

PUBLIC HEARING - AMENDMENT TO THE GARDEN GROVE MUNICIPAL CODE:
GENERAL UPDATE OF TITLE 10 AND TITLE 11, CHANGING OBSOLETE
REFERENCES AND CONFORMING LANGUAGE TO CURRENT CITY
ORGANIZATION AND TO RECENT STATE AND/OR FEDERAL LAWS (F: 50.2)

Staff report dated November 8, 2011, was introduced and reviewed by staff.

Mayor Dalton declared the Public Hearing open and asked if anyone wished to address the City Council on the matter.

There being no response from the audience, the Public Hearing was declared closed.

It was moved by Council Member Broadwater, seconded by Council Member Nguyen, and carried by unanimous vote that full reading of all Ordinances listed for consideration of adoption be waived.

ORDINANCE NO. 2804 was introduced for first reading and the title read in full, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AMENDING TITLES 10 AND 11 OF THE GARDEN GROVE MUNICIPAL CODE TO REMOVE OBSOLETE REFERENCES, TO CONFORM REFERENCES TO CURRENT CITY ORGANIZATION AND PRACTICES, TO MAKE CONSISTENT WITH RECENT CHANGES IN STATE AND FEDERAL LAWS, AND TO MAKE OTHER NON-SUBSTANTIVE CHANGES

Following the reading of the Ordinance title, it was moved by Council Member Nguyen, seconded by Council Member Beard, and carried by unanimous vote that Ordinance No. 2804 be and hereby is passed to second reading.

City of Garden Grove
INTER-DEPARTMENT MEMORANDUM

To:	Matthew J. Fertal	From:	John D.R. Clark
Dept:	City Manager	Dept:	Human Resources
Subj:	REVISION OF MUNICIPAL CODE: TITLES 10 & 11	Date:	November 8, 2011

OBJECTIVE:

To secure City Council approval of an ordinance revising Titles 10 & 11 of the Municipal Code, pursuant to staff's omnibus revision of the code.

BACKGROUND:

As indicated in the City Council Study Session on August 23rd, 2011, staff from the City Clerk's Office and the City Attorney's Office are reviewing and revising the entire Municipal Code, a task last done in 1969. In the intervening 42 years, a great many statutory and organizational references have become out-of-date. Additionally, there are some instances when operational processes have changed, or where greater efficiency and efficacy would suggest process changes.

DISCUSSION: TITLES 10 & 11

Title 10 is the "Traffic & Safety" part of the code; Title 11 regulates "Public Property." These titles are used mostly by the Public Works Department and the Police Department. Title 10 contains only cleanup items; Title 11 eliminates antiquated practice references and contains other additions and updates.

In Title 10, references to "City Engineer" have been replaced with "City Traffic Engineer." Obsolete state government references (e.g., "Division of Highways") have been changed to California Department of Transportation. References to Garden Grove's old Development Services Department have been changed to "City." Handicapped parking has been redefined to include all persons displaying a disabled person placard issued by the state, not just "disabled veterans," the term in use in the 1960's.

As with Title 10, in Title 11 obsolete state government references (e.g., "Division of Highways") have been changed to California Department of Transportation and references to Garden Grove's old Development Services Department have been changed to "City." The revision deletes § 11.04.050, which made the City the repository of all underground utility information, something the City has never done and is beyond its capacity; instead, all excavators are required through the permit

process to secure underground utility information from all relevant providers. The provision in § 11.04.290 (d) that relates to temporary sidewalks during excavation/construction increases the minimum width to 48", consistent with the Americans with Disabilities Act.

This revision also deletes §11.12.090, which allows persons to "...drive any wagon or vehicle over, along or across any cement or other improved sidewalk or curb, unless planking is laid thereon in such a manner as to protect such sidewalk or curb..." While we do not often have wagons being driven across sidewalks, it is relatively common for RV owners to use planking to pull their vehicles up over the curb and sidewalk into a front or side yard. The attached revision would delete this as an allowed practice.

Lastly, a new section, §11.12.320, is added to allow the Public Works Director, with the City Manager's approval, to allow non-conforming constructs in the public right-of-way when removal would be "...detrimental in keeping with the existing character of the neighborhood." Examples might include allowing a very old tree, a statue, or landscape feature like a fountain to remain in the right-of-way if it can be accommodated safely.

FINANCIAL IMPACT:

None.

RECOMMENDED ACTIONS:

- Conduct the public hearing; and
- Introduce and conduct the first reading of the attached Ordinance amending Titles 10 & 11 of the Garden Grove Municipal Code.




KATHY BAILOR, CMC
City Clerk



JOHN D.R. CLARK
Human Resources Director

Attachment: Proposed ordinance
"Redline" version of Titles 10 & 11

Approved for Agenda Listing



Matthew Fertal
City Manager

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AMENDING TITLES 10 AND 11 OF THE GARDEN GROVE MUNICIPAL CODE TO REMOVE OBSOLETE REFERENCES, TO CONFORM REFERENCES TO CURRENT CITY ORGANIZATION AND PRACTICES, TO MAKE CONSISTENT WITH RECENT CHANGES IN STATE AND FEDERAL LAWS, AND TO MAKE OTHER NON-SUBSTANTIVE CHANGES

City Attorney's Summary

This Ordinance amends Titles 10 and 11 of the Garden Grove Municipal Code to remove obsolete references, to conform references to current City organization and practices, to make consistent with recent changes in state and federal laws, and to make other non-substantive changes.

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE HEREBY FINDS AND DETERMINES AS FOLLOWS:

WHEREAS, the City of Garden Grove proposes amendments to Titles 10 and 11 of the Garden Grove Municipal Code to remove obsolete references, to conform references to current city organization and practices, to make consistent with recent changes in state and federal law, and to make other non-substantive changes;

WHEREAS, pursuant to a legal notice, a Public Hearing was scheduled on November 8, 2011, conducted by the City Council and all interested persons were given an opportunity to be heard; and

WHEREAS, the City Council gave due and careful consideration to the matter.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Code Amendment. Title 10 of the Garden Grove Municipal Code is hereby amended as shown in Exhibit "A" (new text in color/underline; deleted text in color/strikeout).

Section 2. Code Amendment. Title 11 of the Garden Grove Municipal Code is hereby amended as shown in Exhibit "B" (new text in color/underline; deleted text in color/strikeout).

Section 3. Severability. If any section, subsection, subdivision, sentence, clause, phrase, word, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, word, or portion thereof,

irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, words or portions thereof be declared invalid or unconstitutional.

Section 4. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after adoption.