

CHAPTER XIV

STREETS

14-1 Street Address Numbering System.

14-1.1 *Adoption of Numbering System.* The following system of numbering street addresses in the City of Ridgecrest is hereby adopted: Starting at the intersection of Ridgecrest Boulevard and China Lake Boulevard, all numbers shall proceed North, South, East and West.

All numbers on the North and East sides of any street shall be even, and all numbers on the South and West sides of any street shall be odd.

The standard for the system shall be a 660 foot square block or square grid system, with each new square being assigned a new series of numbers. From the starting point set forth above, the numbers will start in the 100 series for the first square, 200 series for the next square, and continue on seriatim.

It shall be the duty of every person owning, occupying or controlling any building or structure fronting on a public street in the City to cause the same to be numbered correctly in accordance with this section and the rules and regulations adopted pursuant hereto.

All buildings or structures shall be numbered at the expense of the owner, occupant or person in control thereof.

All numbers affixed pursuant to this section shall be of a size not less than three inches in height, and shall be placed upon or immediately above the entrance to said building or structure.

All street address numbers shall be done under the supervision of the Planning Department.

If any building or structure is unnumbered or incorrectly numbered, or the number thereof has become defaced or illegible, it shall be the duty of the owner, occupant and person in control to cause the same to be numbered correctly within ten days after notification to do so by the appropriate city official. Such notice may be given by serving or leaving a copy thereof at the building with any person in charge or

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possession thereof, or by mailing same to the owner of the property as shown by the last property tax roll, or by posting such notice on the door at the entrance way to said building or structure. Any such notice shall specify the correct number of the building or structure.

No person shall deface, remove or destroy any notice so posted until the building or structure on which it has been posted is correctly numbered.

The street address numbering system set forth herein shall be carried out pursuant to the rules and regulations and maps heretofore approved by the Planning Commission. (Ord. No. 97, §1, 2, 3, 4, 5, 6, 7, 8, 9, 10)

14-1.2 *Penalty.* Any person violating any provision of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding twenty five (\$25.00) dollars. (Ord. No. 97, §11)

14-2 Encroachments.

14-2.1 *Definitions.* As used in this section:

a. "*Encroachment*" shall mean the placement, erection, or maintenance on, above, or under any street or public right of way of any sign, banner, wire, line, guy, pole, buildings, fence, porch, step, track, pipe, conduit, equipment or vehicles, or the excavation of or deposit upon any street or public right of way of earth, gravel, broken pavement, concrete, tree limbs, shrubbery, or any other materials of any kind obstructing or tending to interfere with the free use of the street, or the construction, repair, or removal of any improvement or obstruction into or above any portion of a street, whether temporary or permanent."

b. "*Excavation*" shall mean the act of cutting, opening, tearing up, excavating, trenching, digging, repairing, installing, adding to, removing, or otherwise altering any portion of any public street for any purpose whatsoever.

c. "*Street*" shall mean any highway, street, road, alley, lane, way, pedestrianway, or other public thoroughfare which has been dedicated to and accepted by the City of Ridgecrest, the County of Kern, or the State of California as public right-of-way, and shall include curbs, gutters, and sidewalks,

paving and other improvements in the public right-of-way as well as that portion of a public right-of-way which is not paved or improved, and shall also include any buildings and grounds owned and maintained by the City.

d. *"Superintendent of Streets"* shall mean that person duly appointed to that position by the City Council.

e. *"Permittee"* shall mean any person, firm, partnership, association, corporation, or organization who or which has been granted and has in full force and effect an Encroachment Permit issued hereunder.

f. *"Standard Specifications"* shall mean the standard drawings, details, and specifications and amendments thereto, for engineering, design, and construction of certain public or private improvements, which Standard Specifications have been adopted by resolution of the City Council.

g. *"Person"* shall mean any person, firm, partnership, association, corporation, company, or organization of any kind.

h. *"Major Project"* shall mean any excavation greater than 50 feet in length or four feet in width or any excavation requiring a series of noncontiguous smaller cuts all related to the same project.

i. *"Substructure"* shall mean any pipe, conduit, duct, tunnel, manholes, vault, buried cable, or wire, or any other similar structure located below the surface of any public street.

j. *"Facility"* shall mean pipe, pipeline, tube, main, service trap, vent, vault, manhole, meter, gauge, regulator, valve, conduit, wire, tower, pole, pole line, anchor, cable, junction box, transformer, or any other material, structure, or object of any kind or character, whether enumerated herein or not, which is or may be lawfully constructed, left, placed or maintained in, upon, along, across, under, or over any public street.

k. *"Utility"* shall mean a public utility as defined in the State of California Public Utilities Code or any other private company and/or corporation or municipal department engaged in providing a particular service to the general public. (Ord. No. 128, §1; Ord. No. 184, §1)

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14-2.2 *Encroachments Require Permit.* It shall be unlawful for any person to excavate, place, erect, or maintain an encroachment into, on, above or below a street without first obtaining a written permit from the Superintendent of Streets except as provided in this section and except that no permit shall be required of a public utility to install, maintain, or replace above-ground facilities which are outside the paved and/or traveled portion of a street. No public utility shall install facilities in a street, however, without first having coordinated plans for such installation with the Superintendent of Streets. (Ord. No. 128, §2)

14-2.3 *Notice of Removal.* Any person excavating, placing, erecting or maintaining an encroachment which endangers the safety of the public or prevents improvement or widening of a street shall move said encroachment after written notice from the Superintendent of Streets requiring such move. Notice of requirement for such move shall be delivered in person or by registered mail to the address of permittee as shown on the permit, if any, or to the address of the person believed to have excavated, placed, or erected the encroachment without a permit. The time required for the moving of said encroachment shall be specified in the notice. In the case of a public utility facility, said notice shall be in accordance with applicable law. (Ord. No. 128, §3)

14-2.4 *Emergency Excavations.* In the event of any emergency in which an underground facility in, over, or under any street breaks, bursts, or otherwise is in such condition as to immediately endanger the property, life, health, or safety of any person, a licensed contractor or a utility may take proper emergency action to cure or remedy the dangerous condition without first applying for and obtaining an encroachment permit, provided such contractor or utility shall immediately give notice to the Police and Fire Departments. Such contractor or utility shall, however, apply for an encroachment permit not later than the end of the next succeeding day during which the Superintendent of Street's office is open for business and shall comply with all the other provisions of this section. (Ord. No. 128, §4)

14-2.5 *Application for Permit.* No encroachment permit shall be issued unless a written application for the issuance of an encroachment permit is submitted to the Superintendent of Streets on forms provided by him. The written application shall state the name, address, telephone number and State contractor license number of the applicant, the nature, location, and purpose of the encroachment, the approximate date of commencement and the approximate date of completion of the encroachment, and such other information as the Superintendent of Streets may require.

a. *Plans.* The application for a major project as defined herein shall be accompanied by plans showing the extent and location of the proposed encroachment, location of underground utilities in the project area, or such other information as the Superintendent of Streets may require.

Encroachments by a public utility for which an encroachment permit is not registered shall not be made until the plans therefor have been coordinated with the Superintendent of Streets.

b. *Insurance.* The written application shall be accompanied by, or the applicant shall state on the application form that he already has on file with the Superintendent of Streets, a certificate of insurance evidencing that applicant has in force and shall maintain in force during the period of maintenance of the encroachment, a policy of public liability and property damage insurance against liability for personal injury, including accidental death, as well as liability for property damage, which may arise in any way out of the exercise of the rights granted by any encroachment permit which may be granted to applicant by the City. The amounts of such insurance shall be not less than as follows:

1. Public Liability Insurance in an amount not less than one hundred thousand (\$100,000) dollars for injury or death to any one person, and three hundred thousand (\$300,000) dollars for injury and death arising from any one accident or occurrence; and

2. Property Damage Insurance in an amount not less than twenty-five thousand (\$25,000) dollars.

3. The certificate of insurance shall state that the policy of insurance contains a contractual liability endorsement covering the liability assumed by the permittee by the

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terms of the permit and shall contain a statement that such policy will not be cancelled except after ten days written notice to the Superintendent of Streets of the City.

c. *Cash Deposit or Bond.* If permittee fails, in the opinion of the Superintendent of Streets, to comply with the provisions hereof or the conditions of any permit, the Superintendent of Streets may refuse to grant and may withhold issuance of any subsequent permits to permittee until the latter has paid all costs due City for correcting deficiencies under prior permits and has posted with the City a cash bond in the amount equal to the costs above plus the sum of five hundred (\$500.00) dollars, which bond or any part thereof shall be used to correct future deficiencies. (Ord. No. 128, §5)

14-2.6 *Who May Apply.* Encroachment permits shall only be issued to persons who will use for construction or excavation work on City streets contractors who are licensed by the State of California and who hold City of Ridgecrest business licenses, or to public utilities, or to governmental agencies operating public utilities, or to owner-builders of single-family residences.

The Superintendent of Streets shall not issue a permit to construct curbs, gutters, sidewalks, or driveway approaches in an area included within an assessment district when the City Council has instituted for such area improvement district proceedings under the general laws of the State relating to such work. "Instituted" as herein used shall mean after the adoption of the resolution of intention to perform the work. (Ord. No. 128, §6; Ord. No. 167, §1; Ord. No. 78-16, §1)

14-2.7 *Fees.* The Superintendent of Streets shall require payment of the following fees before issuing an encroachment permit:

a. *Administrative Fee.* For issuing the permit, a fee of three dollars and seventy cents (\$3.70).

b. *Engineering Fees.*

1. For an encroachment permit involving furnishing of grades and field staking (one time only) by the City Engineer, a fee of one dollar and twenty cents (\$1.20) per lineal foot of construction.

2. For restaking by the City Engineer after the original staking has been removed or disturbed, a fee of ninety (\$.90) cents per lineal foot of construction.

3. For an encroachment permit involving checking of grades and field staking furnished by others, a fee of sixty (\$.60) cents per lineal foot of construction.

c. Inspection and Drainage Improvement Fees.

1. For costs of drainage improvements and for inspection of curbs, gutters, sidewalks, or driveway approaches, a fee of one dollar and fifty five cents (\$1.55) for every lineal foot of construction, repair, or removal, with a minimum fee of fifteen (\$15.00) dollars per permit issued.

2. For inspection of excavations, a fee of fifteen (\$15.00) dollars for each non-contiguous excavation separated by more than 1500 feet plus three (\$.03) cents per square foot for each square foot of excavation greater than 120 square feet.

More than one non-contiguous excavation may be included in the same permit provided all such excavations are part of the same project and provided further that all such excavations will be commenced and completed within the dates specified for commencement and completion on the encroachment permit.

3. The Superintendent of Streets shall not charge an inspection fee for excavations in that portion of the right-of-way which is unimproved and is outside the traveled way when the excavation is not within 300 feet of developed parcels.

The Superintendent of Streets is authorized to waive the inspection fee for excavations in the portion of the right-of-way which is unimproved and outside the traveled way when the excavations are within 300 feet of a developed parcel when there is only one developed parcel on a street between two intersecting streets.

4. In addition to the above specified fees, the Superintendent of Streets shall charge a sum equal to the wages of the inspector plus 50 percent for administration and overhead for inspections of construction of excavations required during other than normal business hours of the City. (Ord. No. 128, §7; Ord. No. 167, §2; Ord. No. 78-16, §2)

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14-2.8 Permit Contents. Upon receipt by him of the above-required certificate of insurance, cash deposit or bond, fees, and when necessary, plans, the Superintendent of Streets may issue an encroachment permit on a form which shall contain the following statements:

a. Permit is issued subject first to applicable law and second to the terms and conditions indicated.

b. The issuance of a permit does not guarantee to permittee the exclusive use of any surface area occupied by permittee's encroachment.

c. The permittee assumes responsibility for any and all claims and liabilities for damages caused by collapse of or collision with the encroachment or caused by permittee's failure to perform his obligations under the permit, and that permittee shall, and by acceptance of the permit agrees to, defend, indemnify, and hold the City and any of its officers or employees, and each of them, harmless from such claims or liabilities:

d. Permittee shall provide and maintain during the performance of the work permitted such fences, barricades, warning and directional signals, flares, lights, watchmen, or flagmen as are or may be required to protect and insure the public safety in compliance with all local, state, and federal safety codes, ordinances, etc., or as may be additionally required by the Superintendent of Streets at any time during maintenance of the encroachment.

e. All work shall be performed in a neat and workmanlike manner and so programmed as to cause minimum interference with traffic and minimum inconvenience to the public. When required by the Superintendent of Streets, permittee shall erect and maintain suitable timber barriers to confine earth from trenches and other excavations and to confine the amount of encroachment upon the paved traveled way of a street. Permittee shall construct and maintain adequate and safe crossings over excavations to accommodate vehicular and pedestrian traffic when required to keep traffic moving.

f. The Superintendent of Streets shall have the power to remove the encroachment and to charge the cost of removal to the permittee if after notice as provided in this section, permittee fails to remove the permitted encroachment within the time period specified in the permit.

g. Permittee shall call upon the Superintendent of Streets or his designated representative for inspections of placement or erection and removal of the permitted encroachment.

h. All underground facilities shall be of the quality and installed in a manner and with a depth of coverage which may be prescribed or required by law or by Standard Specifications of the City.

i. Permittee shall call upon the Superintendent of Streets or his designated representative for inspections of backfill and of repaving and the Superintendent of Streets may require complete re-excavation and re-backfill for failure to so call.

j. The Superintendent of Streets may require a backfill compaction test at the cost of the permittee.

k. Permittee has read and is familiar with the requirements of this section.

l. A copy of the approved permit must be posted by permittee in a conspicuous place at the site of the work or carried on the job by a representative of permittee who shall make the necessary arrangements for City inspection and the signature of the City inspector upon completion of the work.

m. When work on an encroachment ceases for any reason for a period of 24 hours or more, permittee shall notify the Police and Fire Departments a minimum of four hours before leaving the job and no later than two hours after recommencing such work.

n. Permittee shall not interfere with existing public utility facilities or clearance space requirements.

The permit shall specify the time limits for maintenance of the encroachment and a date for completion of the work. The Superintendent of Streets may, for good cause, grant a written extension of time in which permittee may complete the work.

The permit shall state that permittee shall prosecute with diligence and expedition all work covered by the permit and shall promptly complete such work as soon as practicable and not later than the completion date specified on the permit or extensions of time granted hereunder. (Ord. No. 128, §8)

14-2.9 *Completion of Work by City; Use of Deposit.* If permittee fails to maintain proper lights or barriers around the site covered by the permit or otherwise fails to comply with the conditions of a permit and, in the judgment of the Superintendent of Streets, the safety of the passing general public or neighboring residents is thereby endangered; or if

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after 48 hours written notice from the Superintendent of Streets, permittee fails to:

a. Maintain in an excavation temporary fill level with the adjoining pavement surface so as to prevent inconvenience or danger to crossing vehicles or pedestrians; or

b. Complete an excavation and restore pavement surface by the completion date and fails to ask for an extension of time; or

c. Restore pavement surface or other improvements in accordance with Standard Specifications; or

d. Remove backfill and pavement surface and re-compact backfill to the percentage of compaction required by Standard Specifications; or

e. Clean up excavated materials or comply with any other conditions of the encroachment permit;

The Superintendent of Streets is authorized to erect such lights and barricades, fill the excavation, restore pavement surface, restore other improvements, remove and re-compact backfill, or perform such other work or erect such other safety devices as in his judgment is necessary to protect the public health, safety, or welfare. The Superintendent of Streets shall keep an accurate record of all costs incurred under this section. Such costs plus overhead and administrative costs shall be deducted by the Superintendent of Streets from the amount of any cash deposit or bond which may have been posted by permittee pursuant to this section. Permittee shall be entitled to a refund of any remaining portion of his cash deposit or bond posted pursuant hereto when all work has been completed and all City costs have been subtracted from said cash deposit or bond. If City costs incurred against permittee under this section are not covered by or exceed the cash deposit or bond, the Superintendent of Streets shall advise the City Clerk of the amount not covered and the City Clerk shall charge such amount to permittee. The City Clerk shall consult with the City Attorney concerning court action for the collection of any such charges including legal fees incurred and unpaid by permittee 30 days after proper billing. (Ord. No. 128, §9)

14-2.10 *Defraud Unlawful.* It shall be unlawful for any person to exhibit a permit at or about any site not covered

by such permit or to misrepresent the number of the permit or the date of completion thereon. (Ord. No. 128, §10)

14-2.11 *Conditions of Permit.* All of the requirements of this section shall be assumed to be conditions of the permit as if they were fully stated thereon. The Superintendent of Streets is authorized to specify on the permit such additional conditions as, in his judgment, are required to protect the public health, safety, and welfare.

In the event of conflict between the provisions of a permit granted pursuant to this section to a public utility and the provisions of a franchise granted by the City to said utility, the provisions of said franchise shall control.

In the event of conflict between the provisions of a permit granted pursuant to this section and the General Orders of the California Public Utilities Commission, the provisions of said General Orders shall control. (Ord. No. 128, §11)

14-2.12 *Denial of Permit.* The Superintendent of Streets shall have the right to refuse a permit to any person who is in violation of, or who has failed to comply with the provisions of this section in connection with the permit being applied for, or who has failed to complete the work or who has failed to pay to the City costs billed under a previously issued permit. (Ord. No. 128, §12)

14-2.13 *Copies of Permit.* The Superintendent of Streets shall deliver a copy of each permit to the Police and the Fire Departments as soon as possible before the permitted work is begun. When work ceases for any reason for a period of 24 hours or more, permittee shall notify the Police and Fire Departments prior to recommencing said work. (Ord. No. 128, §13)

14-2.14 *Notice to Affected Utilities.* It shall be incumbent upon permittee to notify any utilities which might be affected by the permitted work. (Ord. No. 128, §14)

14-2.15 *Inspections.* Permittee shall call upon the Superintendent of Streets for inspection of backfill and of repaving or other work covered by the permit. The Superintendent of

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Streets shall have authority to require removal of all fill and/or paving in order to conduct inspection and testing, if permittee fails to call for inspections at the times required by the Superintendent of Streets. (Ord. No. 128, §15)

14-2.16 *Routing of Traffic.* Permittee shall take appropriate measures to insure that during the performance of the work, traffic conditions as nearly normal as practicable shall be maintained at all times so as to cause as little inconvenience as possible to the occupants of the abutting property and to the general public. Permittee shall consult with and follow the directions of the Chief of Police before detouring or routing, or controlling traffic. (Ord. No. 128, §16)

14-2.17 *Clearance for Fire Equipment.* The work shall be performed and conducted so as not to interfere with access to fire stations and fire hydrants. Materials or obstructions shall not be placed within 20 feet of fire hydrants. Passageways leading to fire escapes or fire-fighting equipment shall be kept free of piles of material or other obstructions. (Ord. No. 128, §17)

14-2.18 *Protection of Adjoining Property.* Permittee shall at all times and at his own expense preserve and protect from injury any adjoining property by providing proper foundations and taking such other methods as are suitable for said purpose. (Ord. No. 128, §18)

14-2.19 *Care of Excavated Materials.* All material excavated from trenches and piled adjacent to the trench or in any street shall be piled and maintained in such manner as not to endanger those working in the trench, pedestrians, or users of the streets, and so that as little inconvenience as possible is caused to those using streets and adjoining property. (Ord. No. 128, §19)

14-2.20 *Restoration of Improvements.* Curbs, gutters, sidewalks, street signs, sewers, drains, structures, conduits, cables, pavement, and all other improvements removed, damaged, or disturbed during the progress of the work shall be restored or replaced to as good or better condition than

existed prior to work performed by permittee at the expense of permittee and in accordance with Standard Specifications. (Ord. No. 128, §20)

14-2.21 *Preservation of Monuments.* Any monument of concrete, iron, or other lasting material set for the purpose of locating or preserving the lines and/or elevation of any public street or right-of-way, property, subdivision, or a precise survey point of reference point shall not be removed or disturbed without first obtaining express permission from the Superintendent of Streets to do so. Issuance of the excavation permit shall not automatically constitute such permission. Replacement of the removed or disturbed monumentation will be at the expense of the permittee and must be completed to the satisfaction of the City Engineer. (Ord. No. 128, §21)

14-2.22 *Clean Up.* As the work progresses, if required, or immediately after completion of the work, permittee shall at his own expense clean up and remove from the street and adjoining property all rubbish, excess earth, rock, broken pavement, or other debris or unused materials resulting from such work. (Ord. No. 128, §22)

14-2.23 *Passage of Surface Water.* Permittee shall make provision for the free passage and disposal of all surplus water, muck, silt, slickings, or other run-off pumped from excavations or resulting from sluicing or other operations and shall be responsible for any damage resulting from his failure to so provide. Permittee shall not obstruct the gutter of any street but shall use all proper measures to provide for free passage of surface water. (Ord. No. 128, §23)

14-2.24 *Backfill and Compaction.* Backfill of an excavation shall be compacted to the percentage required by the Standard Specifications. Compacting shall be done by mechanical tampers or vibrators by rolling in layers, or by water settling, as required by the soil in question and sound engineering practices generally recognized in the construction industry and as decided by the Superintendent of Streets. The Superintendent of Streets shall, during the inspection of backfill and compaction, conduct such laboratory tests of compaction as he deems necessary at the expense of permittee. (Ord. No. 128, §24)

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14-2.25 Restoration of Surface. The surface of the excavation shall be restored by permittee at his own expense as nearly to its original condition or better as the Standard Specifications and/or the conditions of the permit require. (Ord. No. 128, §25)

14-2.26 Power to Order Continuous Work. If in his judgment, traffic conditions, the safety or convenience of the traveling public, or the public interest require that work be performed and completed on an emergency basis, the Superintendent of Streets shall have the power to require as a condition of a permit that permittee work continuously, 24 hours per day if necessary, to complete such work as soon as possible. (Ord. No. 128, §26)

14-2.27 Dust and Noise. Permittee shall, in view of local wind conditions, take continuous action using such measures as are necessary to prevent dust and sand from blowing onto neighboring properties or from endangering passing traffic. Permittee shall not, except in the case of an emergency, use any tool, equipment, or measures likely to produce noise of sufficient volume to disturb the sleep or repose or regular business of the occupants of adjoining properties between the hours of 8:00 p.m. and 6:00 a.m. (Ord. No. 128, §27)

14-2.28 Drawings of Facilities. The Superintendent of Streets shall require permittees installing, constructing or maintaining underground facilities of a size defined herein as a major project to furnish the City free of charge maps, drawings, or such other information as may be necessary to identify the location, size and character of such facilities as they are installed under City streets. (Ord. No. 128, §28)

14-2.29 Removal of Lighting and Barricading. It shall be unlawful for any person to remove or tear down a fence, railing, barricade, or other protective barrier or any lights provided at the site of an encroachment for the protection of the public. (Ord. No. 128, §29)

14-2.30 Protection of Improvements. It shall be unlawful for any person to deface or destroy in any manner any public

street, sidewalk, curb or gutter, driveway approach or any other public property of any kind. Where for any temporary purpose it shall be necessary to drive a vehicle over, upon, or across any curb or sidewalk at a place other than a driveway approach, the curb and sidewalk area must be substantially protected by two inch planks laid tightly together and across the area involved, or other method as may be specifically approved by the Street Superintendent, and removed before dusk of the same day. (Ord. No. 128, §30)

14-2.31 *Standards.* All street improvements shall be constructed or repaired in accordance with Standard Specifications adopted by the City Council and on file with the City Clerk and the Superintendent of Streets. (Ord. No. 128, §31)

14-2.32 *Required Locations for Curbs, Gutters, Sidewalks and Driveway Approaches.* Curbs, gutters, sidewalks, and driveway approaches shall be provided along all street frontages of property in accordance with Standard Specifications for all new buildings or structures, property development, or for any building or structure altered or expanded in excess of fifty percent of the value of such building or structure; or for any building or structure in which there is a change from a lesser to a more restrictive occupancy where a building permit is required. (Ord. No. 128, § 32; Ord. No. 83-19)

14-2.33 *Approval by The Chief Building Inspector.* The Chief Building Inspector shall deny final approval of any building or its occupancy until the work required by this section is completed or construction is guaranteed by a lien agreement or improvement security in the form of cash or bond. (Ord. No. 128, §33)

14-2.34 *Grades and Elevations.* The City Engineer shall, upon application from the owner of a lot or premises fronting upon a street or that owner's authorized representative, furnish to said owner grades and elevations to which said owner shall construct improvements on the street. Failure of the owner to follow the grades and elevations furnished by the City Engineer shall be cause for the Superintendent of Streets to require the removal and reconstruction of said

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improvements or, if the owner refuses to so remove and reconstruct, cause for the Superintendent of Streets to require the removal and reconstruction and to charge the cost of such removal and reconstruction to permittee.

Permittee shall be responsible for protection of stakes set by the City Engineer. (Ord. No. 128, §34)

14-2.35 Maintenance of Curbs, Gutters, and Sidewalks and Driveway Approaches. It shall be unlawful for any person owning any lot or premises in the City, fronting on any portion of a street where curbs, gutters, and sidewalks have been installed to allow any portion of such curbs, gutters, sidewalks, or driveway approaches in front of such lot or premises to be out of repair, or to become, be, or remain defective, or to become, be, or remain dangerous to the users thereof for any reason. Every such property owner must at all times keep his curbs, gutters, sidewalks, and driveway approaches in such condition that it will not endanger persons or property passing thereon, will not interfere with public convenience in the use thereof, or be or remain an obstruction or impediment to normal, customary, and usual pedestrian or vehicular traffic.

The provisions of Sections 5600 and following of the State of California Streets and Highways Code, as they now exist or may hereafter be amended, are hereby adopted as the procedure governing the maintenance and repair of curbs, gutters, sidewalks, and driveway approaches in the City. (Ord. No. 128, §35)

14-2.36 Fee Exemptions. The engineering and inspection fees required by this section shall not apply to projects for which application for grades and elevations was made prior to the effective date of this section or to projects for which the City Council has ordered engineering for grades and elevations prior to the effective date of this section. (Ord. No. 128, §36)

14-2.37 Liability by City. This section shall not be construed as imposing upon the City or any official or employee of the City any liability or responsibility for damage to any property or person injured or killed by the performance of

any work for which a permit was issued hereunder or for any work done without benefit of permit by persons not employed by the City or on contract with the City for such work; nor shall the City or any official or employee thereof be deemed to have assumed any liability for such damage by reason of any act authorized hereunder. Permittee, by signing and accepting a permit, assumes full liability for damage resulting from such work and agrees to hold the City and its officers and employees safe and harmless from any claims for damages resulting therefrom. (Ord. No. 128, §37)

14-2.38 *Penalties.* Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed five hundred (\$500.00) dollars or by imprisonment in the County Jail of the County of Kern, State of California for not more than six months, or by both such fine and imprisonment. Each and every day's continuance of such violation shall constitute a separate offense. (Ord. No. 128, §38)