

**CHAPTER IV**  
**PUBLIC SAFETY**

**Article 1. Traffic**

**Division 1. General**

4-1.101 *General.* This Division deals with the City's traffic regulations. (Ord. No. 89-10, § 2)

4-1.102 *Definition of Words and Phrases.*

- (a) The following words and phrases when used in this chapter shall for the purpose of this chapter have the meanings respectively ascribed to them in this article.
- (1) "*Coach*" shall mean any motor bus, motor coach or passenger vehicle used as a common carrier of passengers.
  - (2) "*Curb*" shall mean the lateral boundary of the roadway whether such curb be marked by curbing construction, or not so marked; the word "curb" as herein used shall not include the line dividing the roadway of a street from parking strips in the center of a street, nor from rights-of-way of public utility companies.
  - (3) "*Median Island*" shall mean a raised island located in the roadway and separating opposing or conflicting streams of traffic.
  - (4) "*Gross Weight*" shall mean the weight of a vehicle without load plus the weight of any load thereon.
  - (5) "*Loading Zone*" shall mean the space reserved for the exclusive use of vehicles during the loading or unloading of passengers or freight.
  - (6) "*Official Time Standard*" shall mean whenever certain hours are named herein, standard time or daylight-saving time as may be in current use in this City.

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- (7) "*Ordinance*" shall mean the ordinance, rule or regulation adopted by the local authority relating to the movement of traffic, and enforcement thereof.
- (8) "*Parkway*" shall mean that portion of street right-of-way other than a roadway or a sidewalk.
- (9) "*Passenger Loading Zone*" shall mean the space reserved for the exclusive use of vehicles while receiving or discharging passengers.
- (10) "*Police Officer*" shall mean every officer of the Police Department of the City or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.
- (11) "*Traffic Enforcement Division*" shall mean the division within the Police Department of the City of Ridgecrest.
- (12) "*Traffic Engineering Division*" shall mean the division within the Public Works Department of the City.
- (13) "*Vehicle Code*" shall mean the Vehicle Code of the State of California.  
(Ord. No. 89-10, § 2)

**Division 2. Traffic Administration**

**4-1.201 *Police Administration - Traffic Enforcement Division.*** There is hereby established in the Police Department of the City a traffic enforcement division to be under the control of a supervising officer or police appointed by and directly responsible to the Chief of Police. (Ord. No. 89-10, § 2)

**4-1.202 *Duty of Traffic Enforcement Division.*** The duty of the traffic enforcement division shall, with such aid as may be rendered by other members of the Police Department, enforce the street traffic regulations of the City and all of the State vehicle laws applicable to street traffic in this City, to make arrests for traffic violations, to investigate traffic accidents

and to cooperate with the Traffic Engineer and other officers of the City in the administration of the traffic laws and in developing ways and means to improve traffic conditions, and to carry out those duties specially imposed upon said division by this article. (Ord. No. 89-10, § 2)

**4-1.203 *City Traffic Engineer.*** The position of Traffic Engineer is hereby established. The Traffic Engineer shall exercise the powers and duties as provided in this chapter. Under the Director of Public Works, the Traffic Engineer shall be responsible for all traffic engineering division functions in the Public Works Department. The Public Works Director may act as Traffic Engineer. (Ord. No. 89-10, § 2)

**4-1.204 *Powers and Duties of City Traffic Engineer - Delegation.***

- (a) The Traffic Engineer shall determine the installation and proper timing and maintenance of traffic control devices and signals, conduct engineering analyses of traffic accidents and devise remedial measures, conduct engineering and traffic survey of traffic conditions and cooperate with other City officials in the development of ways and means to improve traffic conditions, and carry out the additional powers and duties imposed by ordinances of the City of Ridgecrest.
- (b) Whenever the Traffic Engineer is required or authorized to place or maintain official traffic control devices or signals, he may cause such devices or signals to be placed or maintained.
- (c) Whenever, by the provisions of this chapter, a power is granted to the Traffic Engineer or a duty imposed upon him, the power may be exercised or the duty performed by a person authorized in writing by him.  
(Ord. No. 89-10, § 2)

**4-1.205 *Traffic Accident Studies.*** Whenever the accidents at any particular location become numerous, the traffic enforcement division shall cooperate with the Traffic Engineer in

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conducting studies of such accidents and determining remedial measures. (Ord. No. 89-10, § 2)

**4-1.206 *Traffic Accident Reports.*** The traffic enforcement division and/or the traffic engineering division shall maintain a suitable system of filing traffic accident reports. Such reports shall be available for the use and information of the supervising officer of the traffic enforcement division and the Traffic Engineer. (Ord. No. 89-10, § 2)

**4-1.207 *Emergency and Experimental Regulations.***

- (a) The Chief of Police by and with the approval of the Traffic Engineer is hereby empowered to make regulations necessary to make effective the provisions of the traffic ordinances of the City and to make and enforce temporary or experimental regulations to cover emergencies or special conditions. No such temporary or experimental regulation shall remain in effect for more than ninety (90) days. To the extent practicable, the Chief of Police or Traffic Engineer shall provide the City Council with advance notice through the City Administrator of any such experimental program.
- (b) The Traffic Engineer may test traffic control devices under actual conditions of traffic.
- (c) The Chief of Police may authorize the temporary placing of official traffic control devices when required by an emergency. The Chief of Police shall notify the Traffic Engineer of his action as soon thereafter as is practicable.

(Ord. No. 89-10, § 2)

**4-1.208 *Traffic Enforcement Division and/or Traffic Engineering Division to Submit Annual Traffic Safety Report.*** The traffic enforcement division and/or traffic engineering division shall prepare a traffic report which shall be filed with the City Council. Such a report shall contain information on traffic matters in this City as follows:

- (a) The number of traffic accidents, the number of persons killed, the number of persons injured, and other pertinent traffic accident data;
  - (b) The number of traffic accidents investigated and other pertinent data on the safety activities of the police;
  - (c) The plans and recommendations of the traffic enforcement division and the traffic engineering division for future traffic safety activities.
- (Ord. No. 89-10, § 2)

4-1.209 *Traffic Committee.* The Council may establish an advisory traffic committee to serve without compensation, consisting of the Chief of Police or his representative, a Judge or a qualified citizen, the Traffic Engineer, a member of the City Council and the City Administrator or his representative. The chairman of the committee shall be the City Council member. (Ord. No. 89-10, § 2)

4-1.210 *Duties of Traffic Committee.* The Traffic Committee shall suggest the most practicable means for coordinating the activities of all officers and agencies of this City having authority with respect to the administration and enforcement of traffic regulations; to stimulate and assist in the preparation and publication of traffic reports; to receive complaints regarding traffic matters; and to recommend to the City Council and to the supervising officer of the traffic enforcement division and the Traffic Engineer and other City officials ways and means for improving traffic conditions and the administration and enforcement of traffic regulations. (Ord. No. 89-10, § 2)

### **Division 3. Enforcement and Obedience to Traffic Regulations**

4-1.301 *Authority of Police Department Officials.* Officers of the Police Department and such officers as are assigned by the Chief of Police are hereby authorized to direct all traffic by voice, hand, audible or other signal in conformance with

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traffic laws, except that in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the Police Department or members of the Fire District may direct traffic as conditions may require, notwithstanding the provisions to the contrary as contained in this chapter or the Vehicle Code. (Ord. No. 89-10, § 2)

4-1.302 *Required Obedience to Traffic Ordinance.* It is unlawful for any person to do any act forbidden or fail to perform any act required in this chapter. (Ord. No. 89-10, § 2)

4-1.303 *Unauthorized Persons Shall Not Direct Traffic.* No person other than an officer of the Police Department or members of the Fire District or a person authorized by the Chief of Police or a person authorized by law shall direct or attempt to direct traffic by voice, hand or other signal, except that other authorized persons may operate, when and as herein provided, any mechanical push button signal erected by order of the Traffic Engineer. (Ord. No. 89-10, § 2)

4-1.304 *Obstruction or Interference with Police or Authorized Officers.* No person shall interfere with or obstruct in any way any police officer or other officer or employee of this City in their enforcement of the provisions of this chapter. The removal, obliteration or concealment of any chalk mark or other distinguishing mark used by any police officer or other employee or officer of this City in connection with the enforcement of the parking regulations of this chapter shall, if done for the purpose of evading the provisions of this chapter, constitute such interference or obstruction. (Ord. No. 89-10, § 2)

**Division 4. Traffic Control Devices**

4-1.401 *Authority to Install Traffic Control Devices.* The Traffic Engineer shall place and maintain or cause to be placed and maintained official traffic control devices upon streets and highways as required under the Vehicle Code or the traffic ordinance of this City to make effective the

provisions of the Code, resolutions, or the ordinances of the City, and may place and maintain or cause to be placed and maintained, such appropriate official traffic control devices as he may deem necessary to properly indicate and to carry out the provisions of this chapter or to warn or guide traffic. (Ord. No. 89-10, § 2)

**4-1.402 *Official Traffic Control Devices Required for Enforcement Purposes.*** No provision of the Vehicle Code or of this chapter for which official traffic control devices are required shall be enforced against an alleged violator unless appropriate official traffic control devices are in place giving notice of such provisions of the traffic laws. (Ord. No. 89-10, § 2)

**4-1.403 *Installation of Traffic Signals.***

- (a) The Traffic Engineer may install and maintain official traffic signals at those intersections and other places where traffic conditions are such as to require that the flow of traffic be alternately interrupted and released in order to prevent or relieve traffic congestion or to protect life or property from exceptional hazard when such traffic signals are authorized by the City Council.
- (b) The Traffic Engineer shall ascertain and determine the locations where such signals are required by an engineering and traffic survey and his determinations therefrom shall be made in accordance with those traffic engineering and safety standards and instructions set forth in the Department of Transportation Traffic Manual and recommend such locations to the City Council.
- (c) The Traffic Engineer shall erect and maintain at each signal-controlled intersection street name signs clearly visible to traffic approaching from all directions.  
(Ord. No. 89-10, § 2)

**4-1.404 *Traffic Lanes.*** The Traffic Engineer shall have authority to mark traffic lanes upon the roadway of any street or highway where a regular alignment of traffic is necessary. (Ord. No. 89-10, § 2)

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4-1.405 *Distinctive Roadway Markings.* The Traffic Engineer may place and maintain upon highways distinctive roadway markings as described in the Vehicle Code and the Manual for Uniform Traffic Control Devices. (Ord. No. 89-10, § 2)

4-1.406 *Authority to Remove, Relocate and Discontinue Traffic Control Devices.* The Traffic Engineer may remove, relocate or discontinue the operation of any traffic control device not specifically required by the Vehicle Code or this chapter whenever he shall determine in any particular case that the conditions which warranted or required the installation no longer exist. (Ord. No. 89-10, § 2)

4-1.407 *Traffic Control Devices: Hours of Operation.* The Traffic Engineer shall determine the hours and days during which any traffic control device shall be in operation or be in effect, except in those cases where such hours or days are specified in this chapter. (Ord. No. 89-10, § 2)

4-1.408 *Unauthorized Painting of Curbs.* No person or agency unless authorized by the Traffic Engineer, shall paint any street or curb surface; provided, however, that this section shall not apply to the painting of numbers on a curb surface by any person who has complied with the provisions of any ordinance or resolution of this City pertaining thereto. (Ord. No. 89-10, § 2)

**Division 5. Speed Regulations**

4-1.501 *State Speed Laws Applicable.* The State traffic laws regulating the speed of vehicles shall be applicable upon all streets within this City except where the Traffic Engineer authorized by the City Council, upon the basis of an engineering and traffic survey, determines that other speed limits shall be applicable on specified streets or in certain areas. (Ord. No. 89-10, § 2)

4-1.502 *Authority of City Council.* The City Council is authorized by the Vehicle Code to establish speed limits on

City streets other than State Highways, when speed limit is determined on the basis of an engineering and traffic survey, when such speeds will facilitate the orderly and safe movement of vehicular traffic. (Ord. No. 89-10, § 2)

**4-1.503 *Authority of City Traffic Engineer.***

- (a) The City Traffic Engineer shall recommend to the City Council speed limits on city streets based on engineering and surveys.
- (b) The City Traffic Engineer is authorized to install such speed limit signs as required by the Vehicle Code and the Manual for Uniform Traffic Control Devices, when such speed limit is authorized by the City Council.
- (c) The City Traffic Engineer is authorized by the City Council to regulate the timing of traffic signals so as to permit the movement of traffic in an orderly and safe manner at speeds slightly at variance from the speeds otherwise applicable within the district or at intersections, and shall erect appropriate signs giving notice thereof.

(Ord. No. 89-10, § 2)

**4-1.504 *Speed Limit Signs.*** Speed limits established pursuant to this section shall be effective when appropriate signs giving notice thereof are erected upon said street or highway. (Ord. No. 89-10, § 2)

**Division 6. Turning Movements**

**4-1.601 *Authority to Place Devices Altering Normal Course for Turns.*** The Traffic Engineer may place official traffic control devices within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, and such course to be traveled as so indicated may conform to or be other than as prescribed by law. (Ord. No. 89-10, § 2)

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4-1.602 *Authority to Place Restricted Turn Signs.* The Traffic Engineer shall determine those intersections at which drivers of vehicles shall not make a right, left or U-turn, and shall place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs or they may be removed when such turns are permitted. (Ord. No. 89-10, § 2)

4-1.603. *Limitations on U-Turns.* The driver of any vehicle turning such vehicle so as to proceed in the opposite direction upon any street shall do so only in conformance with regulations of the Vehicle Code. (Ord. No. 89-10, § 2)

**Division 7. One-Way Streets and Alleys**

4-1.701 *Authority to Sign One-Way Streets and Alleys.* The Traffic Engineer shall determine and designate one-way streets or alleys and shall place and maintain official traffic control devices giving notice thereof. No such designation shall be effective unless such devices are in place. (Ord. No. 89-10, § 2)

4-1.702 *Authority to Restrict Direction of Movement on Streets During Certain Periods.* The Traffic Engineer shall determine and designate streets, parts of streets or specific lanes thereon upon which vehicular traffic shall proceed in one direction during one period and the opposite direction during another period of the day and shall place and maintain appropriate markings, signs, barriers or other devices to give notice thereof. The City Traffic Engineer may erect signs temporarily designating lanes to be used by the traffic moving in a particular direction, regardless of the centerline of the roadway. (Ord. No. 89-10, § 2)

**Division 8. Stop and Yield Intersections**

4-1.801 *Authority for Stop Signs and Yield Signs.* The City Council shall, by resolution, designate through streets or

intersections or other roadway junctions at which vehicular traffic on one or more of the roadways should yield or stop and yield before entering the intersection or junction. The Traffic Engineer shall erect and maintain stop signs, yield signs, or other official traffic control devices to implement the Council's designations. (Ord. No. 89-10, § 2)

### **Division 9. Miscellaneous Driving Rules**

**4-1.901 *Stop When Traffic Obscured.*** No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed. (Ord. No. 89-10, § 2)

**4-1.902 *Driving Through Funeral or Other Procession.*** No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated as required in this chapter. This provision shall not apply at intersections where traffic is controlled by traffic control signals or police officers. (Ord. No. 89-10, § 2)

**4-1.903 *Drivers in a Procession.*** Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practicable and shall follow the vehicle ahead as close as practicable and safe. (Ord. No. 89-10, § 2)

**4-1.904 *Funeral Processions to be Identified.*** A funeral composed of a procession of vehicles shall be identified as such by the display upon the outside of each vehicle of a pennant or other identifying insignia or by such other method as may be determined and designated by the Traffic Enforcement Division. (Ord. No. 89-10, § 2)

**4-1.905 *When Permits Required for Parades and Processions.*** No funeral, procession or parade containing two hundred

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(200) or more persons or fifty (50) or more vehicles except the Armed Forces of the United States, the military forces of this State and the forces of the police and fire departments, shall occupy, march or proceed along any street except in accordance with a permit issued by the Chief of Police and such other regulations as are set forth herein which may apply. (Ord. No. 89-10, § 2)

**Division 10. Pedestrians' Rights and Duties**

4-1.1001 *Crossing at Right Angles.* Except where otherwise indicated by a crosswalk or other official traffic control devices, a pedestrian shall cross a roadway at right angles to the curb or by the shortest route to the opposite curb. (Ord. No. 89-10, § 2)

4-1.1002 *Prohibited Crossing.* No pedestrian shall cross a roadway other than in a crosswalk marked or unmarked upon any of the designated through streets. (Ord. No. 89-10, § 2)

4-1.1003 *City Traffic to Establish Crosswalks.*

- (a) The City Council shall establish, by resolution, crosswalks at intersections and other places by appropriate devices, marks or lines upon the surface of the roadway where in its opinion there is particular danger to pedestrians crossing the roadway.
- (b) The Traffic Engineer may install signs at or adjacent to an intersection in respect to any crosswalk directing that pedestrians shall not cross in the crosswalk so indicated.  
(Ord. No. 89-10, § 2)

**Division 11. Bicycles**

4-1.1101 *Bicycle Lanes.* The Council shall establish bicycle lanes from time to time by resolution. The Traffic Engineer is authorized by the Council to implement the establishment of

the bicycle lanes and paths as designated in said resolution. (Ord. No. 89-10, § 2)

### **Division 12. Angle Parking**

#### **4-1.1201 *Signs or Markings Indicating Angle Parking.***

- (a) The Traffic Engineer as authorized by the City Council shall determine upon what streets angle parking shall be permitted and shall mark or sign such streets but such angle parking shall not be indicated upon any Federal Aid or the State Highway within the City unless the Department of Transportation has determined that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.
- (b) Angle parking shall not be indicated or permitted at any place where passing traffic would thereby be caused or required to drive upon the left side of the street.

(Ord. No. 89-10, § 2)

4-1.1202. *Angle Parking: Obedience to Signs and Markings.* No person shall park a vehicle in an area designated by the traffic engineer for angle parking except in compliance with markings and signs. Violation of this section is an infraction. The City Council shall set the penalty for violation of this section from time-to-time by resolution.

(Ord. No. 94-12, § 2)

### **Division 13. Stopping, Standing or Parking Prohibited in Specified Places**

#### **4-1.1301 *City Traffic Engineer to Designate No Stopping Zones and No Parking Areas.***

- (a) The Traffic Engineer shall determine the location of no stopping zones and no parking areas and shall place and maintain appropriate signs or markings indicating the same and stating the hours during which the provisions of this article and the Vehicle Code are applicable.

- (b) No stopping zones and no parking areas shall be indicated by red paint upon the top of all curbs or by signs in said zones and areas.

(Ord. No. 89-10, § 2)

**4-1.1302 *Prohibited Stopping, Standing or Parking.*** No person shall stop, park or leave standing any vehicle whether attended or unattended, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or official traffic control device, in any of the following places:

- (a) Within any median island unless authorized and clearly indicated with appropriate signs or markings.
- (b) On either side of any street between the projected property lines of any public walk, street or thoroughfare terminating at such street, when such area is indicated by appropriate signs or by red paint upon the curb surface.
- (c) In any area where the City Traffic Engineer determines that the parking or stopping of a vehicle would constitute a traffic hazard or would endanger life or property or would cause unusual delay to traffic, when such area is indicated by appropriate signs or by red paint upon the curb surface.
- (d) In any area established by resolution of the City Council as a no parking area, when such area is indicated by appropriate signs or by red paint upon the curb surface.
- (e) Within any parkway.
- (f) On any street or highway where the use of such street or highway or a portion thereof is necessary for the cleaning, repair or construction of the street or highway or the installation of underground utilities or where the use of the street or highway or any portion thereof is authorized for a purpose other than the normal flow of traffic or where the use of the street or highway or any portion thereof is necessary for the movement of equipment, articles, or structures of unusual size, and the parking of such vehicle would prohibit or interfere with such use or movement; provided that signs giving notice of such no parking are erected or placed at least twenty-four (24) hours prior to the effective time of such no parking.

- (g) At any place within twenty (20) feet of a crosswalk at an intersection when such place is indicated by appropriate signs or by red paint or signs upon the curb surface except that a bus may stop at a designated bus stop.
- (h) Within twenty (20) feet of the approach to any traffic signal, boulevard stop sign, or official electric flashing device.  
(Ord. No. 89-10, § 2)

**4-1.1303 *Parking Not to Obstruct Traffic.*** No person shall park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for free movement of vehicular traffic. (Ord. No. 89-10, § 2)

**4-1.1304 *Parking in Alleys.*** No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property. (Ord. No. 89-10, § 2)

**4-1.1305 *Parking for Certain Purposes Prohibited.*** No person shall park a vehicle upon any roadway for the principal purpose of:

- (a) Displaying such vehicle for sale.
- (b) Washing, polishing, greasing or repairing such vehicle except repairs necessitated by an emergency.  
(Ord. No. 89-10, § 2)

**4-1.1306 *Parking Adjacent to Schools.*** The Traffic Engineer shall place signs or markings indicating no parking upon either or both sides of any street adjacent to any school property when such parking would, in his opinion, interfere with traffic or create a hazardous situation. (Ord. No. 89-10, § 2)

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**4-1.1307 *Parking Prohibited on Narrow Streets.*** The Traffic Engineer shall place signs or markings indicating no parking upon any street when the width of the roadway does not exceed twenty (20) feet, or upon one side of a street as indicated by such signs or markings when the width of the roadway does not exceed thirty-two (32) feet. (Ord. No. 89-10, § 2)

**4-1.1308 *Standing or Parking on One-Way Streets.*** The Traffic Engineer shall erect signs upon the left-hand side of any one-way street to prohibit the standing or parking of vehicles. (Ord. No. 89-10, § 2)

**4-1.1309 *Standing or Parking on One-Way Roadways.*** In the event a highway includes two (2) or more separate roadways and traffic is restricted to one direction upon any such roadway, no person shall stand or park a vehicle upon the left-hand side of such one-way roadway unless signs are erected to permit such standing or parking. The Traffic Engineer shall determine when standing or parking may be permitted upon the left-hand side of any such one-way roadway and to erect signs giving notice thereof. (Ord. No. 89-10, § 2)

**4-1.1310 *Parking on Grades.*** No person driving, or in control of, or in charge of, a motor vehicle shall permit it to stand on any highway unattended when upon any grade exceeding three (3%) percent within any business or residence district without blocking the wheels of the vehicle by turning them against the curb or by other means. (Ord. No. 89-10, § 2)

**4-1.1311 *Unlawful Parking - Peddlers, Vendors.***

- (a) Except as otherwise provided in this section, no person shall stand or park any vehicle, wagon or pushcart from which goods, wares, merchandise or food are sold, displayed, solicited or offered for sale or bartered or exchanged, or any lunch wagon or eating car or vehicle, on any portion of any street within this City except that such vehicles, wagons or pushcarts may stand or park

only at the request of a bona fide purchaser for a period of time not to exceed ten (10) minutes at any one place. The provisions of this section shall not apply to persons delivering such articles upon order of, or by agreement with a customer from a store or other fixed place of business or distribution.

- (b) No person shall park or stand on any street, any lunch wagon, eating cart or vehicle, or pushcart from which articles of food are sold or offered for sale without first obtaining a written permit to do so from the Traffic Engineer which shall designate the specific location in which such cart shall stand.
- (c) No person shall park or stand any vehicle or wagon used or intended to be used in the transportation of property for sale on any street while awaiting patronage for such vehicle or wagon without first obtaining a written permit to do so from the Traffic Engineer which shall designate specific location where such vehicle may stand.
- (d) Whenever any permit is granted under the provisions of this section and a particular location to park or stand is specified therein, no person shall park or stand any vehicle, wagon or pushcart on any location other than as designated in such permit. In the event that the holder of any such permit is convicted in any court jurisdiction for violating any of the provisions of this section, such permit shall be forthwith revoked by the Traffic Engineer upon the filing of the record of such conviction with such officer and no permit shall thereafter be issued to such person until six (6) months have elapsed from the date of such revocation.  
(Ord. No. 89-10, § 2)

**4-1.1312 *Emergency Parking Signs.*** Whenever the Traffic Engineer determines that an emergency traffic congestion is likely to result from the holding of public or private processions or assemblages, he, as authorized by the local

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authority shall place temporary signs indicating that the operation, parking or standing of vehicles is prohibited on such streets and alleys. Such signs shall remain in place only during the existence of such emergency and the Traffic Engineer shall remove such signs thereafter. (Ord. No. 89-10, § 2)

4-1.1313 *Continuous Parking.* No person shall park or stand a vehicle on any street at the same location for more than ten (10) consecutive days. (Ord. No. 92-17, § 2)

4-1.1314 *Parking in Public Lots.*

- (a) No person shall stand or park any vehicle upon a City owned parking lot between the hours of 2:00 o'clock a.m. and 4:00 o'clock a.m. except with the written permission of the City Administrator, Director of Public Works, or Chief of Police or their designee.
- (b) No person shall stand or park any vehicle exceeding ten thousand one (10,001) pounds gross vehicle weight upon a City owned parking lot except with the written permission of the City Administrator, Director of Public Works, or Chief of Police or their designee.
- (c) The Director of Public Works shall post signs at City parking lots that state the requirements of this section. The City Administrator, Public Works Director or Chief of Police shall permit the use of City parking lots as provided herein only when such use will not damage the City parking lot or present a hazard to persons or vehicles.  
(Ord. No. 19-17, § 3)

**Division 14. Stopping for Loading or Unloading Only**

4-1.1401 *City Traffic Engineer to Designate Loading Zones and Passenger Loading Zones*

- (a) The Traffic Engineer shall determine the location of loading zones and passenger loading zones and shall

place and maintain appropriate signs or markings indicating the same and stating the hours during which the provisions of this article and the Vehicle Code are applicable.

- (b) Loading zones shall be indicated by yellow paint upon the top of all curbs in said zones. Yellow shall mean no stopping, standing or parking at any time between 7:00 a.m. and 6:00 p.m. of any day except Sunday(s) and holidays for any purpose other than the loading or unloading of passengers shall not consume more than three (3) minutes nor the loading or unloading of freight more than twenty (20) minutes.
- (c) Passenger loading zones shall be indicated by white paint upon the top of all curbs in said zones. White shall mean no stopping, standing or parking for any purpose other than loading or unloading of passengers, or for the purpose of depositing mail in an adjacent mail box, which shall not exceed three (3) minutes and such restrictions shall apply between 7:00 a.m. and 6:00 p.m. of any day except Sunday(s) and holidays, except as follows:

When such zone is in front of a mailbox, the restrictions shall apply at all times.

(Ord. No. 89-10, § 2)

**4-1.1402 *Effect of Permission to Load or Unload.***

- (a) Permission herein granted to stop or stand a vehicle for purposes of loading or unloading of freight shall apply only to commercial vehicles and shall not extend beyond the time necessary therefore, and in no effect for more than twenty (20) minutes.
- (b) The loading or unloading of freight shall apply only to commercial deliveries, also the delivery or pick-up of express and parcel post packages and United States mail.
- (c) Permission herein granted to stop or park for purposes of loading or unloading passengers shall include the loading or unloading of personal baggage but shall not extend beyond the time necessary therefore and in no event for more than three (3) minutes.
- (d) Within the total time limits above specified, the provisions of this section shall be enforced so as to accommodate necessary and reasonable loading or unloading but without permitting abuse of the privileges hereby granted.

(Ord. No. 89-10, § 2)

**4-1.1403 *City Traffic Engineer to Designate Public Carrier Stops and Stands.*** The Traffic Engineer shall establish bus stops, bus stands, taxicab stands and stands for other passenger common-carrier motor vehicles on such streets in such places and in such number as he shall determine to be of the greatest benefit and convenience to the public, and every such bus stop, bus stand, taxicab stand or other stand shall be designated by appropriate official traffic control devices.

(Ord. No. 89-10, § 2)

**4-1.1404 *Restricted Use of Bus and Taxicab Stands.*** No person shall stop, stand or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand when any such stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone.

(Ord. No. 89-10, § 2)

**Division 15. Stopping, Standing or Parking Restrictions**

4-1.1501 *Authority of City Traffic Engineer.* The Traffic Engineer shall, on the basis of an engineering and traffic survey, prohibit, regulate or limit stopping, standing or parking of vehicles and shall place and maintain official traffic control devices indicating the same and stating the hours during which the provisions of this article and the Vehicle Code are applicable.

(Ord. No. 89-10, § 2)

4-1.1502 *Time Limit Parking Zones.* Time limit parking zones such as twenty-four (24) minute, forty (40) minute, one (1) hour, two (2) hour, etc., shall be indicated by green paint upon the top of all curbs in said zones. Green shall mean no standing or parking for a period of time longer than indicated at any time between 9:00 a.m. and 6:00 p.m. on any day except Sunday(s) and holidays.

(Ord. No. 89-10, § 2)

4-1.1503 *Parking Space Markings.* The Traffic Engineer shall install and maintain parking space markings to indicate parking spaces for on-street and off-street parking.

(Ord. No. 89-10, § 2)

4-1.1504 *Violation: Time Limits.* No person shall stop, stand or park a vehicle in violation of the time limits set forth in this division. Violation of this section is an infraction. The City Council shall set the penalty for violation of this section from time-to-time by resolution.

(Ord. No. 94-12, § 3)

**Division 16. Regulating Classes and Kinds of Traffic on Certain Highways**

4-1.1601 *Gross Weight Limits.* The Traffic Engineer shall, on the basis of an engineering and traffic survey, erect and maintain official traffic control devices on any streets or parts of streets to impose gross weight limits as prescribed by the Vehicle Code.

(Ord. No. 89-10, § 2)

4-1.1602 *Truck Restrictions.* The Traffic Engineer shall, on the basis of an engineering and traffic survey, erect and maintain official traffic control devices on any streets or parts of streets to prohibit the operation of trucks exceeding the limit of pounds

gross weight as prescribed in the Vehicle Code, provided that such devices shall not prohibit necessary local operation on such streets for the purpose of making a pickup or delivery.

(Ord. No. 89-10, § 2)

**4-1.1603 *Size Restrictions.*** The Traffic Engineer shall, on the basis of an engineering and traffic survey, erect and maintain official traffic control devices on any streets or parts of streets to impose vehicle size restrictions as prescribed by the Vehicle Code.

(Ord. No. 89-10, § 2)

**4-1.1604 *Excluding Specified Traffic.*** The Traffic Engineer shall, on the basis of an engineering and traffic survey, determine and designate those heavily traveled streets upon which shall be prohibited any class or kind of traffic which is found to be incompatible with the normal and safe movement of traffic and shall erect appropriate official traffic control devices giving notice thereof.

(Ord. No. 89-10, § 2)

### **Division 17. Blue Curb Ordinance**

**4-1.1701 *Use of Blue Curb Spaces.*** Persons using "Blue Curb" parking spaces shall comply with the following:

- (a) Blue curb parking spaces shall be operative twenty-four (24) hours a day, Sundays and holidays included.
- (b) Parking zones for the physically handicapped are subject to any temporary parking prohibitions established by this City.

(Ord. No. 89-10, § 2)

**4-1.1702 *On-Street Parking.*** The Traffic Engineer shall designate special "Blue Curb" parking spaces for the purpose of providing on-street parking for exclusive use by physically handicapped persons.

(Ord. No. 89-10, § 2)

**4-1.1703 *Off-Street/Publicly Owned Facilities.*** The City Administrator shall designate parking stalls or spaces in publicly owned, leased or controlled off-street parking facilities for exclusive use of physically handicapped persons.

(Ord. No. 89-10, § 2)

4-1.1704 *Off-Street/Privately Owned Facilities.* The City hereby declares that there are privately owned and operated parking facilities which may reserve parking stalls for exclusive use by physically handicapped persons.

(Ord. No. 89-10, § 2)

4-1.1705 *Blue Curb Spaces.*

- (a) Blue curb spaces shall be indicated on a public street by blue paint on the curb edge of the paved portion of the street. For further identification, the International Symbol of Access may be painted on the blue curb in white followed by the word 'ONLY'. Blue curb spaces on a public street or within a publicly financed off-street parking facility shall also be indicated by a sign not less than seventeen by twenty-two (17 × 22) inches with lettering not less than one (1) inch in height shall be posted stating: "Unauthorized vehicles not displaying distinguishing license plates or placards issued for physically handicapped persons will be issued citations;" or "Unauthorized vehicles not displaying distinguishing placards or license plates issued for physically handicapped persons will be towed away at owner's expense. Towed vehicles may be reclaimed at the Ridgecrest Police Department." All signs shall be posted immediately adjacent to and visible from parking space. All signs shall be posted immediately adjacent to, and visible from, the stall or space, or in a conspicuous place at each entrance to the off-street parking facility.
- (b) Designation of "Blue Curb" parking stalls in privately financed off-street parking facilities shall be indicated by posting immediately adjacent to and visible from same a sign consisting of the International Symbol of Access. In addition, a sign shall be posted not less than seventeen by twenty-two (17 × 22) inches in size with lettering not less than one (1) inch in height which clearly states. "Unauthorized vehicles not displaying distinguishing placards or license plates issued for physically handicapped persons will be towed away at owner's expense. Towed vehicles may be reclaimed at the Ridgecrest Police Department. This sign

shall be posted at the entrance to the parking facility or immediately adjacent to and visible from the reserved stall(s).

All signs must be posted at the entry to all off-street parking facilities to the effect that the facility is subject to public traffic regulations and control.

(Ord. No. 89-10, § 2; Ord. No. 91-10, § 2)

**4-1.1706 Violation: Blue Curb Spaces (Handicapped Parking).** No person shall park, stand or stop a vehicle except in compliance with the provisions of this division. Violation of this section is an infraction. The City Council shall set the penalty for violation of this section from time-to-time by resolution.

(Ord. No. 94-12, § 4)

### **Division 18. Oversize Vehicle Parking**

**4-1.1801 Oversize Vehicles.** An oversize vehicle is any vehicle, motorized or non-motorized, that exceeds twenty-five (25) feet in length, or exceeds seven (7) feet in width, and/or exceeds seven (7) feet in height. Oversize vehicles shall include all buses, truck tractors, semi-trailers, motor trucks, trailers, campers, camp trailers, house cars, trailer coaches and other equipment or machinery regardless of width, length or height.

(Ord. No. 89-10, § 2)

**4-1.1802 Permitted Parking Areas for Oversize Vehicles.** Oversize vehicles may be parked or stored on private property in all yard areas except the required front yard setback on any side yard abutting a street right-of-way. Semi-trailers, camp trailers, campers and/or house cars may be parked on the apron in front of a yard setback located between the driveway and the side property line closest to the driveway if:

- (a) The trailer or vehicle does not project over any property line;
- (b) The parking or storage area has a paved or graveled surface; and
- (c) The area around said trailers and vehicles is kept clean and free of trash, debris and/or parts.

(Ord. No. 89-10, § 2)

**4-1.1803 *Prohibited Oversize Vehicle Parking.***

- (a) No person shall park and leave standing upon any street or highway in a residential district:
  - (1) Any motor vehicle of length in excess of twenty-five (25) feet;
  - (2) Any vehicle used or maintained for the transportation of persons for hire, compensation, or profit;
  - (3) Any vehicle designed and used or maintained for the transportation of property such as buses, motor trucks, trailers, semi-trailers, trailer coaches or truck tractors and similar vehicles of a width in excess of ninety (90) inches.
  - (4) Any item of farm machinery or special purpose machine.
- (b) The above prohibited vehicles may be parked upon such street or highway while loading or unloading persons and/or property; or when such vehicle is parked in connection with or in aid of, the performance of a service to or on a property in the block in which such vehicle is parked; or to perform repairs of an emergency nature on the motor vehicle itself, for a maximum of seventy-two (72) consecutive hours.

(Ord. No. 89-10, § 2)

**Division 19. Civil Penalties for Parking Violations\***

4-1.1901 *Purpose and Scope.* Pursuant to Vehicle Code Section 40200(a), all local or state laws shall treat parking violations as a civil violation. Under Vehicle Code Section 40215(b), the processing agency shall establish a written procedure for administrative review to be conducted where a violator has requested an appeal of the issuance of a parking violation. This division implements these provisions of the Vehicle Code.

(Ord. No. 94-10, § 2)

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\*Editor's note--Ordinance No. 94-10, adopted August 3, 1994, added a new Div. 18. Inasmuch as there already existed a Div. 18, such provisions have been redesignated as a new Div. 19 at the discretion of the editor.

**4-1.1902 Administrative Review Procedures.**

- (a) Parking violations are deemed to be a civil violation subject to a penalty pursuant to Vehicle Code Section 40200(a). A schedule of parking violation fines shall be adopted from time-to-time by the City Council by resolution.
- (b) The Police Department shall be responsible for administrative reviews with respect to parking citations. The Department, under the direction of the City Administrator, shall adopt specific administrative rules.
- (c) The Administrative review shall include at least the following process:
  - (1) *Initial Review.* A violator shall have a right to contest a notice of parking violation or a notice of delinquent parking violation. The Department shall conduct an initial investigation to determine whether the violation occurred or that the registered owner was not responsible for the violation.
  - (2) *Administrative Review Process.* If the Department determines a violation occurred or the registered owner was responsible for the violation, the person cited may request administrative review.
  - (3) *Form of Review.* The person requesting the administrative review shall indicate whether the appeal is to be conducted by mail or personal conference.
  - (4) *Hearing Officer.* The City Administrator shall appoint a hearing officer with appropriate qualifications, training and objectivity to conduct an impartial hearing.
  - (5) *Required Evidence.* The City shall not be required to produce any evidence other than the notice of parking violation or copy thereof together with information received from the Department of Motor Vehicles identifying the registered owner of the vehicle. (Ord. No. 94-10, § 2)

**Article 2. Anti-Litter**

**4-2.101 Short Title.** This Article shall be known and may be cited as the "Ridgecrest Anti-Litter Regulations". (Ord. No. 89-20, § 2; Ord. No. 90-01, § 2)

**4-2.102 Definitions. As used in this Article:**

- (a) *Aircraft* shall mean any contrivance now known or hereafter invented, used or designated for navigation or for flight in the air. The word "aircraft" shall include helicopters and lighter-than-air dirigibles and balloons.
- (b) *Authorized private receptacle* shall mean a litter storage and collection receptacle.
- (c) *Garbage* shall mean putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.
- (d) *Litter* shall mean "garbage," and "rubbish" as defined herein and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.
- (e) *Park* shall mean a park, reservation, playground, beach, recreation center or any other public area in the City, owned or used by the City and devoted to active or passive recreation.
- (f) *Private premises* shall mean any dwelling, house, building, or other structure, designated or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building, or other structure.

- (g) *"Public place"* shall mean all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds, and buildings.
- (h) *"Refuse"* shall mean all putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and solid market and industrial wastes.
- (i) *"Rubbish"* shall mean nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, grass, bedding, crockery and similar materials.
- (j) *"Vehicle"* shall mean every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.  
(Ord. No. 89-20, § 2; Ord. No. 90-01, § 2)

**4-2.103 *Litter in Public Places.*** No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the City except in public receptacles, in authorized private receptacles for collection, or in official City dumps. (Ord. No. 89-20, § 2; Ord. No. 90-01, § 2)

**4-2.104 *Placement of Litter in Receptacles to Prevent Scattering.*** Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk, or other public place or upon private property. (Ord. No. 89-20, § 2; Ord. No. 90-01, § 2)

**4-2.105 *Sweeping Litter into Gutters Prohibited.*** No person shall sweep into or deposit in any gutter, street or other public place within the City the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep

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the sidewalk in front of their premises free of litter. (Ord. No. 89-20, § 2; Ord. No. 90-01, § 2)

**4-2.106 *Keeping Sidewalks Free of Litter.*** No person shall sweep into or deposit in any gutter, street or other public place within the City the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the City shall keep the sidewalk in front of their business premises free of litter. (Ord. No. 89-20, § 2; Ord. No. 90-01, § 2)

**4-2.107 *Reserved.***

**4-2.108 *Reserved.***

**4-2.109 *Litter in Parks.*** No person shall throw or deposit litter in any such park within the City except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein. (Ord. No. 89-20, § 2; Ord. No. 90-01, § 2)

**4-2.110 *Litter in Lakes and Fountains.*** No person shall throw or deposit litter in any fountain, pond, lake, stream, bay or any other body of water in a park or elsewhere within the city. (Ord. No. 89-20, § 2; Ord. No. 90-01, § 2)

**4-2.111 *Prohibiting Distribution of Handbills Where Properly Posted.*** No person shall throw, deposit or distribute any commercial or non-commercial handbill upon any private premises, if requested by anyone thereon not to do so, or if there is placed on said premises in a conspicuous position near the entrance thereof, a sign bearing the words: "No Trespassing," "No Peddlers or Agents," "No Advertisement," or any similar notice, indicating in any matter that the occupants of said premises do not desire to be molested or have their

right of privacy disturbed, or to have any such handbills left upon such premises. (Ord. No. 89-20, § 2; Ord. No. 90-01, § 2)

**4-2.112 *Reserved.***

**4-2.113 *Dropping Litter from Aircraft.*** No person in an aircraft shall throw out, drop or deposit within the City any litter, handbill or any other object. (Ord. No. 89-20, § 2; Ord. No. 90-01, § 2)

**4-2.114 *Owner to Maintain Premises Free of Litter.*** The owner or person in control of any private property shall at all times maintain the premises free of litter. Provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for collection. (Ord. No. 89-20, § 2; Ord. No. 90-01, § 2)

**4-2.115 *Litter on Vacant Lots.*** No person shall throw or deposit litter on any open or vacant private property within the City whether owned by such person or not. (Ord. No. 89-20, § 2; Ord. No. 90-01, § 2)

**4-2.116 *Responsibility for Litter at Construction Sites.***

- (a) It shall be unlawful for any contractor or subcontractor, or owner-builder to permit waste building materials or packaging to accumulate on a construction site in other than a suitable refuse container as defined below or to permit such materials to be carried by the wind off said construction site. Any workman of a contractor or subcontractor whose materials or packaging is found in violation of this section may be cited for its violation.
- (b) Upon the failure, neglect or refusal of any owner or agent so notified, to properly dispose of litter dangerous to the public health, safety or welfare within ten (10) days after receipt of written notice provided for above, or within ten (10) days after the date of such notice in the event the same is returned to the City Post Office Department because of its inability to make delivery thereof,

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provided the same was properly addressed to the last known address of such owner or agent, the City Administrator is hereby authorized and empowered to pay for the disposing of such litter or to order its disposal by the City. (Ord. No. 89-20, § 2; Ord. No. 90-01, § 2)

**4-2.117 *Refuse Containers at Construction Sites.*** The Chief Building Inspector shall require the building permittee to provide at each construction site suitable containers for the deposit of waste construction materials and shall require that the building permittee shall provide for regular emptying of such containers.

*"Suitable container"* is defined as a container with a wind-secure lid capable of containing all construction waste likely to accumulate between the times of regular emptying and capable of preventing the wind from blowing the contents out of such container.

Where a construction site is of a size as to require workmen to walk more than three hundred (300) feet to deposit construction waste materials in such suitable container, the Chief Building Inspector shall require permittee to furnish an additional suitable container every three hundred (300) feet. Failure to provide for regular emptying shall be cause for the permittee to cease and desist further construction on the site. (Ord. No. 89-20, § 2; Ord. No. 90-01, § 2)

**4-2.118 *Authority to Issue Citations.*** Any California peace officer, the Chief Building Inspector and his deputies, and the Environmental Improvement Inspector shall have the authority to issue misdemeanor citations for violation of the provisions of this section. (Ord. No. 89-20, § 2; Ord. No. 90-01, § 2)

**4-2.119 *Reserved.***

**4-2.120 *Penalties.*** Any person violating any of the provisions of this Article shall be deemed guilty of a misdemeanor

and upon conviction thereof shall be liable for the penalty established in Chapter I.

(Ord. No. 89-20, § 2; Ord. No. 90-01, § 2)

### Article 3. Loitering

4-3.101 *Prohibited Acts.* It shall be unlawful for any person in the City to:

- (a) Wander, idle or loiter on the premises or grounds of any drive-in restaurant, cafe, hotel, apartment house, bungalow court, rooming house, or any other professional business, financial, commercial or industrial establishment, without lawful business, or after any lawful business has been concluded, and after such person has been requested to leave the premises by the owner, any person in lawful possession thereof, or any of their agents.
- (b) Wander, idle or loiter on any parking lot, or on the grounds of any drive-in restaurant, drive-in theatre, trailer court, trailer park, motel, whether in an automobile or not, without lawful business with the owner or occupant of said place, or after such lawful business has been concluded.
- (c) Sleep or lodge in any public building, grounds, parks, streets, sidewalks without the express permission of City authorities, or use any trailer, house trailer, bus, truck or automobile in any park, public grounds, streets or sidewalks for sleeping or lodging unless such place pursuant to all applicable laws and regulations.

(Ord. No. 89-20, § 3; Ord. No. 90-01, § 3)

4-3.102 *Exemption.* This Article shall not apply to members of the Military or Naval Forces of the United States or of the State Militia in obedience to lawful orders of duly constituted authority.

(Ord. No. 89-20, § 3; Ord. No. 90-01, § 3)

4-3.103 *Violations; Penalty.* The violation of any of the provisions of this section is a misdemeanor, punishable by a fine not in

excess of one hundred dollars (\$100.00), or imprisonment for not more than thirty (30) days, or by both such fine and imprisonment.

(Ord. No. 89-20, § 3; Ord. No. 90-01, § 3)

#### **Article 4. Minors and Parental Responsibility\***

4-4.101 *General.* Parents and guardians are responsible for educating children about the expectations of society so children can become good and productive members of the community. Parents and guardians must exercise parental control in a humane and responsible manner. Children are responsible for following the instructions of parents and guardians. The law provides some assistance in resolving differences when parents or guardians and children disagree.

This Article prohibits loitering by minors and describes State laws on general responsibility. This Article is intended to assist parents, guardians and children to understand the requirements of law. (Ord. No. 96-02, § 3)

#### 4-4.102 *Curfew.*

- (a) It shall be unlawful for any minor under the age of eighteen (18) years to loiter upon the streets of the City, in places of amusement or entertainment or in other public places in the City between the hours of 10:00 p.m. and 6:00 a.m. of the following day, unless the minor is:
- (1) Accompanied by a parent, guardian or other adult person having custody or charge of said minor; or
  - (2) At a legitimate place of business, trade, profession or occupation at which the minor is employed; or
  - (3) At a public library, night class, study hall, school activity or a place of amusement, place of worship or group activity, supervised or sponsored by an adult of good moral character;

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\*Editor's note—Sections 2—9 of Ord. No. 96-02, adopted Oct. 2, 1996, amended this article to read as herein set out. Formerly, Art. 4 consisted of §§ 4-4.101, 4-4.104 and 4-4.105, which pertained to curfews and derived from § 4 of Ord. No. 89-20, § 4 of Ord. No. 90-01, and § 2 of Ord. No. 93-08.

- (4) On the streets going directly to or returning directly from any of the places mentioned above; or
  - (5) Engaged in lawful First Amendment activities.
- (b) It shall be unlawful for any parent or guardian having the care or control or charge of any person under eighteen (18) years of age to permit, allow or let the minor loiter on the streets of the City, in places of amusement or entertainment, or in other places of the City in violation of this section.
- (c) A violation of this section is an infraction punishable by a fine of not more than one hundred dollars (\$100.00) for the first offense, a fine of not more than two hundred dollars (\$200.00) for the second violation within one (1) year and a fine of not more than five hundred dollars (\$500.00) for a third violation within one (1) year. (Ord. No. 96-02, § 4; Ord. No. 97-04, §2)

**4-4.103 *Parental Responsibility for Torts of Minors.*** The parent or guardian of a minor child is liable for torts committed by a minor while under the parent or guardian's custody or control. The liability of the parent or guardian shall be not more than twenty-five thousand dollars (\$25,000.00) or such larger amounts specified by Civil Code Section 1714.1. (Ord. No. 96-02, § 5)

**4-4.104 *Parental Responsibility for Firearm Use by Minors.***

- (a) In accordance with Penal Code Section 12035, any person who has custody or control of any loaded firearm within any premise can be held responsible and may be charged with either a felony or misdemeanor if the person knows or reasonably should know a child is likely to gain access to the firearm without the permission of the child's parent or legal guardian, and the child obtains access to the firearm and causes injury or exhibits the firearm in violation of Penal Code Section 417.
- (b) The parent or guardian of a minor child is liable for personal injuries caused by a minor's use of a firearm if the parent or guardian permitted the minor to have the firearm. The liability of the parent or guardian shall be not more than thirty thousand dollars (\$30,000.00) per

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person or sixty thousand dollars (\$60,000.00) per event as specified in Civil Code Section 1714.1. (Ord. No. 96-02, § 6)

**4-4.105 Parental Responsibility for Restitution, Fines and Penalties.** The parent or guardian of a minor child is liable for restitution, fines and penalty assessments imposed on the minor child pursuant to Welfare and Institutions Code Sections 730.5 and 730.6. (Ord. No. 96-02, § 7)

**4-4.106 Parental Responsibility for Vandalism.** The parents or guardian of a minor child who is found guilty of vandalism, including graffiti vandalism, while under the custody or control of the parent or guardian is liable to pay restitution to the property owner. The liability of the parents or guardian shall be up to twenty-five thousand dollars (\$25,000.00) as provided by Welfare and Institutions Code Section 742.18. (Ord. No. 96-02, § 8)

**4-4.107 Contributing to the Delinquency of a Minor.** Every person who causes or encourages any minor child to come within the provisions of Welfare and Institutions Code Section 300 (physical or emotional harm to juveniles), Section 601 (habitually disobedient or truant juveniles) and Section 602 (violation of laws by juveniles) shall be liable for the payment of a fine of up to two thousand five hundred dollars (\$2,500.00) and imprisonment for up to one (1) year in accordance with Penal Code Section 272. (Ord. No. 96-02, § 9)

**Article 5. Motorcycles**

**4-5.101 Preamble.** The City Council hereby finds that large numbers of motor vehicles, including motorcycles, motorbikes, mini-bikes, and similar recreation-type vehicles are being operated over unimproved vacant lots in the City often in close proximity to residential dwellings, creating noise, dust pollution, soil erosion and physical hazards to persons and property in the immediate vicinity, all of which results in serious hazards to the health, safety and welfare of the general public. (Ord. No. 89-20, § 5; Ord. No. 90-01, § 5)

**4-5.102 Restrictions.** It shall be unlawful for any person to operate a motor vehicle of any kind whether registered or

unregistered on private lands within the City by engaging in racing, exhibitions of speed, driving in repetitive patterns, including but not limited to driving back and forth and driving in circles and figure eights, six hundred sixty (660) feet or one (1) standard City block of any residential dwelling, structure or public place. Any registered or unregistered vehicle operating on private lands shall be operated in such a manner so as not to create excessive dust or noise and under no circumstances to exceed ten (10) miles per hour.

(Ord. No. 89-20, § 5; Ord. No. 90-01, § 5)

**4-5.103 Muffler Requirements.** No person shall operate on private property any vehicle described in Section 4-5.102 hereof without an adequate muffler to prevent excessive or unusual noise. (Ord. No. 89-20, § 5; Ord. No. 90-01, § 5)

**4-5.104 Exceptions.** This Article shall not apply to vehicles operated upon property specifically designed, used and constructed for raceways, exhibitions or other recreation or amusement purposes, provided such property has been duly licensed, properly constructed and is operated pursuant to all lawful regulations. (Ord. No. 89-20, § 5; Ord. No. 90-01, § 5)

**4-5.105 Penalty.** Any person violating this section, or any person who causes or knowingly permits his child, ward or employee under sixteen (16) years of age, to operate any vehicle in violation of this section, is guilty of an infraction, and shall be punishable by a fine not exceeding fifty (\$50.00) dollars. (Ord. No. 89-20, § 5; Ord. No. 90-01, § 5)

### **Article 6. Reckless Driving Upon Private Property**

**4-6.101 Reckless Driving Prohibited.** Any person who drives any vehicle upon any private street or other private property within the City limits in willful or wanton disregard for the safety of persons or property is guilty of a misdemeanor. (Ord. No. 89-20, § 6; Ord. No. 90-01, § 6)

**4-6.102 Penalty.** Every person who violates any of the provisions of this section is guilty of a misdemeanor and upon conviction is liable to the penalty stated in Chapter I. (Ord. No. 89-20, § 6; Ord. No. 90-01, § 6)

### **Article 7. Regulations for Public Parks**

**4-7.101 Vehicle Prohibited in Public Parks.** All vehicles of every description are hereby prohibited in public parks located within the City except as follows:

- (a) Maintenance vehicles while being used in maintenance and upkeep of the public park.

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- (b) **Emergency vehicles while in performance of official duties.**
- (c) **Bicycles when the bicycle is not being ridden.**
- (d) **Vehicles while entering and exiting designated parking lots or parking areas and when so parked in such designated parking areas. (Ord. No. 89-20, § 7; Ord. No. 90-01, § 7)**

**4-7.102 *Alcoholic Beverages.*** No person shall possess an alcoholic beverage in a public park owned or operated by the City. (Ord. No. 89-20, § 7; Ord. No. 90-01, § 7)

**4-7.103. *Skate Park Designated.*** The City designates and maintains as a skate park facility (hereinafter "Skate Park") at 300 East French Avenue for purpose of riding skateboards and inline skates. (Ord. No. 00-02, § 2)

**Editor's note—**Ord. No. 00-02, adopted December 6, 2000, repealed § 4-7.103 and enacted new provisions as set out herein. Formerly, § 4-7.103 pertained to penalty and derived from Ord. No. 89-20, § 7; Ord. No. 90-01, § 7.

**4-7.104. *Required Riding Equipment in Skate Park.***

(a) No person shall ride or use a skateboard, roller skates, or inline skates in the Skate Park unless a person is wearing a helmet, elbow pads and knee pads in an area that is clearly posted for skateboarding, roller skating or inline skating use. Additional obstacles, such as ramps or jumps, may not be used at the park. The City Council may adopt additional Skate Park rules by resolution.

(b) The following terms are defined for the purpose of this section: 'Inline skate' means a vehicle, device or contrivance with wheels in a straight line attached to a shoe, or other foot gear, which is designed to be, or can be, propelled by human power and which is not defined as a bicycle by the California Vehicle Code. The term 'inline skate' does not include motorized inline skates.

'Roller skate' means a vehicle, device, or contrivance with wheels attached to a shoe, or other foot gear, designed to be, or can be, propelled by human powers, and which is not defined as a bicycle by the California Vehicle code. The term 'roller skate' does not include motorized roller skates.

'Skateboard' means in a vehicle, device, or contrivance with wheels, with a riding surface of any design upon which a person may place one or more feet, and which is designed to be, or can be, propelled by human power, and which is not defined as a bicycle by the California Vehicle Code. The term 'skateboard' does not include motorized skateboards and 'scooters.'  
(Ord. No. 00-02, § 3)

**4-7.105. Hazardous Recreational Activity.**

a. Skateboarding and inline skating at the City Skate Park represents a hazardous recreational activity for participants. Pursuant to Health and Safety Code section 115800 *et seq.*, the City shall not be liable for any injury caused as a result of the use of the Skate Park for skateboarding or inline skating. Notice to the effect shall be posted at the Skate Park.

b. The Parks and Recreations Department shall cause signs to be posted at the Skate Park providing the following information:

1. The requirements of section 4-7.104 above;
2. A notice that anyone found guilty of violating section 4-7.103 above, shall be guilty of an infraction and subject to citation;
3. A notice that skateboarding and inline skating is a hazardous recreational activity as described in this section; and
4. A notice that the City shall bear no liability for any injury caused as a result of the skateboarding or inline skating at the Skate Park.

(Ord. No. 00-02, § 4)

**Article 8. Abandoned Vehicles**

**4-8.101 Findings and Declarations.** In addition to and in accordance with the determination made and the authority granted by the State of California under Section 22660 of the Vehicle Code to

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remove abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof as public nuisances, the City hereby makes the following findings and declarations:

The accumulation and storage of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof on private or public property not including highways is hereby found to create a condition tending to reduce the value of private property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harborage for rodents and insects and to be injurious to the health, safety, and general welfare.

Therefore, the presence of an abandoned, wrecked, dismantled, or inoperative vehicle or part thereof on private or public property not including highways, except as expressly hereinafter permitted, is hereby declared to constitute a public nuisance which may be abated as such in accordance with the provisions of this Article.

(Ord. No. 89-20, § 8; Ord. No. 90-01, § 8)

**4-8.102 *Unlawful Actions.*** It shall be unlawful for any person to abandon, park, store, or leave or permit the abandonment, parking, storing, or leaving of any licensed or unlicensed vehicle or part thereof which is in an abandoned, wrecked, dismantled, or inoperative condition upon any private property or public property, unless such vehicle or part thereof is completely enclosed within a building in a lawful manner or completely enclosed within a non-transparent, solid fence six (6) feet or more in height such that such vehicle or part thereof is not plainly visible from the street or other public or private property.

(Ord. No. 89-20, § 8; Ord. No. 90-01, § 8; Ord. No. 92-17, § 4; Ord. No. 05-01, § 3)

**4-8.102.1. *Abandoned Vehicles: Public Highways.*** No operator or owner shall park any vehicle upon any street or alley for more than seventy-two (72) consecutive hours, unless a permit has been previously granted by the Chief of Police. No such permit may be granted unless it is shown the parking of such vehicle shall pose no traffic safety hazard. The fee for such permit may be set by the City Council by resolution. Any vehicle left in violation

of this section may be towed and stored at the owner's expense, as authorized by law. Any person violating this section shall be guilty of an infraction.

(Ord. No. 05-01, § 4)

**4-8.103 *Failure or Refusal to Remove.*** It shall be unlawful for any person or firm to fail or refuse to remove an abandoned, wrecked, dismantled, or inoperative vehicle or part thereof or refuse to abate such nuisance when ordered to do so in accordance with the abatement provisions of this section or State law where such State law is applicable.

(Ord. No. 89-20, § 8; Ord. No. 90-01, § 8)

**4-8.104 *Dismantlers and Dealers.*** It shall be unlawful for a licensed automotive dismantler, licensed vehicle dealer, or junk dealer to park, store, or leave or permit the parking, storing, or leaving of any licensed or unlicensed vehicle or part thereof which is in a wrecked, dismantled, or inoperative condition upon any private property, including dealer's own property, unless such vehicle or part thereof is completely enclosed within a building in a lawful manner or completely enclosed within a non-transparent, solid fence six (6) feet or more in height such that such vehicle or part thereof is not plainly visible from the street or other public or private property.

(Ord. No. 89-20, § 8; Ord. No. 90-01, § 8)

**4-8.105 *Definitions.*** As used in this Article:

(a) "*Vehicle*" shall mean a device by which any person or property may be propelled, moved, or drawn upon a highway, except a device moved by human power or used exclusively upon stationary rails or tracks.

(b) "*Highway*" shall mean a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. Highway includes street.

(c) "*Public Property*" does not include "highway".

(Ord. No. 89-20, § 8; Ord. No. 90-01, § 8)

**4-8.106 *Other Nuisances.*** Nothing in this Article shall authorize the maintenance of a public or private nuisance as defined under

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the provisions of law other than Chapter 10 (commencing with Section 22650) of Division 11 of the Vehicle Code of the State of California and this Article.

(Ord. No. 89-20, § 8; Ord. No. 90-01, § 8)

**4-8.107 *Other Regulation.*** This Article is not the exclusive regulation of abandoned, wrecked, dismantled, or inoperative vehicles within the City. It shall supplement and be in addition to the other regulatory codes, statutes, and ordinances heretofore or hereafter enacted by the City, the State, or any other legal entity or agency having jurisdiction.

(Ord. No. 89-20, § 8; Ord. No. 90-01, § 8)

**4-8.108 *Administering Officer.*** Except as otherwise provided herein, the provisions of this section shall be administered and enforced by the Chief of Police. In the enforcement of this section such officer and his deputies may enter upon private or public property to examine a vehicle or parts thereof or to obtain information as to the identity of a vehicle and to re-

move or cause the removal of a vehicle or part thereof declared to be a nuisance pursuant to this Article. (Ord. No. 89-20, § 8; Ord. No. 90-01, § 8)

**4-8.109 *Auto Contractors or Franchise Holders.*** When the City Council has contracted with or granted a franchise to any person or persons, such person or persons shall be authorized to enter upon private property or public property to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this Article. (Ord. No. 89-20, § 8; Ord. No. 90-01, § 8)

**4-8.110 *Administrative Costs, Determination.*** The City Council shall determine and fix an amount to be assessed as administrative costs, excluding the actual cost of removal of any vehicle or part thereof, under this Article. (Ord. No. 89-20, § 8; Ord. No. 90-01, § 8)

**4-8.111 *Notice of Intention to Remove.*** A notice of the City's intention to abate and remove an abandoned, wrecked, dismantled or inoperative vehicle or part thereof as a public nuisance and to assess the costs of removal and the administrative costs against the property on which it is located shall be mailed by the City Clerk, by registered mail, at least ten (10) days prior to the date set for removal to the owner of the land as shown on the last equalized assessment roll and to the last registered and legal owner of record unless the vehicle is in such condition that identification numbers are not available to determine ownership.

Such notice shall contain a statement of the hearing rights of the owner of the property on which the vehicle or part thereof is located and of the owner of the vehicle. The statement shall include notice to the property owner that he may appear in person at a hearing or may present a sworn written statement denying responsibility for the presence of the vehicle of the land, with his reasons for such denial, in lieu of appearing. (Ord. No. 89-20, § 8; Ord. No. 90-01, § 8)

**4-8.112 *Owner's Right to Hearing.*** If the owner of the vehicle or the owner of the land requests a hearing, or if the owner of the land on which the vehicle is located submits a sworn written statement denying responsibility for the presence of the vehicle or part thereof on his land, within ten (10) days after the mailing of the notice of intention to abate and remove the vehicle or part thereof, the City Council shall hold a public hearing on the question of abating and removing the vehicle or part thereof. The presence of the owner of the land shall not be required at the hearing if he has submitted such a sworn written statement within the required time. If such a request or sworn statement is not received within such period, the Chief of Police shall have the authority to order the removal of the vehicle or part thereof. (Ord. No. 89-20, § 8; Ord. No. 90-01, § 8)

**4-8.113 *Action by Hearing Body.*** All hearings under this section shall be held before the City Council of the City which shall hear all facts and testimony it deems pertinent. The facts and testimony may include testimony on the condition of the vehicle or part thereof and the circumstances concerning its location on the said private property or public property. The City Council shall not be limited by the technical rules of evidence.

The owner of the land on which the vehicle or part thereof is located may appear in person at the hearing or present a sworn written statement denying responsibility for the presence of the vehicle on the land with his reasons for such denial. If it is determined at the hearing that the vehicle or part thereof was placed on the land without the consent of the landowner and that he has not subsequently acquiesced in its presence, the City Council shall not assess costs of administration or removal of the vehicle or part thereof against the property upon which the vehicle or part thereof is located or otherwise attempt to collect such cost from such owner.

The City Council may impose such conditions and take such other action as it deems appropriate under the circumstances to carry out the purpose of this section. It may delay the time for

removal of the vehicle or part thereof if, in its opinion, the circumstances justify it.

At the conclusion of the public hearing, the City Council may find that a vehicle or part thereof has been abandoned, wrecked, dismantled, or is inoperative on private or public property and order the same removed from the property as a public nuisance and disposed of as hereinafter provided and determine that the administrative costs and costs of removal be charged against the owner of the parcel or land on which the vehicle or part thereof is located.

The order requiring removal shall include a description of the vehicle or part thereof and the correct identification number and license number of the vehicle, if available at the site. (Ord. No. 89-20, § 8; Ord. No. 90-01, § 8)

**4-8.114 *Removal.*** Five (5) days after the City Council adopts an order declaring the vehicle or parts thereof to be a public nuisance, the Chief of Police shall cause the removal of the vehicle or parts thereof to a scrapyard or automobile dismantler's yard. After the vehicle has been removed it shall not thereafter be reconstructed or made operable. (Ord. No. 89-20, § 8; Ord. No. 90-01, § 8)

**4-8.115 *Notice of Removal.*** Within five (5) days after the date of removal of the vehicle or part thereof, the Chief of Police shall give notice to the Department of Motor Vehicles of the State of California identifying the vehicle or part thereof removed. At the same time there shall be transmitted to the Department of Motor Vehicles any evidence of registration available, including registration certificates, certificates of title and license plates. (Ord. No. 89-20, § 8; Ord. No. 90-01, § 8)

**4-8.116 *Assessment of Costs.*** If the administrative costs and costs of removal which are charged against the owner of a parcel of land pursuant to Section 4-8.113 are not paid within thirty (30) days of the date of the order of the City Council, such

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costs shall be transmitted to the County tax collector for collection with real and personal property taxes. (Ord. No. 89-20, § 8; Ord. No. 90-01, § 8)

4-8.117 *Exclusions.* The abatement provisions of Sections 4-8.108 through 4-8.116 shall not apply to:

- (a) A vehicle or part thereof which is completely enclosed within a building in a lawful manner or fenced in accordance with Section 4-8.102.
- (b) A vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer, or a junkyard.

(Ord. No. 89-20, § 8; Ord. No. 90-01, § 8)

4-8.118 *Violation and Penalty.* Any person violating Section 4-8.102, 4-8.103, or 4-8.104 shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five (\$25.00) dollars nor more than five hundred (\$500.00) dollars, or by being imprisoned for a term of not exceeding six (6) months, or by both such fine and imprisonment. (Ord. No. 89-20, § 8; Ord. No. 90-01, § 8)

### Article 9. Firearms

4-9.101 *Arrows and Missiles.* Except as otherwise provided in this Article, a person shall not within the City, shoot any arrow or similar missile, and a person, firm or corporation shall not cause or permit any arrow or similar missile to be shot at any place within two hundred (200) yards of any public highway, private street used by the general public, recreational area, park, riding and hiking trail, dwelling house, camp or place of human habitation, except when the arrow is shot from and at all times remains on or over, and lands upon, private property or portion thereof, of the owner of the land over which the owner has given consent thereto. (Ord. No. 89-20, § 9; Ord. No. 90-01, § 9)

4-9.102 *Firing of Shotguns and Firearms Prohibited.* Except as otherwise provided in this section, a person shall not shoot, fire or discharge, or shall not cause or permit to be shot, fired or discharged, in the City, any rifle, shotgun, revolver, BB gun, or pellet gun, or firearm of any kind.

(Ord. No. 89-20, § 9; Ord. No. 90-01, § 9)

4-9.103 *Permit Required for Concealed Weapons.* It shall be unlawful for any person except a duly elected or appointed peace officer to carry concealed upon or about his person any pistol, revolver or other firearm capable of being concealed on the person, without first having obtained a written permit from the sheriff of any county in the state of California, or the chief or other head of a municipal police department of any city or city and county in the State of California.

(Ord. No. 89-20, § 9; Ord. No. 90-01, § 9; Ord. No. 07-01, § 2)

4-9.104 *Concealed Weapons; Confiscation.* All concealed weapons found on persons violating the provisions of this section shall upon conviction of said person to be confiscated upon order of the court in which the conviction has been had.

(Ord. No. 89-20, § 9; Ord. No. 90-01, § 9)

4-9.105 *Exceptions.* This Article, except as otherwise provided in this section, does not prohibit the discharge of any rifle, shotgun, pistol, revolver, or firearm of any kind, or the shooting of any arrow or other missile when necessary to do so to protect life or property, or to destroy or kill any predatory or dangerous animal.

(Ord. No. 89-20, § 9; Ord. No. 90-01, § 9)

4-9.106 *Pistol, Rifle and Target Range.* The provisions of this Article shall not be deemed or construed to prohibit, within the City, the establishment or maintenance of any pistol, rifle or target range, nor to prohibit the discharge at any target thereon, by any person using such range of any bow and arrow, rifle, shotgun, pistol, revolver or firearms in or on such range, in the event that such range is so installed, constructed, safe-guarded and equipped and used as to adequately prevent any arrow, bullet, shot or missile from being projected beyond the confines of such range.

(Ord. No. 89-20, § 9; Ord. No. 90-01, § 9)

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4-9.107 *Penalty.* Every person, firm or corporation violating any provisions of this Article is guilty of a misdemeanor and is liable to the penalty established in Chapter I.  
(Ord. No. 89-20, § 9; Ord. No. 90-01, § 9)

**Article 10. Prohibiting the Use of Recording Devices to Report Emergencies**

4-10.101 *Tapes or Prerecorded Messages Prohibited.* No person, firm or corporation shall use or cause the use of any electrical or mechanic device or attachment to any telephone that reproduces any taped or prerecorded message to report any police emergency by utilization of the telephone trunk lines of the Ridgcrest Police Department.  
(Ord. No. 89-20, § 10; Ord. No. 90-01, § 10)

4-10.102 *Penalty.* Any person, firm or corporation violating any of the provisions of this Article shall be guilty of a misdemeanor and upon conviction, punishable by a fine of not more than three hundred (\$300.00) dollars, or by imprisonment for a period of not more than ninety (90) days, or by both such fine and imprisonment. Each person, firm or corporation shall be deemed guilty of a separate offense for each day during any portion of which any violation of any provisions of this section is committed, continued or permitted by such person, firm or corporation and shall be punishable therefor as provided by this section.  
(Ord. No. 89-20, § 10; Ord. No. 90-01, § 10)

**Article 11. Prohibition of Smoking**

4-11.101 *Smoking Prohibited in City Owned Vehicles and Buildings.* The possession of lighted smoking material in any form including but not limited to the possession of lighted cigarettes, cigars, pipes or other tobacco products is prohibited in all City owned vehicles and buildings and is prohibited within 20 feet of any door or window of a municipal building.  
(Ord. No. 89-20, § 11; Ord. No. 90-01, § 11; Ord. No. 92-01, § 2; Ord. No. 04-01, § 2)

**4-11.102 Violation.** Violation of this section is an infraction punishable as set forth in Chapter I of this Code. (Ord. No. 89-20, § 11; Ord. No. 90-01, § 11)

### **Article 12. Prohibition of Topless and Bottomless Acts**

**4-12.101 Preamble.** The City Council has held public hearings and does hereby find that there exists in this City an increasing trend toward nude and semi-nude acts, exhibitions and entertainment, and of undress by female employees of food, drink and like establishments serving the public, and that such acts and such competitive commercial exploitation of nudity is adverse to the peace, morals and good order; and that it is in the best interest of the public safety and convenience of this City to restrict such nudity and the commercial promotion and exploitation thereof. (Ord. No. 89-20, § 12; Ord. No. 90-01, § 12)

**4-12.102 Legislative Authorization.** This section is adopted pursuant to Sections 318.5 and 318.6 of the Penal Code. All words used in this section which also are used in Sections 318.5 and 318.6 of the Penal Code are used in the same sense and mean the same as the same respective words used in Sections 318.5 and 318.6 of the Penal Code. (Ord. No. 89-20, § 12; Ord. No. 90-01, § 12)

**4-12.103 Prohibitions: Exposure by Waiters, Waitresses and Entertainers.** Every person is guilty of a misdemeanor who, while acting as a waiter, waitress or entertainer in an establishment which serves food, beverages, or food and beverages, including, but not limited to, alcoholic beverages, for consumption on the premises of such establishment:

- (a) Exposes his or her genitals, pubic hair, buttocks, natal cleft, perineum, anal region or pubic hair region; or
- (b) Employs any device, costume or covering which gives the appearance of or simulates the genitals, pubic hair, buttocks, natal cleft, perineum, anal region or pubic hair region; or

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- (c) Exposes any portion of the female breast at or below the areola thereof.
- (d) Definitions: A person shall be deemed to be a waiter, waitress, or entertainer if such person acts in that capacity without regard to whether or not such person is paid any compensation by the management of the establishment in which the activity is performed.  
(Ord. No. 89-20, § 12; Ord. No. 90-01, § 12)

**4-12.104 *Prohibition; Exposure by Performers in Public.*** Every person is guilty of a misdemeanor who, while participating in any live act, demonstration, or exhibition in any public place, place open to the public, or place open to public view:

- (a) Exposes his or her genitals, pubic hair, buttocks, natal cleft, perineum, anal region or pubic hair region; or
- (b) Employs any device, costume or covering which gives the appearance of or simulates the genitals, pubic hair, buttocks, natal cleft, perineum, anal region or pubic hair region; or
- (c) Exposes any portion of the female breast at or below the areola thereof.  
(Ord. No. 89-20, § 12; Ord. No. 90-01, § 12)

**4-12.105 *Accessories.*** Every person, firm, or corporation is guilty of a misdemeanor who permits, counsels, or assists any person to violate any provision of this section. (Ord. No. 89-20, § 12; Ord. No. 90-01, § 12)

**4-12.106 *Exceptions.*** This Article does not apply to:

- (a) A theatre, concert hall, or similar establishment which is primarily devoted to theatrical performance.
- (b) Any act authorized or prohibited by any State statute.  
(Ord. No. 89-20, § 12; Ord. No. 90-01, § 12)

4-12.107 *Penalty.* A violation of this section, upon conviction, shall cause such person to be liable to the misdemeanor penalty established in Chapter I. (Ord. No. 89-20, § 12; Ord. No. 90-01, § 12)

### Article 13. Reserved\*

### Article 14. Reserved†

### Article 15. Nuisance Abatement‡

4-15.101 *Nuisance: General.* The following conditions may be detrimental to the public health, safety, or general welfare and constitute a public nuisance:

- (a) A building, structure, or portion thereof, which is in a dilapidated or dangerous condition so as to be unfit, unsafe, or unsuitable for human occupancy, such as:
  - (1) Inadequate or inoperable mechanical, electrical, plumbing, or sanitation systems or equipment.
  - (2) Lack of sound and effective exterior walls or roof covering to provide weather protection.
  - (3) Lack of structural integrity, including deteriorated or inadequate foundations, joints, vertical or horizontal supports.

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\**Editor's note*—Ord. No. 90-01, previously contained herein as Article 13, "Unclaimed Property in the Possession of the Police Department or City," has been repealed in its entirety by Ord. No. 90-07.

†*Editor's note*—Ord. No. 89-20 and 90-01 previously codified herein as Article 14, "Regulations for the Operation of Fireworks Stands," was repealed in its entirety by Ord. No. 91-04. For Fireworks Regulations, see subsection 17-2.2 of the City of Ridgecrest Municipal Code.

‡*Editor's note*—Ord. No. 97-05, §§ 2—11, amended Article 15 of this Chapter in its entirety to read as herein set out. Prior to amendment, Article 15 pertained to property maintenance; removal of weeds and rubbish and derived from Ord. No. 89-20, § 15, adopted Aug. 17, 1988; Ord. No. 90-1, § 15, adopted Jan. 3, 1990; and Ord. No. 90-10, §§ 2—6, adopted Dec. 5, 1990.

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- (4) Broken, missing, or inoperable windows or doors constituting a hazardous condition or a potential attraction to trespassers.
  - (5) Unpainted buildings or structures causing dry rot, warping or termite infestation.
  - (6) Broken, deteriorated, or substantially defaced structures visually impacting on the neighborhood or presents a risk to public safety.
  - (7) Substandard building conditions described in the State Housing Law, including but not limited to Section 17920.3 of the Health and Safety Code.
- (b) Abandoned building or structure such as:
- (1) An unoccupied and unsecured building or structure.
  - (2) Partially constructed, reconstructed, or demolished building or structure where work is abandoned for one hundred twenty (120) consecutive days.
  - (3) Damaged or partially destroyed building or structure not removed or repaired within one hundred twenty (120) days after the damage or destruction, or, if the removal or repair cannot reasonably be accomplished within one hundred twenty (120) days, have not been commenced within such period and prosecuted diligently toward completion.
- (c) Property maintained in a condition so defective, unsightly, or in a state of such deterioration, disrepair or neglect that it causes a health, safety or fire hazard or an attractive nuisance to children such as:
- (1) Accumulation of debris, junk, garbage or refuse.
  - (2) Storage of personal property (other than items designated for outdoor use) in front or exterior side yard areas visible to public view, including, but not limited to inoperative or dismantled motor vehicles or vehicle parts, building materials not currently being used for the construction of improvements on the site, and broken or discarded furniture, appliances or household furnishings.
  - (3) Trees, weeds, or other vegetation which are dead, decayed, infested, diseased, or overgrown.

- (4) Abandoned and broken equipment or machinery, or parts thereof.
- (5) Parking lots, driveways, paths or other paved surfaces with cracks, potholes or other deficiencies posing a risk of harm to the public.
- (6) A condition or object obscures the visibility to the public of streets intersections constituting a hazard to vehicular or pedestrian traffic on adjacent streets or sidewalks, including, but not limited to, landscaping, fencing, signs, posts or equipment.
- (d) Building or structure constructed, altered, or maintained in violation of specific requirements applicable to such building or structure.
- (e) Property having a condition thereon constituting a fire hazard, including, but not limited to:
  - (1) Inflammable substance, explosive, or other dangerous material kept or stored contrary to federal, state or local law or regulation.
  - (2) Building or structure having inoperative, defective, or deteriorated fire prevention or fire extinguishing equipment, systems or devices required by federal, state or local law or regulation.
- (f) The accumulation and storage of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof as described in this Code and Vehicle Code Section 22660.
- (g) The burning of a substance or the existence or maintenance of a condition or thing causing dense smoke, or noxious, foul or offensive odors or gases, resulting in the air being tainted to such extent as to render it unwholesome or injurious to health, or offensive to persons of ordinary sensibilities. Or a condition allowing foul or obnoxious smell or odor evident to the general public or those in a normal proximity to the property or condition.
- (h) Loud or unusual noise or vibration unreasonably disturbing, offending, injuring or annoying the normal sensibilities of occupants of neighboring properties.

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- (i) Swimming pool, pond, well, or other body or container of water abandoned, unfiltered, polluted, or otherwise maintained in an unhealthy or unsafe condition, or a condition in which mosquitos may breed.**
- (j) A condition contributing to infestation of rodents or other wild animals or insects.**
- (k) Property having a topography, geology or configuration which, whether in a natural state or as a result of grading operations or other work being performed on the site, causes or threatens to cause erosion, subsidence, unstable soil conditions, surface or subsurface drainage problems that will, or may, be injurious to the public or to adjacent properties.**
- (l) A building or place where unlawfully selling, serving or giving away any spirituous, vinous, malt or other alcoholic liquor occurs as described in Penal Code Section 11200.**
- (m) A building or place of illegal gambling or prostitution as described in Penal Code Section 11225.**
- (n) A building or place used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing or giving away any controlled substance or analog as described in Health and Safety Code Section 11570.**
- (o) Other conditions which within the meaning of Civil Code Section 3479 or Penal Code Section 370, is injurious to health, or is indecent or offensive to the senses, or constitutes an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or unlawfully obstructs the free passage or use, in the customary manner, of any stream or any public park, square, sidewalk, pathway, street, highway, or other public place.**
- (p) Other violations of a statute, ordinance, rule, regulation or condition which is specifically declared therein, constituting the creation or existence of a public nuisance subject to abatement by the City. (Ord. No. 97-02, § 3)**

**4-15.102 Nuisance: Prohibitions and Penalties.**

- (a) It is unlawful for any person owning, leasing, occupying or having charge or possession of any real property to cause or permit the establishment, maintenance, or continuation of a nuisance.
- (b) A nuisance existing on real property may be abated by the procedures set forth in this Article. Such procedures shall be cumulative and in addition to any other rights, remedies or proceedings available to the City, including commencement of civil proceedings for injunctive or other judicial relief, imposition of civil penalties, and the filing and prosecution of criminal charges.
- (c) A person, whether as owner, tenant or occupant of premises, who violates this Article is guilty of an infraction. However, if any person shall be convicted twice for the same offense within any twelve-month period, the third and any subsequent commission of such offense within the same twelve-month period may, in the discretion of the prosecutor, be charged as a misdemeanor. Each day, or portion thereof, during which a violation of this Article continues shall constitute a separate offense.
- (d) In addition to any other penalties specified in this Article, upon entry of a second or subsequent civil or criminal judgment within any period of twenty-four (24) months finding that an owner of property is responsible for a condition to be abated in accordance with this Article, the owner shall be liable to the City for triple the amount of costs incurred by the City for abatement as provided in Government Code Section 38773.7. (Ord. No. 97-02, § 4)

**4-15.103 Nuisance: Commencement of Proceedings.**

- (a) Whenever the City Administrator, or the Chief of Police, or the City Planning Director, or the City Public Works Director, or the City Building Official, or their duly authorized representatives, or any City Code Enforcement or Nuisance Abatement Officer reasonably believes a nuisance exists, the City official or representative may commence abatement proceedings under this Article.

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- (b) When the City official having authority to commence abatement proceedings has reasonable cause to believe there exists a condition making a building or premises unsafe or constitutes a public nuisance, the official may enter such building or premises at reasonable times to inspect the same or to perform any action authorized to be taken pursuant to this Article. If such building or premises is occupied, the official shall first present proper credentials and request entry. If such building or premises is unoccupied, the official shall first make a reasonable effort to locate the owner or other persons having charge or control over the operation or management of the building or premises and request entry. If entry is refused, the official may have recourse to remedies provided by law, including an inspection warrant.
- (c) The official initiating the abatement proceedings shall give written notice to each owner of the affected property of a hearing to determine whether a nuisance exists. The notice shall be given by regular mail, postage prepaid, addressed to each owner at the address shown on the latest available tax assessment roll, and by posting a copy of the notice on the affected property. The notice shall indicate the nature of the alleged nuisance and the description of the property. The notice shall include the property owner's right to a pre-abatement hearing as outlined in Section 4-15.104 of this Article, including the time and place of the hearing and proposed manner of abatement. The notice shall offer the option of voluntarily abatement prior to the hearing date. The notice will allow at least thirty (30) days from the date of notice to the commencement of any abatement. The hearing shall be canceled and written notice of such cancellation shall be given to the persons to whom notice of hearing was directed if the nuisance is abated before the hearing. (Ord. No. 97-02, § 5)

**4-15.104 Nuisance: Abatement Hearing.**

- (a) The hearing to determine whether a nuisance exists shall be conducted by the Planning Commission. The Commission shall consider relevant evidence, including, but not

limited to, staff reports, testimony, other interested persons, objections or protests relative to the existence of the alleged nuisance of the manner proposed for abatement hereof. The hearing may be continued from time to time by the Commission.

- (b) If the Commission finds a nuisance exists, the Commission shall issue an order directing abatement within a specified time and manner. The Commission shall cause a copy of the abatement order to be served on each owner of the property by mailing the same to the address used for mailing notice of the hearing, or to such other address as may be known to the Commission. If the Commission determines a nuisance does not exist on the property, the Commission shall terminate the proceedings and give written notice of such action to the property owner.
- (c) The decision of the Commission shall be final in the absence of an appeal to the City Council filed in accordance with this Article. (Ord. No. 97-02, § 6; Ord. No. 99-03, § 2)

**4-15.105 Nuisance: Appeal of Abatement Order.**

- (a) The owner of the affected property or any other interested person may appeal any decision of determination by the Planning Commission to the Council by filing a written notice of appeal with the Clerk within five (5) city working days after notice of the Commission's decision. The notice of appeal shall state the grounds for the appeal and shall be accompanied by a processing fee as per the City's schedule of fees. If a timely appeal is filed, the Council shall review the decision of the Commission. The property owner and other interested persons shall be heard. If the Council finds a nuisance exists, the Council shall order the abatement within a specified amount of time and manner. If the nuisance is not abated in accordance with the abatement order, the City may enforce the order with the cost of the abatement to be charged to the property owner. If the Council finds a nuisance does not exist, or the nuisance has been abated prior to the hearing, the Council shall terminate the proceedings. The decision of the Council is final.

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- (b) The Clerk shall mail a copy of the Council finding/abatement order to the property owner and to any other person submitting a request. The Clerk may also record a certified copy of the abatement order in the Office of the Kern County Recorder if such recording is required. (Ord. No. 97-02, § 7; Ord. No. 99-03, § 3)

**4-15.106 Nuisance: Abatement.**

- (a) If property owner fails to abate the nuisance within the time or in the manner as specified in the final abatement order, the City Administrator or designee may cause the nuisance to be abated by the City.
- (b) If the City Administrator determines, through the information he has received, that there exists an imminent threat of serious injury or harm to any persons or property likely to occur during the pendency of abatement proceedings, such City Administrator may cause the condition to be summarily abated, provided:
  - (1) The City Administrator or designee shall attempt to contact the owner, or person in charge or control of the property, personally or by telephone to notify the party the condition must immediately be removed, corrected, or isolated to eliminate the imminent threat of serious injury or harm.
  - (2) If the attempt at personal contact is unsuccessful, or if the responsible party fails or refuses to take immediate and effective action to eliminate the threat after being requested, the official shall summarily abate the nuisance. (Ord. No. 97-02, § 8)

**4-15.107 Nuisance: Report of Abatement Costs.**

- (a) The City Official directing the abatement shall keep an accounting of costs and incidental expenses incurred. The account shall indicate, where appropriate, the costs attributable to each separate parcel of land with respect to

which abatement proceedings have been commenced or upon which abatement work has been performed by the City or its contractors. The term "incidental expense" includes, but is not limited to, the actual expenses and costs of the City for conducting proceedings under this Article; the preparation of specifications and contracts; inspection of the work; the cost of preparing and serving notices; attorneys fees and the fees of any other consultants providing professional services in connection with the abatement of the nuisance and administrative staff costs. Costs and expenses may be recovered even if the nuisance is subsequently abated by the property owner. Costs shall be determined and assessed at the conclusion of the abatement proceedings. In the case of an abatement by any method taking more than six (6) months, costs may be determined and assessed at any time after six (6) months from the issuance of the final abatement order and periodically thereafter until all abatement proceedings have been fully completed.

- (b) The City Official directing the abatement shall submit an itemized report of abatement costs to the City Administrator for confirmation. The City Clerk shall serve a copy of such report upon the property owner by personal delivery or by regular mail addressed to the owner as shown on the latest available County assessment roll, or as otherwise known to the City Clerk. The report of abatement costs shall be accompanied by a notice advising the owner's right to a hearing with the City Administrator to consider confirmation of such report and levy or assessment of a lien against the affected property for collection of abatement costs. The report and notice shall allow the property owner at least ten (10) city working days prior to the scheduled date of the hearing.
- (c) At the time and place fixed in the notice of the confirmation hearing, the City Administrator shall consider the report of abatement costs submitted and hear any protests or objections thereto by the property owner or any other interested persons.
- (d) Upon the conclusion of the hearing, the City Administrator shall make such revisions, corrections or modifica-

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tions to the report as may be necessary or appropriate, based upon the evidence provided at the hearing, and shall thereafter confirm the report as submitted or modified by legal order for collection of the abatement costs pursuant to this Article. The decision of the City Administrator shall be final and conclusive, in absence of an appeal to the City Council. (Ord. No. 97-02, § 9)

#### 4-15.108 *Nuisance: Appeal of Collection Order.*

- (a) The owner of the affected property may appeal the order for collection of abatement costs to the City Council by filing a notice of appeal with the City Clerk within ten (10) city working days after the order is rendered. The notice of appeal shall state the grounds for the appeal and shall be accompanied by the payment of a processing fee as set forth in the city schedule of fees.
- (b) The City Clerk shall set the matter for hearing at the next available regular meeting of the Council and shall mail notice of such hearing to the appellant and to any other interested person requesting the same.
- (c) The City Council shall affirm, modify or reverse the order issued by the City Administrator. The decision of the City Council is final when a timely appeal has been filed. (Ord. No. 97-02, § 10)

#### 4-15.109 *Collection of Abatement Costs.*

- (a) The order for collection of abatement costs may provide for such costs to be levied as an abatement lien against the property on which the nuisance was abated. Notice of intent to record such lien shall be served upon the owner of the property, as shown by the latest available County assessment roll, in the same manner as service of a summons in a civil action. If the property owner, after diligent search, cannot be found, the notice may be served by posting a copy thereof in a conspicuous place upon the property for a period of ten (10) city working days and publication thereof in a newspaper having general circulation in the City. Following service of the notice in accordance with this section, the City Clerk shall record

the nuisance abatement lien against the affected property in the Office of the Kern County Recorder. From and after the date of such recording, the nuisance abatement lien shall have the same force, effect, and priority as a judgment lien on the real property and shall continue in effect until discharged by the City. The nuisance abatement lien may be foreclosed by an action brought by the City for a money judgment. All costs and expenses relating to the processing, recording and enforcement of the abatement lien, including recording fees, noticing costs and attorney's fees, shall be added to the amount of the lien and shall be secured thereby.

(b) As an alternative to the recording and foreclosure of an abatement lien, the order for collection of abatement costs may require that such costs shall be imposed as a special assessment against the property on which the nuisance was abated. In such case, a certified copy of the order for collection of abatement costs shall be transmitted to the County tax assessor and tax collector, whereupon it shall be the duty of the tax assessor and tax collector to add the amount of abatement costs as a special assessment on the next regular bills for real estate taxes levied against the respective properties identified in the order. The special assessment shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure and sale in the case of delinquency as provided by law for ordinary municipal taxes.

(Ord. No. 97-02, § 11)

**4-15.110 Notices.**

(a) The Code Enforcement Officer shall provide the owner of the property on which the nuisance is maintained with a Notice to Abate substantially as follows:

"Notice is given the Code Enforcement Officer of the City of Ridgecrest has found and declared the following condition on your property located at [property location] constitutes a public nuisance: [describe condition]

The Code Enforcement Officer also found this condition must be abated by removal, or, the nuisance will be removed and

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abated by the City and the cost of removal assessed against your land. Such costs shall include reasonable attorney fees. Such costs will constitute a lien on such land until paid. In the alternative, the amount may be placed on the tax rolls for collection.

If you object to the proposed removal or abatement of the above-described nuisance, you may file a written appeal with the City Manager at the above address within 10 days from the date of receipt of this Notice.

Dated: \_\_\_\_\_

Code Enforcement Officer

City of Ridgecrest"

(b) The Notice shall be served on the record owner of the parcel of land on which the nuisance is maintained, based on the last equalized assessment roll or the supplemental roll, whichever is more current. The Notice shall be served in the same manner as a summons in a civil action. If the owner of record cannot be found after diligent search, the Notice may be served by posting a copy in a conspicuous place on the property for ten days and publication in a newspaper of general circulation published in Kern County.

(c) The Code Enforcement Officer shall abate the nuisance without further notice to the record owner if the record owner does not appeal the decision of the Code Enforcement Officer within ten (10) days of receipt. If the record owner appeals the decision, the Code Enforcement Officer shall not abate the nuisance until the appeal process has been completed.

(Ord. No. 05-02, § 2)

4-15.111 *Cost recovery.*

(a) When nuisance abatement costs are incurred by the City and not paid by the record owner within thirty (30) days of presentation of a bill, a nuisance abatement lien shall be recorded in the Kern County Recorder's Office, and from the date of recording shall have the force and effect and priority of a judgment lien. The lien shall specify: the amount of the lien, the city's name, the date of the abatement order, street address, legal

description and assessor's parcel number of the parcel on which the lien is imposed, and the name and address of the record owner of the parcel. If the lien is discharged, released or satisfied, either through payment or foreclosure, Notice of Discharge containing the information specified above shall be recorded. The lien may be foreclosed by action brought by the City for money judgment.

(b) As an alternate to the procedure set forth in the preceding paragraph, the cost of abatement may be collected as a special assessment against the parcel on which the nuisance is located. The assessment may be collected at the same time and in the same manner as ordinary municipal taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary municipal taxes.

(c) As used herein, costs of abatement shall include attorney fees.

(d) Upon entry of a second or subsequent civil or criminal judgment within a two-year period, finding the record owner responsible for a condition that may be abated in accordance with this article, except for conditions abated pursuant to Health and Safety Code § 17980, the record owner shall pay treble the cost of abatement.

(Ord. No. 05-02, § 3)

### **Article 16. Massage Offices\***

**4-16.101 Purpose and Intent.** Regulation of the massage/bodywork industry is necessary to protect the consumer of massage, as well as massage/bodywork practitioners. This Article regulates massage/bodywork practitioners in order to promote the public health, safety and welfare by: providing appropriate standards for education and training of massage/bodywork practitioners;

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\***Editor's note**—The provisions of Ch. 4, Art. 16 have been deleted as being superseded by Ord. No. 94-09, adopted August 3, 1994, included as a new Ch. 4, Art. 16 to read as herein set out at the discretion of the editor. Former Ch. 4, Art. 16, §§ 4-16.101—4-16.122 pertained to massage studios and derived from Ord. No. 89-20, § 16 and Ord. No. 90-01, § 16.

and recognizing massage/bodywork as a legitimate business occupation and health enhancement service and promoting the public confidence therein. (Ord. No. 94-09, § 2)

**4-16.102 Definitions.** The following terms are defined for the purposes of this Article, unless the context clearly requires a different meaning:

- (a) *Massage* means any method of pressure on, friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating the external parts of the human body with the hands or with the aid of any mechanical or electrical apparatus, or other appliances or devices, with or without such supplementary aids as rubbing alcohol, liniment, antiseptic, oil, powder, cream, lotion, ointment or other similar preparations.
- (b) *Bodywork* means the skillful application of touch to enhance the health and well being. Bodywork includes a variety of philosophical approaches, theoretical frameworks, and techniques such as massage, movement and education.
- (c) *Massage/bodywork professional or professional* means a non-medical health care practitioner who offers services to the public using a massage or bodywork specialty and health enhancement approach in caring for clients and who has met the requirements of this Article.
- (d) *Massage/bodywork office* means any establishment having a fixed place of business where any individual, firm, association, partnership, corporation, joint venture or combination of individuals engages in, conducts, carries on or permits to be engaged in, conducted or carried on for consideration, massages, bodywork, baths, or health treatments involving massages, bodywork or baths as regular functions, including any establishment involving massages, bodywork or baths as regular functions, including any establishment involving the provision of off-premises massage or bodywork services, whether or not massage or bodywork is performed on the premises.
- (e) *License* means the license to operate a massage/bodywork office as required by the Article.

(f) *Recognized/approved school of massage* means any school or institution of learning which:

- (1) Teaches the theory, ethics, practice, profession and work of massage/bodywork;
- (2) Requires a residence course of study before the student shall be furnished with a diploma or certificate of completion; and
- (3) Has been approved pursuant to Education Code Section 94311, or if the school is not located in California, has complied with standards commensurate with those required in Section 94311 and has obtained certification under any similar state certification program, or federally approved trade schools of massage therapy, if such exists.
- (4) Temporary, conditional or provisional approval by California State Department of Education will not qualify a school or institution of learning as acceptable under this Section.
- (5) Schools offering correspondence courses not requiring actual attendance at class, or courses for a massage technician not approved by the California State Department of Education shall not be deemed "approved schools."

(g) *State, national or regional professional massage/bodywork organization or association devoted to the massage specialty and health enhancement approach* means an organization or association meeting each of the following requirements:

- (1) Requires its members meet minimum educational requirements. The educational requirements must include classroom time, or its equivalent, as determined by written and practical examination, in anatomy, physiology, hygiene, sanitation, massage/bodywork theory and practice, and ethics of massage/bodywork practice;
- (2) Offers and encourages participation in continuing education programs; and,
- (3) Has an established code of ethics and has enforcement procedure for the suspension and revocation of membership of persons violating the code of ethics.

- (4) The organization is open to members of the general public meeting the requirements for membership on either a regional, statewide or national basis and is devoted to serving the interests of its members, the public and the profession. (Ord. No. 94-09, § 2)

**4-16.103 Office; License Required.**

- (a) No person shall engage in, conduct or carry on, or permit to be engaged in, conducted or carried, on, in or upon any premises within the City, a massage without a license issued by the City in conformity with the provisions of this Article. No owner, practitioner, responsible managing employee, manager or licensee in charge of or in control of a massage/bodywork office shall employ or permit an unlicensed person to act as a massage/bodywork practitioner.
- (b) Each person employed or acting as a massage/bodywork practitioner shall have a valid license issued by the City.
- (c) A license issued under this Article shall be renewed annually and a renewal fee shall be paid. (Ord. No. 94-09, § 2)

**4-16.104 License Applications.**

- (a) The application for a license under this Article shall be upon a form provided by the City Clerk [and] shall:
- (i) Set forth the exact nature of the service to be provided;
  - (ii) The proposed place of business and facilities;
  - (iii) The name, including all names used, and the addresses of each applicant;
  - (iv) If applicant is a corporation, the names and residence addresses of each officer director and each stockholder owning more than ten (10) percent of the stock of the corporation.
  - (v) If applicant is a partnership, the names and residence addresses of each partner, including limited partners.
- (b) An applicant for a license shall also furnish the following information for each person who will act as a massage/bodywork professional:
- (i) The name and address of each professional employed in the establishment, including any alias.

- (ii) The driver's license number or California identification.
  - (iii) Written evidence the professional is at least eighteen (18) years of age.
  - (iv) Two (2) photographs, 2" by 2" passport size.
  - (v) A complete set of fingerprints taken by the Chief of Police or his agent.
  - (vi) A diploma(s) or certificate(s) of graduation from an approved school wherein the method, profession, and work of massage techniques are taught, and consist of a minimum of five hundred (500) hours.
- (c) The initial application for a massage/bodywork license shall be accompanied by an investigation fee. Additional fees may be required by the City Clerk if the investigation requires in excess of three (3) hours. (Ord. No. 94-09, § 2)

4-16.105 *License: Denial.*

- (a) No license will be issued to a massage/bodywork professional unless the professional has completed:
  - (i) Five hundred (500) hours of instruction in the massage/bodywork specialty and health enhancement approach at a recognized school of massage or bodywork with a State approved curriculum; or,
  - (ii) Two hundred fifty (250) hours of such instruction and, in addition, five hundred (500) hours of practical experience in the massage/bodywork specialty and health enhancement approach in the form of paid employment; or
  - (iii) A minimum of one hundred (100) hours of such training from an approved school, and proof of four hundred (400) hours additional training in: continuing education classes in the massage/bodywork field and related classes offered by a recognized school of massage or bodywork; or approved and certified by qualifying professional organizations; or adult education classes in massage/bodywork and related topics offered through State approved colleges and universities; or an independently prepared and administered National Certification exam objective standards to fairly evaluate

professional levels of skill, safety and competence, as determined by the National Commission for Certifying Agencies.

- (iv) Failure to provide a complete application.
- (v) Violation of any Federal, State, or local health law or regulation.
- (vi) The applicant has engaged in disqualifying conduct. As used herein, *disqualifying conduct* includes:
  - (1) Within five (5) years immediately preceding the filing of the application, conviction in a court of competent jurisdiction of:
    - (i) Any misdemeanor or felony offense directly related to the operation of a massage office, whether as a massage office owner or practitioner, or as a massage/bodywork practitioner or professional; or
    - (ii) Any felony the commission of which occurred on the premises of a massage office; or
    - (iii) Any violation of Section 266(h), 314, 315, 316, 318, or Subdivision (b) of Section 647 of the California Penal Code; or 261.5, and Section 290; or
    - (iv) Any offense in a jurisdiction outside of the State of California which is the equivalent of any of the aforesaid offenses.
  - (2) Within five (5) years immediately preceding the filing of the application had any massage office, operator, practitioner or trainee license or permit issued by the State of California, or by any county or municipality, revoked; or
  - (3) The licensee has operated a massage office after the license has been suspended; or
  - (4) The licensee has allowed a person to work as a massage/bodywork practitioner who:
    - (i) Does not have a valid license; or
    - (ii) Has engaged in conduct or has been convicted of an offense described in this section and where the licensee has actual or constructive knowledge of such conduct.

- (b) The license of every previously licensed massage practitioner possessing a diploma(s) or certificate(s) from an approved school teaching a course consisting of less than five hundred (500) hours shall expire on June 1, 1997, and shall not be renewed unless the applicant possesses a diploma(s) or certificate(s) from an approved school indicating applicant has completed the additional course time to qualify applicant for renewal or fulfilled the above requirements of this Section.
- (c) The Director of Finance shall either issue the license or make a written statement of his or her reasons for denial thereof. If the Director takes neither action, the license shall be deemed to be issued. In the event of denial, notification and reasons for denial shall be set forth in writing as stated below. (Ord. No. 94-09, § 2)

**4-16.106 License: Investigation and Fee.**

- (a) The City Clerk shall refer the application to the Building Department and the Police Department, to review records or make an inspection of the premises of the proposed massage/bodywork office. The Building Department and Police Department shall make a written recommendation to the City Clerk concerning compliance with the requirements of this Article.
- (b) The Building Official shall examine massage/bodywork office to determine compliance with building codes prior to the initial license to operate a massage office. Thereafter, building inspection is not required unless structural changes are performed or good cause exists to warrant further inspection.
- (c) The Chief of Police shall perform an investigation to determine whether the statements made in the application are true. At the time of renewal, the Chief shall determine if the licensee has violated section 4-16.105(a)(vi) subsequent to the initial application. (Ord. No. 94-09, § 2)

**4-16.107 License: Conditions.** A person licensed under this Article shall:

- (a) Operate bath/spa and massage only between the hours of 6:30 a.m. and 10:00 p.m.

- (b) Protect patrons from potential health and sanitary hazards, all employees and massage/bodywork practitioners shall be clean and shall perform all services on the premises in full, clean, outer garments. Clothing furnished to patrons by the establishment shall not be used by more than one (1) patron unless it has first been laundered and disinfected.
- (c) Protect the patron and the massage establishment, no person shall be allowed to be in possession of, consuming, or using any alcoholic beverage or controlled substance except pursuant to a valid prescription issued by a licensed medical doctor for such drug while in treatment room. (Ord. No. 94-09, § 2)

4-16.108 *Exemptions.* This Article shall not apply to the following classes of individuals engaged in the performance of their respective professions:

- (a) Physicians, surgeons, chiropractors, acupuncturists or osteopaths, who are duly licensed to practice their respective professions in the State of California, while performing activities encompassed by such professional licenses, and others duly licensed to practice their professions under the State of California laws pertaining to the healing arts.
- (b) Individuals administering massages or health treatment involving massage to persons participating in road races, track meets, triathalons and similar single occurrence athletic or recreational events, provided the following conditions are met:
  - (1) The massage services are made equally available to all participants in the event;
  - (2) The event is open to participation by the general public or a significant segment of the public such as employees of sponsoring or participating corporations; and
  - (3) The massage services are provided at the site of the event and either during, immediately preceding or immediately following the event. (Ord. No. 94-09, § 2)

**Article 17. Burglary and Robbery Alarms**

4-17.101 *Definitions.* As used in this section:

- (a) *Alarm owner* shall mean any person who owns, leases, rents, uses or makes available for use by his agents, employees, representatives or family, any alarm system.
- (b) *Alarm system* shall mean any assembly of equipment and devices including audible alarms and proprietor alarms, arranged to signal the presence of fire, robbery, or unauthorized intrusion into or onto a building, structure, facility or premises, the signals from which are calculated to solicit or could reasonably cause the solicitation of urgent attention from safety personnel of the City. The following devices shall not constitute alarm systems within the meaning of this subsection:
  - (1) Devices which do not register alarms that are audible, visible or perceptible outside the protected premises;
  - (2) Panic alarms;
  - (3) Alarm devices affixed to motor vehicles.
- (c) *Audible alarm* shall mean an alarm device which generates a sound audible outside the protected premises.
- (d) *Direct dial device* shall mean a device which is connected to a telephone line and, upon activation of an alarm system, automatically dials a predetermined telephone number and transmits a message or signal.
- (e) *Emergency* shall mean a fire or the commission of or attempted commission of a robbery or burglary.
- (f) *False alarm* shall mean an alarm signal calculated to solicit or which could reasonably cause the solicitation of the urgent attention of City safety personnel where an emergency does not exist. An alarm signal activated by violent conditions of nature or other extraordinary circumstances not subject to the control of the alarm owner shall not constitute a false alarm. Signals from defective alarm systems shall be deemed to be within the control of the owner.

- (g) *Panic alarm* shall mean an alarm designated to be activated when assistance is needed because of illness, injury or any other reason not caused by fire, robbery or burglary. (Ord. No. 89-20, § 17; Ord. No. 90-01, § 17)

4-17.102 *City Permit Required; Alarm Owner.* It shall be unlawful for any person to install, connect, operate, use or maintain, or to cause to be installed, connected, operated, used or maintained, any alarm system within the City, unless an alarm system permit has been issued therefor in accordance with the provisions of this Article and such permit has not expired, been revoked or suspended. The alarm owner or user shall post the permit number at the front of the business or residence and post the address of the premises at every street and alley entrance to the property. (Ord. No. 89-20, § 17; Ord. No. 90-01, § 17)

4-17.103 *Application for Alarm System Permit.*

- (a) Applications for alarm system permits shall be filed with the City Clerks Department of the City on forms provided by the City. The applications shall contain the names, addresses and telephone numbers of three (3) persons who will respond to an alarm, open the premises and service or repair the alarm system during any hour of the day or night. The applications shall contain all additional information the Chief of Police reasonably deems necessary for the evaluation and proper processing of the permit application. The permits shall be issued

to the person who is in possession of the property which the alarm system is designed to protect.

- (b) No permit shall be issued without the express approval of the Chief or his representative.
- (c) Any person who operates or maintains more than one (1) alarm system at any particular location may apply for a single permit for that location or may apply for separate permits for each alarm system operated or maintained. If a person chooses to secure a separate permit for each alarm system, a separate application shall be submitted for each permit requested.

(Ord. No. 89-20, § 17; Ord. No. 90-01, § 17)

**4-17.104 Expiration of Alarm System Permit.** All alarm system permits shall expire one (1) year after the date issued. Applications for renewals shall be filed not earlier than thirty (30) days before expiration and no later than thirty (30) days after the expiration of the permit. Permits lawfully renewed prior to the effective date of this provision shall expire one (1) year after the date of latest renewal. (Ord. No. 89-20, § 17; Ord. No. 90-01, § 17)

**4-17.105 Permits Nontransferable.** All permits issued under this Article shall be nontransferable. (Ord. No. 89-20, § 17; Ord. No. 90-01, § 17)

**4-17.106 Direct Telephone Lines.** Under no circumstances shall anything be connected to a direct telephone line to the Police Department of the City unless it complies with the "Standard for Safety," Central Station Burglar Alarm Units and Systems (UL 611-1985) issued by Underwriters Laboratories, Inc. or with the "Standard for Safety," Central Stations for Watchman, Fire Alarm and Supervisory Services (UL 827-1982) issued by Underwriters Laboratories, Inc., as amended from time to time. Said standards are incorporated by reference and made a part of this section. A copy of the standards shall be kept on file with the City Clerk and will be available for public inspection. The service provided may

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correspond to any of the several grades of service listed in the standards. Anything not in compliance with said standards which is connected to a direct telephone line to the Police Department of the City prior to the effective date of this provision shall have one (1) year to come into compliance with the standards or to be disconnected from all such lines. (Ord. No. 89-20, § 17; Ord. No. 90-01, § 17)

**4-17.107 *Prescribing Rules and Regulations by Chief of Police.*** The Chief of Police of the City shall have the authority to prescribe rules and regulations consistent with the provisions of this Article and to implement and enforce this section. The subjects covered by such rules and regulations may include, but are not limited to, the following:

- (a) Requirement for standby power;
- (b) Investigation and method of transmittal of alarms by Central Stations, alarm company operators or their agents;
- (c) Testing of alarm systems.  
(Ord. No. 89-20, § 17; Ord. No. 90-01, § 17)

**4-17.108 *Suspension and Revocation of Alarm System Permit.***

- (a) The following shall constitute grounds for suspension and revocation of an alarm system permit within any one (1) month period.
  - (1) If an alarm owner has over four (4) false alarms on said permit within any one month period.
  - (2) Intentionally reporting or causing to be reported any false alarm, knowing that such alarm is false.
  - (3) The violation of any of the provisions of this section, any rule or regulation prescribed by the Chief of Police upon an alarm system permit.
  - (4) Any fraudulent or willful misrepresentation or any false statement in an application for a permit.

- (5) Failure to pay any fees prescribed by this section before they become delinquent.
- (b) No permit issued in the City shall be suspended until the right and opportunity for a hearing shall have been given the permittee by the Chief of Police. Notice of hearing shall be given in writing to the permittee and served at least seven (7) days prior to the date of the hearing. The notice shall state the reason for suspension and shall also state the time and place the hearing will be held. Said notice may be made by sending it registered or certified mail to the permittee at the address of his place of business or employment. In the event service cannot be made upon the permittee in such manner, then service may be made by sending it by registered or certified mail to the place of business or residence stated in the permit. After any order or suspension has been issued by the Chief of Police and pending the outcome of any appeal, responses of safety personnel from the offending system may be stopped.
- (c) Any order of suspension ordered by the Chief of Police shall become a revocation fifteen (15) days after the effective date of the order of suspension, unless the permittee files an appeal from the order of suspension within the time and in the manner provided in this Article.
- (d) When an appeal is filed, the order of suspension shall not be stayed pending the determination of such appeal by the Alarm Appeals Board. Such suspension shall become a revocation of the permit if the decision of the Board upholds the order of suspension made by the Chief of Police. The suspension shall be dissolved if the decision of the Board reverses the order of suspension made by the Chief of Police.
- (Ord. No. 89-20, § 17; Ord. No. 90-01, § 17)

**4-17.109 Alarm Appeals Board.** The Board shall consist of three (3) members appointed by the City Administrator to serve until replaced, one of whom shall be an engineer in the Public

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Works Department, one of whom shall be a representative of the Planning Department and one of whom shall be a representative of the City Administrator's office. The Board shall adopt rules and regulations for the conduct of its business. All decisions of the Board shall be made in writing. The Board shall have jurisdiction to review all appeals of orders issued by the Chief of Police and his subordinates involving denials of applications for reapplication for alarm system permits. The Board may affirm, modify or set aside any such order or decision. All decisions of the Board shall be final and conclusive. (Ord. No. 89-20, § 17; Ord. No. 90-01, § 17)

**4-17.110 *Appeal Procedure.*** Any applicant for an alarm system permit whose application is denied by the Chief of Police or any permittee whose permit is suspended pursuant to an order of suspension made by the Chief of Police may appeal therefrom to the Alarm Appeals Board by filing with the City Clerk a notice of appeal within fifteen (15) days after such denial or order of suspension. The notice of appeal must set forth the decision and the grounds upon which the permittee deems himself/herself aggrieved thereby. An appellant must pay the sum of ten (\$10.00) dollars to the City Clerk as a filing fee at the time of filing said Notice of Appeal. The City Clerk shall report the filing of such appeal to the Chief of Police. The Chief of Police shall, within seven (7) days, make a written report to the City Clerk setting forth the basis of his/her action denying the application for a permit or issuing the order of suspension. The City Clerk shall forward said written report to the Alarm Appeals Board. Following the receipt of said written report, the Board shall set the appeal for hearing, which shall be held not less than five (5) days nor more than fifteen (15) days thereafter, unless continued for good cause by the order of the Board. (Ord. No. 89-20, § 17; Ord. No. 90-01, § 17)

**4-17.111 *Reapplication After Revocation.*** Any person whose alarm system permit is revoked may reapply for a new alarm system permit, but only in accordance with procedures set forth in this section.

- (a) All reapplication shall be submitted directly to the Chief of Police or to that person whom the Chief designates as the alarm officer on such forms as may be prescribed.
- (b) The Chief of Police or his designated representative shall investigate such reapplication to determine whether the grounds for the prior revocation have been eliminated or are not likely to occur again in the future. Such investigation may include, but shall not be limited to, an on-site examination of the alarm system and any specifications, diagrams or descriptions pertaining thereto. A test period of reasonable duration may also be prescribed.
- (c) If the Chief of Police determines after investigation that the grounds for the prior revocation have been eliminated or are not likely to occur again in the future, an alarm permit shall be issued to the person who is in possession of the property which the alarm system is designed to protect. The Chief of Police may attach such conditions to the alarm system permit as he deems are reasonably necessary to insure that the permittee will comply with the provisions of this section.
- (d) Any person whose reapplication for an alarm system permit is denied by the Chief of Police may appeal such denial to the Alarm Appeals Board in accordance with the procedure set forth in this chapter.  
(Ord. No. 89-20, § 17; Ord. No. 90-01, § 17)

**4-17.112 *Direct Dial Telephone Device.*** It shall be unlawful for any person to use any alarm system which is equipped with a direct dial device which, when activated, automatically dials a telephone number belonging to any government agency of the City. (Ord. No. 89-20, § 17; Ord. No. 90-01, § 17)

**4-17.113 *Audible Alarm Requirement.*** An audible alarm shall terminate its operation or shall automatically reset within fifteen (15) minutes if located within a commercial or industrial zone. (Ord. No. 89-20, § 17; Ord. No. 90-01, § 17)

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**4-17.114 *Panic Alarms.*** No person shall cause any alarm, including panic alarm, to be signalled by any alarm system to the Police Department other than a fire, robbery or burglar alarm. (Ord. No. 89-20, § 17; Ord. No. 90-01, § 17)

**4-17.115 *Report on False Alarms.*** After any false alarm, and upon request of the Chief of Police or his representative, the alarm owner shall submit a written report to the Chief of Police describing actions taken or to be taken to eliminate the cause of the false alarm. This report shall be submitted within three (3) days of the date of request. (Ord. No. 89-20, § 17; Ord. No. 90-01, § 17)

**4-17.116 *Violation of Section.***

- (a) Upon an alarm owner's fourth false alarm registered against a permit, and upon each subsequent false alarm against that permit during the permit period, the owner shall be assessed a service fee as determined and approved by the City Council. The service fee shall become due and payable upon deposit in the mail of notice of the amount assessed. If the service fee is not paid within one (1) month after mailing of said notice, it shall be deemed delinquent and the permit may be suspended. The service fee will be adopted by resolution of the City Council and reviewed annually to insure that the Police Department is being reimbursed for the lost manpower and expenses caused by false alarms.
- (b) Any person violating any of the provisions of this section shall be deemed guilty of an infraction and, upon conviction, shall be punishable by a fine not exceeding fifty (\$50.00) dollars for a first violation within one (1) year and one hundred (\$100.00) dollars for a second violation within one (1) year and two hundred (\$200.00) dollars for each additional violation within one (1) year.
- (c) The conviction or punishment of any person for violation of the provisions of this section or for failing to secure a permit as permitted by this section shall not

relieve such person paying the false alarm and/or service fees due and unpaid at the time of such conviction, nor shall payment of any false alarm fee or service fee prevent criminal prosecution for violation of any of the provisions of this section. All remedies shall be cumulative, and the use of one (1) or more remedies by the City shall not have the use of any other remedy for the purpose of enforcing the provisions of this section. The amount of any false alarm or service fee shall be deemed a debt to the City. An action may be commenced in the name of the City in any court of jurisdiction to recover the amount of any delinquent fee. All fees shall be deemed delinquent one month after they are due and payable.

(d) The sections, subsections, paragraphs, sentences, clauses and phrases of this Article are intended to be severable. If any section, subsection, paragraph, sentence, clause or phrase of this chapter is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining sections, subsections, paragraphs, sentences, clauses or phrases of this chapter. (Ord. No. 89-20, § 17; Ord. No. 90-01, § 17)

**4-17.117 Confidentiality.** The information furnished and secured pursuant to this Article shall be confidential in character, shall not be subject to public inspection and shall be kept so that the contents thereof shall not be known except to persons charged with the administration of this section. It is hereby declared that the public interest served by not making the information publicly clearly outweighs the public interest that might be served by the disclosure of the information.

(Ord. No. 89-20, § 17; Ord. No. 90-01, § 17)

**4-17.118 Applicability to Existing Alarm Systems.** The provisions of this Article shall apply to all alarm systems which were installed, connected, operated, used or maintained on or prior to the date on which this section becomes effective; provided, however, the permits required for such alarm systems not heretofore under any permit shall be obtained within ninety (90) days from and after the date on which this chapter becomes effective.

(Ord. No. 89-20, § 17; Ord. No. 90-01, § 17)

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4-17.119 *Revenue.* The City Council shall from time-to-time by resolution establish rates, fees, and charged to recover the cost associated with the administration of the emergency alarm program. The revenue derived shall be utilized by the City for the administration of these provisions and for business and residential crime prevention programs.

(Ord. No. 89-20, § 17; Ord. No. 90-01, § 17)

**Article 18. Parks and Recreation\***

4-18.101 *Hours of Operation and Use.*

(a) City neighborhood parks shall be open for public use between the hours of 5:00 a.m. and 10:00 p.m.

(b) City regional parks shall be open for public use between the hours of 5:00 a.m. and 12:00 a.m.

(Ord. No. 89-20, § 18; Ord. No. 90-01, § 18; Ord. No. 05-03, § 3)

4-18.102 *Fees.* The City Council shall from time-to-time establish fees for other parks and recreational services and materials. The Director of Parks and Recreation may establish miscellaneous fees for services and materials not set by

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\*Editor's note—Regulations pertaining to Parks and Recreation Fees were previously contained in Section 3-17 of Chapter III.

Council action, provided the Director establish no fee in excess of the cost of providing the service or material for which the fee is levied; and provided further the Director shall submit a report to the City Council twenty (20) days before the effective date of the fee. The fee shall not be effective if the City Council disapproves. (Ord. No. 89-20, § 18; Ord. No. 90-01, § 18)

### **Article 19. Waste of Water\***

**4-19.101 Prohibited Acts.** It shall be unlawful for any person to use water supplied by a public water purveyor for landscape irrigation in such a way as to result in runoff to a City street or alley for more than thirty (30) minutes per twenty-four-hour period.

(Ord. No. 89-20, § 19; Ord. No. 90-01, § 19)

**4-19.102 Penalties.** Violation of Section 3-18.1 is an infraction punishable for the first violation by a fine not exceeding one hundred dollars (\$100.00), by a fine not exceeding two hundred dollars (\$200.00) for the second violation within one (1) year, and by a fine not exceeding five hundred dollars (\$500.00) for each violation more than two (2) within one (1) year.

(Ord. No. 89-20, § 19; Ord. No. 90-01, § 19)

### **Article 20. Graffiti Abatement†**

#### **4-20.101 General.**

(a) No person shall place graffiti on property owned by the City or publicly owned property.

(b) No person shall permit graffiti to be placed or remain on privately owned property visible beyond the boundaries of the lot or parcel.

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\***Editor's note**—Regulations pertaining to waste of water were previously contained in Section 3-18 of Chapter III.

†**Editor's note**—Section 3 of Ord. No. 93-05, adopted July 21, 1993, amended Art. 20 to read as herein set out. Prior to adoption of said ordinance, Art. 20 consisted of § 4-20.101, which pertained to spray paint and derived from § 20 of Ord. No. 89-20 and § 20 of Ord. No. 90-01.

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(c) Violation of this section is an infraction.  
(Ord. No. 93-05, § 3; Ord. No. 01-10, § 3)

**4-20.102 Definitions.** The following terms are defined for the purposes of this article unless otherwise apparent from context:

(a) *Graffiti* are crude drawings, inscriptions or defacement applied to property without the consent of the owner or person in possession.

(b) *Graffiti implements* are aerosol spray paints, paints, dyes, polish, broad tip markers containing anything other than a water soluble solution.

(c) *Broad tip markers* are marker pens with a tip broader than three-eighths (3/8) inches in width.  
(Ord. No. 93-05, § 3; Ord. No. 01-10, § 4)

**4-20.103 Graffiti Implements.**

(a) It is an infraction for any person to possess graffiti implements within any City-owned building, at any City-owned facility or on private property without the permission of the owner or person having control thereof.

(b) A minor shall possess graffiti implements only upon the property of a parent or guardian, or under the supervision of a parent or guardian while upon the property of another.

(c) Every person who operates or manages a retail commercial business selling graffiti implements shall:

- (1) Store or cause graffiti implements to be stored in an area not accessible to the public in the regular course of business without employee assistance.
- (2) Place a sign in public view stating substantially the following:

"Placing a graffiti is a crime. Possession of graffiti implements is also a crime under certain circumstances. It is a crime to sell or convey aerosol spray paint or broad tip markers to a minor."

(Ord. No. 93-05, § 3; Ord. No. 01-10, § 5)

**4-20.104 Graffiti Removal.**

(a) The Director of Public Works, or designee, shall inspect City facilities for the presence of graffiti. The Director shall arrange for removal of graffiti from City-owned and operated buildings within forty-eight (48) hours of discovery.

(b) The City Manager, or designee, shall issue notices and citations to remove graffiti. The Notice shall be directed to the owner of record of the parcel of land on which the graffiti exists. The Notice to Abate shall state substantially the following:

**NOTICE IS HEREBY GIVEN** that the City Manager of the City of Ridgecrest has found and declared that a public nuisance consisting of graffiti exists on your property located at: \_\_\_\_\_ The City Manager has also found and determined that this condition must be abated by removal or repair.

If you do not rectify the situation within 72 hours of this written notice, the graffiti will be removed and the nuisance abated by the City, and the cost of removal assessed against the land on which the graffiti is located, and such cost will constitute a lien until paid. In the alternative, if the cost is not paid, the amount shall be placed on the tax rolls for collection.

If you object to the proposed removal or abatement of the above described nuisance, you may file a written appeal with the City Manager or designee at the City Hall within three days from the date of receipt of this notice.

**DATE:** \_\_\_\_\_ **SIGNED:** \_\_\_\_\_

**CITY MANAGER**

(c) The Notice to Abate shall be served on the record owner based on the last equalized assessment role or supplemental role, whichever is most current. The Notice shall be served in the same manner as a Summons in a civil action, or if the owner of record cannot be found after a diligent search, the Notice may be served by posting a copy thereof in a conspicuous place on the property for ten days and publication in a newspaper of general circulation published in Kern County pursuant to Government Code Section 6062.

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(d) The City Manager, or designee, shall abate the nuisance without further notice to the record owner if the record owner does not appeal the decision within three days of notice personally served, ten days of notice posted and published. If the record owner appeals the decision, in a timely manner, the City Manager shall not abate the nuisance until the appeal process has been completed. The City Manager shall consider the appeal of the record owner. The City Manager's written decision shall be final.

(e) If the City Manager has invoked the abatement process described in the preceding section, and if the record property owner has not paid the cost of removal within thirty days of presentation of a bill, and the cost of abatement has not been recovered through the probation office, a nuisance abatement lien may be filed by the City Manager as specified in this Municipal Code.

(Ord. No. 93-05, § 3; Ord. No. 01-10, § 6)

**4-20.105 Parental Responsibility.** Pursuant to Section 1714.1(b) of the California Civil Code, every parent or legal guardian having custody or control of a minor who defaces property by inscribing graffiti thereon shall be jointly and severally liable with such minor for any resulting damages incurred by the property owner in an amount not to exceed twenty-five thousand dollars (\$25,000.00) for each such act of defacement.

(Ord. No. 93-05, § 3; Ord. No. 01-10, § 7)

**4-20.106. Cost Recovery.**

(a) The City hereby elects to have the Probation Officer of Kern County recoup for it, through Juvenile Court Proceedings in accordance with Welfare and Institutions Code Section 742.16, the costs incurred by the City associated with the defacement by minors of its property and the property of others by graffiti or other inscribed materials. The City shall determine the average costs for such graffiti abatement and that cost will be established by Resolution. The findings of average costs shall be reviewed at least once every three years.

(b) The Chief of Police, or designee, shall transmit to the Probation Officer information about the City's expenditures, and/or any expenditures by the property owner, to identify and

apprehend any minor about whom a petition is filed alleging the minor is a person described by Welfare and Institutions Code Section 602 by reason of commission of an act prohibited by Penal Code Sections 594, 594.3, 594.4, 640.5, 640.6 or 640.7. The information shall be sufficient to enable the Probation Officer and the Juvenile Court to calculate the cost to the City for identifying and apprehending the minor and other expenditures, such as costs to the property owner, to remove the graffiti or other materials inscribed, or repair/replace the property defaced by the minor.

(c) The Chief of Police, or designee, shall also forward to the Probation Officer and Clerk of the Juvenile Court a certified copy of the resolution containing the findings of the City Council as to the average cost of identifying and apprehending such persons and removing or repairing property defaced or inscribed by graffiti. The findings of average cost shall be reviewed at least once every three years.

(d) If the City receives reimbursement, as a result of legal proceedings or otherwise, for costs of graffiti abatement on private property, the City shall:

- (1) Reimburse the owner of the property, but in no event to exceed the amount of actual reimbursement received by the City, if the owner of the property has paid the City for the cost of graffiti abatement or the cost is collected through the tax roll.
- (2) Remove the nuisance abatement lien filed pursuant to section 4-20.104 for the costs of graffiti abatement if such a lien is recorded.

(Ord. No. 01-10, § 8)

## **Article 21. Skateboards, Roller Skates and Bicycles\***

### **4-21.101 Prohibited Acts.**

- (a) No person shall enter or travel upon a skateboard, roller skates, coaster, bicycle or similar vehicle upon any private

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\*Editor's note—Regulations pertaining to Skateboards, Roller Skates and Bicycles were previously contained in Section 3-20 of Chapter III.

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parking lot open to the public or shopping area consisting of one (1) or more business or sidewalk adjacent to such a parking lot or within such an area, and engage in racing, exhibition of tricks or ride in repetitive patterns, including but not limited to, riding back and forth and riding in circles and figure-eights.

- (b) Any person upon a skateboard, roller skates, a coaster, bicycle or any similar vehicle shall yield the right of way to and not interfere with pedestrian traffic.

(Ord. No. 89-20, § 21; Ord. No. 90-01, § 21)

4-21.102 *Signing.* Signs shall be posted in a conspicuous place at each entrance to and upon any business or off-street parking facility business or area of a size not less than seventeen (17) by twenty-two (22) inches, with white background with black lettering not less than one (1) inch in height, stating that the off-street parking facility or business area is subject to this provision. The Ridgecrest Police Department telephone number shall also be affixed to the sign.

(Ord. No. 89-20, § 21; Ord. No. 90-01, § 21)

4-21.103 *Penalties.* Any violation of this provision is an infraction.

(Ord. No. 89-20, § 21; Ord. No. 90-01, § 21)

**Article 22. Special Events permits**

4-22.101 *General.*

- (a) Any person or organization desiring to conduct or sponsor a parade, athletic event, or other special event on City property, including streets, shall obtain a special event permit from the City Administrator.
- (b) No person or organization shall sponsor or conduct a parade, athletic event or other special event under this Article unless a special permit has been issued and the event is conducted in accordance with the permit. No person shall participate in such an event with the knowledge the event has not been issued the required permit.

- (c) A special event permit is not required for:
  - (1) Funeral processions;
  - (2) Governmental agencies acting within the scope of their authority;
  - (3) Parades involving a total of forty (40) or fewer pedestrians marching or walking along a parade route if the participants march or walk on sidewalks and cross streets only at pedestrian crosswalks in units of fifteen (15) or less in accordance with traffic regulations and allowing vehicles to pass between each unit;
  - (4) Athletic events at City parks in compliance with park regulations. (Ord. No. 96-05, § 2)

4-22.102 *Definitions.* The following definitions shall govern the construction of this Chapter:

- (a) *Applicant* means any person or organization seeking a permit for an event governed by this Article.
- (b) *Athletic event* means any event where persons collectively engage in a sport or physical exercise on a street, sidewalk, alley or right-of-way, which obstructs, delays or interferes with the normal flow of pedestrian or vehicular traffic.
- (c) *Other special event* means street fair, art and craft show, carnival, gathering of over forty (40) people, or other events on a street, sidewalk, alley, park, parking lots or other

property owned by the City, which obstructs, delays or interferes with the normal flow of pedestrians or vehicular traffic or other use of the property.

- (d) *Parade* means a march or procession of over forty (40) persons, animals, vehicles or a combination thereof, in a park, on a street, sidewalk, alley or other right-of-way which obstructs, delays or interferes with the normal flow of pedestrian or vehicular traffic or other use of the property.
- (e) *Permittee* means any person or organization issued a special events permit.
- (f) *Special event* means athletic event, parade or other special event. (Ord. No. 96-05, § 2)

#### 4-22.103 *Application.*

- (a) A person or organization desiring to sponsor an event shall file a verified application with the City Clerk not less than forty-five (45) calendar days or more than three hundred sixty-five (365) days before the proposed date of the event. The City Administrator may consider an application after the filing deadline if there is sufficient time to process and investigate the application, and obtain police services and the applicant shows good cause for not filing by the deadline.
- (b) The application shall be accompanied by a nonrefundable application fee in the amount set from time to time by City Council resolution. The application fee shall be waived by the City Administrator for other than athletic events if the applicant demonstrates the event's purpose is First Amendment expression, and the fee is an unreasonable burden on First Amendment expression.
- (c) The application shall provide the following pertinent information:
  - (1) The name, address and telephone number of the applicant and an alternative contact person;
  - (2) If the event is sponsored by an organization, the name, address and telephone number of the organization, and head of the organization;

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- (3) The name, address, telephone number and facsimile number where available, of the person present and in charge on the day of the event;
- (4) The nature and purpose of the event;
- (5) Date and estimated starting and ending time;
- (6) Location including boundaries;
- (7) Estimated number of participants in the event;
- (8) The type and estimated number of vehicles, animals and structures;
- (9) Whether there will be water aid stations;
- (10) Description of any sound-amplification equipment;
- (11) Whether any food and beverages will be sold;
- (12) Whether monitors will be employed;
- (13) Parking requirements;
- (14) The assembly point for the event;
- (15) The time at which units of the parade or other event will begin to assemble;
- (16) The route to be traveled;
- (17) Whether the parade or other event will occupy all or only a portion of the streets proposed to be traversed;
- (18) The intervals of space to be maintained between units of a parade or other event;
- (19) The number, types and size of floats;
- (20) Material and maximum size of any signs or banners to be carried along the route;
- (21) The disassembly point of the event;
- (22) The time at which units of the parade or other event will complete disassembly;
- (23) Whether portable sanitary facilities are necessary;
- (24) Other pertinent information may be requested by the City Administrator and shall be obtained and submitted under the particular circumstances of the application, to determine whether to approve or conditionally approve a special event. (Ord. No. 96-05, § 2)

**4-22.104 *Action on Application.***

- (a) The City Clerk shall record the time and date received and forward the application to the City Administrator, Chief of Police, Public Works Director, Fire Chief and Kern County Health Department if applicable, who shall review and provide a written report to the City Administrator within seven (7) calendar days.
- (b) The City Administrator shall approve, conditionally approve, or deny an application no later than fourteen (14) calendar days after receiving a complete application. The City Clerk shall inform the applicant in writing of the grounds for action and the right of appeal. (Ord. No. 96-05, § 2)

**4-22.105 *Grounds for Denial.***

- (a) The City Administrator shall not issue a special event permit if the application and other pertinent information shows:
  - (1) Information contained in the application, or supplemental information requested from applicant, is false in any material way;
  - (2) The applicant fails to provide additional information requested;
  - (3) The sole purpose of the event is advertising a product and the event is designed solely for private profit and not for First Amendment expression;
  - (4) An earlier special event permit application has been approved for the same time and place requested by the applicant, or so close in time and place as to cause undue traffic congestion and the police department is unable to provide police services for both events;
  - (5) The time, route or size of the event will substantially interrupt the safe and orderly movement of traffic contiguous to the event site or route, or disrupt the use of a street at a time when it is usually subject to substantial traffic congestion;
  - (6) The concentration of persons, animals and vehicles at the event, the assembly or disbanding areas around an event, will prevent proper police, fire or ambulance services to areas contiguous to the event;

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- (7) The size of the event will require diversions of so many police officers to prevent normal protection to the rest of the City, the permit shall not be denied if additional peace officer would be available to the City under state law and mutual aid agreements, and provided the permittee shall pay any additional cost; further, the permit shall not be denied because of the need to protect participants from the conduct of others;
- (8) The parade, or other event moving along a route, will not move from its point of origin to its point of termination expeditiously and without unreasonable delays, and in a reasonable amount of time;
- (9) The location of the event will substantially interfere with any construction or maintenance work schedule to take place upon or along the City streets, or a previously granted encroachment permit;
- (10) The event shall occur at a time when a school is in session at a route or location adjacent to the school or class thereof, and the noise created by the activities of the event would substantially disrupt the educational activities of the school or class thereof. (Ord. No. 96-05, § 2)

4-22.106 *Optional Conditions.* The City Administrator may condition the issuance of a special events permit by imposing reasonable requirements concerning the time, place and manner of the event. Such conditions shall not unreasonably restrict the right of free speech. Such conditions may include, but are not limited to:

- (1) Alteration of the date, time, route or location of the event proposed by the applicant;
- (2) Designation of the area of assembly and disbanding of the event along a route;
- (3) Accommodation of pedestrian or vehicular traffic, including restricting the event to only a portion of a street traversed;
- (4) Requiring use of traffic cones, barricades or lane change signs;

- (5) Providing for first aid or sanitary facilities;
- (6) Requiring use of event monitors;
- (7) Giving notice of permit conditions to participants;
- (8) Limiting the number and type of vehicles, animals or structures at the event, and inspection and approval of floats, structures and decorated vehicles for fire safety;
- (9) Compliance with animal protection ordinances and laws;
- (10) Requiring use of garbage containers, cleanup, and restoration of City property;
- (11) Restricting use of amplified sound;
- (12) An application for a permit to conduct a block party may be conditioned on notice to and approval by seventy-five (75) percent of the residents along the affected street(s). (Ord. No. 96-05, § 2)

**4-22.107 *Mandatory Conditions; Indemnification.***

- (a) The permittee shall procure and maintain liability insurance to protect against any loss on account of bodily injury and property damage arising from the event. Such insurance shall name the City, its officers, employees, agents and volunteers as added insureds. The policy of insurance shall provide at least the following policy limits:
  - (1) One million dollars (\$1,000,000.00) for each occurrence combined single limit bodily injury and property damage;
  - (2) The policy must also include an endorsement for products liability of not less than five hundred thousand dollars (\$500,000.00) if food or nonalcoholic beverages are served;
  - (3) The policy shall include an endorsement for liquor liability in an amount not less than five hundred thousand dollars (\$500,000.00) if alcoholic beverages are served at the event.
- (b) The certificate of insurance with the endorsements shall be filed with the City Administrator at least ten (10) days before the event.

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- (c) These insurance requirements shall be waived by the City Administrator for nonathletic events if permittee verifies in writing the event's purpose is First Amendment expression, and cost of obtaining insurance is so financially burdensome as to constitute an unreasonable burden on First Amendment expression, or insurance coverage cannot be obtained. The statement shall include the name and address of one (1) insurance agent or other source for insurance coverage contacted to determine insurance premium rates for insurance coverage. The City may, at its discretion, require the permittee to apply for insurance coverage for the event under a policy selected by the City. The permittee must provide any information necessary to qualify for the insurance coverage. (Ord. No. 96-05, § 2)

4-22.108 *Reserved.*

4-22.109 *Mandatory Conditions; Traffic Control Fees/Security Fees.*

- (a) The City Administrator shall provide the applicant with a statement of the estimated cost of providing overtime personnel, police officers and public works employees for traffic control and security and materials required for the event. The permittee shall deposit the estimate prior to the issuance of the permit.
- (b) The traffic control fees will be computed by determining the number of police officers, public works employees or other personnel required for security, traffic and crowd control in addition to those who would otherwise be on duty at that time, the number of hours the officers and employees will be on duty for the event, the City's full cost of providing officers on a hourly basis established by the police department fee schedule.
- (c) If the actual cost for traffic control on the date of the event is less than the deposit, the permittee will be refunded the difference. If the actual cost for traffic control is more than the deposit, the difference shall be paid to the City within thirty (30) days of the permittee's receipt of a statement of actual costs.

- (d) Traffic control fees will be waived by the City Administrator for nonathletic events if the permittee verifies in writing the event's purpose is First Amendment expression, and the cost of traffic control fees is so financially burdensome as to constitute an reasonable burden on the First Amendment expression. (Ord. No. 96-05, § 2)

**4-22.110 *Mandatory Conditions: Deposits.***

- (a) For an event involving horses or other large animals, the sale of food or beverages, erection of structures, or water aid stations, the permittee shall also deposit an amount established in a cleanup fee schedule adopted by a City Council resolution.
- (b) The cleanup shall be returned after the event if the area has been cleaned and restored to the same condition as existed prior to the event. If the property used for the event has not been properly cleaned or restored, the permittee shall pay the City's actual cost for cleanup and restoration, and the cleanup deposit shall be applied toward payment of the bill. The permittee may dispute the bill by appeal to the City Administrator within five (5) days after receipt of the bill. Expended balance on deposit after completion of the work shall be refunded to the permittee. (Ord. No. 96-05, § 2)

**4-22.111 *Appeal Procedure: Council Review.***

- (a) The applicant may appeal the denial of a permit or permit condition to the City Council. The applicant may also appeal the amount of fees, or cleanup deposits or a determination by the City that the applicant's insurance policy does not comply with the requirements of this Article.
- (b) A written notice of appeal shall be filed with the City Clerk within five (5) days after delivery of a notice of denial of permit condition. The notice of appeal shall set the grounds for the appeal.
- (c) The City Council shall hear the applicant or a designated representative, receive any relevant information and documents, and act on the appeal at its next regular meeting

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at least five (5) calendar days after the appeal is filed. The decision of the City Council is final. (Ord. No. 96-05, § 2)

**4-22.112 *Permit Issuance.*** The City Administrator shall issue the permit when the application has been approved, and the applicant has agreed in writing to comply with the terms and conditions of the permit and a certificate of insurance has been obtained and submitted, as required. Immediately on the granting of the permit, the City Clerk shall transmit a copy to the Chief of Police, Public Works Director and Fire Chief. (Ord. No. 96-05, § 2)

### **4-22.113 *Revocation of Permit.***

- (a) The permit is void if the permittee fails to make the required deposits at least seventy-two (72) hours before the event.
- (b) The City Administrator may revoke the permit if any term or condition of the permit has been violated, or if, as a result of changed circumstances, any one (1) or more of the grounds for denial specified in this Article exists.
- (c) Notice of revocation shall be delivered in writing to the permittee by personal service or by registered or certified mail. Appeal to the City Council from any such revocation may be taken as specified above. No permit shall be revoked, except in an emergency, without giving the permittee a reasonable opportunity to be heard and to present evidence as to why the permit should not be revoked. (Ord. No. 96-05, § 2)

**4-22.114 *Interference With Filming and Other Permitted Activities.*** No person shall intentionally or maliciously interfere with, disrupt or disturb the lawful activities of any film company or production company, pursuant to a valid permit issued by the City. (Ord. No. 97-05, § 2)

**Article 23. Food Establishment Grading**

**4-23.101 Purpose.** The purpose of this chapter is to establish standards for the issuance of a grading score which represents the compliance of food establishments with local ordinances and state law.

(Ord. No. 06-19, § 1)

**4-23.102 Definitions.** As used in this chapter:

- A. "Health Officer" shall mean the duly appointed and acting health officer of the County of Kern while performing the duties of health officer in the City of Ridgecrest pursuant to Section 476 of the Health and Safety Code of the State of California. It shall include his duly authorized assistants, sanitarians, and health inspectors.
- B. "Food Establishment" shall mean a food establishment as defined in the California Uniform Retail Food Facilities Law, Section 113780 of the California Health and Safety Code. These are commonly referred to as restaurants, take-out fast food, delis, markets or similar operations.
- C. "Department" shall mean the Kern County Environmental Health Services Department.
- D. "Inspection" shall mean an evaluation of the food establishment conducted on site by the Department.
- E. "Inspection Report Form" shall mean the written report prepared and copy issued to a food establishment provided by the Department after conducting any inspection to determine compliance with all applicable federal, state, and local laws and regulations relating to the protection of public health.
- F. "Inspection Summary Report" shall mean a card that is posted at the conclusion of the inspection which is based on the results from the Inspection Report Form. The Inspection Summary Report will indicate a letter grade or numeric score.

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- G. "Re-score Inspection" shall mean an evaluation of the food establishment conducted by the Department at the request of the permittee to reassess compliance with applicable laws and regulations.

(Ord. No. 06-19, § 1)

4-23.103 *General Requirements.* All food establishments shall be inspected and graded uniformly using an Inspection Report Form. The grade of each food establishment shall be determined by the Health Officer using the scoring method provided on the form. The Inspection Summary Report of each food establishment shall be posted.

- A. The letter "A" shall indicate a final score of ninety (90) percent or higher.
- B. The letter "B" shall indicate a final score of less than ninety (90) percent but not less than eighty (80) percent.
- C. The letter "C" shall indicate a final score of less than eighty (80) percent but not less than seventy-five (75) percent.
- D. A numeric score shall be indicated for a final score of less than seventy-five (75) percent. Establishments that score below seventy-five (75) percent will be required to close immediately and the Environmental Health Permit will be suspended.
- E. The Inspection Summary Report shall be posted at a food establishment by the Health Officer upon completion of an inspection.

(Ord. No. 06-19, § 1)

4-23.104 *Posting Requirements.*

A. The Inspection Summary Report shall be posted at or near each entrance to the food establishment used by its patrons or in a conspicuous place selected by the Health Officer.

B. The Inspection Summary Report shall not be defaced, marred, camouflaged, hidden or removed. It shall be unlawful to operate a food establishment unless the Inspection Summary Report is posted.

(Ord. No. 06-19, § 1)

**4-23.105 *Inspection Summary Report—Period of Validity.*** An Inspection Summary Report shall remain valid until the Health Officer completes the next inspection of the food establishment. (Ord. No. 06-19, § 1)

**4-23.106 *Appeal Process.*** If, after completion of an inspection, the permittee disagrees with the inspection findings or the resulting Inspection Summary Report, the permittee may request an appeal.

- A. The permittee shall submit a written request for an appeal on a standardized form as determined by the Department within five (5) business days following the inspection.
- B. The appeal shall be heard within three (3) business days following the written appeal request.
- C. The appeal shall be heard by the Health Officer at which time the appeal shall be considered and a final determination issued within one (1) business day.
- D. The previously issued Inspection Summary Report shall remain posted until final resolution is obtained through the appeal process. After resolution of the appeal process the new Inspection Summary Report shall be posted within one (1) business day.

(Ord. No. 06-19, § 1)

**4-23.107 *Re-Score Inspection.*** At the discretion of the permittee, a re-score inspection may be requested to reassess compliance.

- A. A re-score inspection must be requested by the permittee on a standardized form as determined by the Department within seven (7) days of the original inspection. Only one (1) re-score inspection may be requested within each fiscal year.
- B. The Health Officer shall conduct a re-score inspection within seven (7) days of receiving the request and submission of the inspection fee by the permittee.
- C. At the conclusion of the re-score inspection, the Inspection Summary Report shall be issued based upon the scoring method set forth in this chapter.

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- D. A requested re-score inspection is separate and independent of all inspections as determined by the Health Officer.

(Ord. No. 06-19, § 1)

**4-23.108 *Enforcement and Penalties.*** Removal of the Inspection Summary Report is a violation of this chapter and may result in the suspension or revocation of the Environmental Health Permit.

Any person who violates any provision of this Article is guilty of a misdemeanor and subject to the provisions as specified in Chapter 1 of this Code.

(Ord. No. 06-19, § 1)

**Article 24. Prohibition of Medical Marijuana  
Dispensaries\***

**4-24.101 *Medical Marijuana Dispensaries Prohibited.***

(a) No medical marijuana dispensary shall be established or located or operated within the City of Ridgecrest, nor shall any building permit, use permit, zoning, clearance, business tax receipt, or other entitlement for use be issued for any medical marijuana dispensary, nor shall any existing uses be modified to add a medical marijuana dispensary.

(b) No person shall establish, operate, or permit to be operated a medical marijuana dispensary in or upon any premises in the City, nor operate such a dispensary as a mobile vendor. It is a violation of this Article for any person to knowingly allow property of which he or she is the tenant or owner to be used as a medical marijuana dispensary.

(Ord. No. 07-04, § 2)

**4-24.102 *Definitions.*** For purposes of this Article, unless otherwise apparent from the context, the following definitions apply:

- A. "Marijuana" means all parts of organically grown Cannabis plants, whether growing or not; the seeds thereof;

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\*Editor's note—Ord. No. 07-04, § 2, adopted April 18, 2007, enacted provisions intended for use as Chapter 4, Article 23, §§ 4-23.101—4-23.103. Inasmuch as there are already provisions so designated, and at the discretion of the editor, said provisions have been redesignated as Article 24, §§ 4-24.101—4-24.103.

the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seed, or its resin. "Marijuana" does not include the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, or any other compound, manufacture, salt, derivative, mixture, or preparation of mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

- B. "Medicinal marijuana" is marijuana authorized in strict compliance with California Health and Safety Code Sections 11362.5—11362.9.
- C. "Medical marijuana dispensary," "medicinal marijuana dispensary," "dispensary," "medical marijuana client" and "clinic" means any facility, site, location or mobile vending vehicle where medical marijuana is distributed, sold, exchanged, given away, distributed, or made available to three (3) or more persons in the following categories: primary caregiver, qualified patient, or person with a valid identification card, in strict accordance with California Health and Safety Code Sections 11362.5—11362.9, but does not include the following uses, so long as such uses and the location of such uses comply with applicable laws, including but not limited to California Health and Safety Code Sections 11362—11362.9 and the Ridgecrest Municipal Code:
1. A clinic licensed pursuant to Chapter 1 of Division 2 (Sections 1200 et seq.) of the Health and Safety Code;
  2. A health facility licensed pursuant to Chapter 2 of Division 2 (Section 1250 et. seq.) of the California Health and Safety Code;
  3. A residential care facility for persons with chronic life-threatening illnesses licensed pursuant to Chapter 3.01 of Division 2 (Sections 1568.01 et seq.) of the California Health and Safety Code;

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4. A residential care facility for the elderly, licensed pursuant to Chapter 3.2 of Division 2 (Sections 1569.2 et seq.) of the California Health and Safety Code;
  5. A residential hospice or a home health agency, licensed pursuant to Chapter 8 of Division 2 (Sections 1725 et seq.) of the California Health and Safety Code.
- D. "Primary Caregiver" means the individual (or individuals) older than eighteen (18) years of age, designated by a qualified patient, who has consistently assumed responsibility for the housing, health, or safety of that qualified patient.
- E. "Qualified patient" means a seriously ill person who obtains a recommendation form a physician, licensed to practice medicine in the State of California, to use marijuana for personal medical purposes. In addition, persons currently under the care of a physician for certain medical conditions including, but not limited to, HIV/AIDS, cancer, glaucoma, epilepsy or other spasticity related illness, migraine, anorexia, sever nausea are presumed to be "qualified patients."
- F. "Identification card" means a document issued by the California Department of Health Services, or by a county in the state of California, that identifies a person authorized to engage in the medical use of marijuana and that person's primary caregiver, if any.

(Ord. No. 07-04, § 2)

4-24.103 *Public Nuisance.*

A. *Criminal.* Violation of any provision of this Article, or the causing or permitting another to violate any provision of this Article, is a misdemeanor.

B. *Civil.* The violation of any provision of this Article shall be and is hereby declared to be contrary to the public interest and shall, at the discretion of City, create a cause of action for injunctive relief as well as any other available civil remedies.

**C. *Separate Offense for Each Day.*** Any person who violates any provision of this Article is guilty of separate offense for each day during any portion of which such person commits, continues, permits or causes a violation of this Article and shall be penalized accordingly.

(Ord. No. 07-04, § 2)