

ORDINANCE NO. 22-08

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GROVER BEACH,
CALIFORNIA, AMENDING SECTION 16 OF SECTION 3302 OF CHAPTER 3 OF
ARTICLE III OF THE GROVER BEACH MUNICIPAL CODE**

WHEREAS, the City of Grover Beach is a General Law city organized pursuant to Article XI of the California Constitution; and

WHEREAS, pursuant to the authority granted the City by Article XI, Section 7 of the California Constitution, the City has the police power to adopt regulations designed to promote the public convenience or the general prosperity, as well as regulations designed to promote the public health, the public morals or public safety; and

WHEREAS, pursuant to California Vehicle Code Section 22358, the City has the authority to decrease speed limits on streets and roads under its jurisdiction, on the basis of an engineering and traffic investigation; and

WHEREAS, pursuant to Section 40802 of the California Vehicle Code, an engineering and traffic investigation must be performed every five years, but the City does have the ability to extend valid surveys to seven years if no significant changes in roadway or traffic conditions have occurred; and

WHEREAS, significant changes to roadway and traffic conditions have occurred on South Oak Park Boulevard from West Grand Avenue to Mentone Avenue warranting a new engineering and traffic investigation; and

WHEREAS, pursuant to California Vehicle Code, the City may extend the recommendations of an engineering and traffic investigation up to seven years provided that law enforcement complies with Section 40802.c.1; and

WHEREAS, pursuant to the 1999 revision to Section 40802 of the California Vehicle Code by the California Legislature, the City cannot use radar to enforce speed limits unless justified by an engineering and traffic investigation.

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF GROVER BEACH AS FOLLOWS:

PART 1. Section 16 of Section 3302 of Chapter 3 of Article III of the Grover Beach Municipal Code is hereby amended to read as follows:

CHAPTER 3 – TRAFFIC REGULATIONS

SECTION 16. ESTABLISHING SPEED LIMITS IN CERTAIN ZONES. In accordance with Vehicle Code Section 22358, an engineering and traffic investigation has been performed that provides recommendations to establish the speed limit necessary for safe operation of vehicles on the following streets. It is hereby declared that the prima facie speed limit for the following streets shall be as designated below when signs are erected giving notice thereof:

STREET	LIMITS	DECLARED PRIMA FACIE SPEED LIMIT
South Oak Park Boulevard	West Grand Avenue to Mentone Avenue	30


All other speed limits shall remain in place as previously established and as confirmed as appropriate per the most recent engineering and traffic investigation commissioned by the City in 2020.

PART 2. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional.

PART 3. This Ordinance shall become effective at 12:01 a.m. on the 31st day after the date of its adoption, and within fifteen (15) days after its adoption, it shall be published once, together with the names of the Council Members voting thereon, in a newspaper of general circulation within the City.

INTRODUCED at a regular meeting of the City Council held on September 26, 2022 and **PASSED, APPROVED, and ADOPTED** by the City Council on October 11, 2022, on the following roll call vote to wit:

- AYES: Council Members – Miller, Robert, Rushing, Mayor Pro Tem Bright and Mayor Lee
- NOES: Council Members – None
- ABSENT: Council Members – None
- ABSTAIN: Council Members – None
- RECUSED: Council Members – None




 JEFF LEE, MAYOR

Attest:



 WENDI B. SIMS, CITY CLERK

Approved as to Form:



 DAVID P. HALE, CITY ATTORNEY