

ORDINANCE NUMBER O- 20798 (NEW SERIES)

DATE OF FINAL PASSAGE MAR 29 2017

AN ORDINANCE AMENDING CHAPTER 8, ARTICLE 2,
DIVISION 0 OF THE SAN DIEGO MUNICIPAL CODE BY
AMENDING SECTION 82.16, AND REPEALING SECTION
82.21 AND SECTION 82.22, RELATING TO TRAFFIC
MOVEMENT AND CONTROL

WHEREAS, Chapter 8 of the San Diego Municipal Code (Municipal Code) governs traffic and vehicles; and

WHEREAS, Article 2 of the Municipal Code regulates traffic movement and control; and

WHEREAS, California Vehicle Code (Vehicle Code) section 21100 does not authorize local jurisdictions to adopt ordinances that establish violations addressing the same or similar conduct as the Vehicle Code; and

WHEREAS, Municipal Code section 82.16 makes it unlawful for drivers to make turning movements in violation of posted signs, conduct covered by Vehicle Code sections 22101(d) and 21461(a); and

WHEREAS, Municipal Code section 82.21 requires drivers to stop before entering or crossing any through highway and before entering or crossing any intersection designated as a stop intersection, conduct covered by Vehicle Code sections 22450(a) and 21804(a); and

WHEREAS, Municipal Code section 82.22 requires operators of any vehicle emerging from an alley, driveway or building, to stop such vehicle immediately prior to driving onto a sidewalk or into the sidewalk area extending across any driveway or alley, conduct covered by Vehicle Code section 21804(a); and

WHEREAS, a portion of Municipal Code section 82.16 is preempted by the Vehicle Code; and

WHEREAS, Municipal Code section 82.21 and section 82.22 are preempted in their entirety by the Vehicle Code; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter 8, Article 2, Division 0 of the San Diego Municipal Code is amended by amending section 82.16 to read as follows:

Article 2: Traffic Movement and Control

Division 0:

§82.16 Authority to Place Restricted Turn Signs

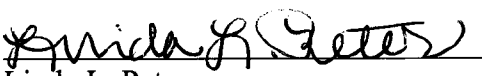
The City Manager is hereby authorized to determine those intersections at which it shall be unlawful for the operator of any vehicle to make a right, left, or U turn, and shall place appropriate signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours in which event the same shall be plainly indicated on the signs.

Section 2. That Chapter 8, Article 2, Division 0 of the San Diego Municipal Code is amended by repealing section 82.21 and section 82.22.

Section 3. That a full reading of this ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 4. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.


APPROVED: MARA W. ELLIOTT, City Attorney

By 
Linda L. Peter
Deputy City Attorney

LLP:jvg
January 9, 2017
Or.Dept: Police
Doc. No.: 1397830_3

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of MAR 21 2017.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 3/29/17
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on MAR 21 2017, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAR 29 2017

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By *Hy Beady*, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

MAR 07 2017, and on MAR 29 2017

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By *Hy Beady*, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 20798

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~
NEW LANGUAGE: Double Underline

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AMENDING SECTION 82.16, AND REPEALING SECTION
82.21 AND SECTION 82.22, RELATING TO TRAFFIC
MOVEMENT AND CONTROL

Article 2: Traffic Movement and Control

Division 0:

§82.16 Authority to Place ~~and Obedience to~~ Restricted Turn Signs

The City Manager is hereby authorized to determine those intersections at which it shall be unlawful for the operator of any vehicle to make a right, left, or U turn, and shall place appropriate signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours in which event the same shall be plainly indicated on the signs.

~~Whenever authorized signs are erected indicating that no right or left or U turn is permitted, it shall be unlawful for the operator of any vehicle to disobey the directions of any such sign.~~

§82.21 ~~Through Highway and Intersection Stops~~

~~Every driver of a vehicle or street car must stop such vehicle or street car before entering or crossing any through highway and before entering or crossing any intersection designated as a stop intersection at any entrance thereto designated as~~

~~a stop entrance. All such stops shall be made at the prolongation of the property line of such through highway or intersection or at such other place properly marked and designated as a "stop" location; provided, however, that no such stops need be made when traffic is signaled to proceed by any stop and go signal, or by a police officer.~~

~~§82.22 **Emerging from Alley or Private Driveway**~~

~~The operator of any vehicle emerging from an alley, driveway or building, shall stop such vehicle immediately prior to driving onto a sidewalk or into the sidewalk area extending across any driveway or alley.~~

LLP:jvg
January 9, 2017
Or.Dept:
Doc. No.: 1397865_3