

ORDINANCE NO. 4346

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING CHAPTER 58 ("TRAFFIC AND VEHICLES"), ARTICLE V ("VEHICLE SIZE, WEIGHT AND LOAD"), DIVISION 2 ("TRUCK ROUTES") OF THE POMONA CITY CODE TO ADD SECTION 58-296 ("COMMERCIAL VEHICLE ENFORCEMENT-ADMINISTRATIVE FINES")

WHEREAS, the City of Pomona has received complaints regarding the driving and stopping of commercial vehicles (*Sec. 58-301*) on residential and other City streets.

WHEREAS, the operation of commercial vehicles on public streets creates a safety hazard for both motorists and pedestrians as these tend to block lines of sight, impair motorist and pedestrian visibility, and reduce the travel widths along City streets.

WHEREAS, the driving and stopping of commercial vehicles degrades the aesthetic appearances of the City's streetscape.

WHEREAS, the operation of commercial vehicles cost the City of Pomona thousands of dollars in damage to City maintained roadways and highways.

WHEREAS, California Vehicle Code section 35701 provides any city may by ordinance prohibit the use of a street by any commercial vehicle or any vehicle exceeding a maximum gross weight. Local municipalities have the authority to enact motor carrier restrictions based only upon safety concerns, size and weight restrictions.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Pomona as follows:

SECTION 1. The recitals above are true and correct and are hereby incorporated herein by this reference.

SECTION 2. Add to Chapter 58, Article V, Division 2 of the Pomona City Code a new Section 58-296 titled "Commercial Vehicle Enforcement - Administrative Fines," to read in its entirety as follows:

Sec. 58-296 – Commercial Vehicle Enforcement - Administrative Fines.

- (a) The amount of administrative fines shall be determined by resolution of the city council, which shall include penalty charges for late payments and increased fines for repeated violations as authorized per California Government Code 53069.4. The fine amounts for infractions set forth in other sections of this Code shall not apply to this division and shall in no way limit the amounts which may be imposed for administrative fines.

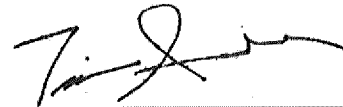
(b) The Chief of Police or his or her designee, upon determining a violation of this Division, may issue an administrative citation to the responsible party of a large commercial vehicle operating on City roadways or highways *not* designated as a "Truck Route."

SECTION 3. Severability. If any section, subsection, sentence, clause, phase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision 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, subdivision, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases or portions might subsequently be declared invalid or unconstitutional.

SECTION 4. Effective Date. The City Clerk shall attest and certify to the passage and adoption of this Ordinance, and shall cause same to be posted as required by law and this Ordinance shall take effect thirty (30) days after its final adoption.

PASSED, APPROVED AND ADOPTED this 16th day of September, 2024.

CITY OF POMONA:



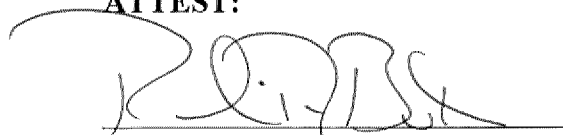
Tim Sandoval
Mayor

APPROVED AS TO FORM:



Sonia Carvalho
City Attorney

ATTEST:




Rosalia A. Butler, MMC
City Clerk

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF POMONA

I, DIANA ROBLES, DEPUTY CITY CLERK of the City of Pomona do hereby certify that the foregoing Ordinance was introduced for first reading at a regular meeting of the City Council of the City of Pomona held on September 9, 2024 and was adopted at second reading at a regular meeting of the City Council of the City of Pomona held on September 16, 2024, by the following vote:

| | |
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| AYES: | Garcia, Lustro, Nolte, Ontiveros-Cole, Preciado, Sandoval |
| NOES: | None |
| ABSENT: | Torres |
| ABSTAIN: | None |



Diana Robles
Deputy City Clerk