

MEMORANDUM OF LAW

DATE: May 8, 1996

TO: Councilmember Barbara Warden, District 5
Councilmember Judy McCarty, District 7

FROM: City Attorney

SUBJECT: Authority to Regulate Turns at Black Mountain Road and
Capricorn Way

INTRODUCTION

Our office received route slips from each of your offices requesting an analysis of the City's ability to regulate turns at the intersection of Black Mountain Road and Capricorn Way. The City has installed signs indicating that right turns from southbound Black Mountain Road to Capricorn Way are prohibited Monday through Friday between 6 a.m. and 9 a.m. In addition, left turns from Capricorn Way to northbound Black Mountain Road are prohibited Monday through Friday between 3 p.m. and 6 p.m. Mr. William Barnick has apparently received tickets for making these illegal turns and has questioned the authority of the City to impose the restrictions.

ANALYSIS

Enclosed is a memorandum prepared by Karen Werve, a legal intern in our office, which we adopt as our response to your route slips. Ms. Werve concludes that the City has specific legislative authority, derived from the California Vehicle Code, to regulate turns at the intersection. In addition, the City has adopted the specific authority, codified in the Municipal Code, which authorizes the imposition of the restriction. Mr. Barnick, in his argument that the City does not have the authority to impose the restriction, cites to statutes and case law that are not applicable.

JOHN W. WITT, City Attorney

By
Leslie J. Girard
Chief Deputy City Attorney

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Enclosure
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