

RESOLUTION NO. 2002-5865

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS LIMITING CONSTRUCTION AND EXCAVATION WORK WITHIN THE SAN MARCOS BOULEVARD RIGHT-OF-WAY TO NIGHT TIME HOURS WHEN LANE CLOSURE IS REQUIRED OR ANTICIPATED

WHEREAS, pursuant to Article XI, Section 7 of the California Constitution, and the police powers and public works authority inherent in its status as a chartered municipal corporation, the City of San Marcos ("the City") has the right to adopt regulations designed to promote the public convenience or the general prosperity, to promote public health, public morals or the public safety, and to make and enforce within its limits all local, police, sanitary and other ordinances and regulations not in conflict with general laws; and

WHEREAS, during the past few years, the City and its surrounding communities have experienced significant residential and commercial growth, a result of which is increased traffic throughout the City; and

WHEREAS, the public convenience, health and safety are adversely affected by work being performed in the rights-of-way of the City's major roadways during daylight hours and peak traffic times by public and/or private persons, entities, utilities and agencies; and

WHEREAS, the congestion and delay associated with right-of-way work constitutes a real and substantial hazard as well as an irritant to pedestrians and motorists traveling over, above, along and/or across San Marcos Boulevard in particular, as it is one of the most heavily traversed rights-of-way within the City's jurisdictional boundaries; and

WHEREAS, the City Council finds and determines that said congestion and delay would be reduced if routine maintenance, repair and/or installation work necessitating a lane closure on San Marcos Boulevard, from Knoll Road to the westerly city limits, be performed during night time off-peak hours or on weekends; and

WHEREAS, the City desires to impose such a limitation and direct the City Manager, or his designated representative, to implement the same.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council finds and determines that the above-described recitals are true and correct.

2. The City's regulations, policies and procedures are hereby modified to require that routine maintenance, repair and/or installation work in the San Marcos Boulevard public right-of-way, from Knoll Road to the westerly city limits, that necessitates a lane closure, in either direction, must occur during night time off-peak hours (7:00 p.m. to 6:00 a.m.) or on weekends.

3. The City Manager or his designated representative shall include this requirement for any routine maintenance, repair and/or installation work being performed in the San Marcos Boulevard public right-of-way, from Knoll Road to the westerly city limits, that necessitates a lane closure, in either direction. This requirement will be included, without limitation, for any applicable routine maintenance, repair and/or installation work along San Marcos Boulevard right-of-way, from Knoll Road to the westerly city limits.

4. In the event that emergency work within the specified segments of the San Marcos Boulevard public right-of-way is required because the health, safety and/or

welfare of the public is at stake, such work shall constitute an exception to the restrictions set forth in this Resolution 2002-5865 during the length of the emergency if the City Manager or his designated representative is notified at the earliest feasible time with respect to said emergency and the expected duration thereof .

5. If any term, provision or condition of this Resolution 2002-5865 is to any extent determined by a court of competent jurisdiction to be invalid or unenforceable for any reason, the remaining terms, provisions or conditions of this Resolution 2002-5865 shall be valid and enforceable to the fullest extent permitted by law.

6. This Resolution shall take effect immediately upon its adoption.

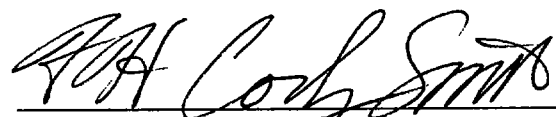
7. This Resolution shall be returned to the City Council for review three years from the date of adoption to determine the necessity of the above limitations.

PASSED, APPROVED AND ADOPTED by the City Council of the City of San Marcos, State of California, at a regular meeting thereof, this 14th day of May, 2002, by the following roll call vote:

AYES: COUNCIL MEMBERS: HARRIS, MARTIN, ROZMUS, SMITH

NOES: COUNCIL MEMBERS: THIBADEAU

ABSENT: COUNCIL MEMBERS: NONE


F.H. "Corky" Smith, Mayor
City of San Marcos

ATTEST:


Susie Vasquez, City Clerk
City of San Marcos