

ORDINANCE No. 723 N.S.

AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF PASO ROBLES
AMENDING TITLE 11 OF THE
EL PASO DE ROBLES MUNICIPAL CODE

The CITY COUNCIL of the City of El Paso de Robles, California, does ordain as follows:

Section 1.

Sections 11.02.010, 11.02.020, 11.02.030, and 11.02.040 are hereby added to Title 11 as follows:

Section 2.

Chapter 11.02

ALLEYS

Sections:

- 11.02.010 General
- 11.02.020 Restriction of Vehicular or Pedestrian Traffic Through City Alleys
- 11.02.030 Revocation and Amendment
- 11.02.040 Signs Required
- 11.02.050 Alley Encroachments

11.02.010 General

The following sections are adopted as the general rules regulating alley access, alley construction and permits to work in alleys.

11.02.020 Restriction of Vehicular or Pedestrian Traffic Through City Alleys

The City Council may, by resolution, adopt rules and regulations restricting vehicular or pedestrian traffic through any alley by means of gates, barriers, or other control devices, when, in the opinion of the City Council, the restriction is necessary for the protection or preservation of the public peace, safety, health, or welfare, subject to the following conditions:

(a) The City shall provide access to utility vehicular or pedestrian traffic in order that the City or other utility may maintain, operate, replace, remove, or renew existing and functioning utility facilities.

(b) No rule or regulation adopted pursuant to this section shall prohibit the delivery of freight by commercial vehicles.

(c) No rule or regulation adopted pursuant to this section shall be implemented in a manner that adversely affects the operation of emergency vehicles or the performance of municipal services.

(d) No rule or regulation adopted pursuant to this section shall restrict the access of certain members of the public to the alley, while permitting others unrestricted access to the alley.

11.02.030 Revocation and Amendment

The City Council retains the authority to revoke, amend or modify any rule or regulation adopted pursuant to 11.02.020.

11.02.040 Signs Required

No rule or regulation adopted pursuant to Section 11.02.20 shall be effective until signs giving notice of the rule or regulation are posted at all entrances to the alley or part thereof affected.

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11.02.050 Alley Encroachments

It shall be unlawful for any person, firm or association, without first obtaining an encroachment permit from the Public Works Department, to:

- a. Dig into, cut, deface, open or cause to be opened, or make any excavation in any alley for any purpose;
- b. Place or cause to be placed any item that restricts an alley's width; or
- c. Construct building signs, overhangs, or appurtenances in or above an alley.

Applications for encroachment permits shall be accompanied by bonds and fees as established from time to time by resolution of the City Council.

Section 3.

Publication. The City Clerk shall cause this ordinance to be published once within fifteen (15) days after its passage in a newspaper of general circulation, printed, published and circulated in the city in accordance with Section 36933 of the Government Code.

Section 4.

Effective Date. This ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the 31st day after its passage.

Section 5.

Inconsistency. To the extent that the terms of provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City Ordinance(s), motion, resolution, rule, or regulation governing the same subject, the terms of this Ordinance shall prevail with respect to the subject matter thereof and such inconsistent and conflicting provisions of prior ordinances, motions, resolutions, rules and regulations are hereby repealed.

Section 6.

Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, found to be invalid or unconstitutional, such finding shall not affect the remaining portions of this Ordinance.

The City Council hereby declares that it would have passed this ordinance by section, subsection, sentence, clause, or phrase irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases are declared invalid.

Introduced as a regular meeting of the City Council held on February 18, 1997, and passed and adopted by the City Council of the City of El Paso de Robles on the 4th day of March, 1997, by the following roll call vote:

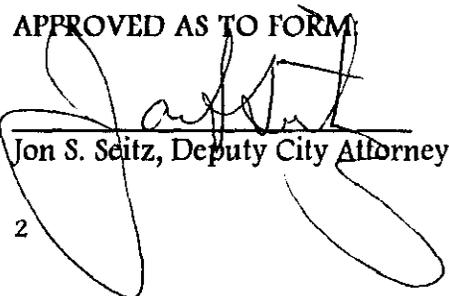
AYES: Baron, Iversen, Macklin, Swanson, and Picanco
 NOES: None
 ABSENT: None
 ABSTAIN: None


 Duane Picanco, Mayor
 City of El Paso de Robles

ATTEST:


 Madelyn Paasch, City Clerk

APPROVED AS TO FORM:


 Jon S. Seitz, Deputy City Attorney

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