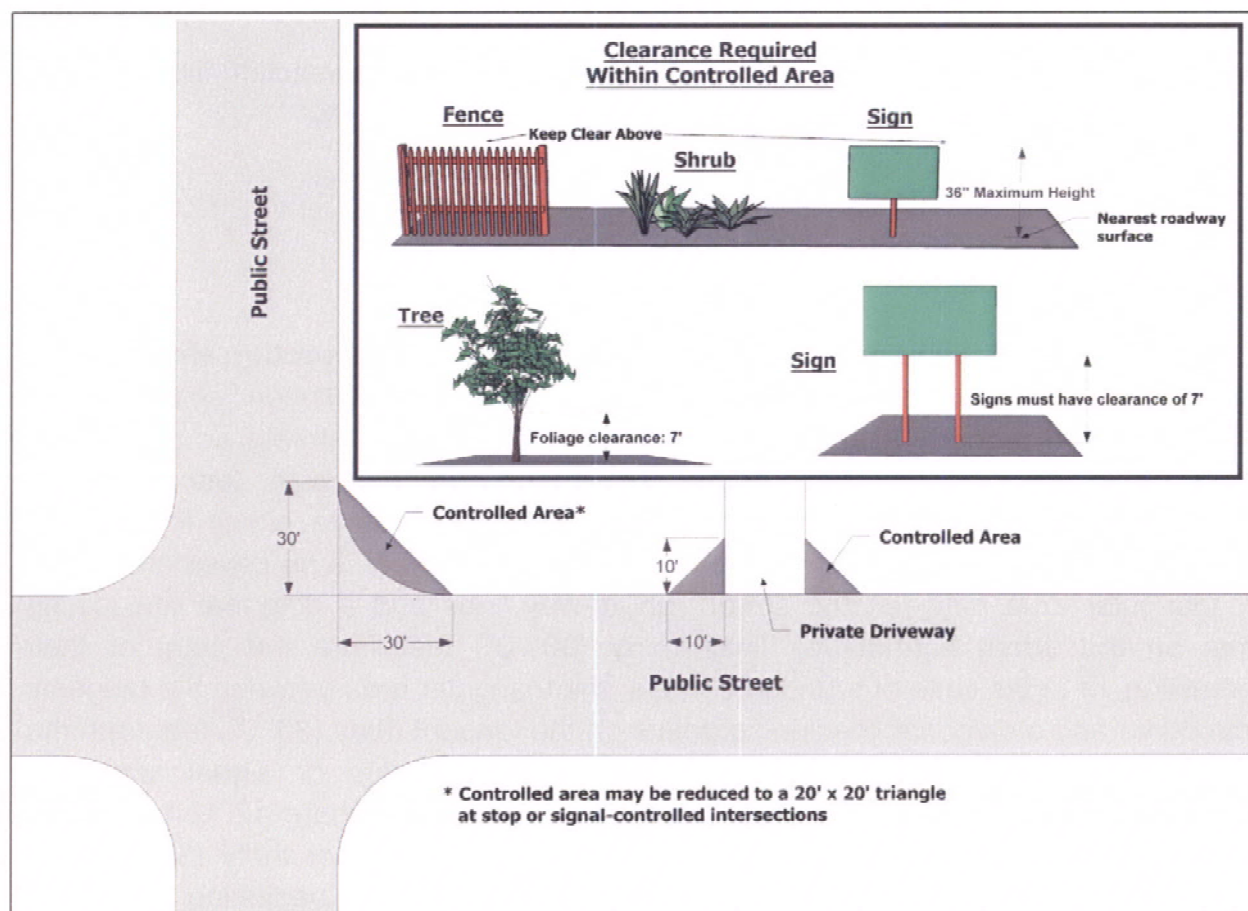
It is unlawful to install, set out or maintain or to allow the installation, setting out or maintenance, on property at any corner formed by intersecting streets or intersection elbows within the City, any sign, hedge, shrubbery, natural growth, fence or other obstruction to the view higher than thirty-six (36") inches above either the nearest pavement surface or the nearest traveled roadway (where there is no pavement) within that triangular area between the street right-of-way lines and a diagonal line joining points on the street right-of-way lines thirty (30' 0") feet from the point of their intersection, or in the case of rounded corners, the triangular area between the tangents to the curve and a diagonal line joining points on the tangent thirty (30' 0") feet from the point of their intersection, except that in the case of stop or signal controlled intersections twenty (20' 0") foot lengths are applicable (see Figure 12.12-1) . In the case of intersection elbows, forty (40' 0") foot lengths instead of thirty (30' 0") foot lengths are applicable. The tangents referred to are those at the beginning and at the end of the curve at the corner. The Public Works Director may require development

applicants to provide visibility easements for major street intersections as set forth in the City Improvement Standards.

12.12.020 Obstructions at private driveways and public streets.

It is unlawful to set out, install or maintain, or to allow the setting out, installation, or maintenance of any sign, hedge, structure, natural growth, fence, or other obstruction to the view higher than thirty-six (36") inches above the nearest pavement surface (or traveled area where no pavement exists) on property adjacent to any private road or driveway intersecting a public street, within a triangular area formed by the edge of the driveway, the street right-of-way line, and a line connecting two (2) points, one of which is on the right-of-way line ten (10' 0") feet from the edge of the driveway, and the other of which is on the edge of the driveway ten (10' 0") feet back of the right-of-way line measured perpendicular to the right-of-way line in a direction away from the street (see Figure 12.12-1). The Public Works Director may require development applicants to provide visibility easements for driveways onto major streets as set forth in the City Improvement Standards.

Figure 12.12-1 Visibility Control Standards Summary



12.12.030 Street right-of-way line defined.

Where the street right-of-way line is nearer to the centerline of the street than any existing sidewalk, the street right-of-way line shall be assumed to be coincidental with the back edge of the sidewalk for determining the triangular area for which this chapter controls obstructions to visibility. Where there is no sidewalk but the street right-of-way line is nearer to the centerline of the highway than any existing curb and gutter, the street right-of-way line shall be assumed to be coincidental with the back edge of the curb and gutter for determining the triangular area for which this chapter controls obstructions to visibility.

12.12.040 Exceptions.

The foregoing provisions shall not apply to the following:

A. Permanent buildings;

B. Public utility poles;

C. Trees trimmed to the trunk so as to provide a clear open space between pavement grade and a plane seven (7' 0") feet higher, pavement grade being defined as either:

1. The nearest pavement surface; or

2. The nearest traveled roadway (where there is no pavement);

D. Saplings;

E. Fences of a type which in no way obstruct vision;

F. Official signs or signals;

G. Places where the existing contour of the ground is such that there can be no cross-visibility at the intersection;

H. Signs mounted so as to provide a clear, open space (except for supporting members) of seven (7' 0") feet or more above the ground and whose supports do not constitute an obstruction as defined in EGMC Section 12.12.030;

I. Any passenger motor vehicle not to exceed six (6' 0") feet in height parked either temporarily or on display for sale on property zoned other than residential single-family, residential multiple-family or on other residential property.

J. The Public Works Director may, using his / her professional judgment, allow exceptions to specific requirements under this chapter where he / she determines that

circumstances of a particular situation make it impractical to meet such requirements and may require warning signage and / or other supplemental safety measures to be implemented as necessary to maintain public safety.

12.12.050 Enforcement.

A. This chapter shall be enforced by the Public Works Department. The Public Works Director may investigate violations of this chapter, give such notices as may be required to carry out this chapter, and perform such other duties in connection with the enforcement of this chapter as may be appropriate.

B. Remedies. Any obstruction maintained in violation of this chapter may be deemed a public nuisance, whether erected before or after July 1, 2000, or, in the case of elbow intersections, whether erected before or after July 1, 2000, and upon failure to abate the same within fifteen (15) days after posting upon the premises of a notice to abate the nuisance signed by the Public Works Director and after sending a copy of the notice to abate by registered mail addressed to the owner of record, as shown on the most recent assessment roll of the City, to the address as shown on the assessment roll, the Director may enter upon the premises and remove or eliminate the obstruction. In such event, the cost to the City of the abatement of the nuisance shall be a lien upon the premises, provided a claim therefor be filed within the time and in the manner as prescribed in Section 1193.1 of the Code of Civil Procedure. The cost of such abatement shall, in addition, be a personal obligation against the owner of the premises upon which the nuisance was maintained, recoverable by the City in an action before any court of competent jurisdiction.

12.12.060 Scope.

No obstruction to cross-visibility shall be deemed to be excepted from the application of this chapter because of its being in existence at the time of the adoption hereof, unless expressly exempted by the terms of EGMC Section 12.12.040.

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: 18-2010
INTRODUCED: August 25, 2010
ADOPTED: September 8, 2010
EFFECTIVE: October 8, 2010



SOPHIA SCHERMAN, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, INTERIM CITY CLERK

APPROVED AS TO FORM:



SUSAN COCHRAN, CITY ATTORNEY

Date signed: September 20, 2010

CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 18-2010

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 August 25, 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