

ORDINANCE NO. 08-118

AN ORDINANCE OF THE CAPISTRANO BAY COMMUNITY SERVICES DISTRICT ESTABLISHING THE PRIMA FACIE SPEED LIMIT FOR BEACH ROAD AT 15 MILES PER HOUR.

THE BOARD OF DIRECTORS HEREBY ORDAINS AS FOLLOWS:

1. REPLACING OLD ORDINANCE

Ordinance No. 118 *and* No. 05-118 are hereby repealed.

2. STATEMENT OF POLICY AND NECESSITY

A. The Capistrano Bay District is a California Community Services District formed pursuant to Section 61000 et seq. of the California Government Code, empowered to exercise certain municipal governmental functions, including the care, maintenance and policing of its streets; and

B. Beach Road is a street not exceeding 25 feet in width and in certain areas as narrow as 12 feet, located entirely within the jurisdictional boundaries of the Capistrano Bay District and exclusively serving the residents therein; and

C. The absence of sidewalks in the community forces pedestrians to walk in the roadway; and

D. As a "local authority" as defined in Section 22358.3 of the California Vehicle Code (*Decrease on Narrow Street*), the District has caused engineering and traffic surveys to be conducted and as a result, the District makes a recommendation on the prima facie speed limit that is determined to be most appropriate, reasonable and safe.

3. ESTABLISHMENT OF A PRIMA FACIE SPEED LIMIT ON BEACH ROAD

The prima facie speed limit for Beach Road is hereby declared to be 15 miles per hour. Peace Officers, District employees empowered as Peace Officers and contract Security Officers of the Capistrano Bay District are, accordingly, hereby authorized and directed to enforce the aforesaid speed limit upon the erection of appropriate signs giving notice thereof.

4. EFFECTIVE DATE

This ordinance is an urgency ordinance and shall take effect immediately upon its passage. The continued restriction of speed limits on and along Beach Road is absolutely necessary for the preservation of the public health, safety and welfare of District residents; it is, moreover, inconvenient and ineffective to cause such enforcements to be made exclusively by the Police Officers of the City of Dana Point.

Passed, approved and adopted this 27th day of May, 2008 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Robert H. Bancroft, President
Capistrano Bay Community Services District

ATTEST:

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS
CAPISTRANO BAY DISTRICT)

(DISTRICT SEAL)

I, DONAL S. RUSSELL, hereby certify that the above foregoing is a true and correct copy of Ordinance No. 08-118 adopted by the Board of Directors of the Capistrano Bay District at a regular meeting held on May 27, 2008.

Donal S. Russell, Manager
Capistrano Bay Community Services District