

ORDINANCE NO. 17-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EMERYVILLE ADDING SECTION 4-9.39 TO CHAPTER 9 OF TITLE 4 OF THE EMERYVILLE MUNICIPAL CODE, "VEHICULAR TRAFFIC AND PARKING"

WHEREAS, engineering and traffic surveys are regularly conducted once every five (5) years by governing municipalities for the purpose of ensuring enforcement of speed limits to ensure such limits set are not speed traps pursuant to Section 40802(a) of the California Vehicle Code (CVC); and

WHEREAS, engineering and traffic surveys supporting speed limits may be extended to every seven (7) years if criteria are met, or every ten (10) years if a registered engineer evaluates the section of the highway and determines that no significant changes in roadway or traffic conditions have occurred as specified in Section 40802(c) of the CVC; and

WHEREAS, the CVC Section 22357 authorizes cities to increase speed limits above 25 miles per hour by ordinance to appropriate limits as determined by an engineering and traffic survey; and

WHEREAS, this Ordinance is adopted pursuant to the City's police powers and afforded by the state constitution and state law to protect the health, safety, and welfare of the public, and based upon the Engineers & Traffic Survey for Speed Limits dated August 26, 2016, prepared by Kimley Horn for the City of Emeryville and Table 3: Sped Survey Recommendations dated August 26, 2016, prepared by Kimley Horn for the City of Emeryville; now, therefore

THE CITY COUNCIL OF THE CITY OF EMERYVILLE DOES HEREBY ORDAIN AS FOLLOWS:

SECTION ONE. ADDING SECTION 4-9.39 TO CHAPTER 9 OF TITLE 4 TO THE EMERYVILLE MUNICIPAL CODE

Chapter 9 of Title 4 of the Emeryville Municipal Code, entitled "Vehicular Traffic and Parking", is hereby amended to add Section 4-9.39 with the following language:

4-9.39 Speed Limits.

- (a) State speed laws applicable. The state traffic laws regulating the speed of vehicles shall be applicable upon all streets within this City, except as this chapter, as authorized by state law, declares and determines upon the basis of an engineering and traffic survey that certain speed regulations shall be applicable upon specified streets or in certain areas, in which event it shall be unlawful for any person to drive a vehicle at a speed in excess of any speed so declared in this chapter when signs are in place giving notice thereof.
- (b) Maximum Speed Determination:
 - (1) Upon the basis of an engineering and traffic survey, the Emeryville City Council by ordinance may determine the maximum speed limits of any streets within City limits.
 - (2) Speed limits established pursuant to this section shall be applicable at all or such times as shall be indicated by official traffic control devices.
- (c) Decrease of State law maximum speed. It is hereby determined upon the basis of an engineering speed survey that the speed permitted by State law outside of business and residence districts as applicable upon certain of those streets or portions thereof described in Section 4-9.39(f) is greater than is reasonable or safe under the conditions found to exist upon such streets and it is hereby declared that the prima facie speed limit upon those streets or portions thereof described in Section 4-9.39(f) shall be as therein stated, which speeds so declared shall be effective when signs are erected giving notice thereof.
- (d) Authority. Every police officer and those non-sworn employees of the Emeryville Police Department charged with the enforcement of traffic and parking laws within this City shall have the authority to use a device known as a photo radar unit. A photo radar unit detects and records information on every vehicle that passes a particular roadway location while exceeding a certain speed limit.

- (e) Regulation of speed by traffic signals. The City Engineer is authorized to regulate the timing of traffic signals so as to permit the movement of traffic in an orderly and safe manner at speeds slightly at variance from the speeds otherwise applicable within the district or at intersections.
- (f) Speed Limits. When signs are erected giving notice thereof, the prima facie speed limit shall be as set forth in this Section upon the following streets or portions of streets:

Name of Street	Portion of Street Affected (limits thereof)	Prima Facie Speed Limit (mph)
Hollis Street	67 th Street to Powell Street	25
Hollis Street	Powell Street to Yerba Buena Avenue	30
Powell Street	Exit of Driveway of 3306 Powell Street to I-80 Frontage Road	30
Horton Street	62 nd Street to 40 th Street	25
40 th Street	East Abutment of 40 th Street Bridge to San Pablo Avenue	30
Shellmound Street	67 th Street to Christie Avenue	25
Shellmound Street	Christie Avenue to East Abutment of 40 th Street Bridge	30
Christie Avenue	65 th Street to Powell Street	25
Christie Avenue	Powell Street to Shellmound Street	25

SECTION TWO. SEVERABILITY

Every section, paragraph, clause, and phrase of this Ordinance is hereby declared to be severable. If for any reason, any section, paragraph, clause, or phrase is held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining section, paragraphs, clauses or phrases.

SECTION THREE. CEQA DETERMINATION

This ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) under the “general rule” at Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the ordinance may have a significant effect on the environment.

SECTION FOUR. CODIFICATION

Section One of this Ordinance shall be codified in the Emeryville Municipal Code. Sections Two, Three, Four, and Five shall NOT be so codified.

SECTION FIVE. EFFECTIVE DATE AND POSTING.

This Ordinance shall take effect 30 days following its final passage. The City Clerk is directed to cause copies of this Ordinance to be posted or published as required by Government Code Section 33693.

This Ordinance was introduced and first read by the City Council of the City of Emeryville at a regular meeting on Tuesday, December 19, 2017, and **PASSED AND ADOPTED** by the City Council at a regular meeting on Tuesday, January 16, 2018 by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

ATTEST:

MAYOR

APPROVED AS TO FORM:



CITY CLERK

CITY ATTORNEY