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ORDINANCE NO. 14-5

AN ORDINANCE AMENDING CONCORD MUNICIPAL CODE TITLE 10 (TRAFFIC AND VEHICLES), CHAPTER 10.25 (RESTRICTED USE OF CERTAIN STREETS), SECTION 10.25.010 (TRUCK ROUTES); SECTION 10.25.020 (COMMERCIAL VEHICLES PROHIBITED FROM USING CERTAIN STREETS); AND SECTION 10.25.030 (RESTRICTIONS ON USE OF PINE HOLLOW ROAD)

WHEREAS, in August 1968, the Concord City Council adopted Traffic Resolution No. 3521 designating streets in the City as “Truck Routes” for the movement of commercial vehicles exceeding a maximum gross weight limit of three tons; and

WHEREAS, non-commercial vehicles have changed considerably since 1968 in design, size and performance, mainly with the introduction of sports utility vehicles (SUVs) and heavy-duty pickup trucks in the 1990s; and

WHEREAS, heavy-duty pickup trucks purchased or leased for personal use come equipped with high payload capacity and performance packages for potential commercial applications; and

WHEREAS, the Commercial Vehicle Registration Act (CVRA) has changed the way the Department of Motor Vehicles registers commercial motor vehicles in California; and

WHEREAS, commercial vehicles with a declared operating gross vehicle weight (GVW) or combined gross vehicle weight (CGW) over five tons are required to be CVRA-registered and are issued CVRA weight decals and CVRA year stickers that must be displayed on both sides of the vehicle; and

WHEREAS, the weight of five tons is considered to be the cutoff point between heavy- and light-weight commercial vehicles under the CVRA, and light-weight trucks and vans with a declared GVW or CGW of five tons or less are not subject to the CVRA registration fee; and

WHEREAS, pickup trucks with an unladen vehicle weight of four tons or less and a manufacturer’s GVW rating of less than 5.75 tons are excluded from the CVRA requirements to declare the maximum operating weight of the vehicle or display a weight decal and CVRA year stickers; and

WHEREAS, the City’s weight limit for commercial vehicles that are required to use truck routes should be updated from three tons to five tons, in accordance with State policy for registering

1 commercial motor vehicles and in response to said changes in vehicle design, size and performance
2 that have occurred since the 1990s.

3 **THE CITY COUNCIL OF THE CITY OF CONCORD DOES ORDAIN AS FOLLOWS:**

4 **Section 1.** Concord Municipal Code Section 10.25.010 (Truck routes) is hereby deleted in its
5 entirety and amended to read as follows:

6 **10.25.010 Truck routes.**

7 (a) Whenever any ordinance or resolution of this city designates and describes any street or
8 portion thereof as a street, the use of which is permitted by any registered commercial motor
9 vehicle exceeding a gross vehicle weight (GVW) of 10,000 pounds (five tons), the Director of
10 the responsible City Department or his/her designee is hereby authorized to designate such
11 street or streets by appropriate signs as “truck routes” for the movement of registered
12 commercial motor vehicles exceeding a GVW of five tons. Commercial motor vehicles
13 registered by the California Department of Motor Vehicles (DMV) according to the
14 Commercial Vehicle Registration Act (CVRA) are issued CVRA weight decals and year
stickers that must be displayed on both the right and left sides of the vehicle for enforcement
identification.

15 (b) When any such truck route or routes are established and designated by appropriate signs,
16 the operator of any registered commercial motor vehicle exceeding a GVW of five tons shall
17 drive on such route or routes and none other, except when necessary to traverse another street
18 or streets to a destination for the purpose of loading or unloading, but then only by such
19 deviation from the nearest truck route as is reasonably necessary. This subsection shall not be
20 construed to relieve an operator subject to this section from obtaining an encroachment permit
21 pursuant to chapter 12.15, of this Code if required by the Director of the responsible City
Department or his/her designee.

22 (c) The provisions of this section shall not apply to: (1) passenger buses under the jurisdiction
23 of the Public Utilities Commission, (2) any vehicle owned by a public utility while necessarily
24 in use in the construction, installation, or repair of any public utility, or (3) refuse collection
25 vehicles which operate on city streets pursuant to provisions of chapter 8.20 of this Code.
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1 (d) Those streets and parts of streets established by resolution of the Council are hereby
2 declared to be truck routes for the movement of registered commercial motor vehicles
3 exceeding a GVW of five tons.

4 **Section 2.** Concord Municipal Code Section 10.25.020 (Commercial vehicles prohibited from
5 using certain streets) is hereby deleted in its entirety and amended to read as follows:
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7 **10.25.020 Commercial vehicles prohibited from using certain streets.**

8 (a) Whenever any ordinance of this city designates and describes any street or portion thereof
9 as a street, the use of which is prohibited by any registered commercial motor vehicle, the
10 Director of the responsible City Department or his/her designee shall erect and maintain
11 appropriate signs on those streets affected by such ordinance.

12 (b) Pursuant to Vehicle Code § 35701. (a), registered commercial motor vehicles exceeding a
13 GVW of five tons are prohibited on all streets other than those designated as “truck routes”
14 except at those times when it is necessary for said vehicles to travel on said streets for the sole
15 purpose of reaching a destination for loading or unloading, provided that the route of travel on
16 said street is the shortest deviation from the nearest truck route.

17 **Section 3.** Concord Municipal Code Section 10.25.030 (Restrictions on use of Pine Hollow
18 Road) is hereby amended to read as follows:

19 **10.25.030 Restrictions on use of Pine Hollow Road.**

20 Registered commercial motor vehicles exceeding a GVW of five tons are prohibited from
21 using Pine Hollow Road between Alberta Way and the city limits between the hours of 10:00
22 p.m. and 7:00 a.m. daily.

23 **Section 4.** This Ordinance No. 14-5 shall become effective thirty (30) days following its
24 passage and adoption. In the event a summary of said Ordinance is published in lieu of the entire
25 Ordinance, a certified copy of the full text of this Ordinance shall be posted in the office of the City
26 Clerk at least five (5) days prior to its adoption and within fifteen (15) days after its adoption,
27 including the vote of the Councilmembers. Additionally, a summary prepared by the City Attorney’s
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1 Office shall be published once at least five (5) days prior to the date of adoption of this Ordinance and
2 once within fifteen (15) days after its passage and adoption, including the vote of the
3 Councilmembers, in the Contra Costa Times, a newspaper of general circulation in the City of
4 Concord.

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8 Timothy S. Grayson
Mayor

9 ATTEST:

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11 Mary Rae Lehman, CMC
City Clerk

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13 (Seal)

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15 Ordinance No. 14-5 was duly and regularly introduced at a regular meeting of the City Council
16 of the City of Concord held on July 8, 2014, and was thereafter duly and regularly passed and adopted
17 at a regular meeting of the City Council of the City of Concord on July 22, 2014, by the following
18 vote:

19 **AYES:** Councilmembers -

20 **NOES:** Councilmembers -

21 **ABSTAIN:** Councilmembers -

22 **ABSENT:** Councilmembers -

23 **I HEREBY CERTIFY** that the foregoing is a true and correct copy of an ordinance duly and
24 regularly introduced, passed, and adopted by the City Council of the City of Concord, California.

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27 Mary Rae Lehman, CMC
City Clerk