

## **ORDINANCE NO. 2020-204**

### **AN ORDINANCE OF THE CITY OF LAGUNA NIGUEL AMENDING THE LAGUNA NIGUEL MUNICIPAL CODE TO ALTER AND CLARIFY THE AUTHORITY OF THE CITY COUNCIL, TRAFFIC AND TRANSPORTATION COMMISSION, AND TRAFFIC ENGINEER FOR THE REGULATION AND INSTALLATION OF TRAFFIC CONTROLS AND OTHER DEVICES AND MAKING A FINDING OF EXEMPTION UNDER CEQA IN CONNECTION THEREWITH**

The City Council of the City of Laguna Niguel does hereby ordain as follows:

#### **Section 1. Purpose and Findings.**

(a) Currently, all traffic control signs, devices, and traffic lane striping requires the approval of the Traffic and Transportation Commission and City Council prior to installation and alteration. This includes the installation of traffic warning signs and improvements or alterations to traffic lane striping. In circumstances of immediate need, the director of public works may install, modify, or remove traffic controls and other devices provided that such action is thereafter brought to the Traffic and Transportation Commission and City Council for approval.

(b) This delegation of authority whereby the city traffic engineer does not have the autonomy to install any traffic controls or other devices without approval from the Traffic and Transportation Commission and City Council has resulted in a slow response rate to requests from citizens to alter signage and striping in the City of Laguna Niguel.

(c) City staff has determined that the City could provide more prompt and necessary responses to traffic safety conditions if the city traffic engineer has the authority and duty to install traffic warning signs and roadway striping alterations and improvements without the approval of the Traffic and Transportation Commission or City Council.

(d) City staff has also determined that it is important to clarify the respective roles of the City Council, Traffic and Transportation Commission, and traffic engineer with respect to traffic regulations.

#### **Section 2. Exemption from CEQA.**

The adoption of this Ordinance is exempt from the California Environmental Quality Act (CEQA) (Pub. Resources Code Section 21000 *et seq.*) pursuant to State CEQA Guidelines Section 15061(b)(3) because the project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The adoption of this Ordinance provides for the amendment of the Laguna Niguel Municipal Code to clarify and revise the authority of the City

Council, Traffic and Transportation Commission, and traffic engineer for the regulation and installation of traffic controls and other devices and does not have the possibility of resulting in any physical changes in the environment.

Section 3. Municipal Code Amendments to Title 2, Division 3, Article 7.

The name of Article 7 of Division 3 (Commissions, Boards and Committees) of Title 2 (Administration and Personnel) of the Laguna Niguel Municipal Code is hereby amended to read as follows:

“ARTICLE 7. TRAFFIC AND TRANSPORTATION COMMISSION”

Section 4. Municipal Code Amendments to Title 2, Division 3, Article 7.

Subsections (g) and (i) of Sec. 2-3-48 (Duties and Responsibilities of the Commission) of Article 7 (Traffic and Transportation Committee) of Division 3 (Commissions, Boards and Committees) of Title 2 (Administration and Personnel) of the Laguna Niguel Municipal Code are hereby amended to read as follows:

(g) Study and make recommendations to the City Council on matters of traffic regulations, including traffic control devices, parking, and vehicle and pedestrian safety, except for those matters otherwise delegated by this Code to the traffic engineer. The Traffic and Transportation Commission shall also have the authority and responsibility to study and make recommendations to the City Council on the following specific matters:

- (1) The designation of any intersection requiring a vehicle to come to a full stop or the installation or removal of any existing stop sign within the city;
- (2) The installation of any traffic control sign within the city, except for traffic warning signs as provided in Sec. 7-4-202; and
- (3) The designation of overnight parking zones on certain streets or highways, or portions thereof.
- (4) The designation of specific street segments for time limited parking zones, including, but not limited to, time or day restrictions or one-hour, two-hour, or other time limitations.

(i) After evaluation by the traffic engineer, review, evaluate, and make recommendations to the City Council regarding requests for the installation of stop signs and signals and the creation of one-way streets.

Section 5. Municipal Code Amendments to Title 7, Division 2, Article 2.

Section 7-2-12 (Adoption of Plans and Specifications) of Article 2 (Standard Plans and Specifications) of Division 2 (Highway, Flood Control and Recreational

Facilities Planning) of Title 7 (Highways, Rights-of-Way and Vehicles) of the Laguna Niguel Municipal Code is hereby amended to read as follows:

**Sec. 7-2-12. - Adoption of plans and specifications.**

(a) The documents listed in this section, specific versions of which are adopted by resolution of the City Council, except such portions that are deleted, modified or amended by such resolution, are hereby adopted as the standard plans and specifications for the construction, improvement and repair of highways, streets, bridges and flood control and recreational facilities. At least one copy of these documents shall be on file in the office of the city clerk for examination.

(1) Standard Specifications for Public Works Construction, the most recent edition, published by Building News, Inc.

(2) The following portions of Standard Specifications, Department of Transportation, State of California, the most recent edition:

a. Signals and Lighting.

b. Pavement Markers.

c. Bridges.

(3) The portion of Standard Plans, Department of Transportation, State of California, the most recent edition, covering signs, signals and lighting, and that portion covering bridges.

(4) California Manual of Uniform Traffic Control Devices, Department of Transportation, State of California, the most recent edition.

(5) City of Laguna Niguel Traffic Manual.

(b) The specific sections of the documents listed in this Section that are included or excluded shall be specified in the resolution.

**Section 6. Municipal Code Amendments to Title 7, Division 4, Article 2.**

Article 2 (Traffic Administration) of Division 4 (Traffic Ordinances) of Title 7 (Highways, Rights-of-Way and Vehicles) of the Laguna Niguel Municipal Code is hereby amended to read as follows:

**“ARTICLE 2. TRAFFIC ADMINISTRATION**

**Sec. 7-4-200. - Enforcement of traffic laws.**

The county sheriff, who provides police services to the city pursuant to a contract between the city and the county, is the agency responsible for traffic control in the city.

The State Highway Patrol may incidentally enforce traffic laws in the city in the course of performing its duties with respect to traffic laws on state highways.

**Sec. 7-4-201. - Traffic engineer generally.**

The traffic engineer, under the authority of the director of public works, is hereby charged with the responsibility, under the powers and duties specified in this division, to carry out and review all traffic engineering functions affecting the city.

**Sec. 7-4-202. - Duties of traffic engineer.**

(a) *General duties.* It shall be the general duty of the traffic engineer to determine the installation, design, operation and maintenance of traffic control devices, design and review traffic flow systems and appurtenances, conduct engineering analyses of traffic accidents, devise remedial measures, and conduct engineering and traffic investigations of traffic conditions. The traffic engineer shall also cooperate with the State Highway Patrol, the county sheriff's department, the Orange County Fire Authority, and other agencies as appropriate in the development of ways and means to improve traffic conditions and carry out the additional duties imposed by the ordinances of the city. In the event that the City does not have a designated traffic engineer, the duties set forth in this Section may be performed by the director of public works.

(b) *Specific duties.* The traffic engineer shall have the following authority and specific duties:

(1) The traffic engineer shall have the authority and duty to implement such traffic and parking regulations as necessary or appropriate to facilitate traffic and parking within the city, and to install, modify or remove any traffic devices; provided, further, that where City Council approval is required by section 7-4-203 of this chapter, or Traffic and Transportation Commission approval is required prior to implementation, such approval shall be obtained prior to implementation and enforcement. Traffic and parking regulations implemented by the traffic engineer shall be consistent with governing law, including the California Vehicle Code and provisions of this code, and consistent with any direction of the City Council or the Traffic and Transportation Commission.

(2) The traffic engineer shall have the authority to issue parking permits, including residential parking permits and guest parking permits, as authorized by this title.

(3) The traffic engineer, without the approval of the Traffic and Transportation Commission or City Council, shall have the authority to install and replace informational signs, directional signs, lane striping, and traffic warning signs, as distinguished from traffic control signs.

(4) The traffic engineer shall be responsible for posting such other signs as directed by the Traffic and Transportation Commission and City Council.

(5) Traffic and parking regulations shall not be implemented or enforced until the appropriate signs are properly posted.

(c) *Emergency powers.* Subject to the provisions of subdivision (d) of this Section, the traffic engineer shall have the following powers when he or she finds that an emergency condition exists threatening the public health and safety:

(1) The power to temporarily close streets.

(2) The power to install traffic control signs.

(d) *Expiration of emergency powers.* Upon the expiration of the emergency as specified in subdivision (c), the traffic engineer shall reopen the closed streets, remove the traffic control signs, or take both such actions, unless the City Council authorizes the continuance of such temporary street closures or installation of the traffic control signs.

**Sec. 7-4-203. - City Council authority.**

City Council action shall be required by ordinance or resolution to implement any traffic regulation only when an ordinance or resolution is specifically required by state law. For purposes of example, but not an exclusive list, the following items require City Council action prior to implementation: 1) the establishment of crosswalks between intersections; 2) the establishment of bicycle lanes separated from any vehicular lanes upon highways, other than state and county highways; 3) the determination and declaration of a prima facie or maximum speed limit; 4) the adoption of rules and regulations on the designation of any intersection as a stop intersection; 5) the designation of specific street segments for time limited parking zones, including, but not limited to, time or day restrictions or one-hour, two-hour, or other time limitations; and 6) the temporary closing of a portion of any street for celebrations, parades, local special events, and other purposes. Notwithstanding any provision to the contrary, City Council approval shall also be required for the designation of any street for use by vehicles having a gross weight, including the vehicle and its load, in excess of three (3) tons.

**Sec. 7-4-204. - Authority of Traffic and Transportation Commission.**

The city has formed a Traffic and Transportation Commission. The provisions that provide for its membership, duties and operations are found in Article 7 of Division 3 of Title 2 of this Code, commencing with Section 2-3-46. The Traffic and Transportation Commission shall review and make recommendations to the City Council on all traffic related matters which are listed in that article.

**Sec. 7-4-205. - Installation of automated traffic enforcement systems is prohibited.**

Automated traffic enforcement systems, as that term is used in California Vehicle Code § 21455.5, shall not be installed on any city street or highway that is within the jurisdiction of the city.”

Section 7. Municipal Code Amendments to Title 7, Division 4, Article 6.

The introductory paragraph and subsection (6) of Section 7-4-601 (Establishment of Prohibited or Restricted Parking Zones) of Article 6 (Stopping, Standing and Parking of Vehicles) of Division 4 (Traffic Ordinances) of Title 7 (Highways, Rights-of-Way and Vehicles) of the Laguna Niguel Municipal Code are hereby amended to read as follows:

“Pursuant to the California Vehicle Code, the City Council, by ordinance or resolution, shall establish specific portions of street segments where the stopping, standing, or parking of vehicles is either prohibited or subject to parking time limitations. Notwithstanding the preceding general requirement, the traffic engineer is hereby authorized to place appropriate signs or markings prohibiting or restricting the stopping, standing, or parking of vehicles in the following limited and specific circumstances and in the absence of a City Council ordinance or resolution imposing a restriction on a particular street segment. In the event that the City does not have a designated traffic engineer, the duties set forth in this Section may be performed by the director of public works:”

“(6) Intersections. On either side of any highway or street from its intersection with any other highway or street for the purpose of turn lanes or sight distance and visibility.”

Section 8. Severability.

If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrases, or portion thereof irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

Section 9. Effective Date.

This Ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

Section 10. City Clerk's Certification.

The City Clerk shall certify to the adoption of this Ordinance and cause the same to be posted at the duly designated posting places within the City and published once within fifteen (15) days after passage and adoption as required by law; or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and post a certified copy of the text of this Ordinance in the Office of the City Clerk five (5) days prior to the date of adoption of this Ordinance, and, within fifteen (15) days after adoption, the City Clerk shall cause to be published the aforementioned summary and shall post a certified copy of this Ordinance, together with the vote for and against the same, in the Office of the City Clerk.

**PASSED, APPROVED AND ADOPTED** this 3rd day of March, 2020.

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Laurie Davies, Mayor

ATTEST:

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Eileen C. Gomez, City Clerk