ORDINANCE NO. 3231

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING SECTIONS 4-6.1009 AND 4-6.1016 OF ARTICLE 10 OF CHAPTER 6 OF TITLE 4 OF THE ONTARIO MUNICIPAL CODE, ADDING SECTION 4-6.1117 TO ARTICLE 1 of CHAPTER 6 OF TITLE 4 OF THE ONTARIO MUNICIPAL CODE, AND ADDING SECTION 4-6.1020 TO ARTICLE 10 OF CHAPTER 6 OF TITLE 4 OF THE ONTARIO MUNICIPAL CODE ADOPTING STANDARDS FOR OVERSIZED VEHICLE PARKING AND FURTHER REGULATING COMMERCIAL VEHICLES.

WHEREAS, California Vehicle Code Section 22507 authorizes the City of Ontario ("City") to restrict or prohibit the stopping, parking, or standing of vehicles on local streets during all or certain hours of the day; and

WHEREAS, the general provisions governing stopping, standing, or parking for certain purposes or in certain places within the City are set forth in Article 10 of Chapter 6 of Title 4 of the Ontario Municipal Code; and

WHEREAS, the Police Department has received numerous complaints about the parking of commercial vehicles within the City's jurisdiction, including along designated truck routes; and

WHEREAS, the Police Department has found that the current regulations related to commercial vehicle parking have not been effective at addressing the parking of commercial vehicles along the City streets; and

WHEREAS, the Ontario Municipal Code also does not specifically address oversized vehicle parking on public streets; and

WHEREAS, the Ontario Municipal Code does generally regulate vehicle parking on public streets in Section 4-6.1011, which states that "[n]o person who owns or has possession, custody, or control of any vehicle shall park such vehicle upon any street, alley, or City-owned parking lot or parking facility for a period of seventy-two (72) or more consecutive hours"; and

WHEREAS, the Police Department has found that this regulation has not been effective at addressing oversized vehicle parking because a vehicle owner may move the vehicle and then re-park near the same area, thereby evading the restriction; and

WHEREAS, the City wishes to amend the Ontario Municipal Code to address the parking of commercial vehicles alongside City streets and establish standards for oversized vehicle parking as well as a process to impose such restrictions; and

WHEREAS, all other legal prerequisites to the adoption of this Ordinance have occurred.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ONTARIO DOES ORDAIN AS FOLLOWS:

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

SECTION 2. Section 4-6.117. Commercial Vehicles is hereby added to the Ontario Municipal Code, to read, as follows:

"Sec.4-6.117. Commercial Vehicles

"Commercial Vehicle" shall have the same meaning as defined in Section 260 of the California Vehicle Code."

SECTION 3. Section 4-6.1009(c) of the Ontario Municipal Code is hereby amended to state, in full, as follows:

"(c) In industrial zones, it shall be unlawful for the owner or driver of any commercial vehicle, truck tractor and semitrailer or truck tractor exceeding a gross weight of five (5) tons to allow such vehicle, truck tractor and semitrailer or truck tractor to remain standing upon any street, alley or avenue."

SECTION 4. Section 4-6.1009(d) of the Ontario Municipal Code is hereby amended to state, in full, as follows:

"(d) On designated truck routes, it shall be unlawful for the owner or driver or any commercial vehicle, truck tractor and semitrailer or truck tractor exceeding a gross weight of five (5) tons to allow such vehicle, truck tractor and semitrailer or truck tractor to remain standing upon said designated truck route."

SECTION 5. Section 4-6.1009(e) of the Ontario Municipal Code is hereby amended to state, in full, as follows:

"(e) The operator of any commercial vehicle of legal weight may park said vehicle:

(1) While making pickups or deliveries of goods, wares and merchandise from or to any building or structure, 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 for which a building permit has previously been obtained therefor; or

(2) When such vehicle is parked in connection with and in aid of the performance of a service to or on a property in the block in which said vehicle is parked.

(3) When such vehicle is experiencing mechanical difficulties and the operator is waiting for roadside assistance to address such difficulties."

SECTION 6. Section 4-6.1009(h) of the Ontario Municipal Code is hereby amended to state, in full, as follows:

"(h) Within residential zoning districts and residential land use districts of specific plans, it is unlawful for the driver, owner, or operator or any large commercial vehicle to park, or cause to be parked, such vehicles on a public street or alley except:

(1) In connection with, and in aid to, the performance of a service on a property adjacent to where the large commercial vehicle is parked;

(2) While loading and unloading goods, and the large commercial vehicle is allowed to remain parked until such work is completed;

For the purposes of this subsection, the term "large commercial vehicle" shall include, but not be limited to, large commercial vehicles, trailers, motor trucks, semi-trailers, or other large portable commercial equipment that exceeds a width of eighty (80) inches, or exceeds a height of seven (7) feet, or exceeds a length of twenty-five (25) feet."

SECTION 7. Section 4-6.1016. Removal of vehicles of the Ontario Municipal Code is hereby amended to state, in full, as follows:

"Sec. 4-6.1016. Removal of vehicles.

In the event of the violation of the provisions of § 4-6.309 of Article 3, §§ 4-6.1003 through 4-6.1005, 4-6.1007, 4-6.1009, 4-6.1011, 4-6.1014 and 4-6.1020 of Article 10, § 4-6.1108 of Article 11, and §§ 4-6.1204 and 4-6.1207 of Article 12 of this chapter, the Police Department is hereby authorized to have the violating vehicles towed away and stored, and the owner, driver, or other person with a right of possession of the vehicle shall pay all lawful charges before the vehicle is returned, in addition to any fine or penalty imposed by the City by citation as well as any bail or fine imposed by the courts for the citation of the violation."

SECTION 8. Section 4-6.1020. Oversized Vehicle Parking is hereby added to the Ontario Municipal Code, to read, as follows:

"Sec. 4-6.1020. Oversized vehicle parking

(a) Prohibition on Public Streets

No person shall park, or leave standing on any public street, alley or right of way in the city any oversized vehicle without properly displaying a valid oversized vehicle temporary parking permit.

(b) Definitions

(1) Oversized Vehicle: Any vehicle, whether motorized or nonmotorized, that exceeds twenty feet (20') in length, or eighty inches (80") in width or seventy eight inches (78") in height or that weighs more than six thousand (6,000) pounds (gross

vehicle weight). Any extension caused by any mirror or any accessory attached to such vehicle shall be considered part of the measured distance.

Notwithstanding the length, width, and height requirements for an oversized vehicle, the following vehicles shall also be considered oversized vehicles subject to the prohibitions contained in Section 4-6.1020(a) of this article:

(i) Buses as defined in the California Vehicle Code;

(ii) Trailers, including boat trailers, and semitrailers, as these are defined in the California Vehicle Code, and standalone boats not connected to trailers;

(iii) Trailer coaches as defined in the California Vehicle Code; and

(iv) Recreational vehicles as defined in this article.

(2) Recreational Vehicle: A motor home, slide-in camper, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation for recreational or emergency occupancy. Recreational vehicle shall also include:

(i) Camping Trailer: A vehicular portable unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold at the campsite and designed for human habitation for recreational or emergency occupancy;

(ii) Motor Home: A vehicular unit built on or permanently attached to a self-propelled motor vehicle chassis, chassis cab or van, which becomes an integral part of the completed vehicle, designed for human habitation for recreational or emergency occupancy;

(iii) Slide-In Camper: A portable unit, consisting of a roof, floor and sides, designed to be loaded onto and unloaded from the bed of a pickup truck, and designed for human habitation for recreational or emergency occupancy and shall include a truck camper;

(iv) Travel Trailer: A portable unit, mounted on wheels, of such a size and weight as not to require special highway movement permits when drawn by a motor vehicle and for human habitation for recreational or emergency occupancy.

(c) Exemptions

The provisions of Section 4-6.1020(a) of this article shall not apply to any of the following:

(1) Any commercial vehicles. The parking of commercial vehicles shall be controlled by Section 4-6.1009 of Article 10 of Chapter 6 of Title 4 of the Ontario Municipal Code.

(2) Any ambulance, paramedic or public safety vehicle involved in responding to an emergency.

(3) Any vehicle being repaired under emergency conditions for less than eight (8) hours. For purposes of this section "emergency repairs" shall mean sudden and unexpected repairs occurring during transport of the vehicle.

(4) Any vehicle belonging to federal, state or local authorities while conducting official government business.

(5) Any vehicle displaying a valid permit issued pursuant to Sections 4-6.1020(d) and (e) of this article.

(d) Temporary Parking Permits

The License Official, or his or her designee, shall issue a temporary parking permit to any resident of the City, for parking of an oversized vehicle that belongs to that resident, or a guest of the household in which such resident resides, provided the following conditions are met:

(1) The permit is obtained by a resident of the property in front of which the oversized vehicle will be parked in accordance with this article.

(2) The oversized vehicle is parked on the street immediately adjacent to the property upon which the person requesting the permit resides.

(3) The duration of the permit shall not exceed forty-eight (48) hours.

(4) At the discretion of the License Official, or his or her designee, a permit may be issued for a period not to exceed seventy-two (72) hours to accommodate houseguests.

(5) No more than two (2) permits shall be issued for any specific oversized vehicle within any given calendar month. Permits may not be issued for consecutive periods, and there must be a minimum of forty-eight (48) consecutive hours between the issuance of permits for a specific property or a specific oversized vehicle.

(6) The oversized vehicle shall not be used for overnight camping, lodging, residing in, or any use for accommodation purposes.

(7) The oversized vehicle shall not visibly block or obscure any existing safety or traffic control device, nor shall it be parked in such position that another's driveway approach is jeopardized, and it shall otherwise meet all other parking requirements for the street upon which it is parked.

(8) The oversized vehicle is not licensed, registered or used for commercial purposes.

(9) The License Official, or his or her designee, determines that the parking of the oversized vehicle would not create a public safety hazard. Such a determination may be made based on factors, including, without limitation, the size of the oversized vehicle, the configuration of the street or the location of any nearby driveways, trees, improvements or structures.

(e) Permit Restrictions

(1) It shall be unlawful for any person to whom a permit is issued pursuant to Section 4-6.1020(d) of this article to transfer, sell, rent or lease such permit or allow such permit to be used by any person other than a guest of that person, either with or without consideration.

(2) It shall be unlawful for any person to borrow, buy or otherwise acquire for value or use or display any parking permit, except as provided for in Section 4-6.1020(d) of this article.

(3) Each permit issued pursuant to Section 4-6.1020(d) of this article shall be subject to all of the conditions and restrictions set forth in Section 4-6.1020(d) of this article. The issuance of such permit shall not be construed to be a permit for or approval of any violation of any provision of this code or any other law or regulation.

(4) The issuance of a permit pursuant to Section 4-6.1020(d) of this article shall not be construed or interpreted as a warranty or representation by the city or its officials, officers or employees that the parking of any oversized vehicle is or is not in compliance with any other provision of law. Neither the enactment of this part nor the preparation or delivery of any permit pursuant thereto shall impose any mandatory duty upon the City, its officials, officers or employees to completely and accurately determine the safety of the parking of any oversized vehicle or impose any liability on the city, its officials, officers or employees regarding the same.

(5) The City Council may establish a reasonable permit fee by separate resolution to recover the City's administrative costs in preparing and issuing permits.

(f) Permit Display

Parking permits issued pursuant to Sec. 4-6.1020(d) of this article shall be clearly displayed on the oversized vehicle's dashboard or windshield."

SECTION 9. Posting of Notice. Pursuant to California Vehicle Code Section 22507, and relevant case law, the City Traffic Engineer is hereby directed to place, or cause to be placed appropriate signs and/or markings giving adequate notice of the parking restrictions contained within this Ordinance.

SECTION 10. If any section, subsection, subdivision, sentence, clause, or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council hereby declares that it would have adopted each section irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, or phrases be declared unconstitutional, invalid or ineffective.

SECTION 11. This Ordinance shall become effective thirty (30) days after its adoption by the City Council.

SECTION 12. The City Council finds that adoption of this Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15358 (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. Moreover, the City Council finds that this Ordinance is also exempt under CEQA pursuant to Guidelines Section 15061(b)(3) (there exists no possibility that the activity will have a significant adverse effect on the environment).

SECTION 13. The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California within fifteen (15) days of the adoption. The City Clerk shall post a certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this 20th day of December 2022.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF ONTARIO)

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. 3231 was duly introduced at a regular meeting of the City Council of the City of Ontario held December 6, 2022 and adopted at the regular meeting held December 20, 2022 by the following roll call vote, to wit:

AYES:	MAYOR/COUNCIL MEMBERS:	LEON, WAPNER, BOWMAN AND DORST-PORADA
NOES:	COUNCIL MEMBERS:	NONE
ABSENT:	COUNCIL MEMBERS:	VALENCIA

Sheila Mautz
SHEILA MAUTZ, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. 3231 duly passed and adopted by the Ontario City Council at their regular meeting held December 20, 2022 and that Summaries of the Ordinance were published on December 15, 2022 and December 27, 2022, in the Inland Valley Daily Bulletin newspaper.

Sheila Mautz
SHEILA MAUTZ, CITY CLERK

(SEAL)

Inland Valley Daily Bulletin
3200 Guasti Road, Suite 100
Ontario, CA 91761
626-544-0885
legals@inlandnewspapers.com

5028333

ONTARIO CITY OF-LEGAL
ATTN: CITY CLERKS OFFICE
303 EAST B STREET
ONTARIO, CA 91764

FILE NO. 3231

PROOF OF PUBLICATION
(2015.5 C.C.P.)

STATE OF CALIFORNIA
County of San Bernardino

I am a citizen of the United States, I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of INLAND VALLEY DAILY BULLETIN, a newspaper of general circulation printed and published daily for the City of Ontario, County of San Bernardino, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Bernardino, State of California, on the date of August 24, 1951, Case Number 70663. The notice, of which the annexed is a true printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

12/15/2022

I declare under the penalty of perjury that the foregoing is true and correct.

Executed at Ontario, San Bernardino Co., California, on this 16th day of December, 2022.

Evangelina Almeida

Signature

Legal No. **0011576763**

PUBLIC NOTICE OF PROPOSED
ADOPTION OF CITY OF ONTARIO
ORDINANCE NO. 3231

NOTICE IS HEREBY GIVEN that on December 20, 2022, the City Council of the City of Ontario will consider adoption of proposed Ordinance No. 3231 entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING SECTIONS 4-6.1009 AND 4-6.1016 OF ARTICLE 10 OF CHAPTER 6 OF TITLE 4 OF THE ONTARIO MUNICIPAL CODE, ADDING SECTION 4-6.1117 TO ARTICLE 1 of CHAPTER 6 OF TITLE 4 OF THE ONTARIO MUNICIPAL CODE, AND ADDING SECTION 4-6.1020 TO ARTICLE 10 OF CHAPTER 6 OF TITLE 4 OF THE ONTARIO MUNICIPAL CODE ADOPTING STANDARDS FOR OVERSIZED VEHICLE PARKING AND FURTHER REGULATING COMMERCIAL VEHICLES.

A copy of the full text of the proposed ordinance is available for review in the office of the City Clerk, City of Ontario, 303 East B Street, Ontario, California 91764, Monday through Thursday, 7:30 a.m. to 5:30 p.m. and Friday, 8:00 a.m. to 5:00 p.m.

Dated: December 6, 2022

s/CLAUDIA Y. ISBELL, MMC, ASSISTANT CITY CLERK

Publish: Inland Valley Daily Bulletin
December 15, 2022 Ad#11576763

INLAND VALLEY
DAILY BULLETIN
Local. News. Matters.
dailybulletin.com

Inland Valley Daily Bulletin - SB
3200 Guasti Rd. Suite 100
Ontario, California 91761
(909) 987-6397

0011578056

City of Ontario
303 East B Street
Ontario, California 91764

PROOF OF PUBLICATION
(2015.5 C.C.P.)

STATE OF CALIFORNIA
County of Los Angeles

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not party to or interested in the above-entitled matter. I am the principal clerk of the printer of Inland Valley Daily Bulletin - SB, a newspaper of general circulation, printed and published in the City of Ontario*, County of Los Angeles, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of County of Los Angeles, State of California, under the date of June 15, 1945, Decree No. Pomo C-606. The notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

12/27/2022

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Dated at Ontario, California

On this 27th day of December, 2022.

Eva Almeida

Signature
*Inland Valley Daily Bulletin - SB circulation includes the following cities: [UNKNOWN LIST]

PUBLIC NOTICE OF ADOPTION
OF CITY OF ONTARIO
ORDINANCE NO. 3231

NOTICE IS HEREBY GIVEN that on December 20, 2022, the City Council of the City of Ontario adopted Ordinance No. 3231 entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING SECTIONS 4-6.1009 AND 4-6.1016 OF ARTICLE 10 OF CHAPTER 6 OF TITLE 4 OF THE ONTARIO MUNICIPAL CODE, ADDING SECTION 4-6.1117 TO ARTICLE 1 of CHAPTER 6 OF TITLE 4 OF THE ONTARIO MUNICIPAL CODE, AND ADDING SECTION 4-6.1020 TO ARTICLE 10 OF CHAPTER 6 OF TITLE 4 OF THE ONTARIO MUNICIPAL CODE ADOPTING STANDARDS FOR OVERSIZED VEHICLE PARKING AND FURTHER REGULATING COMMERCIAL VEHICLES.

Ordinance No. 3231 was adopted by the following roll call vote:

Ayes: Leon, Wapner, Bowman and Dorst-Porada
Noes: None
Absent: Valencia

A certified copy of the full text of the Ordinance is available for review in the office of the City Clerk, City of Ontario, 303 East B Street, Ontario, California 91764, Monday through Thursday, 7:30 a.m. to 5:30 p.m. and Friday, 8:00 a.m. to 5:00 p.m. and at www.ontarioca.gov

Dated: December 20, 2022

s/CLAUDIA Y. ISBELL, MMC, ASSISTANT CITY CLERK

Inland Valley Daily Bulletin - SB
Published: 12/27/22