

**ORDINANCE NO. \_\_\_\_\_**

**AN URGENCY ORDINANCE OF THE CITY  
COUNCIL OF THE CITY OF MERCED,  
CALIFORNIA, ESTABLISHING A TEMPORARY  
MORATORIUM ON STREET CLOSURES,  
PURSUANT TO CALIFORNIA GOVERNMENT  
CODE SECTION 65858**

WHEREAS, *California Government Code Section 65858* authorizes a city to adopt an interim ordinance as an urgency measure to protect the public health, safety, and welfare related to general plan, specific plan or zoning code proposals being considered or studied within a reasonable time; and

WHEREAS, the City regulates temporary street closures through provisions in its Merced Municipal Code and related policies, including a requirement that no new street closure request be considered within sixty (60) days of a prior authorization; and

WHEREAS, in recent months, the City's enforcement of these provisions, revealed the inconsistencies and gaps in the regulatory framework governing street closures; 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, 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.**

A moratorium is hereby imposed on the approval, issuance, processing, or appeal of street closure encroachment permits under Merced Municipal Code Section 12.42, except as provided in this ordinance.

**SECTION 3.**

Notwithstanding the moratorium established in Section 2, the City Manager or designee may administratively approve certain street closure encroachment permits upon making written findings that the approval is consistent with the purpose of this ordinance and will not result in the conditions this ordinance seeks to prevent.

Administrative approvals under this section shall be limited to applications that meet all the following criteria:

A. No Material Adverse Impact.

The proposed street closure will not impair traffic circulation, emergency vehicle access, or public safety operations, and will not create conditions that would adversely affect the safe and coordinated use of the public right-of-way.

B. Spacing and Concentration Controls.

The proposed closure will not occur within 30 days of another street closure in the same or adjacent area unless the City Manager makes a written determination that sufficient spacing exists to avoid an excessive concentration or cumulative impacts.

C. Operational Feasibility.

The proposed closure can be accommodated within existing City staffing, traffic control capacity, and public safety resources without creating strain on City operations by requiring extraordinary measures or reallocation of critical services.

D. Staff Review.

The closure has been reviewed and approved by the City's Planning, Police, Fire, Engineering and Public Works Divisions, including verification of emergency access and traffic control measures.

E. Written Determination.

Each administrative approval shall include written findings demonstrating compliance with this section and consistency with the public health, safety, and welfare.

SECTION 4.

This ordinance applies citywide except as otherwise provided.

SECTION 5.

This ordinance shall be in effect for forty-five (45) days unless extended.

SECTION 6.

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

SECTION 7.

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

SECTION 8.

If any portion is invalid, remaining portions remain effective.

SECTION 9.

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:

APPROVED:  
MATTHEW SERRATTO, MAYOR

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Mayor

ATTEST:  
D. SCOTT MCBRIDE, CITY CLERK

BY: \_\_\_\_\_  
Assistant/Deputy City Clerk

(SEAL)

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

Craig Cornwell 4-14-2026  
City Attorney Date