

RESOLUTION NO. 94- 124

**A RESOLUTION OF THE CITY OF EMERYVILLE CITY COUNCIL APPLYING
THE VEHICLE CODE TO PRIVATELY OWNED ROADS WITHIN THE
CITY OF EMERYVILLE**

WHEREAS, California Vehicle Code Section 21107.7 enables the City of Emeryville to provide its Police Department with the power to enforce the California Vehicle Code on privately owned roads not open to public use; and

WHEREAS, the Boards of Directors of the Watergate Community Association and Emery Bay Village Homeowner's Association, who are responsible for maintaining the private roads, have requested that the City empower the Emeryville Police Department to enforce the Vehicle Code on the private roads within the Watergate Community and Emery Bay Village; and

WHEREAS, pursuant to its duties under Chapter 9 of title 4, the Traffic Committee has considered the adoption of legislation empowering the Emeryville Police Department to enforce the Vehicle Code in the Watergate Condominiums and Emery Bay Village and has recommended that the City Council adopt such a resolution; and

WHEREAS, as required by Vehicle Code Section 21107.7(c), the owners in these developments were provided ten days prior written notice of the public hearing regarding adoption of such legislation; now, therefore, be it

RESOLVED, that the City Council of the City of Emeryville hereby finds and declares that by reason of the proximity of the private roads described below to public highways, the interests of the residents along the private roads and the motoring public will best be served by application of the Vehicle Code to those private roads.

- a. Captain Drive, Commodore Drive, Anchor Drive, Admiral Drive, and all access roads in the Watergate Community;
- b. Emery Bay Drive, Temescal Circle and all access roads in the Emery Bay Village Community;

and, be it

FURTHER RESOLVED, that the California Vehicle Code shall, upon the adoption of this resolution, apply to the privately owned roads listed above, and the City of Emeryville, through its Police Department, shall be empowered to enforce the Vehicle Code on such roads; and be it

FURTHER RESOLVED, that notwithstanding the provisions above, such provisions shall not apply

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to the privately owned roads listed above, unless and until the homeowner's associations of the above developments erect signs at the entrances to the roads of a size, shape, and color as to be readily legible during daylight hours from a distance of 100 feet, to the effect that the road is subject to the provisions of the Vehicle Code.

ADOPTED at a regular meeting of the City of Emeryville City Council held on Tuesday, July 19, 1994 by the following vote:

AYES: (5) Mayor Bukowski, Vice Mayor Davis, Councilmembers Harper, Kassis, Savage

NOES: (0) None

ABSENT: None

EXCUSED: None

ABSTAINED: None


MAYOR

ATTEST:

APPROVED AS TO FORM:


CITY CLERK


CITY ATTORNEY