

**CITY OF CHOWCHILLA ORDINANCE NO. 459-11**

**AN URGENCY ORDINANCE OF THE CITY OF CHOWCHILLA, CALIFORNIA,  
EXTENDING UNTIL JUNE 23, 2012, A TEMPORARY MORATORIUM ON THE  
PLACING OF INTRASTATE PASSENGER RAILWAYS AND RELATED EQUIPMENT  
IN, ALONG, ACROSS, UPON, UNDER, AND OVER THE PUBLIC STREETS AND  
OTHER PLACES WITHIN THE CITY, WHICH WAS ADOPTED ON JULY 25, 2011**

**WHEREAS**, on July 25, 2011, the City Council adopted Urgency Ordinance No. 458-11, establishing an emergency 45 day moratorium on the placing of intrastate passenger railways and related equipment in, along, across, upon, under, and over the public streets and other places within the City; and

**WHEREAS**, the 45-day moratorium would expire on September 8, 2011, at which time the City Council will not have held a subsequent meeting; and

**WHEREAS**, the conditions which existed giving rise to the initial Ordinance would still exist, and staff will not have had the opportunity to bring forward a permanent ordinance regulating the construction of high speed railway with the City limits; and

**WHEREAS**, due notice of the hearing and the findings of the City Council have been published as required by law;

**NOW, THEREFORE**, the City Council of the City of Chowchilla does ordain as follows:

1. The above recitals, and the recitals set forth in Ordinance number 458-11 are true and correct.
2. The City Council finds and determines that the adoption of this ordinance is exempt from CEQA under sections 15061(b)(3), 15307, 15308, and/or 15183 of the State CEQA guidelines.
3. All provisions of Ordinance except section 14, limiting the Ordinance to September 8, 2011 shall remaining full force and effect during the extended term of this moratorium. Section 14 of ordinance number 458-11 is revised to reflect the new expiration date of the moratorium, which is June 23, 2012.
4. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance, which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable. The City Council hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof.
5. This Ordinance is effective immediately upon adoption.

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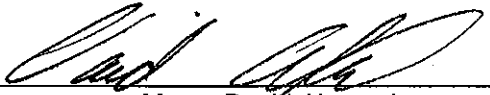
**PASSED AND ADOPTED** by the City Council of the City of Chowchilla at a regular meeting held on the 8<sup>th</sup> day of August 2011 by the following vote to wit:

**AYES: 5 - KOPSHEVER, HEBERT, ALEXANDER, JACKSON, HAWORTH**


**NOES: 0**

**ABSTAINS: 0**

**ABSENT: 0**

  
\_\_\_\_\_  
Mayor David Alexander

ATTEST:

  
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Cindy Black, Chief Deputy City Clerk  
**MARK LEGG**