

ORDINANCE NO. 2024-XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, CALIFORNIA, REPEALING AND REPLACING EXISTING MUNICIPAL CODE TITLE 12 TITLED MOTOR VEHICLES AND TRAFFIC AS PROVIDED IN EXHIBIT A

WHEREAS, San Marcos Municipal Code (SMMC) Title 12 is a citywide regulating document that protects the public interest and safety by establishing standards to provide for the orderly operation and parking of vehicles within city limits and enforcement of the same; and

WHEREAS, certain provisions contained in SMMC Title 12 regulate the City's practices and procedures related to establishing traffic control devices; establishing and enforcing parking, no parking, and time-limited parking areas; and conducting truck traffic through the city;

WHEREAS, the City has found that by amending certain provisions in SMMC Title 12, processes can be clarified, ongoing compliance with State and federal law can be ensured, and processing of minor and routine traffic and parking-related work orders can be streamlined; and

WHEREAS, the City has found that specific provisions are necessary to regulate the operation of bicycles and electric bicycles within city limits; and

WHEREAS, the proposed amendments will result in a repeal of the current Title 12 and replacement with the new text provided in Exhibit A, which is incorporated herein by reference; and

WHEREAS, this action is not a "Project" as defined under Section 15378 of the California Environmental Quality Act, State Guidelines, and is therefore not subject to environmental review pursuant to State Guidelines Section 15060(c)(3); and

WHEREAS, even if the proposed Ordinance were to be considered a project subject to CEQA, it would be exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility that the proposed Ordinance would have a significant effect on the environment; and

WHEREAS, the Development Services Department did study and recommends approval of Ordinance 2024-XXXX repealing and replacing SMMC Title 12.

NOW, THEREFORE, the City Council of the City of San Marcos, California, in accordance with the freedom afforded to charter cities generally, and by the Charter of the City of San Marcos specifically, does ordain as follows:

Section 1. The foregoing recitals are true and correct and are hereby incorporated herein as though fully set forth at this point.

Section 2. Existing SMMC Title 12 titled Motor Vehicles and Traffic is hereby repealed and replaced in its entirety with Title 12 as provided in Exhibit A.

Section 3. All requirements of CEQA have been met, in that this action is not a "Project" as defined under Section 15378 of the California Environmental Quality Act, State Guidelines, and is therefore not subject to environmental review pursuant to State Guidelines Section 15060(c)(3).

Section 4. If any section, sentence, clause, or phrase of this Ordinance is determined to be invalid, illegal, or unconstitutional by a decision or order of any court or agency of competent jurisdiction, then such decision or order will not affect the validity and enforceability of the remaining portions of this Ordinance. The City Council declares that it would have passed and adopted the Ordinance, and each section, sentence, clause, or phrase thereof, regardless of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

Section 5. This Ordinance shall be effective thirty (30) days following its adoption. Within fifteen (15) days following its adoption, the City Clerk shall certify to the passage of this Ordinance No. 2024-XXXX and cause the same or the title thereof as a summary, to be published, in accordance with the provisions of State law, in a newspaper of general circulation designated for legal notices publication in the City of San Marcos.

INTRODUCED at a regular meeting of the City Council of the City of San Marcos, California, held on the 9<sup>th</sup> day of July, 2024.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of San Marcos, California, at a regular meeting thereof, held on this \_\_\_\_\_ day of \_\_\_\_\_ 2024, by the following roll call vote:

AYES: COUNCIL MEMBERS

NOES: COUNCIL MEMBERS

ABSENT: COUNCIL MEMBER

S:

\_\_\_\_\_  
Rebecca D. Jones, Mayor  
City of San Marcos

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Phillip Scollick, City Clerk  
City of San Marcos

\_\_\_\_\_  
Helen Holmes Peak, City Attorney  
City of San Marcos

EXHIBIT A:  
SAN MARCOS MUNICIPAL CODE  
TITLE 12  
MOTOR VEHICLES AND TRAFFIC

