

ORDINANCE NO. 3061-15

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY  
OF SUNNYVALE AMENDING CERTAIN SECTIONS OF  
CHAPTER 10.04 (GENERAL PROVISIONS) OF TITLE 10  
(VEHICLES AND TRAFFIC)

WHEREAS, the City of Sunnyvale desires to amend certain sections of Chapter 10.04 (General Provisions) to the Sunnyvale Municipal Code Title 10 (Vehicles and Traffic).

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES ORDAIN AS FOLLOWS:

SECTION 1. SECTION 10.04.090 AMENDED. Section 10.04.090 of Chapter 10.04 (General Provisions) of Title 10 (Vehicles and Traffic) of the Sunnyvale Municipal Code is hereby amended as follows:

**10.04.090. Traffic direction by unauthorized person prohibited.**

No person other than an officer of the public safety department or a person deputized by the director of public safety, or other person authorized by law, including but not limited to certain trained employees of the department of public works and the department of environmental services, as referenced in Section 10.04.092, shall direct or attempt to direct traffic by voice, hand or other signal, except that persons may operate when and as herein provided any mechanical pushbutton signal erected by order of the city traffic engineer.

SECTION 2. SECTION 10.04.092 AMENDED. Section 10.04.092 of Chapter 10.04 (General Provisions) of Title 10 (Vehicles and Traffic) of the Sunnyvale Municipal Code is hereby amended as follows:

**10.04.092. Emergency traffic direction by public works and department of environmental services employees.**

Provided that employees of the department of public works and employees of the department of environmental services meet the following qualifications set forth below, they shall be authorized to regulate traffic at the scene of an accident or other disaster, or in the event that any official traffic control device is disabled or otherwise inoperable, or in cases of other emergencies, until a public safety officer or other person authorized by Section 10.04.090 is able to come to the scene and take over the direction of traffic:

(a) The public works or environmental services employee shall have completed a course of training for traffic control, which course of training has received the written approval of the director of public safety;

(b) The public works or environmental services employee is driving, at the time he or she arrives at, or is sent to, the scene of the accident, disaster, or

inoperative traffic signal or device, a vehicle equipped with two way radio and with flashing emergency lights.

SECTION 3. CEQA EXEMPTION. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment.

SECTION 4. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision or decisions 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, sentence, clause and phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause or phrase be declared invalid.

SECTION 5. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 6. POSTING AND PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication of a notice once in The Sun, the official newspaper for publication of legal notices of the City of Sunnyvale, setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held on September 15, 2015, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on \_\_\_\_\_, 2015, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:  
RECUSAL:

ATTEST:

APPROVED:

\_\_\_\_\_  
City Clerk  
Date of Attestation: \_\_\_\_\_  
(SEAL)

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney