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ORDINANCE NO. _____

AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, ESTABLISHING A TEMPORARY MORATORIUM TO PROHIBIT TRUCK TRAFFIC ON AYALA DRIVE BETWEEN THE I210 FREEWAY AND BASELINE ROAD WITHIN THE RENAISSANCE SPECIFIC PLAN OF THE CITY OF RIALTO

WHEREAS, upon review within the City and local market area, it appears that the City has an over-proliferation of truck traffic, as evidenced by Rialto Police Department activity and community complaints; and

WHEREAS, the Planning Division and City Council, upon review of the existing truck routes determined that there are inadequate enforcement and truck traffic regulation measures within the City; and

WHEREAS, inadequate enforcement and truck traffic regulation will lead to congestion that is inconsistent with the best economic interests of the community, will decrease the ability of the City to regulate traffic patterns in a manner that will protect the general public and adjacent properties, and may have adverse impacts on the environment, traffic, aesthetics, and visual quality of surrounding properties within the City, all of which pose a current and immediate threat to public health, safety, and welfare; and

WHEREAS, the City of Rialto determined that the continued use of Ayala Drive, south of the I210 and north of Baseline within the City, without such adequate truck traffic control measures, will result in the aforementioned threats to public health, safety, and/or welfare; and

WHEREAS, the City, including City staff, the City Planning Commission and the City Council, requires a reasonable period of time to study and review existing truck routes and truck traffic control measures, as well as the adverse impacts on the environment, traffic, aesthetics, and visual quality of surrounding properties within the City, and to make recommendations on appropriate alternative routes within the City; and

1 **WHEREAS**, the development of the Renaissance Marketplace and Renaissance East may be
2 impacted as a result of truck traffic; and

3 **WHEREAS**, pursuant to Government Code Section 65858, the City Council may adopt as an
4 urgency measure an interim ordinance prohibiting any uses that may be in conflict with a
5 contemplated general plan, specific plan, or zoning proposal that the legislative body, planning
6 commission or the planning department is considering or studying or intends to study within a
7 reasonable time; and

8 **WHEREAS**, the City Council finds that the truck traffic on designated streets without further
9 consideration or study of further truck traffic measures will have adverse impacts on the environment,
10 traffic, aesthetics, and visual quality of surrounding properties and on the economic vitality within the
11 City, and such impacts constitute and pose a current and immediate threat to the public health, safety,
12 or welfare.

13 **NOW, THEREFORE**, the City Council of the City of Rialto hereby ordains as follows:

14 **SECTION 1. Recitals Incorporated.** The City Council finds the recitals contained in this
15 ordinance to be true and correct, relies upon them in passing this ordinance, and incorporates them
16 herein as though set forth in full herein.

17 **SECTION 2. Truck Traffic Moratorium.** The Rialto City Council hereby adopts a
18 development moratorium pursuant to California Government Code Section 65858 on the use of Ayala
19 Drive by commercial vehicles with three or more axles weighing 9,000 pounds or more, within the
20 City of Rialto (“Moratorium”).

21 **SECTION 3. Duration of Ordinance.** This Moratorium is enacted pursuant to the
22 authority conferred upon the City Council of the City of Rialto by Government Code Section 65858,
23 and therefore shall be in full force and effect immediately upon its adoption by a four-fifths (4/5) vote
24 of the City Council. This Moratorium shall continue in effect for forty-five (45) days from the date of
25 its adoption and shall thereafter be of no further force and effect, unless, after notice pursuant to
26 Government Code Section 65090 and a public hearing, the City Council extends the Moratorium for
27 an additional period of time pursuant to Government Code Section 65858.

1 **SECTION 4. Report.** During the period of this Moratorium, and any extension thereof, the
2 City Administrator or his designees shall: (1) review and consider options for the regulation of
3 outdoor storage-intensive uses, including but not limited to the development of appropriate rules and
4 regulations governing the number, size, location, and development of such uses in the City, and (2)
5 shall issue a written report describing the measures which the City has taken to address the conditions
6 which led to the adoption of this ordinance with the City Council ten (10) days prior the expiration of
7 this Moratorium, or any extension thereof, and such report shall be made available to the public.

8 **SECTION 5. Enforcement.** The City of Rialto may enforce any provision of this
9 Ordinance by mandamus, injunction, or any other appropriate civil remedy in any court of competent
10 jurisdiction.

11 **SECTION 6.** The City Council finds that this ordinance is not subject to the California
12 Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Sections 15061(b)(3) because it
13 can be seen with certainty that it will not have a significant effect or physical change to the
14 environment.

15 **SECTION 7.** This Interim Ordinance is enacted pursuant to the authority conferred upon the
16 City Council of the City of Rialto by Government Code Sections 36937 and 65858, and shall be in full
17 force and effect immediately upon its adoption by a four-fifths (4/5) vote of the City Council as if and
18 to the same extent that such ordinance had been adopted pursuant to each of the individual sections set
19 forth hereinabove.

20 **SECTION 8. Severability.** Every section, provision, or part of this ordinance is declared
21 severable from every other section, provision, or part of this ordinance. If any section, provision, or
22 part of this ordinance is adjudged to be invalid by a court of competent jurisdiction, such judgment
23 shall not invalidate any other section, provision, or part of this ordinance.

24 **SECTION 9. Effective Date.** This Interim Ordinance shall take effect immediately and
25 shall be of no further force and effect forty-five (45) days thereafter unless the City Council extends
26 such ordinance following a noticed public hearing.
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PASSED, APPROVED AND ADOPTED this 8th day of May, 2018.

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Deborah Robertson, Mayor

ATTEST:

Barbara McGee, City Clerk

APPROVED AS TO FORM:

Fred Galante, Esq., City Attorney
Aleshire and Wynder

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