CHAPTER I

GENERAL PROVISIONS

Article 1. General

1-1.101 *Reference to Code.* This Code shall be known as the "Ridgecrest Municipal Code". It shall be sufficient to refer to this Code as the Ridgecrest Municipal Code in any prosecution for violation of any provision hereof. It shall also be sufficient to designate any ordinance adding to, amending, or repealing the provisions of this Code as an addition or amendment to, or repeal of, the Ridgecrest Municipal Code, or portion thereof. (Ord. No. 87-12, § 1)

1-1.102 *Authority.* Except as provided in this Code, this Code consists of all the regulatory, penal and administrative laws of general application of the City of Ridgecrest codified pursuant to the authority set forth in Article 2 of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code. (Ord. No. 87-12, § 1)

1-1.103 *Effective Date.* The provisions of this Code took effect upon the effective date of the ordinance adopting this Code by reference. (Ord. No. 87-12, § 1)

1-1.104 *Construction and Interpretation.* All provisions of this Code and all City ordinances shall be interpreted to refer to the appropriate or designated officer or office of the City, and whenever an ordinance, uniform code, statute, or other matter which is adopted by reference refers to any department, officer, employee, inspection, police, or other function, unless the context requires otherwise, such references shall be to the appropriate or designated office, officer, department, agency employee or function of the City. (Ord. No. 87-12, § 1)

1-1.105 *Effective Code on Past Actions.* Neither the adoption of this Code nor the repeal of any ordinance of the City by this Code shall in any manner effect the prosecution for violations of ordinances, which violations were committed prior to the effective date of this Code, nor be construed as a waiver of any license or penalty on such effective date due or unpaid under the provision of such ordinances, nor be construed as affecting any provisions of such ordinance relating to the collection of any such license or penalty or the penal provisions applicable to any violation of such ordinances, nor to affect the validity of any bond or cash deposit required to be posted, filed, or deposited pursuant to any ordinance, and all vested rights and obligations pertaining to such ordinances shall continue in full force and effect. (Ord. No. 87-12, § 1)

1-1.106 *References to Ordinances.* The provisions of this Code shall not in any manner affect deposits or other matters of records which refer to, or are otherwise connected with, ordinances which are specifically designated by number or otherwise and which are included within the Code, but such references shall apply to the corresponding provisions set forth in this Code. (Ord. No. 87-12, § 1)

1-1.107 *Validity.* If any section, subsection, sentence, clause or phrase of this Code is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Code. The council hereby declares that it would have adopted this Code and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clause or phrase be declared unconstitutional. (Ord. No. 87-12, § 1)

1-1.108 *Repeal of Ordinances.* All ordinances of the City in force and effect upon the effective date of this Code have been repealed except ordinances relating to matters of a special or temporary nature. (Ord. No. 87-12, § 1)

1-1.109 *Code Maintenance.* At least three (3) copies of this Code, duly certified by the City Clerk, shall be maintained on file in the office of the City Clerk as the official copies of this Code. Additional copies of this Code shall be distributed to the departments of the City as may be prescribed by the City Manager.

Duly certified copies of each ordinance making a change in the Code shall be filed in the office of the City Clerk in books for such purpose, duly indexed for ready reference.

At least quarterly, the City Clerk shall cause the loose leaf pages of this Code in which changes have been made to be reproduced, including a notation as to the ordinance number and date pursuant to which such change is adopted, and distributed in an order that loose leaf copies of this Code, prepared for the use and convenience of the officers and employees of the City and the general public, may be brought up-to-date. (Ord. No. 87-12, § 1)

Article 2. Penalties

1-2.101 *Violations; Misdemeanors or Infractions.*

(a) It shall be unlawful for any person to violate any provision of this Code or to fail to comply with any of the requirements of this Code or of any of the provisions of any code adopted by reference by this Code. Violations of this Code are a misdemeanor unless otherwise indicated to be an infraction.

(b) Every violation determined to be a misdemeanor under the provisions of this Code shall be punishable by a fine of not more than one thousand ($1,000.00) dollars or by imprisonment in county jail for a period not to exceed six (6) months, or by both.

(c) Every violation of this Code determined to be an infraction is punishable by:

(1) A fine not exceeding one hundred ($100.00) dollars for the first violation;

(2) A fine not exceeding two hundred ($200.00) dollars for the second violation of the same provision within one (1) year;

(3) A fine not exceeding five hundred ($500.00) dollars for each additional violation of the same provision within one (1) year.
(Ord. No. 87-12, § 1)

1-2.102 *Prohibited Acts.* Whenever any act or omission is made unlawful by the Code, it shall include cause, permitting, aiding, abetting, suffering or concealing the fact of such act or omission. (Ord. No. 87-12, § 1)

1-2.103 *Imposition of Penalty.*

(a) The provision of this Code which declare certain crimes to be punishable devolve a duty upon the court authorized to pass sentence to determine and impose the punishment prescribed.

(b) Whenever in this Code the punishment for a crime is left undetermined between certain limits, the punishment to be inflicted in a particular case shall be determined by the court authorized to pass sentence within such limits as may be prescribed by this Code.
(Ord. No. 87-12, § 1)

1-2.104 *Place of Confinement.* Every person found guilty of violating any provisions of this Code and sentenced to imprisonment shall be imprisoned in the county jail. (Ord. No. 87-12, § 1)

1-2.105 *Other Penalties.*

(a) The amount of any fee, service charge, utility charge, license or tax of any nature whatsoever imposed by any provision of this Code shall be deemed a civil debt owing to the City. An action may be commenced in the name of the City in any court of competent jurisdiction for the collection of any such delinquent or unpaid fee, service charge, utility charge, license, or tax, together with the penalties applicable thereto as prescribed by this Code.

(b) The remedy described by this section shall be cumulative and the use of an action to collect such amount by Civil action shall not bar the use of any other remedy provided by this Code or by law for the purpose of enforcing the provisions of this Code.
(Ord. No. 87-12, § 1)

Article 3. Construction

1-3.101 *Scope.* Unless the provisions of this Code otherwise specifically provide, or the context of this Code indicates to the contrary, the general provisions, rules of construction and definitions set forth in this chapter shall govern the construction of this Code. The provisions of this Code and all proceedings under it are to be construed with a view to effect its objects and to promote justice. (Ord. No. 87-12, § 1)

1-3.102 *Provisions Construed as Restatements and Continuations.* The provision of this Code, insofar as they are substantially the same as existing ordinances relating to the same subject matter, shall be construed as restatements and continuations and not as new enactments. (Ord. No. 87-12, § 1)

1-3.103 *Tenure of Officers Preserved.* All persons who, at the time this Code takes effect, hold office under any of the ordinances repealed by this Code, which offices are continued by this Code, shall continue to hold such offices in accordance with the tenure originally granted such persons. (Ord. No. 87-12, § 1)

1-3.104 *Effect of Headings.* Title, chapter, article, and section headings contained in this Code shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of the provision of any title, chapter, article, or section of this Code. (Ord. No. 87-12, § 1)

1-3.105 *Reference to Acts or Omissions Within the City.* The provisions of this Code shall refer only to the omission or commission of acts within the territorial limits of the City and to the

territory outside the City over which the City has jurisdiction or control by virture of the constitution of the State or any law, or by reason of ownership or control of property. (Ord. No. 87-12, § 1)

1-3.106 *Acts by Deputies.* Whenever a power is granted to, or a duty is imposed upon, a public officer or employee, the power may be exercised or the duty may be performed by deputy of such officer or employee or by a person otherwise duly authorized pursuant to law or ordinance, unless this Code expressly provides otherwise. (Ord. No. 87-12, § 1)

1-3.107 *Writing.* Writing includes any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement, or record is required or authorized by this Code, such notice, report, statement, or records shall be made in writing in the English language unless this Code expressly provides otherwise. (Ord. No. 87-12, § 1)

1-3.108 *Reference to Ordinances; Application to Amendments.* Whenever any reference in this Code is made to an ordinance, the reference shall apply to such ordinance of the City unless this Code expressly provides otherwise. Whenever any reference is made to any portion of this Code, or to any ordinance of the City, the reference shall apply to all amendments made to this Code. (Ord. No. 87-12, § 1)

1-3.109 *Notice Required; Service.* Whenever a notice is required to be given pursuant to the provisions of this Code, unless different provisions are otherwise specifically set forth in the text of the Code, such notice may be given either by personal delivery thereof to the person to be notified or by deposit in the United States mail in a sealed envelope, postage prepaid, addressed to such person to be notified at the last known business or residence address as the same appears in the public records of the City or other records pertaining to the matter to which such notice is directed. Service by mail shall be deemed to have been completed at the time the notice is deposited in the post office. (Ord. No. 87-12, § 1)

1-3.110 *Notices Required; Service; Proof.* Proof of giving any notice required to be given pursuant to the provisions of this Code may be made by the certificate of any officer or employee of the City or by the affidavit of any person over the age of eighteen (18) years, which affidavit shows service in conformity with the provisions of this Code or other provisions of law applicable to the subject matter concerned. (Ord. No. 87-12, § 1)

1-3.111 *Statutes of Limitations.*

(a) When a limitation or period of time prescribed in any existing ordinance or statute for requiring a right or barring a remedy, or for any other purpose, has begun to run before this Code goes into effect, the time which has already run shall be deemed a part of the time prescribed as such limitation.

(b) The provisions of Code of Civil Procedure Section 1094.6 shall apply to the judicial review of the decisions of the City Council or any board, body, commission or officer of the City empowered to render final decisions. (Ord. No. 87-12, § 1; Ord. No. 87-31, § 2)

1-3.112 *Definitions.* For the purposes of this Code, unless otherwise apparent from the context, certain words and phrases used in this Code are defined as follows:

(a) "*Calendar Year*" shall mean from January 1 through December 31, of any given year.

(b) "*City*" shall mean the City Council of the City of Ridgecrest.

(c) "*City Administrator*" means City Manager as that office is more particularly described in Chapter.

(d) "*Council*" shall mean the City Council of the City of Ridgecrest.

(e) "*County*" shall mean the County of Kern.

(f) "*Fiscal Year*" shall mean from July 1 of any given year through June 30 of the following year.

(g) "*Gender.*" The masculine gender shall include the feminine and neuter genders.

(h) "*Goods*" shall mean and include wares and merchandise.

(i) "*May*" shall be permissive.

(j) "*Month*" shall mean a calendar month unless otherwise expressed.

(k) "*Number.*" The singular number shall include the plural, and the plural number shall include the singular.

(l) "*Oath*" shall include affirmation.

(m) "*Office.*" The use of the title of any officer, employee, office, or ordinance shall mean such officer, employee, office, or ordinance of the City, unless otherwise specified.

(n) "*Official time standard.*" Wherever certain hours are named in this Code, they shall mean standard time or daylight saving time as may be in current use in the City.

(o) "*Operate*" shall mean and include carrying on, keeping, conducting, or maintaining.

(p) "*Owner*" applies to a building or land and shall include any part owner, joint owner, tenant in common, or joint tenant of the whole or a part of such building or land.

(q) "*Person*" shall include any person, firm, company, corporation, partnership, association, public corporation, political subdivision, city (except the City of Ridgecrest, the County of Kern, any district in the County of Kern, the State of California, or the United States of America, or any department of agency or any thereof unless this Code expressly provides otherwise.)

(r) "*Personal Property*" shall include money, goods, chattels, things in action, and evidences of dept.

(s) "*Property*" shall include real and personal property.

(t) "*Quarterly,*" which used to designate a period of time, shall mean the first three (3) calendar months of any given year of any succeeding period of three (3) calendar months.

(u) "*Real Property*" shall include lands, tenements, and hereditaments.

(v) "*Sale*" shall include any sale, exchange, barter, or offer for sale.

(w) "*Section*" shall mean a section of this Code unless some other source is specifically mentioned.

(x) "*Shall*" shall be mandatory.

(y) "*State*" shall mean the State of California.

(z) "*Street*" shall include all streets, highways, avenues, boulevards, alleys, courts, places, squares, or other public ways in the City, which have been or may hereafter be dedicated and open to public use, or such other public property so designated by any law of the State.

(aa) "*Subsection*" shall mean a subsection of the section in which the term occurs, unless some other section is expressly mentioned.

(bb) "*Tenant or Occupancy*" applies to a building or land and shall include any person who occupies the whole or a part of such building or land, whether alone or with others.
(Ord. No. 87-12, § 1; Ord. No. 01-07, § 2)

Article 4. Administrative Citations

1-4.101 *Purpose.* This Chapter sets forth the process to levy and collect administrative penalties. The procedures in this chapter are in addition to criminal, civil or other remedies established by law.
(Ord. No. 05-05, § 2)

1-4.102 *Definitions.* The following terms are defined for the purposes of this chapter:

(a) "*Administrative Citation*" is a written notice of violation issued for a violation of this Code, any ordinance adopted by the City, or State code(s).

(b) "*Enforcement Officers*" are the persons designated by the City Manager to issue Administrative Citations pursuant to this chapter. Enforcement Officers include, but are not limited to the following persons employed by the city:

(1) Peace Officers,

(2) Firefighters,

(3) Code Enforcement Officers,

(4) Animal Control Officers, and

(5) Building Inspectors.

(c) "*Responsible Person*" means an individual who is the owner, occupant or authorized agent of the owner or occupant of real property, or business, or the parent or legal guardian of such person under the age of eighteen (18) years, who violates any provision of this code or aids, abets, coerces, compels, councils, advises, employs, or encourages another person to violate the provisions of this Code.
(Ord. No. 05-05, § 2)

1-4.103 *General.*

(a) The City may penalize a responsible person for violation of this Code, including Uniform Codes adopted by the council, State laws which may be enforced by the City

(b) Each and every day a violation exists may constitute a separate and distinct offense depending on the circumstances involved in the violation.

(c) The process for levying an administrative penalty shall be initiated by an administrative citation issued by the Enforcement Officer.

(d) The Finance Department shall collect administrative penalties. The City may contract with a private vendor, or with any other city or county processing agency for the processing of citations, notices of violations and notices of delinquent violations.
(Ord. No. 05-05, § 2)

1-4.104 *Administrative Fines: Amount.*

(a) Penalties enforced by Administrative Citations shall be:

(1) A fine not exceeding one hundred dollars ($100.00) for a first violation;

(2) A fine not exceeding two hundred dollars ($200.00) for a second violation of the same ordinance or permit within one year from the date of the first violation; and

(3) A fine not exceeding five hundred dollars ($500.00) for each additional violation of the same ordinance or permit within one year from the date of the first violation.

(b) The City may charge a fee to recover the costs of handling an Administrative Citation in amount from time to time established by resolution.

(c) No fine shall be imposed if the violation(s) pertains to building, plumbing, electrical, or other similar structural or zoning issues that do not create an immediate danger to health or safety and the condition is corrected before the date provided on the citation, and no citation(s) have been issued in the preceding 12-months for the same offense.

(d) If the Responsible Person fails to correct the violation(s), subsequent administrative citations may be issued for the same violation(s). The amount of the penalty for failure to correct the violation shall increase at a rate specified herein.
(Ord. No. 05-05, § 2)

1-4.105 *Administrative Citations: Service.*

(a) An Administrative Citation shall be issued to the Responsible Person in the one of the following manners:

(1) The Enforcement Officer shall attempt to locate and personally serve the responsible person and obtain the signature of the responsible person on the administrative citation. The failure or refusal to sign shall not affect the validity of the administrative citation or of subsequent proceedings.

(2) The Administrative Citation shall be mailed to the Responsible Person by certified mail, postage prepaid with a requested return receipt if the Enforcement Officer is unable to locate the Responsible Person, simultaneously, the citation may be sent by first class mail. Service shall be deemed effective pursuant to first class mail, provided the citation sent by first class mail is not returned.

(3) An Enforcement Officer shall post the Administrative Citation on real property in which the City has knowledge the Responsible Person has a legal interest, and such

posting shall be deemed effective service. Failure of a posted notice to remain in place after posting shall in not affect the validity of the notice.

(b) A person, other than the cited Responsible Person, who alters, mutilates, defaces, conceals, modifies, nullifies, destroys, removes, or otherwise interferes with the Enforcement Officers intent to provide service of notice of an Administrative Citation posted pursuant to this section is guilty of a misdemeanor.
(Ord. No. 05-05, § 2)

1-4.106 *Administrative Citation: Contents.*

(a) The Administrative Citation shall contain at least the following information:

(1) Date, approximate time, and address or definite description of the location where the violation(s) was observed;

(2) A brief reference to the provision which has been violated and a description of the violation(s);

(3) If the violation is correctable, an order to the responsible person to correct the violations within the time specified, and an explanation of the consequences of failure to correct the violation(s);

(4) The amount of the fine for the violation(s);

(5) An explanation of how the fine shall be paid and the time period by which it shall be paid;

(6) A description of rights of appeal, including the time within which the citation may be contested and the place to obtain a request for hearing form to contest the Administrative Citation; and

(7) The name and signature of the Enforcement Officer and if possible the signature of the Responsible Person.

(b) The Administrative Citation or copy thereof, shall be kept in the ordinary course of business of the issuing Department and shall be prima facie evidence of the facts contained therein.

(c) The notice shall be prepared in quadruplicate and distributed as follows:

(1) The original shall be held by the issuing Department.

(2) The first copy shall be forwarded to the Finance Department for tracking and pursuit of collection of fines.

(3) The second copy may be retained by the issuing officer.

(4) The third copy shall be issued to the violator. The paper stock of the violator copy shall be of a weight appropriate for outdoor posting of the copy.
(Ord. No. 05-05, § 2)

1-4.107 *Satisfaction of Administrative Citation.*

(a) Upon receipt of an Administrative Citation, the Responsible Person shall:

(1) Pay the fine to the City within fifteen (15) days from the issue date of the Administrative Citation. Payment of a fine shall not excuse or discharge the failure to correct the violation(s) nor shall it bar further enforcement action.

(2) A person may request a waiver of deposit of fine due to financial hardship. The person requesting the waiver bears the burden of establishing lack of financial ability to make the deposit. The Finance Director shall decide whether to approve or deny the request.

(3) Remedy the violation(s), if the violation(s) is/are of such a nature that it/they can be remedied.

(b) When a Responsible Person is issued an Administrative Citation for violation which pertains to building, plumbing, electrical, or other similar structural or zoning issues, that do not create an immediate danger to health or safety, the violation shall be corrected within ten (10) days.

(c) Violations that create a danger to health and/or safety shall be corrected immediately.

(d) An issuing Department may grant an extension to complete required corrections if the Responsible Person has shown a good faith effort and progression in correcting the violation and no immediate danger to health or safety exists. The extension shall not extend beyond fifteen (15) days from the date of issuance of the citation.
(Ord. No. 05-05, § 2)

1-4.108 *Appeal.*

(a) Initial review:

(1) A person issued an Administrative Citation may request an initial review of the citation within seven (7) calendar days of receiving an Administrative Citation or within five (5) calendar days from the mailing of a notice of delinquent violation. A request for a review may be made in person, by telephone - no phone messages will be accepted, or in writing. There shall be no charge for the initial review.

(2) The head of the issuing Department shall designate an employee who is not connected with the case, to review the citation. The initial review must occur within five (5) days of the request. The issuing Department shall cancel the notice of violation or notice of delinquent violation if the reviewer determines the violation did not occur, or that the person cited was not responsible for the violation. The decision of the review shall be mailed to the cited person via first class mail. The City Manager shall designate an alternative employee to review the citation when a Department Head is the issuing Officer.

(b) Hearing:

(1) After the review described in 1-4.08(a), a person issued an Administrative Citation may request a hearing by completing a form and returning it to the City Clerk within fifteen (15) days from the issue date of the citation, with a deposit of the fine. The fine shall be refunded if it is determined the person charged in the Citation was not responsible for the violation(s), extenuating circumstances make dismissal of the citation appropriate in the interest of justice, or there was no violation(s).

(2) The City Manager has designated the Community Development Director as the hearing officer for the hearing. The City Manager may also maintain a list of qualified hearing officers. The employment, performance evaluation, compensation and benefits of the hearing officer shall not be directly or indirectly conditioned upon the amount of Administrative Citation penalty upheld by the hearing officer.

(3) A hearing shall be set for not less than fifteen (15) and not more than thirty (30) days from the date the request for hearing is filed. The person requesting the hearing shall be notified of the time and place for the hearing at least ten (10) days prior to the date of the hearing.

(4) As nearly as practical, the hearing officer shall conduct the hearing consistent with the Administrative Procedures Act. The person contesting the citation may testify and present witnesses and evidence.

(5) The failure of any recipient of an Administrative Citation to appear at the hearing constitutes a forfeiture of the fine unless that person has requested a hearing by written declaration.

(6) The citation and documents submitted by the Enforcement Officer shall constitute prima facie evidence of the respective facts contained in those documents, however, the Officer who issued the citation is not required to attend or participate at the hearing.

(7) The hearing officer may continue the hearing and request additional information from the Enforcement Officer or the recipient of the citation prior to issuing a written decision.

(8) The hearing officer shall issue a written decision within ten (10) days of the hearing to uphold or deny the citation and shall explain the reasons for the decision. The decision of the hearing officer shall be final. If the hearing officer determines the citation should be upheld, the fine amount on deposit with

the City shall be retained by the City. If the hearing officer determines the citation should not be upheld, the deposit shall be refunded.
(Ord. No. 05-05, § 2)

1-4.109 *Right of Judicial Review.* A person aggrieved by the decision of a hearing officer may obtain review by filing a petition for writ of mandate under Code of Civil Procedure Section 1094.6 within the time stated in Government Code Section 53069.4(a)(1).
(Ord. No. 05-05, § 2)

1-4.110 *Failure to Pay Fines.*

(a) Unless contrary to any other provision of law, citations not under appeal, and delinquent over twenty (20) calendar days, shall be subject to an additional charge every calendar month. The amount is to be set forth by resolution of the City Council.

(b) The Finance Director shall establish procedures for the collection of delinquent administrative fines.
(Ord. No. 05-05, § 2)

Article 5. Eminent Domain

1-5.101 *Purpose.* The purpose of this article is to establish conditions under which eminent domain may be exercised by the City.
(Ord. No. 06-20, § 1)

1-5.102 *Definition.* As used in this chapter:

"Owner" shall mean the owners(s) of the fee title interest in the property to be acquired.
(Ord. No. 06-20, § 1)

1-5.103 *Condition.* The City may exercise eminent domain to acquire property for public purpose, or, with the Owner's consent, to convey the property so acquired to any private party. The City may not exercise the power of eminent domain to acquire prop-

erty from any private Owner thereof, without such Owner's consent, when the purpose of the acquisition is to convey the property so acquired to any private party.
(Ord. No. 06-20, § 1)

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