ORDINANCE NO. 13-0003

AN ORDINANCE OF THE CITY OF MANHATTAN BEACH AMENDING SECTION 14.56.010 OF CHAPTER 14.56, TITLE 14 OF THE MANHATTAN BEACH MUNICIPAL CODE RELATING TO SPECIAL SPEED ZONES

THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH HEREBY ORDAINS AS FOLLOWS:

WHEREAS, Section 40802 (b) of the California Vehicle Code states that speed limits for streets, other than a local street, must be justified by an Engineering and Traffic Survey conducted less than five, seven or ten years with conditions, prior to enforcement of that speed limit, if it is to be enforced by the use of radar; and,

WHEREAS, the most recent Engineering and Traffic Survey for certain street segments was last completed in 2003; and,

WHEREAS, the City Council wishes to ensure that traffic speeds throughout the community are kept at a safe level given the conditions that exist on certain streets; and,

WHEREAS, the City Council wishes to use electronic speed measurement equipment for speed enforcement on these certain streets; and,

WHEREAS, the Ordinance establishing speed limits must be amended if any changes in speed limits are to be established following the completion of the Engineering and Traffic Survey; and,

WHEREAS, the California Manual of Traffic Control Devices describes the policy to be used in the State of California for setting speed limits, which requires that the posted speed be established at the nearest 15 mph increment of the 85th-percentile speed of free-flowing traffic; and,

WHEREAS, the City Council recognizes that the California Manual of Traffic Control Devices also allows the posted speed limit to be reduced by 5 mph from the nearest 5 mph increment of the 85th-percentile speed, in compliance with California Vehicle Code Sections 627 and 22358.5, if the Engineering and Traffic Survey documents the special conditions and justification for the lower speed limit and is approved by a registered Civil or Traffic Engineer; and,

WHEREAS, the enforcement of speed limits by the use of radar is necessary in order to protect the safety of the residents of the City of Manhattan Beach.

SECTION 1. CEQA Finding. The City Council finds that it can be seen with certainty that there is no possibility that the adoption of this Ordinance and the establishment of the regulations hereby will have a significant effect on the environment. The Ordinance is therefore exempt from review under the California Environmental Quality Act, pursuant to Title 14, Section 15061(b)(3) of the California Code of Regulations.

SECTION 2. The City Council hereby amends Section 14.56.010 ("Increasing state speed limit in certain zones") of Chapter 14.56 of Title 14 of the Manhattan Beach Municipal Code by adding the following speed limits for the two identified streets to the table in that section, with all other provisions in that section to remain the same:

	"Street	Speed Limit Prima Facie
1.	Ardmore Avenue between 19th Street and Pacific Avenue	35 miles per hour
2.	Marine Avenue between Sepulveda Boulevard and Magnolia Avenue"	35 miles per hour

SECTION 3. The "2013 Engineering and Traffic Survey" report, dated March 2013, containing the findings and determinations of the Registered Engineer, incorporated herein and on file in the Office of the City Clerk, shall be the official Engineering and Traffic Survey of the City, a certified copy of which shall be disseminated to the County of Los Angeles Municipal and Superior Courts.

SECTION 4. Any provisions of the Manhattan Beach Municipal Code, or appendices thereto, or any other resolution of the City, to the extent that they are inconsistent with this ordinance, and no further, are hereby repealed.

SECTION 5. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be unconstitutional or otherwise invalid, by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portion be declared unconstitutional or otherwise invalid.

SECTION 6. This Ordinance shall go into effect and be in full force and effect thirty (30) days after its final passage and adoption.

SECTION 7. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause this Ordinance to be published within fifteen (15) days after its passage, in accordance with Section 36933 of the Government Code.

PASSED, APPROVED AND ADOPTED this 7th day of May, 2013.

AYES:
NOES:
ABSENT:
ABSTAIN:

DAVID LESSER
Mayor of the City of Manhattan Beach, California

ATTEST:

LIZA TAMURA
City Clerk

APPROVED AS TO FORM:

QUINN M. BARROW
City Attorney