

ORDINANCE NO. 360

AN ORDINANCE OF THE CITY OF CHINO HILLS, ADDING CHAPTER 10.36 TO IMPOSE VEHICLE WEIGHT LIMITATIONS ON CITY ROADS AND SUPERSEDE PRIOR PROHIBITION, AND DETERMINE THAT THE ORDINANCE IS EXEMPT FROM REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS California Vehicle Code § 35701 authorizes local authorities to prohibit the use of a street by any commercial vehicle or by any vehicle exceeding a maximum gross weight limit on streets and highways within the local authority's jurisdiction, with certain exceptions; and

WHEREAS, the City of Chino Hills desires to impose weight limits on roads within the City in order to preserve the roadways and reduce maintenance costs; and

WHEREAS, adoption of this Ordinance is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., "CEQA") and CEQA Guidelines (Title 14 California Code of Regulations §§ 15000, et seq.), because it does not involve any commitment to a specific project which could result in a potentially significant physical impact on the environment; and, constitutes an organizational or administrative activity that will not result in direct or indirect physical changes in the environment. Accordingly, this action does not constitute a "project" that requires environmental review (see specifically 14 CCR § 15378(b)(4-5)).

THE CITY COUNCIL OF THE CITY OF CHINO HILLS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Chapter 10.36 is added to the Chino Hills Municipal Code to read as follows:

**CHAPTER 10.36 – VEHICLE WEIGHT LIMITATIONS**

**Section 10.36.010 - Vehicle Weight Limitations.**

- A. Except as provided in subsection C below, or as otherwise provided by law, vehicles which exceed a maximum gross weight of five tons shall not be operated within the City of Chino Hills.
- B. Prior to the enforcement of the prohibition in this Section, all entrances to the City from routes where vehicles over five tons are permitted shall be posted with signs indicating that trucks over five tons are prohibited.
- C. Exceptions.

1. Nothing in this section shall prohibit vehicles from driving on state highways which are included in the National System of Interstate and Defense Highways.
2. Nothing in this section shall prohibit the ingress and egress by vehicles from permitted routes onto a city street when necessary for the purpose of making pickups or deliveries of goods, wares and merchandise from or to any building or structure located on a city street, or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling or construction of any building or structure upon a city street for which a building permit has previously been obtained.
3. The provisions of this section shall not apply to vehicles subject to Sections 1031 to 1036, inclusive, of the Public Utilities Code.
4. The provisions of this section shall not apply to any city licensed refuse hauling vehicles while picking up refuse, waste, or garbage pursuant to such license.
5. The provisions of this section shall not apply to school buses or buses transporting persons engaged in any type of authorized school activity.

**10.36.020 - Violation - Penalty.**

Any person violating Section 10.36.010 of this chapter is guilty of an infraction and shall be punishable by a fine in the amount established by state law pursuant to California Vehicle Code Section 42001, any successor provision or other applicable provision.

**SECTION 2. Inconsistencies.** Upon the effective date of this Ordinance, the provisions hereof shall supersede any inconsistent or conflicting provisions of the San Bernardino County Code as the same were adopted by reference by City Ordinance Nos. 91-01 and 92-02, including, but not limited to San Bernardino County Code section 53.092 which is expressly repealed. Any provision of the Chino Hills Municipal Code (CHMC) or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

**SECTION 3. Interpretation.** This Ordinance must be broadly construed in order to achieve the purposes stated in this Ordinance. It is the City Council's intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

**SECTION 4. Effect of Repeal.** Repeal of any provision of the CHMC does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance's effective date.

Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 5. Effect of Invalidation. If this Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of the CHMC or other City Ordinance by this Ordinance will be rendered void and cause such previous CHMC provision or other City Ordinance to remain in full force and effect for all purposes.

SECTION 6. Preservation. Repeal or amendment of any previous Code Sections does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 7. Severability. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 8. Certification. The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Chino Hills' book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 9. Effective Date. This Ordinance will take effect on the 30th day following its final passage and adoption.

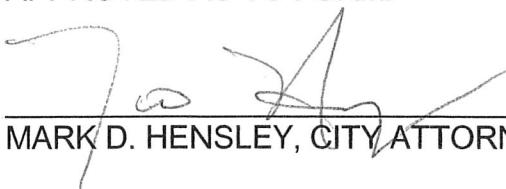
PASSED, APPROVED, AND ADOPTED this 11th day of August, 2020.

  
ART BENNETT, MAYOR

ATTEST:

  
CHERYL BALZ, CITY CLERK

APPROVED AS TO FORM:

  
MARK D. HENSLEY, CITY ATTORNEY

STATE OF CALIFORNIA )  
COUNTY OF SAN BERNARDINO ) ss  
CITY OF CHINO HILLS )

I, CHERYL BALZ, City Clerk of the City of Chino Hills, DO HEREBY CERTIFY that Ordinance No. 360 was duly introduced at a regular meeting held July 14, 2020; and adopted at a regular meeting of the City Council held on the 11th of August, 2020 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS: BENNETT, JOHSZ, MARQUEZ, MORAN,  
ROGERS

NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: NONE

I, CHERYL BALZ, City Clerk of the City of Chino Hills further certify that summaries of the Ordinance were published on August 1, 2020 and August 15, 2020 in the Chino Hills Champion newspaper.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Chino Hills, California, this 12th day of August, 2020.

  
\_\_\_\_\_  
CHERYL BALZ, CITY CLERK