

ORDINANCE NO. _____

**AN URGENCY ORDINANCE OF THE CITY
COUNCIL OF THE CITY OF MERCED,
CALIFORNIA, EXTENDING FOR A PERIOD OF
TEN MONTHS AND FIFTEEN DAYS, PURSUANT
TO CALIFORNIA GOVERNMENT CODE
SECTION 65858, A TEMPORARY MORATORIUM
ON STREET CLOSURES**

WHEREAS, *California Government Code Section 65858* authorizes a city to extend an interim urgency notice for a period of ten (10) months and fifteen (15) days after a noticed public hearing as an urgency measure to protect the public health, safety, and welfare related to general plan, specific plan or zoning proposals being considered or studied within a reasonable time; and

WHEREAS, on April 20, 2026, the City adopted Urgency Ordinance Number 2590 to implement a temporary moratorium on the approval, issuance, processing, or appeal of street closure encroachment permits under Merced Municipal Code Section 12.42, except as provided in Urgency Ordinance Number 2590 pursuant to *California Government Code Section 65858*; and

WHEREAS, unless an extension to the moratorium adopted by Urgency Ordinance Number 2590 is adopted, the moratorium will terminate on June 4, 2026, and no new moratorium on this matter may thereafter be enacted; and

WHEREAS, on May 18, 2026, the City Council held a duly noticed public hearing to consider the adoption of this Urgency Ordinance to extend the moratorium for a period of ten (10) months and fifteen (15) days, in accordance with the City Charter and *California Government Code Section 65858*. The City Council considered all written and oral comments offered; and

WHEREAS, at least ten (10) days prior to the adoption of this Ordinance, the City Council caused to be issued on its behalf a written report detailing the measures taken to alleviate the conditions which led to the adoption of Urgency Ordinance 2590; and

WHEREAS, the current regulatory structure does not distinguish between parades, community events, and private uses of the public right-of-way, resulting in administrative inefficiencies and inconsistent application; and

WHEREAS, the lack of a coordinated framework creates a risk of overlapping closures that may impair traffic circulation, limit emergency vehicle access, and strain public safety resources; and

WHEREAS, continued approval or denial of requests under the existing framework would result in unsafe concentrations of closures or arbitrary decision-making; and

WHEREAS, the prior inconsistent enforcement combined with unclear standards may expose the City to potential claims of unequal or arbitrary treatment; and

WHEREAS, these conditions constitute a current and immediate threat to the public health, safety, and welfare by impairing safe and coordinated use of the public right-of-way; and

WHEREAS, the City is studying ordinance revisions to create a comprehensive framework distinguishing types of street closures and implementing clear scheduling and safety standards; and

WHEREAS, additional time is needed to complete that work, and pending completion of that work, it is necessary to temporarily limit new street closures while allowing narrowly defined administrative exceptions; and

WHEREAS, this ordinance is adopted as an urgency measure and shall take effect immediately.

THE CITY COUNCIL OF THE CITY OF MERCED DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council declares this ordinance necessary for the immediate preservation of public health, safety, and welfare.

SECTION 2. The moratorium imposed on the approval, issuance, processing, or appeal of street closure encroachment permits under Merced Municipal Code Section 12.42, except as provided in Urgency Ordinance 2590, is extended for a period of ten (10) months and fifteen (15) days, commencing on May 18, 2026 and expiring, unless sooner extended or repealed, on April 2, 2027.

SECTION 3. This ordinance applies citywide except as otherwise provided.

SECTION 4. This ordinance shall be in effect for ten (10) months and fifteen (15) days, unless sooner extended or repealed.

SECTION 5. The City shall study impacts and develop regulatory amendments during this moratorium.

SECTION 6. This ordinance may be extended consistent with Government Code Section 65858.

SECTION 7. If any portion is invalid, remaining portions remain effective.

SECTION 8. This ordinance takes effect immediately upon a four-fifths vote.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Merced on the ____ day of _____, 2026, and was passed and adopted at a regular meeting of said City Council held on the ____ day of _____, 2026, by the following called vote:

AYES: Council Members:

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

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APPROVED:
MATTHEW SERRATTO, MAYOR

Mayor

ATTEST:
D. SCOTT MCBRIDE, CITY CLERK

BY: _____
Assistant/Deputy City Clerk

(SEAL)

APPROVED AS TO FORM:
CRAIG J. CORNWELL, CITY ATTORNEY

Craig Cornwell 5-7-2026
City Attorney Date