

CHAPTER IX

BUILDING AND HOUSING

9-1 Uniform Codes.

9-1.1 Uniform Building Code. For the purposes of protecting the public health and safety, requiring permits, and regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, use, height and maintenance of all structures and certain equipment therein specifically designated, that certain code designated as the "1991 Uniform Building Code", published by the International Conference of Building Officials, together with the 1992 California Amendments, one copy of which shall be on file in the office of the City Clerk for public record and inspection, is hereby adopted by reference and made a part of this chapter in full, subject, however, to the following amendments, additions and deletions set forth in this chapter and said code shall be known as the Building Code of the City:

a. Section 308(d). Add sentence to read: "Provided all conditions of the Site Plan Review have been completed and accepted".

b. Section 2517(b). Due to Ridgecrest's unique geological location in seismic zones and due to climatic conditions affecting concrete, is modified by adding second and third paragraphs to read:

"All perimeter concrete or masonry foundations or foundation walls for buildings of Group 'R' Occupancy, including garage attached, shall be reinforced with a minimum of two continuous No. 4 reinforcing bars or equivalent. One bar shall be placed two inches from the top and the other bar three inches from the bottom of the foundation or foundation wall."

"All concrete floor slabs for buildings of Group 'R' Occupancy, including garage attached, shall have a minimum thickness of three and one-half inches and shall be reinforced with a minimum of six inch by six inch by Number 10 by Number 10 welded wire mesh or equivalent. The mesh shall be placed at the center depth of the slab."

c. Section 3205(c). Due to unique wind and climatological conditions, add sentence to read: "If blown-in insulation is used instead of batts, a baffle must be added at the eave vents." (Ord. No. 80-11, §1; Ord. No. 85-03, §2; Ord. No. 87-10, §2; Ord. No. 92-15, §2)

9-1.2 *Uniform Mechanical Code.* For the purposes of protecting the public health and safety, requiring permits, and regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, use, height and maintenance of all structures and certain equipment therein specifically designated that certain code designated as the "1991 Uniform Mechanical Code", published by the International Conference of Building Officials, together with the 1992 California Amendments, one copy of which shall be on file in the office of the City Clerk for public record and inspection, is hereby adopted by reference and made a part of this chapter in full, subject, however, to the following amendments, additions and deletions set forth in this chapter as necessitated by Ridgcrest's unique climatic fluctuations, and said code shall be known as the Mechanical Code of the City.

a. Section 1004(b). **Factory-made Air Ducts.** Paragraph Two is amended to read: "Factory-made air ducts shall not be used for vertical risers in air-duct systems."

b. Section 1009(a). **Automatic Shutoffs.** When required, is amended to read "each single system providing heating or cooling air in excess of 2,000 cubic feet per minute in all occupancies except Group R Division 3 and Group M shall be equipped with an automatic shutoff. When the system serves more than one occupancy, automatic shut-off shall be provided."

c. Section 1301. General. Add paragraphs to read:

"All evaporative coolers shall be provided with a positive manual shut-off damper in the duct within twelve (12) inches of the cooler discharge.

When an evaporative cooler is connected to a duct system serving a heat exchanger, there shall be a positive manual shut-off damper or dampers provided to prevent evaporative cooler air from passing through the heat exchanger."

(Ord. No. 80-11, §2; Ord. No. 85-03, §3; Ord. No. 87-10, §3; Ord. No. 92-15, §3)

9-1.3 *Uniform Housing Code.* For the purposes of protecting the public health and safety, requiring permits, and regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, use, height and maintenance of all structures and certain equipment therein specifically designated, that certain code designated as the "1991 Uniform Housing Code", published by the International Conference of Building Officials, one copy of which shall be on file in the office of the City Clerk for public record and inspection, is hereby adopted by reference and made a part of this chapter in full and said code shall be known as the Housing Code of the City. (Ord. No. 80-11, §3; Ord. No. 85-03, §4; Ord. No. 87-10, §4; Ord. No. 92-15, §4)

9-1.4 *Uniform Code for the Abatement of Dangerous Buildings.* For the purposes of protecting the public health and safety, requiring permits, and regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, use, height and maintenance of all structures and certain equipment therein specifically designated, that certain code designated as the "1991 Uniform Code for the Abatement of Dangerous Buildings", published by the International Conference of Building Officials, one copy of which shall be on file in the office of the City Clerk for public record and inspection, is hereby adopted by reference and made a part of this chapter in

full. (Ord. No. 80-11, §4; Ord. No. 85-03, §5; Ord. No. 87-10, §5; Ord. No. 92-15, §5)

9-1.5 *Uniform Sign Code.* For the purposes of protecting the public health and safety, requiring permits, and regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, use, height and maintenance of all structures and certain equipment therein specifically designated, that certain code designated as the "1991 Uniform Sign Code", published by the International Conference of Building Officials, one copy of which shall be on file in the office of the City Clerk for public record and inspection, is hereby adopted by reference and made a part of this chapter in full, and said code shall be known as the Sign Code of the City. (Ord. No. 80-11, §5; Ord. No. 85-03, §6; Ord. No. 87-10, §6; Ord. No. 92-15, §6)

9-1.6 *Uniform Plumbing Code.* For the purposes of protecting the public health and safety, requiring permits, and regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, use, height and maintenance of all structures and certain equipment therein specifically designated, that certain code designated as the "1991 Uniform Plumbing Code", published by the International Conference of Building Officials, together with the 1992 California Amendments, one copy of which shall be on file in the office of the City Clerk for public record and inspection, is hereby adopted by reference and made a part of this chapter in full, subject, however, to the following amendments, additions and deletions set forth in this chapter and said code shall be known as the Plumbing Code of the City:

a. Section 315(e). Add second paragraph to read: "All copper tubing in water distribution systems shall be protected from mechanical damage and abrasion at any point of possible contact with dissimilar metals in a manner acceptable to the building official."

b. Section 315(f). Insert after the word 'wall': "in an attic or under a conventional floor."

c. Section 406. Add subsection to read: "(1) Upper terminal cleanouts serving the main building drain shall be extended to outside the building where practical or where an extension of 20 feet or less would be required, provided that no additional changes in direction would be required."

(Ord. No. 80-11, §6; Ord. No. 85-03, §7; Ord. No. 87-10, §7; Ord. No. 92-15, §7)

9-1.7 *Uniform Solar Energy Code.* For the purposes of protecting the public health and safety, requiring permits, and regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, use, height and maintenance of all structures and certain equipment therein specifically designated, that certain code designated as the "1991 Uniform Solar Energy Code", published by the International Association of Plumbing and Mechanical Officials, one copy of which shall be on file in the office of the City Clerk for public record and inspection, is hereby adopted by reference and made a part of this chapter in full, subject, however, to the following amendments, additions and deletions set forth in this chapter and said code shall be known as the Solar Energy Code of the City.

a. The Building Official of the City of Ridgecrest may make rules and regulations, subject to the approval of the City Council of the City of Ridgecrest, not in conflict with the provisions hereof, to facilitate the enforcement and administration of the Uniform Solar Energy Code.

(Ord. No. 80-11, §7; Ord. No. 85-03, §8; Ord. No. 87-10, §8; Ord. No. 92-15, §8)

9-1.8 *Reserved.*

9-1.9 *Reserved.*

9-1.10 Prerequisites to Issuance of Building Permit.

a. A building permit shall be issued when:

1. The Building Official finds that the work described in an application for a permit and the plans, specifications and other data filed therewith conform to the requirements of the building codes of the City and other pertinent laws and ordinances and City fees specified have been paid.

2. Workers' Compensation Insurance is provided for those who will work on the project.

3. Arrangements have been made to provide water service to the property.

4. Arrangements have been made to provide for sewage disposal.

5. School impact fees have been paid.

6. Substandard residential street development fees have been paid.

b. An applicant shall satisfy the requirements of this section by:

1. Making an application and submitting all required plans and specifications showing compliance with the requirements of the Building Codes of the City and other pertinent laws and ordinances and pay the specified fees.

2. Providing a certificate of insurance showing Workers' Compensation coverage or filing an affidavit that the project will be undertaken by the owner of the property as the builder.

3. Obtaining a certificate from the Indian Wells Valley Water District for water service.

4. Making arrangements with the Sanitation Department of the City for sewage disposal.

5. Paying the impact fees established by the Sierra Sands Unified School District.

6. Paying the Building Official the substandard residential street development fees.

(Ord. No. 87-29, §3; Ord. No. 92-15, §9)

9-1.11 Substandard Development Fees.

a. The Council may from time to time by resolution designate substandard residential streets. As used herein,

"substandard residential street" refers to a street or street segment in a residential zone which is not constructed in accordance with the Standard Specifications For Public Works Construction, as heretofore approved by the Council.

b. Whenever the Director of Public Works believes that a residential street is substandard, the Director shall prepare a report and recommendation describing the substandard street, whether substandard residential development fees should be levied, and the amount of such fees. To the extent practicable, the fees recommended by the Director shall be uniform throughout the City for like classes. The Director's report and recommendation shall be presented to the Council at a public hearing preceded by ten days prior published notice. At the hearing, the Council shall determine whether the street or street segment is substandard, whether substandard residential street development fees should be levied, and the amount of such fees. The testimony of the Director and all interested persons shall be considered by the Council. The Council's decision shall be final.

c. The Building Official shall collect the fees described in this subsection as a prerequisite to the issuance of a building permit for any residential structure fronting upon a street which the Council has determined to be substandard. In no event shall the substandard residential street development fee exceed cost of rehabilitating that portion of the street in front of the property for which the permit is to be issued.
(Ord. No. 87-29, § 4)

9-2 Fees.

a. The Council shall, from time to time, establish fees for the cost of reviewing and issuing each application for a permit or other entitlement for use as set forth in this chapter including all costs incurred by staff to review applications, inspect property, hear appeals and provide legally required notices and other reports and recommendations.

b. The Building Official may establish fees for miscellaneous services and materials not set by the Council provided the Official shall establish no fee in excess of the cost

of providing the service or material for which the fee is levied and provided further the Official shall submit a report to the Council at least 20 days before the effective date of the fee. The fee shall not be effective if the Council disapproves.

(Ord. No. 119, §§ 1-3; Ord. No. 85-03, § 9; Ord. No. 87-10, § 8; Ord. No. 87-29, § 5)

9-3 Regulating the Moving of Buildings.

9-3.1 *Import of Building Without a Permit Prohibited.* No person, firm or corporation shall move any building from any place outside of the City to any place within the City without a permit. (Ord. No. 91, § 1; Ord. No. 85-21, § 1)

9-3.2 *Through Transit Excepted.* The preceding provision shall not preclude any person from transporting a building through the City to a place outside of the City upon compliance with the provisions of this section. (Ord. No. 91, §2)

9-3.3 *Temporary Structures Excepted.* Nothing herein shall preclude the transporting into or use within the City of temporary facilities in accordance with or as required by other applicable ordinances or regulations, such as construction offices, storage sheds, portable sanitation facilities, tents, bleacher seats, construction barricades, and similar facilities, for use and if used only in connection with construction or other temporary activity lawfully conducted within the City. (Ord. No. 91, §3)

9-3.4 *Disaster Shelter Excepted.* Nothing herein shall preclude the installation of a prefabricated disaster shelter in accordance with applicable ordinances or regulations. (Ord. No. 91, §4)

9-3.5 *Permit Required.* No person, firm or corporation shall:

- a. Move any building through the City without first obtaining a moving permit; or
- b. Relocate any building in the City upon the same lot or to any other lot or place within the City without first obtaining a relocation permit; or
- c. Remove a building from inside the City to any place outside the City without first obtaining a removal permit. (Ord. No 91, §5)

9-3.6 *Building Compliance.* No relocation permit for any building shall be issued if, at and immediately prior to the time of making application for such permit such building does not comply, in the opinion of the Building Official, with every applicable provision of the ordinances of this City. (Ord. No. 91, §6)

9-3.7 Examination Fees. For each examination or re-examination, the applicant shall pay in advance a fee of thirty (\$30.00) dollars for each structure, no part of which shall be refundable. (Ord. No. 91, §7)

9-3.8 Inspection. Upon the filing of the application for a relocation permit and payment of the fee as required herein, the Building Official shall examine the building therein described, and shall inspect the proposed new location of such building. The Building Official shall thereafter notify the applicant, personally or by mail, of the results of such examination and of the City's additional requirements, if any, for relocating such building, and whether the building qualifies for relocation under the provisions of all applicable ordinances. (Ord. No. 91, §8)

9-3.9 Application. Every person intending to move any building through the City, or to remove any building from the City, or to relocate any building within the City, shall first file with the Building Official an application for a move examination. Each such application shall be accompanied by detailed plans and specifications in duplicate of the building proposed to be moved. The application shall include or be accompanied by the following, or so much thereof as may be applicable:

a. The name, address and telephone number of the owner of the building proposed to be moved, removed or relocated.

b. The name, address and telephone number of the person, firm or corporation who will be in charge of the job and responsible for the moving, removal or relocation of the building and for compliance with all of the requirements of this ordinance. This shall include the name, address and telephone number of the contractor who will move the building and his state contractor's license number.

c. The street address and legal description of the property from which the building is to be moved, or upon which the building, is to be relocated, and the street address that will become applicable to the building upon its relocation.

d. As to buildings proposed to be relocated, a plat plan showing the proposed new location of the building.

e. The route proposed to be used for the moving of such

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building, and the date and hour of the proposed moving, and such other information as may be required by the Building Official.

f. The maximum height above street level that any portion of the building will be while being moved.

g. As to buildings intended to be relocated within the City, a plan of the foundation to be provided at the proposed new site.

h. Structural details of any additions or alterations to be made to the building, if it is to be relocated within the City.

i. A photograph of the building proposed to be removed or relocated.

j. Each application shall be signed by the applicant or his authorized agent. If signed by an agent, the agent may be required to submit evidence of his authority to so sign the application.

k. A written promise and agreement that if the amount of the completion bond provided for herein proves inadequate to pay all costs of completing the moving and relocating of the building by the City if the applicant defaults, then the applicant shall pay to the City such additional sum as may be required to complete such relocation or moving, together with all costs and expenses of collecting same, including attorney's fees. (Ord. No 91, §9)

9-3.10 *Bond Requirement.* Before any permit to move, relocate or remove any building is issued, the applicant shall deposit with the City either cash or a surety bond in an amount determined by the Building Official to be proper and adequate under the circumstances. In no event shall the deposit be less than one thousand (\$1,000.00) dollars for relocation permit. If all work incident to the moving, relocation or removal operation is completed fully and to the satisfaction of the Building Official, and in compliance with all applicable ordinances, the cash or bond deposited shall be returned to the applicant. If, however, the applicant fails to complete all work covered by the permit within 30 days after written notice from the Building Official, the City may cause to be done all work necessary to the replacement of the building upon the original lot, or the placing of the building on the new lot in complete working order and ready for

occupancy, or if such is not feasible, then such other disposition of the structure as may be deemed advisable, including the destruction thereof, and the cleaning and clearing of all building sites involved in said move, and shall make use of the cash or surety bond to pay the expenses of such work. (Ord. No. 91, §10)

9-3.11 *Time Limit.* If the applicant does not apply for and obtain the relocation permit and building permit within 90 days after the giving of the notice provided in the preceding section, he shall be required to request a move re-examination and to pay the fee specified for such re-examination. (Ord. No. 91, §11)

9-3.12 *Insurance.* Before issuance of any permit under this section, the applicant shall deposit with the City the following:

a. A certificate of insurance coverage in the amounts hereinafter specified, issued by a corporation authorized to do insurance business within the State of California, which certificate shall provide that the insurance thereby represented will not be cancelled, reduced or allowed to expire unless written notice is sent to the City at least ten days in advance of any such cancellation, reduction or expiration. All such insurance certificates shall be submitted to the City Attorney for his approval before acceptance by the City.

b. Public liability insurance shall be taken out and maintained by any applicant to protect against loss from liability for damages to persons or property. Such insurance shall be in amounts not less than one hundred thousand (\$100,000.00) dollars for one person injured in one accident, and not less than three hundred thousand (\$300,000.00) dollars for more than one person injured in one accident, and in an amount not less than fifty thousand dollars (\$50,000.00) dollars with respect to any property damage. This requirement shall not be construed to limit in any way the extent to which the permittee may be held responsible for the payment of damages.

c. The provisions of this section shall not apply to the State of California, any political subdivision thereof, or to any governmental agency, when moving a building by its own personnel. (Ord. No. 91, §12)

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9-3.13 *Building Permit Fee.* The amount of the completion bond provided for herein may serve as a basis for evaluation of the amount of the building permit fee. (Ord. No. 91, §13)

9-3.14 *Zoning Compliance.* Every building or structure relocated within the City shall comply with all applicable provisions of the zoning laws. (Ord. No. 91, §14)

9-3.15 *Completion Time.* The removal or relocation of any building or structure within the City shall be completed in all respects within thirty days after issuance of the permit therefor. Unless extended by the Building Official for good cause, every such relocation permit shall expire and be of no effect after 30 days from date of issuance. Relocation shall not be deemed completed until the building is lowered on to its foundation at the new site, all exterior damage to the building caused by relocation has been repaired, and the former building site is cleared of all debris, footings and foundations and the site is leveled to finished grade. (Ord. No. 91, §15)

9-3.16 *Site Clearance.* The site in the City from which a building is removed shall be cleared of all foundations, driveways and walkways and all portions thereof, shall have all loose combustible materials and debris removed therefrom, and all excavations shall be filled in with soil free of debris, all of which shall be accomplished within 30 days from the time said building is removed. (Ord. No. 91, §16)

9-3.17 *Final Inspection.* Upon completion of the relocation of a building within the City, the person, firm or corporation owning the same or the legally authorized representative thereof shall request an inspection from the Building Official. The Building Official shall inspect the building and if he finds that all applicable provisions of this section have been complied with he shall issue a written statement to that effect. (Ord. No. 91, §17)

9-3.18 *Use or Refund of Bond.* Upon presentation of such statement referred to in the preceding section to the City

Clerk, the cash or surety bond deposited shall be returned after first deducting all unpaid fees that may be due the City under any applicable provisions of this section, the cost as determined by the Building Official or other City Department Head of repair or replacing any public property damaged by the relocation or moving of the building, the sum of ten (\$10.00) dollars per day for each day or fraction thereof beyond the time limit prescribed for the completion of the relocation of the building as hereinabove set forth, during which the relocation of the building remains uncompleted. If the applicant deposited a surety bond instead of cash, the bond shall not be returned or cancelled until the applicant has paid all sums referred to herein. (Ord. No. 91, §18)

9-3.19 Posting Permit. The permit issued pursuant to this section shall be posted on the front of the building being moved. (Ord. No. 91, §19)

9-3.20 Lighting. Every building, while being moved upon any street, alley or public property, shall at all times between sunset and sunrise be illuminated by adequate warning devices placed at each corner of the building and at the end of any projection. (Ord. No. 91, §20)

9-3.21 Parking. No person shall place or park any building upon any public street, alley or property without the prior written approval of the Chief of Police and of the Chief of the Fire Department. (Ord. No. 91, §21)

9-3.22 Height. If the highest point of the building when loaded and ready for moving is more than 16 feet above the ground surface, the cost of rearranging, protecting and restoring the equipment of any public utility affected shall be borne by the permittee. (Ord. No. 91, §22)

9-3.23 Emergency Change. If any emergency requiring the use of City streets for any purpose with which the moving of a building would interfere, the Building Official or Chief of Police shall have the authority to require a change of route to avoid such interference. (Ord. No. 91, §23)

9-3.24 *Utility Clearance; Notice to City Departments.* No permit shall be issued until all public utilities having wires or posts overhead or above ground structures along the proposed route of moving have been notified by the applicant, and proof of such notification submitted to the Building Official, and an opportunity afforded such public utilities to investigate such route and call attention of the Building Official to any special problems which may be involved. The Building Official, in his discretion, may refuse to issue a permit until a satisfactory solution to such problems has been provided. No permit to move any building upon the streets of the City shall be issued until the Police Department, the Fire Department, the Street Department, and any other Departments involved, have been notified and have approved in writing the date and hours during which the moving process is scheduled to take place, the proposed route along which the building is to be moved, and the proposed time table for the moving of such structure upon or along City streets, including all periods of time during which the structure will be upon City streets, whether in motion or stationary. No route shall be approved unless the applicant furnishes to the Building Official a certificate from each public utility company maintaining or operating facilities along such route that its facilities will not be required to be relocated or interrupted by the moving, or that satisfactory arrangements have been made by the applicant for the removal, relocation or restoration of such company's facilities. (Ord. No. 91, §24)

9-3.25 *Disconnection of Utilities.* No moving, removal or relocation permit shall be issued until all utility services have been shut off and disconnected from the building to be moved. (Ord. No. 91, §25)

9-3.26 *License Required.* No person, firm or corporation except a house mover licensed by the State of California shall move, remove or relocate any building within, from or through the City. (Ord. No. 91, §26)

9-3.27 *Responsibility for Damage.* Every person, firm or corporation moving, removing or relocating a building from, through or within the City shall be responsible for all

damages or injuries caused by such activities. (Ord. No. 91, §27)

9-3.28 *Moving Equipment.* The wheels and rollers of all equipment used in moving buildings shall have sufficient tire or bearing width to prevent grooving, marring or otherwise damaging any street, alley or public property upon which they may be used. (Ord. No. 91, §28)

9-4 Construction of Fences or Wall Over 30 Inches in Height.

9-4.1 *Sturdy Construction Required.* All fences or walls over 30 inches in height not otherwise covered by provisions of the Uniform Building Code, as adopted by the City, constructed from bricks, blocks, tiles, stones or other units composed of concrete, clay, rock, cinders, shale or any other materials shall be constructed in a strong and substantial manner with adequate reinforcing and substantial footings so as not to constitute a hazard.

9-4.2 *Building Permit Required.* No person shall erect, construct, enlarge or alter any such fence or wall without first obtaining a separate building permit for each such structure, and no such building permit shall be issued without the approval of the Building Official of the City who shall impose the necessary conditions to assure that the fence or wall shall be constructed as set forth hereof, and shall not otherwise be a hazard.

9-4.3 *Penalties.* Any violation of this section shall be a misdemeanor and liable, after conviction, to the penalty stated in Section 1-5. (Ord. No. 118, §1, §2, §3)

9-5 Electrical Code.

9-5.1 *National Electrical Code.* For the purposes of protecting the public health and safety, requiring permits, and regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, use, height and maintenance of all structures and certain

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equipment therein specifically designated, that certain publication titled "National Electrical Code - 1990", published by the National Fire Protection Association, together with the 1991 California Amendments, three copies of which shall be on file in the office of the City Clerk for public record and inspection, is hereby adopted by reference and made a part of this chapter in full, subject, however, to the following amendments, additions and deletions set forth in this chapter and said code shall be known as the Electrical Code of the City:

a. Except as expressly permitted or authorized by state law, and except for state-approved use in mobile homes, factory-built construction and modular construction, the use of aluminum and copper clad conductor smaller than #6 A.W.G. shall not be used under any circumstances. Aluminum or copper clad conductors, #6 A.W.G. or larger, shall be cleaned and coated with a corrosion inhibitor at all connections and terminations. Connections and terminations shall be made with an approved crimp type compression connector. The use of solid aluminum conductors is prohibited.

b. Aluminum conduit shall not be installed in or on the ground nor in concrete which is on the ground unless the conduit is completely covered with an approved moisture and corrosion protective wrapping or jacket.

c. Section 210-52.(h) change to read: For hallways of six feet or more in length at least one receptacle outlet shall be required.

d. The following parts of the National Electrical Code are not adopted into the City of Ridgecrest Electrical Code:

1. Article 550 - Mobile Homes and Mobile Home Parks;
2. Article 551 - Recreational Vehicles and Recreational Parks.

(Ord. No. 80-12, §§ 1—3; Ord. No. 85-03, § 10; Ord. No. 87-10, § 10; Ord. No. 89-03, § 2; Ord. No. 91-09, § 2)

9-5.2 *Reserved.*

9-5.3 *Reserved.*

BUILDING AND HOUSING

§ 9-5.5

9-5.4 *City or Officials Not Liable.* This chapter shall not be construed as imposing on the City of Ridgecrest or its officers or employees any liability for damage resulting from defective work; nor shall the City of Ridgecrest or any of its officers or employees be held to assume any such liability by reason of the inspections authorized hereunder.

9-5.5 *Penalties.* Any person violating any provision of this code which either prohibits or makes mandatory the

doing of any act, or which makes mandatory any standard or means of construction is an infraction. On conviction of any infraction, any person found to be in violation shall be fined no more than fifty (\$50.00) dollars for a first offense within any twelve month period; or more than one hundred (\$100.00) dollars for a second conviction within any twelve month period; or not more than two hundred fifty (\$250.00) dollars for a third or more conviction within any twelve month period. For each day a violation exists, a separate crime shall be deemed to occur. (Ord. No. 80-12, § 7)

9-6 Reserved.*

9-7 Reserved. (Ord. No. 88-02, § 8; Ord. No. 93-01)

9-8 Monitoring Fee on Certain Vacant or Boarded Buildings.

9-8.1 Vacant or Boarded Buildings Findings: vacant buildings are a major cause and source of blight in residential and non-residential neighborhoods, especially when the owner of the building fails to actively maintain and manage the building to ensure it does not become a liability to the neighborhood. Vacant buildings often attract transients, homeless people, and criminals, including molesters and drug abusers. Use of vacant buildings by transients and criminals who may employ primitive cooking or heating methods, creates a risk of fire for the vacant building and adjacent properties. Vacant properties are often used as dumping grounds for junk and debris and are often overgrown with weeds and grass. Vacant buildings, which are boarded up to prevent entry by transients and other long-term vacancies, discourage economic development and retard appreciation of property values.

One vacant property, which is not actively being managed and maintained, can be the core and cause of spreading blight.

Because of the potential economic and public health, welfare and safety problems caused by vacant buildings, the City needs to monitor vacant buildings every ninety (90) days, to ensure that

*Editor's note—Former Section 9-6, Contractors Board of Appeals, previously codified herein and containing portions of Ordinance No. 82-11 was repealed in its entirety by Ordinance No. 93-01.

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they do not become attractive nuisances, are not used by trespassers, are properly maintained both inside and out, and do not become a blighting influence in the neighborhood. Among those City departments involved in such monitoring, include the Community Development Department, the Public Works Department, and the Police Department. There is a substantial cost to the city for monitoring vacant buildings whether or not those buildings are boarded up.

This cost should not be borne by the general taxpayers of the community but rather these costs should be borne by those who choose to leave their buildings vacant.(Ord. No. 01-12, § 2)

9-8.2 *Definitions.* The following terms are defined for the purposes of this section

Boarded building means a building in which at least 30% of the window and door surface has been covered over with plywood or other material for the purpose of preventing entry into the building by persons or animals.

Vacant building means a residential or commercial building designed for human use or occupancy standing vacant for more than ninety (90) consecutive days. (Ord. No. 01-12, § 3)

9-8.3 *Monitoring Fee.* Every owner of a vacant or boarded building shall pay a monitoring fee in an amount to be set by resolution of the City Council. The fee shall not exceed the estimated reasonable cost of monitoring the vacant or boarded building. The building will be subject to a repeat monitoring every ninety (90) days until the building is occupied. The owner will be responsible for the cost of each additional monitoring as set forth above.

The monitoring fee shall be waived upon a showing by the owner, to the satisfaction of the Community Development Director, that:

1. The owner has applied for and is diligently pursuing a building permit or other permits necessary to occupy the building.
2. The owner is proceeding diligently to repair the premises for occupancy.

3. The building is actively being offered for sale, lease or rent by the owner as evidenced by advertisements in the newspaper and other publications and/or listing with a licensed Realty Brokerage and is being actively maintained towards that end as evidenced by the following; maintenance of exterior paint conditions, prevention of weed and trash accumulation, and maintenance of doors and windows. (Ord. No. 01-12, § 4)

9-8.4 Procedures.

- a. The monitoring fee shall be billed to the owner(s) of the property and mailed to the owner's address as set forth on the last equalized assessment roll of the Kern County Assessor.
- b. Any owner billed may apply for a waiver by submitting a written statement of the grounds for the waiver, and the owner's daytime telephone number, to the Community Development Director within thirty (30) days after the billing is mailed to the owner. The Community Development Director shall review the written statement and may contact the owner to discuss the application for waiver. The Community Development Director shall prepare a written decision, which shall be mailed to the owner.

Any owner aggrieved by the decision of the Community Development Director relating to an application for a waiver may within thirty (30) days of the Community Development Director's decision appeal the decision by submitting a written Notice of Appeal and Request for City Council Hearing to the Office of the City Clerk.

- c. If the fee is not paid within sixty (60) days after billing or within sixty (60) days after the decision of the Community Development Director or City Council becomes final, the City Council may order the fee be specially assessed against the property. The City Council shall confirm the assessment and thereafter the assessment may be collected at the same time and in the same manner as ordinary real property taxes are collected and shall be subject to the same penalties and the same procedures

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and sale in case of delinquency as provided for ordinary real property taxes. Laws applicable to the levy, collection, and enforcement of real property taxes are applicable to the special assessment.

The City Council may also cause a Notice of Lien to be recorded. The Notice shall, at a minimum, identify the record owner or possessor of the property, set forth in the last known address of the record owner or possessor, a description of the real property subject to the lien, and the amount of the lien. (Ord. No. 01-12, § 5)