CITY OF RIDGECREST
CALIFORNIA

Ridgecrest Municipal Code

1980

2005 City Officials:
Marshall "Chip" Holloway, *Mayor*
Richard "Duke" Martin, *Mayor Pro Tem*
Harvey M. Rose, *City Manager*
Wayne K. Lemieux, *City Attorney*
Rita Gable, *City Clerk*

CITY COUNCIL
Daniel O. Clark, *Vice Mayor*
Ronald H. Carter
Steven P. Morgan

CODED SYSTEMS CORPORATION
120 MAIN STREET
AVON, NEW JERSEY 07717

Supplement Service beginning with Supplement Number 22, 9/93
by:

MUNICIPAL CODE CORPORATION

Tallahassee, Florida 1993

Rev. Ord. Supp. 1/05

Checklist of Up-to-Date Pages

(This checklist will be updated with the printing of each Supplement)

From our experience in publishing Looseleaf Supplements on a page-for-page substitution basis, it has become evident that through usage and supplementation many pages can be inserted and removed in error.

The following listing is included in this Code as a ready guide for the user to determine whether the Code volume properly reflects the latest printing of each page.

In the first column all page numbers are listed in sequence. The second column reflects the latest printing of the pages as they should appear in an up-to-date volume. The letters "OC" indicate the pages have not been reprinted in the Supplement Service and appear as published for the original Code. When a page has been reprinted or printed in the Supplement Service, this column reflects the identification number or Supplement Number printed on the bottom of the page.

In addition to assisting existing holders of the Code, this list may be used in compiling an up-to-date copy from the original Code and subsequent Supplements.

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ADOPTING ORDINANCE
NO. 82-1

The City Council of the City of Ridgecrest, has caused its ordinances of a general and permanent nature to be compiled and revised and embodied in a revision and codification known as the "Ridgecrest Municipal Code, 1980."

This revision has reorganized and edited the source ordinances, not to effect substantive changes but intended to eliminate word duplications and overlapping and to effect uniformity of expression.

SECTION 1. The ordinances of the City of Ridgecrest, in the County of Kern, California, of a general and permanent nature, as codified, Chapters I to XIX are hereby ordained as the "Ridgecrest Municipal Code, 1980".

SECTION 2. All of the provisions of the "Ridgecrest Municipal Code, 1980", shall be in force and effect on and after the effective date of this ordinance.

SECTION 3. All ordinances of a general and permanent nature, adopted by the City Council (hereafter referred to as the "Council") and in force on August 16, 1980 and not contained in the "Ridgecrest Municipal Code, 1980", are hereby repealed from and after the effective date of this ordinance except as hereinafter provided in Section 4.

SECTION 4. The repeal provided for in Section 3 of this ordinance shall not affect:

a. Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this ordinance.

b. Any prosecution, action, suit or other proceeding pending or any judgment rendered on or prior to the effective date of this ordinance;

c. Any right of franchise conferred by the Council;

d. Any right, right-of-way or easement acquired or established in any street, road, highway or other public place within the City;

e. Any ordinance of the City providing for laying out, opening, altering, widening, relocating, straightening, acceptance or vacation of any street, road or highway within the City.

f. Any ordinance or resolution of the City promising or guaranteeing the payment of money by or for the City or authorizing the issuing of bonds or other evidence of the City's indebtedness, or any contract of or obligation assumed by the City;

g. The annual budget appropriation ordinances or resolutions, and all ordinances and resolutions appropriating or transferring funds;

h. The administrative ordinances or resolutions of the Council not in conflict or inconsistent with the provisions of the Municipal Code;

i. Any ordinance or resolution of the Council fixing the compensation or salaries of the City officials and employees or the pay and compensation of positions and clerical employments which are not provided for in the Municipal Code, and which are not in conflict or inconsistent therewith;

j. Any ordinance or resolution of the Council creating employments, positions or offices and fixing duties therefor which are not provided for in the Municipal Code and which are not in conflict or inconsistent therewith;

k. Ord. #80, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIDGECREST, CALIFORNIA, ESTABLISHING LAND USE DISTRICTS OR ZONES, A ZONE PLAN DESIGNATING BOUNDARIES AND ADOPTING REGULATIONS CONTROLLING THE USES OF LAND, THE DENSITY OF POPULATION, THE LOCATIONS, AND USES OF ALL STRUCTURES, THE AREAS AND DIMENSIONS OF SITES AND THE EXTERNAL APPEARANCE OF CERTAIN USES AND STRUCTURES; REQUIRING THE PROVISION OF OFF-STREET PARKING AND LOADING; OFF-STREET LOADING FACILITIES; PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THE REGULATIONS AND PRESCRIBING PENALTIES FOR THE AMENDMENT OF THE DISTRICT BOUNDARIES AND REGULATIONS", adopted on February 1, 1968, and all amendments thereto.

l. Any ordinance of the City Council adopted upon final passage after the 16th day of August, 1980.

SECTION 5. The effect of proposed changes contained in the revision is listed below:

Chapter I - General Provisions. Section 1-1 shall contain the Adopting Ordinance after adoption by the City Council. This chapter shall also contain the title of the code, (subsection 1-2.1), the effective date is established (subsection 1-2.3, and the severability clause (subsection 1-2.4). Section 1-3 shall contain rules of construction used for the entire Code, and Section 1-4 shall contain definitions for use in the entire Code. Section 1-5 shall contain the general penalty clause for the entire code. Subsection 1-5.1a shall establish a maximum fine of five hundred ($500.00) dollars or six (6) months in jail for conviction on charges of a misdemeanor. Subsection 1-5.1b shall establish a fine for committing an infraction which is a fine up to fifty ($50.00) dollars for the first violation, up to one hundred ($100.00) dollars for the second violation within one (1) year, and a fine of up to two hundred and fifty ($250.00) dollars for the third violation within one (1) year. Every day a violation continues shall constitute a separate offense. This section shall also contain regulations concerning a violation of a promise to appear before a magistrate.

Section 1-6 shall establish the official seal of the City and establishes a penalty for its misuse.

Chapter II - Administration. This chapter shall contain the administration ordinances of the City.

Chapter III - Police Regulations. This chapter shall contain all regulations controlled by the Ridgecrest Police Department.

Chapter IV - Personnel. This chapter shall contain all personnel ordinances.

Chapter V - Animal Control. This chapter shall contain all ordinances regarding animal control.

Chapter VI - Business Licenses. This chapter shall contain general regulations regarding business licensing; the regulations of adult entertainment businesses; itinerant produce vendors; regulations for dealing or playing cards; hours permitted for gambling; and Bingo games for charitable purposes.

Chapter VII - Taxation. This chapter shall contain the Sales and Use Tax (Section 7-1); Real Property Transfer Tax (Section 7-2); and the Transient Occupancy Tax (Section 7-3).

Chapter VIII - Traffic. This chapter shall contain all ordinances regarding traffic control and parking control.

Chapter IX - Building and Housing. This chapter shall include the adoption by reference as amended of the Uniform Building Code, the Uniform Mechanical Code, the Uniform Housing Code, the Uniform Code for the Abatement of Dangerous Buildings, the Uniform Sign Code, the Uniform Plumbing Code, the Uniform Solar Energy Code, construction of fences and walls, and the adoption of the National Electrical Code.

Chapter X - Reserved for Future Use.

Chapter XI - Swimming Pools and Artificial Bodies of Water. This chapter requires fences around artificial bodies of water.

Chapter XII - Sewer and Water. This chapter shall contain regulations concerning sewer and water use.

Chapter XIII - Sanitation. This chapter shall contain regulations for garbage and rubbish collection.

Chapter XIV - Streets. This chapter shall contain the street address numbering system and the regulation of street improvements and encroachments of the public right-of-way.

Chapter XV - Cable Television. This chapter shall contain the cable television ordinance.

Chapter XVI - Soil and Soil Removal. This chapter shall contain the regulations for soil erosion control.

Chapter XVII - Fire Prevention. This chapter shall contain regulations of fire hazards and the adoption of the Uniform Fire Code.

Chapter XVIII - Underground Utility Districts. This chapter shall contain regulations concerning underground utility districts.

Chapter XIX - Subdivision. The present Subdivision Ordinance is codified in this chapter in toto.

Chapter XX - Zoning. This chapter is reserved for codification of the new Zoning Ordinance.

In cases where provisions of the source ordinances have not been included in the revision, it is the intent of the Council to repeal such provisions by implication.

SECTION 6. A copy of the "Ridgecrest Municipal Code, 1980" has been filed in the City Clerk's office and shall remain there for the use and examination of the public until final action is taken on this ordinance, and if this ordinance shall be adopted such copies shall be certified to by the City Clerk of the City of Ridgecrest by impressing thereupon the seal of the City as provided by law and such certified copy shall remain on file in the office of the City Clerk of the City of Ridgecrest to be made available to persons desiring to examine same during all times while the revision is in effect.

SECTION 7. Amendments to Code. Any and all additions, amendments, or supplements to the Code when passed and adopted in such form as to indicate the intent of the Council to make them a part thereof, shall be deemed to be incorporated into such revisions so that reference to the "Ridgecrest Municipal Code" shall be understood and intended to include such additions/amendments. Whenever such additions, amendments or supplements to the Code shall be adopted, they shall thereafter be printed, and as provided hereunder, inserted in the book containing the Code as amended and supplemented thereto.

SECTION 8. It shall be the duty of the City Clerk to keep current the certified copy of the book containing the "Ridgecrest Municipal Code, 1980" required to be filed in the Clerk's office for use by the public. All changes in the Code and all ordinances adopted subsequent to the effective date of this codification shall be adopted specifically as part of the Code and shall, when finally adopted, be included therein by reference until such changes or new ordinances are printed as supplements to the Code, at which time such supplements shall be inserted therein.

SECTION 9. The City Clerk of the City of Ridgecrest, pursuant to law, shall cause to be published in the manner

required, a copy of this adopting ordinance in a newspaper of general circulation in the City. Sufficient copies of the Code shall be maintained in the office of the City Clerk for inspection by the public at all times during regular office hours. The enactment and publication of this adopting ordinance, coupled with availability of copies of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

SECTION 10. Copies of the Code book containing the "Ridgecrest Municipal Code, 1980" may be purchased from the City Clerk upon the payment of the actual cost of obtaining such copy.

SECTION 11. Each section of the "Ridgecrest Municipal Code, 1980" and every part of each section is an independent section or part of a section and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to effect the validity or constitutionality of any other sections or parts thereof.

SECTION 12. This ordinance shall take effect upon final passage and publication thereof according to law.

APPROVED AND ADOPTED this 6th day of January, 1982, by the following roll call vote:

AYES: Mayor Hockett, Vice-Mayor Bergens, Councilmen Cheshire and Grossman

NOES: None

ABSENT: None

ABSTAIN: None

(Ord. No. 82-1)

/s/_____
HAROLD J. HOCKETT, MAYOR

ATTEST:

/s/_____
JACQUELINE C. REED, City Clerk

CITY OF RIDGECREST

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CHAPTER XXI

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CHAPTER XXII

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CHAPTER I

GENERAL PROVISIONS

Article 1. General

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

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

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

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

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

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

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

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

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

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

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

Article 2. Penalties

1-2.101 *Violations; Misdemeanors or Infractions.*

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

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

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

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

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

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

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

1-2.103 *Imposition of Penalty.*

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

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

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

1-2.105 *Other Penalties.*

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

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

Article 3. Construction

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

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

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

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

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

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

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

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

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

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

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

1-3.111 *Statutes of Limitations.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Article 4. Administrative Citations

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

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

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

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

(1) Peace Officers,

(2) Firefighters,

(3) Code Enforcement Officers,

(4) Animal Control Officers, and

(5) Building Inspectors.

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

1-4.103 *General.*

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

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

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

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

1-4.104 *Administrative Fines: Amount.*

(a) Penalties enforced by Administrative Citations shall be:

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

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

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

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

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

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

1-4.105 *Administrative Citations: Service.*

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

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

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

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

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

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

1-4.106 *Administrative Citation: Contents.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1-4.107 *Satisfaction of Administrative Citation.*

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

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

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

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

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

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

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

1-4.108 *Appeal.*

(a) Initial review:

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

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

(b) Hearing:

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

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

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

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

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

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

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

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

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

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

1-4.110 *Failure to Pay Fines.*

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

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

Article 5. Eminent Domain

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

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

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

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

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

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CHAPTER II

ADMINISTRATION*

Article 1. Meetings

2-1.101 *General.*

(a) All meetings of the City Council and any advisory body shall be open to the public and all persons shall be permitted to attend in accordance with the Brown Act. No action shall be taken by secret ballot at such meetings.

(b) The following terms are defined for the purposes of this article:

Advisory body means a decision-making or advisory body created by formal action of the Council. An ad hoc committee composed solely of two (2) or less uncompensated members is an advisory body only if the committee has continuing jurisdiction or meets pursuant to a schedule fixed by the Council.

Meeting includes any congregation of a quorum of the Council or an advisory body at the same time and place to hear, discuss or deliberate on any ruling within the jurisdiction of the City; and any use of direct communication, personal intermediaries or technological devices by a quorum of the Council or an advisory body to develop a collective concurrence to action by the Council or advisory body.

Meeting does not include: individual contacts between members and any other person; attendance at a conference or similar gathering open to the public involving discussions of issues of interest to the public generally by public agencies specifically, if members do not discuss City business; attendance at open and publicized meetings addressing topics of community concern by someone not associated with the City, if members do not discuss City business; or attendance at social or ceremonial events, if members do not discuss City business.

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*Editor's note—Ordinance No. 96-03, adopted Oct. 16, 1996, amended this Chapter to read as herein set out. Formerly, Ch. II pertained to administration. See App. A, Ordinance Disposition Table, for legislative history of former Ch. II.

Member means a Councilmember or a member of an advisory body.

(c) All meetings of the Council and all meetings of advisory bodies shall be held in the City; except: to comply with State or Federal law or court order; to inspect real property or personal property which cannot be moved; to meet with another public agency at the other agency on multi-agency matters; to discuss legislative or regulatory matters with State or Federal officials; to discuss matters relating to a City facility in the facility; and to visit legal counsel if necessary to reduce fees.

(d) City Clerk shall provide each member a copy of these regulations. (Ord. No. 96-03)

2-1.102 *Regular and Special Meetings.*

(a) The Council shall hold regular meetings on the first and third Wednesday of each month at the hour of 6:00 o'clock p.m. at City Hall located at 100 West California Avenue, Ridgecrest, California. A regular meeting may be adjourned by the Council or by less than a quorum to another time. An adjourned regular meeting is a regular meeting for all purposes if held within five (5) days of the regular meeting. If the adjourned meeting is held more than five (5) days after the regular meeting, a new agenda shall be posted.

(b) Special meetings may be called by the Mayor, Mayor Pro Tempore or City Clerk upon twenty-four-hour notice to each member.

(c) An emergency meeting may be called without twenty-four hour-notice or agenda (if necessary) due to disruption or threatened disruption of City facilities by work stoppage or crippling disaster or other activity severely impairing public health or safety as determined by a majority of the members.

(d) Each advisory body may establish a time and place for regular meetings and may call special meetings in the same manner as the Council. (Ord. No. 96-03; Ord. No. 01-03; Ord. No. 01-05)

2-1.103 *Record of Proceedings.*

(a) The City Clerk shall record minutes showing action taken by the Council in open session and by each advisory body. The minutes shall be available for public inspection when approved by the Council. If meetings are recorded on audio tape, the tape shall be available for public review on a tape player provided by the City.

(b) Any person attending an open meeting of the Council may record the proceeding on audio or video media unless the Council finds the recording cannot continue without noise, illumination or obstruction of view constituting a disruption of proceedings. (Ord. No. 96-03)

2-1.104 *Rules of Conduct.*

(a) The affirmative vote of at least three (3) Councilmembers is necessary for the Council to approve any ordinance or any resolution or order for the payment of money. The Council shall take action by motion, resolution or ordinance. Motions and resolutions may be adopted on voice vote. Roll call shall be taken if requested by any Councilmember. Ordinances shall be adopted on roll call vote.

(b) The City may use video teleconferencing to receive public comment or testimony and for deliberations of the Council. If video teleconferencing is used, the agenda shall be posted at all video teleconference locations and reasonable rules shall be adopted to protect the statutory and constitutional rights of the parties and the public appearing before the Council.

(c) Except as otherwise required by law, and unless waived, proceedings of the Council shall be conducted in accordance with Robert's Rules of Order. Advisory bodies shall adopt rules of order appropriate to their work.

(d) If any meeting is willfully interrupted so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individual(s) who are willfully interrupting the meeting, the Council may order the meeting room cleared and continue in closed session.

Only matters appearing on the agenda may be considered in such a session. The Council may establish a procedure for readmitting individuals not responsible for willfully disturbing the orderly conduct of the meeting.

(e) The Council shall not prohibit public criticism of the policies, procedures, programs or services of the City or of the acts or decisions of the Council. However, no privilege or protection is hereby conferred for expression beyond that otherwise provided by law. (Ord. No. 96-03)

2-1.105 *Agenda.*

(a) At least seventy-two (72) hours before a regular meeting, or at least twenty-four (24) hours prior to a special meeting, the City Clerk shall post an agenda containing a brief, general description of each item of business to be transacted or discussed at the meeting, including the items to be discussed in closed session. The posting shall be freely accessible to the public.

(b) The agenda for all meetings shall include the opportunity for the public to address the Council prior to taking action on any matter. The agenda for regular and adjourned regular meetings shall include the opportunity for the public to address the Council on matters within the jurisdiction of the City but not on the agenda. Individual speakers shall be limited to five (5) minutes and the total time for public comments shall not exceed sixty (60) minutes, unless extended by a majority vote of the Council.

(c) No action shall be taken on matters not shown on the posted agenda, except members may briefly respond to statements made or questions posed during public comment; request clarification; provide a reference to staff or other resources for factual information; request staff to report back to the Council at a subsequent meeting or direct staff to place a matter of business on a future agenda.

(d) Prior to discussion of any matter on the agenda, the Council may add matters to the agenda upon a majority finding that an emergency exists or upon at least a major-

ity vote finding there is a need to take immediate action and the need for action came to the attention of the City subsequent to the posting of the agenda. If only three (3) Councilmembers are present, the finding of the need for action shall be by unanimous vote.

(e) The agenda shall describe matters to be discussed in closed session by providing the following information:

(1) For closed session under Government Code Section 54956.7: "License/Permit Determination" [specify number of applicants];

(2) For closed session under Government Code Section 54959.8: "Conference with Real Property Negotiator [identify property, negotiating parties, subject of negotiations]";

(3) For closed session under Government Code Section 54956.9: "Conference with Legal Counsel - Existing Litigation [name of case unless disclosure would jeopardize service or settlement]"; or "Conference with Legal Counsel - Anticipated Litigation [potential case name]";

(4) For closed session under Government Code Section 54956.95: "Liability Claims [name of claimant]";

(5) For closed session under Government Code Section 54957: "Threat to Public Services or Facilities [name of law enforcement agency and title of officer]"; or "Public Employee [specify position]"; or "Public Employee Performance Evaluation [specify position]"; or "Public Employee Discipline/Dismissal/Release";

(6) For closed session under Government Code Section 54957.6: "Conference with Labor Negotiator [name of agency representative and employee organization or unrepresented employee]".

(f) Meetings to consider new or increased general tax or assessment shall be preceded by at least forty-five (45) days' notice as specified by law. (Ord. No. 96-03)

2-1.106 *Closed Sessions.*

(a) The Council may conduct a closed session to:

(1) Consider a license or permit application;

(2) Consider property acquisition or disposition by eminent domain or otherwise;

(3) Consider pending or potential claims or litigation;

(4) Consider threats to public services or facilities;

(5) Consider the appointment, promotion or job performance of employees;

(6) Consider charges levied against an employee;

(7) Establish the City's position concerning employee negotiations;

(8) Conduct any City business when public session is not possible due to riot or other interruption.

(b) If possible, the Council shall avoid taking action in closed session. Action may be taken in closed session when necessary to avoid prejudice to the City. Action taken in closed session and the vote, abstention or absence of each member shall be publicly reported as follows:

(1) Approval of an agreement concluding real estate negotiations shall be reported after the agreement is final, as follows:

- If the Council's approval renders the agreement final, the Council shall report approval and the substance of the agreement in open session at the public meeting when the closed session was held.
- If final approval rests with the other party to the negotiations, the City shall disclose the approval and the substance of the agreement upon inquiry by any person, as soon as the other party or its agent has informed the City of its approval.

(2) Approval given to the city attorney to defend, or seek or refrain from seeking appellate review or relief, or to enter as an amicus curiae in any form of litigation shall be reported in open session at the public meeting

when the closed session is held. The report shall identify, if known, the adverse party or parties and the substance of the litigation. In the case of approval given to initiate or intervene in an action, the announcement need not identify the action, the defendants, or other particulars, but shall specify the direction to initiate or intervene in an action which has been given and the action, the defendants, and at the other particulars shall, once formally commenced, be disclosed to any person upon inquiry, unless to do so would jeopardize the City's ability to serve process on one (1) or more unserved parties, or would jeopardize its ability to conclude existing settlement negotiations to its advantage.

(3) Approval given to the city attorney of a settlement of pending litigation, at any stage prior to or during a judicial or quasijudicial proceeding shall be reported after the settlement is final, as follows:

- If the Council accepts a settlement offer signed by the opposing party, the Council shall report acceptance and identify the substance of the agreement in open session at the public meeting when the closed session is held.
- If final approval rests with some other party to the litigation or with the court, the City shall disclose the approval, and identify the substance of the agreement upon inquiry by any person when the settlement becomes final.

(4) Settlement of claims discussed in closed session shall be reported in the same manner as the settlement of pending litigation.

(5) Action taken to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of a public employee shall be reported at the public meeting when the closed session is held. Such report shall identify the title of the position and specify any change in compensation. However, a report of dismissal or of nonrenewal of an employ-

ment contract shall be deferred until the first public meeting following the exhaustion of the employees administrative remedies.

(6) Approval of an agreement concluding labor negotiations shall be reported after the agreement is final and has been accepted or ratified by the other party. The report shall identify the item approved and the other party or parties to the negotiation.

(c) Reports required by this section may be made orally or in writing. The Council shall provide copies of any contracts, settlement agreements, or other documents approved or adopted at the closed session to any person present at the time of the closed session who has submitted a written request to the City Clerk within twenty-four (24) hours of the posting of the agenda or who has made a standing request for all documentation as part of a request for notice of meetings. If the closed session action taken results in substantive amendments to the documents requiring retyping, the documents need not be released until the retyping is completed during normal business hours on the following day. the Mayor, or his designee, shall orally summarize the amendments for the benefit of the person present and requesting the information.

(d) After completing a closed session, counsel shall prepare a confidential memorandum stating the purpose of the closed session and the action taken, if any. This memorandum is confidential and shall be filed in the office of the City Clerk. (Ord. No. 96-03)

Article 2A. City Council

2-2.101 *Mayor, Vice-Mayor, and Mayor Pro Tempore.*

(a) The Mayor presides at Council meetings.

(b) The Mayor Pro Tempore has all the powers and duties of the Mayor when the Mayor is absent or unable to act.

(c) The Vice Mayor has all the powers and duties of the Mayor when the Mayor or Mayor Pro Tempore are absent or unable to act.

(d) The Council shall meet as soon as new Council Members take office after a general municipal election to choose one (1) of the members to serve as Mayor, one (1) of its members to serve as Mayor Pro Tempore and one (1) of its members to serve as Vice-Mayor. (Ord. No. 96-03; Ord. No. 01-05)

2-2.102 *Compensation and Expense Reimbursement.*

(a) Council members shall each receive a monthly salary of six hundred and thirty-eight ($638.00) dollars.

(b) Council members shall each receive a monthly salary of seven hundred and two dollars ($702.00) effective February 1, 2007.

(c) Council members shall be reimbursed for actual and necessary expenses incurred in performance of official duties provided that the Council member has been authorized and instructed to perform such duties and incur such expenses by the Council in advance and, provided further, that a written claim for reimbursement is filed by the Council member with the Director of Finance within thirty (30) days after such expenses are incurred.
(Ord. No. 96-03; Ord. No. 01-14, § 2; Ord. No. 06-03, § 2)

2-2.103 *General Municipal Elections.*

(a) The General Municipal Election shall be conducted in November of even-numbered years. The General Municipal Election shall be consolidated with the statewide general election pursuant to Government Code Section 36503.5.

(b) The period for nominations of candidates shall coincide with the period of nominations for candidates for the statewide general election. (Ord. No. 96-03)

2-2.104 *Filing Fee for Processing Nomination Papers.*

(a) Under Elections Code Section 22843, the City has established and collects a filing fee of twenty-five dollars ($25.00) for each nomination filed.

(b) The filing fee shall be paid upon the filing of each nomination paper. Nomination papers for City Council elections shall not be accepted unless accompanied by the filing fee except as specified in (c) below. Filing fees shall be paid into the general fund.

(c) In lieu of payment of a filing fee, a candidate for member of the City Council may submit a petition containing four (4) qualified signatures for each dollar of the filing fee not paid. As used herein, a qualified signature is the signature of a person who, at the time of providing such signature, was a registered voter within the City. Any petition submitted pursuant to this section in lieu of all or part of the required filing fee shall be submitted to the City Clerk with nomination papers and the amount of the filing fee, if any, remaining to be paid. (Ord. No. 96-03)

Article 3. Agencies, Commissions, Boards and Committees

2-3.101 *General.*

(a) This Article sets forth provisions which are common to all agencies, commissions, boards and committees.

(b) Commissions and boards shall consist of five (5) members who shall be registered voters within the City and who shall be appointed on the basis of their qualifications for their duties. Each member of the Council shall nominate one (1) Commissioner or board member. The Council shall confirm or reject the nomination.

(c) Commission and board members shall serve for two-year terms which expire on the last day of November of even-numbered years. Each Councilmember shall nominate a commissioner who shall be confirmed by a majority of the City Council. Should a vacancy occur, either by

resignation or by Council action, the vacancy shall be filled by a nomination from the Councilmember whose Commissioner position is vacant and confirmed by a majority of the City Council. Commissioners may be removed at any time, without cause, by a four-fifths (4/5) vote of the Council.

(d) The City Administrator shall appoint a secretary for each commission who shall maintain the records of the commission and the minutes of the meetings. The secretary shall receive such compensation as may be fixed from time to time by the Council by resolution.

(e) At its first meeting in the month of December of each even-numbered year, each commission shall elect one (1) of its members as chair and one (1) of its members as

vice-chair. If the chair is absent or unable to act, the vice-chair shall conduct the meeting of the commission and exercise the powers of the chair.

(f) Each commission shall provide for the time and place of its regular meetings.

(g) Each commission shall act only by resolution or motion. A majority of the Commissioners shall constitute a quorum for the transaction of the Commission's business; however, no motion or resolution shall be passed and become effective without the affirmative vote of at least a majority of the Commissioners.

(h) Each commission shall keep written records of its proceedings which shall be open at all times for public inspection. Each commission shall also file its recommendations with the Council.

(i) The Council shall approve the budget for the work of each commission.

(j) Upon request by the Commission, the City Administrator shall furnish to each commission within a reasonable time, such information as may be required for the work of the Commission. Each commission shall cooperate with commissions of other agencies charged with similar responsibilities in the formulation of its plans and recommendations to the Council.

(k) On or before December 31 of each year, the Council shall prepare an appointments list of all regular and ongoing boards, commissions and committees which are appointed by the Council. The list shall identify all appointed terms which will expire during the next calendar year with the name of the incumbent, the date of the appointment, the date the term expires and the necessary qualifications for the position. The list shall also include all boards, commissions and committees whose members serve at the will of the Council.

(l) Whenever an unscheduled vacancy occurs in any board, commission or committee for which the Council has the appointing power, whether due to resignation, death,

termination or other causes, a special vacancy notice shall be posted in the office of the City Clerk not earlier than twenty (20) days before nor later than twenty (20) days after the vacancy occurs. Final appointment to the Board, Commission, or Committee shall not be made by the Council for at least ten (10) working days after the posting of the notice unless the Council finds that an emergency exists. A person appointed to fill a vacancy in an emergency shall serve only on an acting basis until the final appointment is made pursuant to this section. (Ord. No. 96-03)

2-3.102 *Redevelopment Agency.* The Redevelopment Agency of the City of Ridgecrest is hereby established. The Council shall act as the governing body of the Redevelopment Agency as defined in the Health and Safety Code section 33200. (Ord. No. 96-03)

2-3.103 *Planning Commission.*

(a) Pursuant to the provisions of Chapter 3 of Title 7 (commencing with Section 65100) of the Government Code, there is hereby established a planning agency for the City. The planning agency shall be the Planning Commission composed and organized as set forth in this Article.

(b) Planning Commission Salary. Commissioners shall receive monthly compensation in an amount established by resolution of the City Council. Commissioners may also receive traveling and other expenses incurred on City planning business.

(c) The Planning Commission shall:

(1) Develop and maintain a general plan, zoning and subdivision ordinances;

(2) Develop such specific plans as may be necessary or desirable;

(3) Periodically review the capital improvement program of the City;

(4) Prepare, review and recommend to the Council plans and drafts of such regulations, programs and legislation as may, in its judgment, be required for the systematic execution of the general plan;

(5) Act as the agency for the Council in connection with Subdivision Map Act;

(6) Investigate and recommend plans to the Council for the improvements and/or beautification of the City, including matters such as the opening, straightening, widening, closing of or parking on streets, improvement and development of public streets, improvement and development of public buildings and works the subdivision of lands and the supplementation or the change of zoning regulations and districts;

(7) Act as the zoning board of adjustment;

(8) Perform such other functions and duties as may be imposed by law or as the City Council may provide.

(d) The Planning Commission shall have the powers necessary to enable it to fulfill and carry out its planning functions as provided by law and as set forth herein. In the performance of its functions, Planning Commission personnel may enter upon any land to make examination and surveys provided such entries, examination and surveys do not interfere with the use of land by those persons lawfully entitled to the provisions thereof.

(e) The Director of Community Development shall assist the Commission with the performance of its duties. (Ord. No. 96-03; Ord. No. 99-01, § 2)

2-3.104 *Personnel Commission.*

(a) The Personnel Commission is hereby established.

(b) Commissioners shall receive no compensation, but shall receive reimbursement for expenses incurred while on City business, provided such expenses are authorized by the Council.

(c) The Personnel Commission shall hear appeals by employees in the competitive service concerning appointments, promotions, demotions, suspensions and discharge; and make recommendations to the Council.

(d) The Personnel Officer shall assist the Personnel Commission in the performance of its duties. (Ord. No. 96-03)

2-3.105 *Construction Appeals Board.*

(a) The Construction Appeals Board is hereby established. The Board shall be constituted as set forth in the Uniform Building Code as it pertains to the Contractors Appeals Board.

(b) Boardmembers shall receive no compensation but shall receive reimbursement for expenses incurred while on City business, provided such expenses are authorized by the Council.

(c) The Board shall undertake the tasks specified in the Uniform Building Code for the Board of Appeals, in the Uniform Housing Code for the Housing Advisory and Appeals Board and in the Uniform Code for the Abatement of Dangerous Buildings for the Board of Appeals.

(d) The Building Official shall assist the Board in performance of its duties. (Ord. No. 96-03)

2-3.106 *Handicap Access Appeals Board.*

(a) The Handicap Access Appeals Board is hereby established. The Board shall be appointed and constituted as follows: Two (2) members of the Board shall be physically handicapped persons, two (2) members shall be persons experienced in construction and one (1) member shall be a public member.

(b) Boardmembers shall receive no compensation but shall receive reimbursement for expenses incurred on City business, provided such expenses are authorized by the Council.

(c) The Board shall conduct hearings on written appeals made under the State Handicapped Access Standards and may approve or disapprove interpretations of these Standards and enforcement actions taken by the Building Official. The Board shall adopt regulations establishing procedural rules and criteria for carrying out its duties.

(d) The Building Official shall assist the Board in the performance of its duties. (Ord. No. 96-03)

2-3.107 *Council Committees.* The Council shall establish committees by resolution. Committee members shall be appointed by the Mayor with the advice and consent of the Council. The Committee shall select a chair. If the Committee cannot select a chair within sixty (60) days from the date of appointment, the Mayor shall nominate a chair who shall be confirmed by a majority of the Council. Meetings of standing committees are open to the public. Committees shall make their recommendations to the Council. (Ord. No. 96-03; Ord. No. 99-01, § 3)

2-3.108 *Additional Council Appointments.* The following additional appointments shall be made by the Council to conduct the business of the City. These are listed below with the appropriate assignments.

(a) Kern Council of Governments (KernCOG). One (1) representative and one (1) alternate from the City Council appointed by a majority of the Council in December of even-numbered years for a two-year appointment.

(b) Navy Community Council. The City has two (2) representatives. The Mayor serves as a permanent member. Additionally, one (1) representative from the City Council, approved by a majority of the Council for a six-month term appointed in December and May.

(c) Kern County Air Pollution Control District (KCAPCD). One (1) representative from the City Council, appointed by a majority of the Council in December for a two-year term.

(d) Ridgecrest Area Convention and Visitors Bureau (RACVB). One (1) representative from the City Council appointed by a majority vote of the Council for a two-year term starting in December of even-numbered years.

(e) IWV Groundwater Management Committee. One (1) representative from the City Council, appointed by a majority of the Council for a two-year term commencing in December of even-numbered years.

(f) League of California Cities-Desert Mountain Division. One (1) representative from the City Council, appointed by the majority of the Council for a one-year term starting in December.

(g) Any Ad Hoc Committee that the City Council may deem necessary. Procedures for appointment and length of term to be determined by the Council at the time of inception. (Ord. No. 96-03)

2-3.109 *Disaster Council.*

(a) The Disaster Council is hereby established.

(b) The Disaster Council shall provide for the preparation and carrying out of plans for the protection of persons and property within this City in the event of an emergency; the direction of the emergency organization; and the coordination of the emergency functions of this City with all other public agencies, corporations, organizations, and affected private persons.

As used herein "emergency" shall mean the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this City caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, or earthquake, or other conditions, including conditions resulting from war or imminent threat of war, but other than conditions resulting from a labor controversy, which conditions are, or likely to be, beyond the control of the services, personnel, equipment and facilities of this City, requiring the combined forces of other political subdivisions to combat.

(c) The Disaster Council shall consist of the following: The Mayor, who is the Chair; the Director of Emergency Services, who is the City Administrator and who shall be Vice-Chair; the Assistant Director of Emergency Services who is the Chief of Police or the person appointed by the Director in the Assistant Director's absence; such chiefs of emergency services as are provided for in a current emergency plan of the City adopted pursuant to this section; and such representatives of civic, business, labor,

veterans, professional, or other organizations having an official emergency responsibility as may be appointed by the Director to fulfill the requirements of the Emergency Operations Plan.

(d) The Disaster Council shall develop and recommend for adoption by the City Council, emergency and mutual aid

plans and agreements and such ordinances and resolutions and rules and regulations as are necessary to implement such plans and agreements. The Disaster Council shall meet upon the call of the Chair, or in the Chair's absence from the City or inability to call such meeting, upon the call of the Vice Chair.

(e) The Disaster Council shall be responsible for the development of the City Emergency Operations Plan, which plan shall provide for the effective mobilization of all of the resources of this City, both public and private, to meet any condition constituting a local emergency, state of emergency, or state of war emergency; and shall provide for the organization, powers and duties, services, and staff of the emergency organization. Such plan shall take effect upon adoption by resolution of the City.

(f) As required by the Emergency Operations Plan and State statute, the Chairman shall:

(1) Request the City Council to proclaim the existence or threatened existence of a "local emergency" if the Council is in session, or to issue such proclamation if the City Council is not in session. The Council shall take action to ratify the proclamation within seven (7) days thereafter or the proclamation shall have no further force or effect.

(2) Request the Governor to proclaim a "state of emergency" when, in the opinion of the Chair, the locally available resources are inadequate to cope with the emergency.

(g) As required by the Emergency Operations Plan and State statute the Director shall:

(1) Declare a local emergency, provided, whenever a local emergency is proclaimed, the Council shall take action to ratify the proclamation within seven (7) days thereafter or the proclamation shall have no further force or effect.

(2) Control and direct the effort of the emergency organization of this City for the accomplishment of the purposes of this section.

(3) Direct cooperation between and coordination of services and staff of the emergency organization of this City; and resolve questions of authority and responsibility that may arise between them.

(4) Represent this City in all dealings with public and private agencies on matters pertaining to emergencies as defined herein.

(h) In the event of the proclamation of a "local emergency" as herein provided, the proclamation of a "state emergency" by the Governor or the Director of the State Office of Emergency Services, or the existence of a "state of war emergency" the Director shall:

(1) Make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the City Council;

(2) Obtain vital supplies, equipment, and such other properties found lacking and needed for the protection of life and property and to bind the City for the fair value thereof and, if required immediately, to commandeer the same for public use;

(3) Require emergency services of any City officer or employee and, in the event of the proclamation of a "state of emergency" in Kern County or the existence of a "state of war emergency," to command the aid of as many citizens of this community as he deems necessary in the execution of his duties; such persons shall be entitled to all privileges, benefits, and immunities as are provided by state law for registered disaster service workers;

(4) Requisition necessary personnel or material of any City department or agency; and

(5) Execute all ordinary power as City Administrator, all of the special powers conferred by this section or by resolution of emergency plan pursuant hereto adopted by the City Council, all powers conferred by any statute, by any agreement approved by the City Council, and by any other lawful authority.

(i) The Director of Emergency Services shall designate the order of succession to that office to take effect in the event the Director is unavailable to attend meetings and otherwise perform his duties during an emergency. Such order of succession shall be approved by the City Council.

(j) The Assistant Director shall, under the supervision of the Director and with the assistance of emergency service chiefs, develop emergency plans and manage the emergency programs of this City; and shall have such other powers and duties as may be assigned by the Director.

(k) All officers and employees of this City, together with those volunteer forces enrolled to aid them by agreement or operation of law, including persons impressed into service under the provisions of this Code, shall be charged with duties incident to the protection of life and property in this City during such emergency, and shall constitute the emergency organization of the City.

(l) Any expenditures made in connection with emergency activities, including mutual aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the City.

(m) It shall be a misdemeanor promulgated in the California Emergency Act and the California Penal Code for any person during an emergency to:

(1) Willfully obstruct, hinder, or delay any member of the emergency organization in the enforcement of any lawful rule or regulation issued pursuant to this section, or in the performance of any duty imposed upon him by virtue of this section;

(2) Do any act forbidden by any lawful rule or regulation issued pursuant to this section, if such act is of such a nature as to give or be likely to give assistance to the enemy or to imperil the lives or property of inhabitants of his City, or to prevent, hinder, or delay the defense or protection thereof;

(3) Wear, carry, or display, without authority, any means of identification specified by the emergency agency of the State. (Ord. No. 96-03)

Article 4. City Manager

2-4.101 *Appointment.*

(a) The City Manager shall be appointed by the Council and shall hold office at the will of the Council.

(b) The Council finds and determines the public health, safety and welfare require the City Manager to respond promptly to emergencies and such response is not possible unless the City Manager resides with the City. Residence in the City at the time of the appointment of a City Manager shall not be required as a condition of the appointment. Within one hundred eighty (180) days after reporting for work, the City Manager shall become a resident of the City.

(c) The City Manager appoints the Acting City Manager unless the City Manager position is vacant. If the City Manager position is vacant the Acting City Manager shall be appointed by the Council.

(d) The City Manager and Acting City Manager shall be covered by the City's public employees' blanket bond.

(e) No member of the Council shall be eligible for appointment as City Manager until one year has elapsed after such Council Member shall have ceased to be a member of the Council. (Ord. No. 96-03; Ord. No. 01-07, § 3)

2-4.102 *Powers and duties.* The City Manager shall be the administrative head of the government of the City under the direction and control of the Council except as otherwise provided in this Article. In addition to general powers as administrative head, and not as a limitation thereon, the City Manager shall have the following powers and authority:

(a) To enforce the laws and regulations of the City and ascertain that franchises, contracts, permits, and privileges granted by the Council are faithfully observed.

(b) To control, order, and give directions to heads of departments and to subordinate officers and employees of the City under the City Manager's jurisdiction through their department heads.

(c) To prepare personnel rules and regulations.

(d) To prepare position classification plans, including class specifications and revisions thereof.

(e) To prepare a plan of compensation and revisions thereof, covering all classifications in the competitive service.

(f) To appoint, remove, discipline, promote and demote any employee of the City, except the City Attorney, subject to applicable personnel ordinances, rules and regulations.

(g) To conduct studies and effect such administrative reorganizations of offices as may be indicated in the interest of efficient, effective, and economical conduct of the City's business.

(h) To attend all meetings of the Council unless excused by the Mayor or by the Council, except when removal of City Manager is under consideration.

(i) To keep the Council fully advised of the financial conditions and needs of the City.

(j) To prepare and submit the proposed annual budget and salary plan to the Council for its approval.

(k) To ensure that no expenditures are submitted or recommended to the Council except on approval or the approval of authorized representative.

(l) To make investigations into the affairs of the City, and any department or division thereof, and any contract or the proper performance of any obligations of the City, and to investigate all complaints in relation to matters concerning the administration of the City government and in regard to the services maintained by public utilities in the City.

(m) To exercise supervision over public buildings, public parks, and other public property which are under the control and jurisdiction of the City.

(n) To perform such other duties and exercise such other powers as may be delegated from time to time by ordinance, resolution or other action of Council. (Ord. No. 96-03; Ord. No. 01-07, § 3)

2-4.103 *Department Head Relations.*

(a) All department heads shall report to the City Manager.

(b) The City Manager shall prepare performance plans for and annually evaluate all department heads and recommend to the City Council maximum annual salary for each department head.

(c) The City Manager is responsible for the appointment of all department heads subject to the following process:

(1) Developing a job brochure and selection criteria for each vacant position for approval by the City Council;

(2) Recruiting for qualified candidates as needed;

(3) Screening candidates by appropriate means to establish an interview pool of an appropriate number of candidates;

(4) Negotiating with the top candidate to determine wages, benefits and conditions of employment;

(5) Overseeing the appropriate background and qualification examination. (Ord. No. 96-03; Ord. No. 01-07, § 3)

2-4.104 *Council Relations.* The Council and individual Council Members shall deal with the administrative services of the City only through the City Manager, except for the purposes of inquiry. Council Members shall not give orders or instructions to any subordinate of the City Manager. The City Manager shall take his orders and instructions from the Council only when sitting in a meeting of the Council. No individual Council Member shall give any orders or instructions to the City Manager. The Council is responsible for evaluating the performance of the City Manager. (Ord. No. 96-03; Ord. No. 01-07, § 3)

2-4.105 *Cooperation of Subordinates and Commissions.*

(a) Subordinates and department heads shall assist the City Manager in conducting the affairs of the City.

(b) The City Manager may attend any and all meetings of the commissions, boards, or committees created by the Council, be heard by such and inform members as to the status of any matter being considered by the Council. The City Manager shall cooperate with the members of all such commissions, boards, or committees. (Ord. No. 96-03; Ord. No. 01-07, § 3)

2-4.106 *Removal.*

(a) The City Manager may be removed from office only by a majority vote at a regular meeting of the whole Council as then constituted. In the event of proposed removal, the City Manager shall be furnished with a 30-day prior written notice. Within seven days of receipt of notice of removal, the City Manager may request the Council to provide written reasons for the removal. The Council shall provide reasons for the removal in writing within seven days after a request by the City Manager and at least fifteen days prior to the effective date of such removal. After furnishing the City Manager with a written notice of intended removal from office, the Council may suspend the City Manager from duty. Compensation shall continue until removal is final.

(b) The City Manager may file a written appeal and request a hearing before the Council. The purpose of such hearing being to allow the City Manager an opportunity to present to the Council grounds of opposition to removal prior to the action of the Council.

(c) In removing the City Manager the Council's action shall be final and shall not depend upon any particular showing or degree of proof at the hearing.

(d) Not withstanding the foregoing, the City Manager shall not be removed from office, other than for misconduct in office, during or within a period of ninety (90) days next succeeding any election at which a member of the Council

is elected or when a new Council Member is appointed. The purpose of this provision is to allow any newly elected or appointed member of the Council or a reorganized Council to observe the actions and ability of the City Manager in the performance of the powers and duties of the office. After the expiration of such 90-day period, the provisions of this Article providing for the removal of the City Manager from office shall apply and be effective.

(e) On the involuntary termination from service of the City Manager for other than for willful misconduct in office, the City Manager shall receive cash severance pay in a lump sum equal to one months' pay for every year of continuous service, or fraction thereof, as City Manager, up to a total of three months' pay. Such pay shall be computed at the highest salary received by the City Manager during service with the City. For the purposes of this section, "involuntary removal from service" shall include reductions in pay not applicable to all employees of the City. (Ord. No. 96-03; Ord. No. 01-07, § 3)

2-4.107 *Supplemental Employment Agreements.* Nothing contained in this Article shall limit the power of the Council to enter into any supplemental agreement with the City Manager delineating additional terms and conditions of employment, and the agreement shall prevail with respect to any matter covered by the both the code and the agreement. (Ord. No. 96-03; Ord. No. 01-07, § 3)

Article 5. Departments Established

2-5.101 *General.* The following departments are hereby created:

Administration, Police, Finance, Public Works, Community and Economic Development, Administrative Services, and Parks and Recreation. (Ord. No. 96-03; Ord. No. 01-01)

2-5.102 *Administration Department.* The office of City Administrator is hereby created. The City Administrator is the administrative head of the city government under the direction and control of the City Council with the powers and duties described in Article 4. (Ord. No. 96-03; Ord. No. 01-01)

2-5.103 *Police Department.* The office of the Chief of Police is hereby created. The Chief of Police is the head of the Police Department. The Chief of Police shall be appointed according to Section 2-4.102 (f) on the basis of ability to fulfill he work of the office and shall hold the office at will according to Section 2-6.102. The Chief of Police shall control the operation of the Police Department, and shall direct the Department so that it fulfills the duties delegated to it by law and as follows:

(a) Plan, organize, and direct the activities of the Police Department in law enforcement and crime prevention.

(b) Execute and return all process issued, and directed the office by legal authority.

(c) Take charge of prisoners in the City Jail.

(d) Recommend fees and charges for routine administrative services provided by the Department.

(e) Keep a record of all fees for service of process or other money collected by the Department.

(f) Other duties as assigned by the City Administrator. (Ord. No. 96-03; Ord. No. 01-01)

2-5.104 *Finance and Informational Services Department.* The office of the Finance Director is hereby created. The Finance Director is the head of the Finance and Information Services Department. The Finance Director shall be appointed according to Section 2-4.102 (f) on the basis of ability to fulfill the work of the office and shall hold office at will according to Section 2-6.102. The Finance Director is also the Treasurer.

The Finance Director shall execute a corporate surety bond, conditioned upon the faithful performance of his duties, in a penal sum in a reasonable amount as recommended by the City Attorney and fixed by the Council by resolution, which may be changed during the term of office of the Finance Director.

The Finance Director shall control the operations of the Finance Department and shall direct the Department so that it fulfills the duties delegated to it as follows:

(a) Review demands prior to payment. The schedule of such payments shall be submitted to the Council for review.

(b) Countersign City warrants.

(c) Endorse orders or demands which are not approved for want of funds, number the endorsement, register the order or demand in departmental records and deliver it to the claimant, or his order.

(d) Maintain records reflecting the financial condition of the City.

(e) Provide a written report to Council members on a monthly basis showing revenues and expenditures versus budget summarized by functional activities.

(f) Prepare and present to the Council at the end of each fiscal year a summary statement of the receipts and disbursements by departments and funds, including opening and closing fund balances.

(g) Submit the State Controller required reports in accordance with State Law.

(h) Scrutinize expenditures and revenues in conformance with the approved budget.

(i) Establish procedures for receiving revenue.

(j) Prepare and certify all financial reports to the State and other governmental agencies.

(k) Annually recommended the City's investment policy in accordance with statute.

(l) Invest surplus funds in accordance with the investment policy approved by the Council.

(m) Provide quarterly reports of investments to City Administrator and Council in accordance with statute.

(n) Coordinate the transfer of surplus or unused supplies and equipment between departments as needed and the sale of all supplies and equipment, which cannot be used by the City.

(o) Recommend rules and procedures governing the purchase of supplies and equipment.

(p) Manage information systems.

(q) Act as Tax and Revenue Administrator.

(r) The duties imposed upon the City Clerk by Sections 37203 through 37205, 37207 and 40802 through 40805 of the Government Code of the State are hereby transferred to the Finance Director as authorized by Section 37209.

(s) Other duties as assigned by City Administrator. (Ord. No. 96-03; Ord. No. 01-01)

2-5.105 *Community and Economic Development Department.* The office of the Community and Economic Development Director is hereby created. The Community and Economic Development Director is the head of the Community and Economic Development Department. The Community and Economic Development Director shall be appointed according to Section 2-4.102 (f) on the basis of ability to fulfill the work of the office and shall hold office at will according to Section 2-6.102. The Director is the ex officio building official.

The Community and Economic Development Director shall control the operations of the Community and Economic Development Department and direct the Department so that it fulfills the following duties and functions delegate to it, including:

(a) Planning, land use and zoning.

(b) Acts as Secretary to the Planning Commission.

(c) Act as the ex office building official;

(d) Inspection of all building construction and improvements;

(e) Environmental evaluation and review;

(f) Annexation;

(g) Economic Development;

(h) Code enforcement;

(i) Maintenance of the general plan, zoning, subdivision and building ordinances;

(j) Administers the Business License Ordinance.

(k) Other duties as assigned by the City Administrator. (Ord. No. 96-03; Ord. No. 01-01)

2-5.106 *Administrative Services Department* The office of the Administrative Services Director is hereby created. The Administrative Director is the head of the Administrative Services Department. The Administrative Services Director shall be appointed according to Section 2-4.102 (f) on the basis of the ability to fulfill the work of the position and shall hold the position at will according to Section 2-6.102.

The Administrative Director shall be responsible for the operation of the Administrative Services Department and shall direct the Department so that it fulfills the duties delegated to it by law as follows:

(a) Plan, coordinate, and direct the personnel functions of the City; including but not limited to employee recruitment, employee benefits, evaluations, employee records, employee retention, and etc.

(b) Administer the City's Risk Management functions. These duties are to administer the City's liability insurance, workers' compensation insurance, and property insurance programs, as well as other duties and tasks as may be periodically assigned to the Risk Management Division.

(c) The Administrative Services Director shall coordinate the duties and functions of the City Clerk, as assigned by the City Administrator, including but not limited to:

(1) Keep and maintain all City records;

(2) Prepare an accurate record of the proceedings of the Council in books bearing the appropriate titles and devoted exclusively to such purposes;

(3) Maintain a comprehensive general index to record proceedings;

(4) Keep a book marked "ordinances" and record in it all City Ordinances with a certificate annexed to each stating:

(i) It is a true and correct copy of a City ordinance;

(ii) The ordinance number; and

(iii) It has been published or posted pursuant to law;

(5) Be custodian of the City seal;

(6) Conduct and administer Elections for the City;

(7) Administer oaths or affirmations and take and certify affidavits and depositions pertaining to City affairs;

(8) Provide copies of public records, upon payment of required fees;

(9) Receive claims and provide notice of action on the claims;

(10) Perform other acts as required by law;

(d) Other duties as assigned by the City Administrator. (Ord. No. 01-01)

Editor's note—Ord. No. 01-01, adopted January 17, 2001, repealed § 2-5.106 and enacted new provisions as set out herein. Formerly, § 2-5.106 pertained to the city clerk department and derived from Ord. no. 96-03.

2-5.107 *Public Works Department.* The office of the Public Works Director is hereby created. The Public Works Director is the head of the Public Works Department. The Director of Public Works shall be appointed according Section 2-4.102 (f) on the basis of the ability to fulfill the work of the positions and shall hold the office at will according to Section 2-6.102.

As required by Business and Professions Code Section 6730 any person who practices or offers to practice, civil engineering in any of its branches, in the employment of the City shall submit evidence of qualification to practice and shall be registered accordingly as a Civil Engineer, by the State Board of Registration for Professional Engineers and Land Surveyors.

The Director of Public Works shall be responsible for the operation of the Department of Public works and shall direct the Department so that it fulfills the duties delegated to it by law including:

(a) Serve as Superintendent of Streets;

(b) Serve as City Engineer;

(c) Supervise the operation of the wastewater treatment plant;

(d) To perform other acts required by law or as directed by the City Administrator;

(e) Manage the Ridgecrest Area Transit System;

(f) Other duties as assigned by the City Administrator. (Ord. No. 96-03; Ord. No. 01-01)

2-5.108 *Parks and Recreation Department.* The office of the Parks and Recreation Director is hereby created. The Parks and Recreation Director is the head of the Parks and Recreation Department. The Parks and Recreation Director shall be appointed according to Section 2-4.102 (f) on the basis of the ability to fulfill the work of the position and shall hold the position at will according to Section 2-6.102.

The Parks and Recreation Director shall be responsible for the operation of the Department of Parks and Recreation and shall direct the Department so that it fulfills the duties delegated to it by law as follows:

(a) Plan, coordinate, and direct the development, use and maintenance of the City parks and park facilities and the maintenance of all other municipal buildings.

(b) Plan and administer a broad program of municipal recreation.

(c) Other duties as assigned by the City Administrator. (Ord. No. 96-03; Ord. No. 01-01)

2-5.109 *Reorganization of Duties* The City Administrator may, to the extent allowed by law, transfer duties listed for one department to another as the needs of the organization dictate and in order to improve efficiency and service to the public. Any major change to the structure of the Departments including the addition of, or elimination of a department must be approved by the City Council. (Ord. No. 01-01)

Article 6. Promotion, Discipline and Termination of City Officers and Employees

2-6.101 *General.* This Article sets forth the rules and regulations governing promotion, discipline and termination of City officers and employees. This Article also sets forth the rules and regulations governing employee relations. (Ord. No. 96-03; Ord. No. 01-07, § 4)

2-6.102 *Classification of Employees.*

(a) All full time employees of the City who are hired via a competitive examination are members of the Competitive Service.

(b) Department heads are members of the Non-Competitive Service.

(c) Temporary employees are members of the Non-Competitive Service.

(d) The City Attorney serves at the will of the City Council.

(e) The following are confidential officers and employees:

(1) City Manager, Secretary, Personnel Analyst, and any Assistants;

(2) City Clerk, Secretary, and any Assistants;

(3) Finance Department Administrative Aide, Secretary, Accountants, and Account Clerks;

(4) Police Department Senior Secretary;

(5) All other management employees are Non-Competitive Service members.

All City Employees serve in accordance with the Personnel Rules and Personnel Policies established by the City Manager and any applicable labor agreements, or Memorandums of Understanding, as approved by the Council.

Actions taken to demote or remove a member of the Competitive Service will be as set forth in the Personnel Rules and Personnel Policies for all other City employees. (Ord. No. 96-03; Ord. No. 01-07)

2-6.103 *Personnel Relations.*

(a) After the meet and confer process has taken place with each bargaining unit, the Personnel Officer shall recommend the adoption of rules and regulations covering hiring, promotion, discipline and termination of all officers and employees in the competitive service. If the recommendations of the Personnel Officer are approved by the City Council, said approved rules and regulations shall be adopted by City Council resolution.

(b) The rules and regulations governing the competitive services shall provide for, but are not limited to:

(1) Appointment and promotion based on merit and fitness ascertained by competitive examination;

(2) The establishment of a probationary period for appointments and promotional appointments of not less than twelve (12) months for miscellaneous employees and eighteen (18) months for safety members;

(3) Notices required by law prior to the imposition of disciplinary action and a right of appeal to the Personnel Commission;

(4) Persons shall not be unlawfully appointed, employed, promoted or disciplined or otherwise favored or disfavored because of political opinions, race, color, creed, national origin, ancestry, religious beliefs, sex, disability, handicap, age, or marital status. (Ord. No. 96-03; Ord. No. 01-07, § 4)

2-6.104 *Employer/Employee Relations.*

(a) After the meet and confer process has taken place with all parties, the Personnel Officer shall recommend the adoption of rules and regulations covering employer/employee relations. If the recommendations of the Personnel Officer are approved by the City Council, said approved rules and regulations shall be adopted by City Council resolution.

(b) The rules and regulations governing employer/employee relations shall, as far as practicable provide for:

(1) Determination of appropriate representational units;

(2) Determination of recognized employee organizations;

(3) Impasse resolution;

(4) Determination of unfair employee or employer practices;

(5) Other appropriate matters. (Ord. No. 96-03; Ord. No. 01-07, § 4)

Article 7. Official Records and Notices

2-7.101 *General.* This Article governs the handling of public records and official matters. (Ord. No. 96-03)

2-7.102 *Definitions.* The following terms are defined for the purposes of this Article:

(a) "Public records" shall mean any information, regardless of format containing information relating to the conduct of City business prepared, owned, used or retained by the City regardless of physical form or characteristics. (Ord. No. 96-03)

2-7.201 *Records Access.* This Section governs the access of City records and implements the provision of Chapter 3.5 (commencing with Section 6250) of Title 1 of the Government Code. (Ord. No. 96-03)

2-7.202 *Access.* City records are open to public inspection at all times during the office hours of the City and every citizen has a right to inspect any City record except as herein provided. (Ord. No. 96-03)

2-7.203 *Exceptions.*

(a) Nothing contained in this section shall be construed to require disclosure of records that are:

(1) Preliminary drafts, notes or intra or interagency memoranda which are not retained by the City in the

ordinary course of business, provided, that public interest in withholding such records clearly outweighs the public interest and disclosure;

(2) Records pertaining to pending litigation to which the City is a party or to claims made pursuant to Division 3.6 (commencing with Section 810) of Title 1 of the Government Code, until such litigation or claim has been fully adjudicated or otherwise settled;

(3) Personnel, medical or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy;

(4) Geological or geophysical data, plant production data and similar information relating to utility systems development which are obtained in confidence from any person;

(5) Test questions, scoring keys and other examination data used to administer examinations for employment;

(6) The content of real estate appraisals, engineering or feasibility estimates and evaluations made for or by the City relative to the acquisition of property, or to prospective supply and construction contracts, until such time as all of the property has been acquired or all of the contract agreement obtained, provided, however, the law of eminent domain shall not be affected by this provision.

(b) Notwithstanding the foregoing, every employment contract between the City and any public official or public employee is a public record which must be disclosed and an itemized statement of the total expenditures or disbursements of the City provided for in Article VI of the California Constitution shall be open for public inspection.

(c) The City shall justify withholding any records by demonstrating that the record in question is exempt under the express provisions of this section or that on the facts of the particular case the public interest served by not making the record public clearly outweighs the public interest served by disclosure of the record. (Ord. No. 96-03)

2-7.204 *Copies.*

(a) No person, unless authorized by the City Administrator, City Clerk, or City Attorney, shall remove any original papers or documents from the City Hall.

(b) A person may receive a copy of any identifiable City record, upon request. An exact copy shall be provided unless impracticable to do so. Computer data shall be provided in a form determined by the City. A request for a copy of an identifiable public record of information produced therefrom or a certified copy of such record shall be accompanied by payment of a fee in the amount from time to time established by the Council.

(c) If the applicant is unable to identify the record to be copied, a charge from time to time established by the Council, shall be paid to the City for time spent by City personnel in attempting to locate such record.

(d) The City Clerk may require any person who desires to obtain a copy of a City record to deposit an amount equal to the estimated fees for copying and, if applicable, charges for searching for the required information. That portion of the deposit which is not required to cover the costs of such fees and charges will be refunded to the person desiring to obtain the information. If such deposit is insufficient to cover the cost of such fees and charges, an additional deposit will be required. (Ord. No. 96-03)

2-7.301 *Records Destruction.* This Section governs the destruction of City records and implements the provisions of Chapter 7 (commencing with Section 60200) of Division 2, Title 6 of the Government Code Sections 34090, 34090.5, 34090.6, and 34090.7 of the Government Code. (Ord. No. 96-03)

2-7.302 *Permanent Records.* The following original records shall be maintained in perpetuity in the City's files:

(a) The certificate of incorporation of the City;

(b) Any certificate of annexation proceedings;

(c) Any certificate of the Secretary of State reciting the filing of annexation papers in the City in his office;

(d) Any certification by the Secretary of State reciting the filing of annexation papers by the City in his office;

(e) Resolutions and ordinances;

(f) Minutes of the meetings of the City Council;

(g) Certificate of assessed valuation prepared by the auditor of Kern County;

(h) Documents received from the tax assessor detailing City taxes collected;

(i) Ballot arguments on bond issues;

(j) Results of bond propositions received from the canvassing bodies;

(k) Results of elections for the office of member of the City Council received from the canvassing body;

(l) Records of securities acquired with surplus City monies;

(m) Receipts for securities from banks;

(n) Documents received relating to claims brought against the City;

(o) Documents received pursuant to eminent domain proceedings brought by the City;

(p) Records that are determined by the City Council to be of significant and lasting historical, administrative, legal, fiscal or research value; and

(q) Records required by law to be filed and preserved. (Ord. No. 96-03)

2-7.303 *Microfilm Records.* The following original records, or a microfilmed copy of such original record, shall be maintained in perpetuity in the City's files:

(a) Financial records summarizing the financial status of the City other than reports prepared pursuant to Article 9 (commencing with Section 53891) of Part 1 of Division 2 of the Government Code.

(b) Records affecting title to land or liens thereon.

(c) Oaths of office and related materials depicting the authenticity of the appointment of any director or officer of the City.

(d) Paid vouchers with attached documents; summary of collections, registers of demands issued and journals of warrant paid, provided, the original thereof has been maintained in the City's files for a period of five (5) years.

(e) Reports of the City in correspondence not covered in any other portion of this section; and records received pursuant to State statute which are not expressly required by law to be filed and preserved.

(f) Records received pursuant to State statute which are not expressly required by law to be filed and preserved. (Ord. No. 96-03)

2-7.304 *Temporary Records.*

(a) With the consent of the Council and City Attorney, the following original records may be destroyed after the passage of time, as indicated, without the maintenance of a microfilm copy thereof:

(1) Unaccepted bids or proposals for construction may be destroyed without microfilming after two (2) years.

(2) Work orders or in-house records of time spent on various City work assignments may be destroyed without microfilming after two (2) years.

(3) Records created for a specific event or action may be destroyed without microfilming after five (5) years following the end of the fiscal year in which the event or action was completed, unless there is pending litigation involving the records.

(4) Canceled checks for the payment of bond interest and redemption may be destroyed after ten (10) years.

(5) Tapes of City meetings other than those specified in Section 2-7302 may be erased after five (5) years.

(6) Any record, paper or document which is more than two (2) years old and which was prepared or received in any manner other than pursuant to State statute.

(b) The following records may be destroyed at any time without maintenance of a microfilm copy thereof:

(1) All duplicates, the original or a permanent photostatic records of which is on file.

(2) Rough drafts, notes and working papers accumulated in the preparation of a communication, study or other document, unless of a formal nature contributing significantly to the preparation of the document representing the work of any department of the City, including but not limited to meter books after the contents thereof have been transferred to other records.

(3) Cards, listings, nonpermanent indices, other papers used for controlling work and transitory files including letters of transmittal, suspense letters, and tracer letters.

(4) Cancelled coupon sheets from registered bonds. (Ord. No. 96-03)

2-7.401 *Posting.*

(a) All ordinances and notices shall be published in a newspaper of general circulation published and circulated in the City and posted at three (3) places in the City.

(b) The following places are designated as the public places in the City for the posting of notices:

(1) The bulletin board of the City Hall, located at 100 West California Avenue, Ridgecrest, California.

(2) The bulletin board in the Ridgecrest Post Office located at 101 East Coso Avenue, Ridgecrest, California.

(3) The bulletin board in the Kern County Administration Building, 400 North China Lake Boulevard, Ridgecrest, California. (Ord. No. 96-03)

Article 8. Miscellaneous

2-8.101 *P.O.S.T. Standards.* The City will adhere to the standards for recruitment and training established by the California Commission on Peace Officer Standards and Training. (Ord. No. 96-03)

2-8.102 *Conflicts of Interest.*

(a) A model Conflicts of Interest Code promulgated by the Fair Political Practices Commission and approved by the code reviewing body is hereby adopted as the City's Conflict of Interest Disclosure Code pursuant to Government Code Section 87300.

(b) The following employees, hereinafter "designated employees", shall file disclosure statements for all categories of disclosure, provided that income need not be disclosed on the initial disclosure statement:

Chief of Police

City Clerk

Community and Economic Development Director

Parks and Recreation Director

Public Works Director

Engineering Manager

Lieutenants

Support Services Manager

Public Works Supervisor

Wastewater Treatment Supervisor

Chief Building Official

Building Inspector(s)

Associate Planner

Assistant Planner

Planning Technician

Assistant to City Administrator

and all designated employees appointed on interim or temporary duty for these listed positions.

(c) Consultants shall file conflict of interest disclosure statements for categories of disclosure affected by the consultant's work as determined by the City Administrator. As used herein, the term "consultants" refers to persons identified as consultants under the regulations of the Fair Political Practices Commission. (Ord. No. 96-03)

2-8.103 *Pension Benefits.* The City has entered into a contract with the Board of Administration, California Public Employees Retirement System (PERS) which provides pension benefits for City employees. The PERS contract may be amended by ordinance. (Ord. No. 96-03)

Editor's note—Amendments to the PERS contract may be found in the office of the City Clerk, per Ord. No. 02-02.

CHAPTER III

REVENUE AND FINANCE*

Article 1. Property Taxes

3-1.101 *Property Taxes: General.* This Article deals with the assessment and collection of ad valorem property taxes and real property transfer taxes.

3-1.102 *Assessment and Collection of Property Taxes.*

(a) Pursuant to the provisions of Government Code Sec. 51500 through 51521, assessment and tax collection duties and the collection of assessments levied from municipal improvements are hereby transferred to the assessor tax collector of Kern County.

(b) Pursuant to Government Code Sec. 51507, the duties of the City Assessor, other than the assessing of City property, and the duties of the tax collector, other than the collection of taxes are hereby transferred to the City Clerk or such officer of the County as made by contract with the City be designated and authorized to perform such duties.

(c) The offices of City Assessor and City Tax Collector are hereby abolished.

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*Editor's Note: Chapter III, Police Regulations, previously contained herein, has been repealed and replaced in entirety by Ordinance No. 89-13, adopted November 15, 1989. For provisions previously contained in Chapter III, and Public Safety Regulations, see Chapter IV, Public Safety.

3-1.103 *Real Property Transfer Taxes: General.*

(a) Under the authority contained in Part 6.7 (commencing with Section 11901) of Division 2 of the Revenue and Taxation Code, there is hereby imposed upon each deed, instrument or writing by which any lands, tenements, or other realties sold within the City shall be granted, assigned, transferred or otherwise conveyed (exclusive of the value of any lien or incumbrance remaining thereon at the time of sale) exceeds one hundred ($100.00) dollars, a tax at the rate of 27 1/2 ($.275) cents per each five hundred ($500.00) dollars or fraction thereof.

(b) Any real property transfer tax shall be paid by any person who makes, signs or issues any document or instrument subject to the tax or for whose use or benefits the same is made, signed or issued.

3-1.104 *Real Property Transfer Taxes: Exceptions.* The real property transfer tax shall not apply to:

(a) An instrument in writing given to secure a debt.

(b) The United States, or any agency or instrumentality thereof, any state or territory or political subdivision thereof, or the District of Columbia should not be liable for any tax imposed pursuant to this section with respect any deed instrument or writing to which such governmental agency is a party, but the tax may be collected by assessment from any other party liable therefor.

(c) The delivering or filing of conveyances to make effective any plan or reorganization or adjustment:

(1) Confirmed under the Federal Bankruptcy Act;

(2) Approved in an equity receivership proceeding in a court involving a railroad corporation as defined by the United States Code;

(3) Approved in an equity receivership proceeding in a court involving a corporation as defined in Sub-

section 3 of Section 506 of Title 11 of the United States Code;

(4) Whereby a mere change in identity, form or place of organization is effective.

(d) The delivery of conveyances to make effective any order of the Securities and Exchange Commission if:

(1) The order of the Securities and Exchange Commission in obedience to which such conveyance is made recites that such conveyance is necessary or appropriate to effectuate the provisions of the United States Code relating to public utility holding companies;

(2) Such order specifies that the property which is ordered to be conveyed; and

(3) Such conveyance is made in obedience to such order.

(e) Any transfer of an interest in a partnership or otherwise if such partnership is considered a continuing partnership within the meaning of the provisions of the Internal Revenue Code and such continuing partnership continues to hold the realty concerned. Provided, if a partnership is terminated within the meaning of the provisions of the Internal Revenue Code, such partnership shall be treated as having executed an instrument whereby there was conveyed for fair market value (exclusive of the value of any lien or incumbrance remaining thereon), of all realty held by such partnership at the time of such termination. Provided further, not more than one (1) tax shall be imposed by reason of the termination described above and any transfer pursuant thereto with respect to the realty held by the partnership at the time of the termination.

3-1.105 *Real Property Taxes: Administration.*

(a) The County Recorder shall administer the provisions of this Article in accordance with the provisions of Part 6.7 of Division 2 of the Revenue and Taxation Code and the provisions of any County Ordinance adopted pursuant thereto.

(b) Claims for the refund of the taxes imposed pursuant to this section shall be governed by the provisions of the Revenue and Taxation Code.

Article 2. Business Licenses

Reserved

Article 3. Sales and Use Tax

3-3.101 *Purpose.* This Article is adopted to achieve the following purposes, and the provisions of the Article shall be interpreted in order to accomplish those purposes;

(a) To adopt a sales and use tax ordinance which complies with the requirements and limitations contained in Part 1.5 of Division 2 of the Revenue and Taxation Code;

(b) To adopt a sales and use tax ordinance which incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.5 of Division 2 of the Revenue and Taxation Code;

(c) To adopt a sales and use tax ordinance which imposes a tax and provides a measure therefor that can be administered and collected by the State Board of Equalization in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from the existing statutory and administrative procedures followed by the State Board of Equalization in admini-

stering and collecting the California State Sales and Use Taxes;

(d) To adopt a sales and use tax ordinance which can be administered in a manner that will, to the degree possible consistent with the provisions of Part 1.5 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting City sales and use taxes and at the same time minimize the burden of record keeping upon persons subject to taxation under the provisions of this section.

3-3.102 *Rate.* The rate of sales tax and use tax imposed by this section shall be one (1%) percent.

3-3.103 *State Contract.* Prior to the operative date this City shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of this sales and use tax ordinance; provided, that if this City shall not have contracted with the State Board of Equalization prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract rather than the first day of the first calendar quarter following the adoption of this chapter.

3-3.104 *Sales Tax.* For the privilege of selling tangible personal property at retail a tax is hereby imposed upon all retailers in the City at the rate stated in Section 3-3.102 of the gross receipts of the retailer from the sale of all tangible personal property sold at retail in this City on and after the operative date.

3-3.105 *Place of Sale.* For the purposes of this section, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery

charges, when such charges are subject to the State sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the State Board of Equalization.

3-3.106 *Use Tax.* An excise tax is hereby imposed on the storage, use or other consumption in this City of tangible personal property purchased from any retailer on and after the operative date for storage, use or other consumption in this City at the rate stated in Section 3-3.102 of the sale price of the property. The sales price shall include delivery charges when such charges are subject to State sales or use tax regardless of the place to which delivery is made.

3-3.107 *Adoption of Provisions of State Law.*

(a) Except as otherwise provided in this section and except insofar as they are inconsistent with the provisions of Part 1.5 of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this section as though fully set forth herein.

(b) In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, wherever the State of California is named or referred to as the taxing agency, the name of this City shall be substituted therefor. The substitution, however, shall not be made when the word "State" is used as part of the title of the State Controller, the State Treasurer, the State Board of Control, the State Board of Equalization, the State Treasury, or the Constitution of the State of California; the substitution shall not be made when the result of that substitution would require action to be taken by or against the City, or any agency thereof rather than by or against the State Board of Equalization, in performing the function incident to the administration or operation of this Article; the substitution shall not be made in to, sections

referring to the exterior boundaries of the State of California, where the result of the substitution would be to provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or to impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the State under the said provisions of that Code; the substitution shall not be made in Sections 6701, 6702, (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code; and the substitution shall not be made for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 or in the definition of that phrase in Section 6203.

3-3.108 *Permit Not Required.* If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional seller's permit shall not be required by this section.

3-3.109 *Exclusions and Exemptions.*

(a) The amount subject to tax shall not include any sales or use tax imposed by the State of California upon a retailer or consumer.

(b) The storage, use, or other consumption of tangible personal property, the gross receipts from the sale of which have been subject to tax under a sales and use tax ordinance enacted in accordance with Part 1.5 of Division 2 of the Revenue and Taxation Code by any city and county, county, or city in this State shall be exempt from the tax due under this chapter.

3-3.110 *Amendments.* All subsequent amendments of the Revenue and Taxation Code which relate to the sales and use tax and which are not inconsistent with Part 1.5 of Division 2 of the Revenue and Taxation Code shall automatically become a part of this section.

3-3.111 *Enjoining Collection Forbidden.* No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or this City, or against any officer of the State or this City, to prevent or enjoin the collection under this section, or Part 1.5 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

3-3.112 *Penalties.* Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be liable to the penalty established in Section 1-5.

Article 4. Transient Occupancy Tax

3-4.101 *Transient Occupancy Tax Required.* The operator of each hotel within the City shall collect a transient occupancy tax from each transient resident of the hotel as set forth in this Article.

3-4.102 *Definitions.*

(a) *"Person"* shall mean any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.

(b) *"Hotel"* shall mean any structure, or any portion of any structure, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and including any hotel, inn, tourist home or house, motel, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, dormitory,

public or private club, mobile home or house trailer at a fixed location, or other similar structure or portion thereof. "Hotel" does not include a private home, vacation cabin or similar facility which is rented by a person who is not regularly engaged in the business of renting such facility and does so only occasionally and incidentally to his own use thereof.

(c) *"Occupancy"* shall mean the use or possession or the right to use or possession of any room or rooms or portion thereof, in any hotel for dwelling, lodging or sleeping purposes.

(d) *"Transient"* shall mean any person who, for any period of not more than thirty (30) consecutive days, either at his own expense or at the expense of another, obtains lodging or the use of any lodging space in any hotel as hereinafter defined, for which lodging or use of lodging space a charge is made.

(e) *"Permanent resident"* shall mean any person who, as of a given date, has occupied or has had the right to occupy a room or rooms in a particular hotel, as herein defined, for the thirty (30) consecutive days next preceding such date.

(f) *"Rent"* shall mean the consideration charged, whether or not received, for the occupancy of space in a hotel valued in money, whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits and property and services of any kind or nature, without any deduction therefrom whatsoever.

(g) *"Operator"* shall mean the person who is proprietor of the hotel, whether in the capacity of licensee, or any other capacity. Where the operator performs his function through a managing agent of any type or character other than an operator for the purposes of this section and shall have the same duties and liabilities as his principal. Compliance with the provisions of this section by either

the principal or the managing agent shall, however, be considered to be compliance by both.

(h) *"Tax Administrator"* shall mean the Finance Director or Designee.

3-4.103 *Amount.*

(a) For the privilege of occupancy in any hotel, each transient is subject to and shall pay a tax in the amount of ten (10%) percent of the rent charged by the operator. The tax constitutes a debt owed by the transient to the City which is extinguished only by payment to the operator or to the City. The transient shall pay the tax to the operator of the hotel at the time the rent is paid. If the rent is paid in installments, a proportionate share of the tax shall be paid with transient's ceasing to occupy space in the hotel. If for any reason the tax due is not paid to the operator of the hotel, the Tax Administrator may require that such tax shall be paid directly to the Tax Administrator.

(b) The first thirty (30) days of occupancy shall be taxed and paid as prescribed even if the taxpayer subsequently becomes a permanent resident.
(Ord. No. 91-18, § 2)

3-4.104 *Exemptions.*

(a) The following persons are exempt from payment of the transient occupancy tax:

(1) Any person as to whom, or any occupancy as to which, it is beyond the power of the City to impose tax herein provided;

(2) Any officer or employee of a foreign government who is exempt by reason of express provision of Federal law or international treaty;

(b) No exemption shall be granted under this section, unless a claim therefor made at the time the rent is collected

under penalty of perjury upon a form prescribed by the Tax Administrator.

3-4.105 *Duties of Operators.*

(a) Within thirty (30) days after the effective date of this section, or within thirty (30) days after commencing business, whichever is later, each operator of any hotel renting occupancy to transients shall register said hotel with the Tax Administrator and obtain a "Transient Occupancy Registration Certificate" which may be combined with the business license to be at all times posted in a conspicuous place on the premises. The certificate shall, among other things, state the following:

(1) The name of the operator;

(2) The name and address of the hotel;

(3) The date upon which the certificate was issued;

(4) The certificate shall signify that the person named on the face hereof has fulfilled the requirements of the Uniform Transient Occupancy Tax Law by registering with the Tax Administrator for the purpose of collecting from the transients the Transient Occupancy Tax and remitting the tax to the Tax Administrator of the City. This certificate does not authorize any person to conduct any unlawful business or to conduct any lawful business in an unlawful manner, nor to operate a hotel without strictly complying with all local applicable laws, including but limited to those requiring a permit from any board, commission department or office of this City. This certificate does not constitute a permit.

(5) Persons who receive legal service for business in State;

(6) Such additional information may be required by the City Council.

(b) Each operator shall collect the tax imposed by this section to the same extent and at the same time as the rent is collected from every transient. The amount of tax shall be separately stated from the amount of the rent charged, and each transient shall receive a receipt for payment from the operator if he so demands. No operator of a hotel shall advertise or state in any

manner, whether directly or indirectly, that the tax or any part thereof will be assumed or absorbed by them; or that, if added, any part will be refunded except in the manner hereinafter provided.

(c) Each operator shall, on or before the last day of the month, following the close of each reporting month, make a return to the Tax Administrator, on forms provided by him, of the total transient rents charged and received and the amount of tax collected for transient occupancies. The full amount of tax collected shall be remitted to the Tax Administrator when the return is filed. Returns and payments are due immediately upon cessation of business for any reason. All taxes collected by operators pursuant to this section shall be held in trust for the account of the City until payment thereof is made to the Tax Administrator as provided herein.

(d) It shall be the duty of every operator liable for the collection and payment to the City of any tax imposed by this section to keep and preserve, for a period of three (3) years, all records as may be necessary to determine the amount of such tax as he may have been liable for the collection of any payment to the City, which records the Tax Administrator shall have the right to inspect at all reasonable times. (Ord. No. 99-05, § 2; Ord. No. 00-01, § 2)

3-4.106 *Reserved.*

3-4.107 *Refunds.*

(a) Whenever the amount of any tax, interest or penalty has been overpaid or paid more than once or has been erroneously or illegally collected or received by the City under this section it may be refunded as provided in subsections (b) and (c) of this section provided a claim in writing therefor, stating under penalty of perjury the specific grounds upon which the claim is founded, is filed with the Tax Administrator within three (3) years

of the date of payment. The claim shall be on forms furnished by the Tax Administrator.

(b) An operator may claim a refund or take as credit against taxes collected and remitted the amount overpaid, paid more than once or erroneously or illegally collected or received when it is established in a manner prescribed by the Tax Administrator that the person from whom the tax has been collected was not a transient; provided, however, that neither a refund nor a credit shall be allowed unless the amount of the tax so collected has either been refunded to the transient or credited to rent subsequently payable by the transient to the operator.

(c) A transient may obtain a refund of taxes overpaid or paid more than once or erroneously or illegally collected or received by the City filing a claim in the manner provided in subsection (a) of this section, but only when the tax was paid by the transient directly to the Tax Administrator, or when the transient having paid the tax to the operator, establishes to the satisfaction of the Tax Administrator that the transient has been unable to obtain a refund from the operator who collected the tax.

(d) The taxes required to be collected hereunder shall be deemed to be held in trust by the person required to collect the same until remitted as hereinafter required.

(e) No refund shall be paid under the provisions of this section unless the claimant establishes his right thereto by written records showing entitlement thereto.
(Ord. No. 91-18, § 3)

3-4.108 *Appeals.* If any operator shall fail to timely make any report of the tax or any portion thereof, the Tax Administrator shall proceed in such manner as he may deem best to obtain facts and information on which to base an estimate of the tax due. As soon as such facts are available, the Tax Administration shall determine and assess against such operator the tax, interest and penalties. The Tax Administrator

shall give a notice of the amount so assessed by serving it personally or by depositing it in the United States mail, postage prepaid, addressed to the operator so assessed at his last known place of address. The operator shall within ten (10) days pay the amount after the serving or mailing of such notice.

3-4.109 *Penalties.*

(a) Any operator who fails to remit any tax imposed by this section within the time required shall pay a penalty of ten (10%) percent of the amount of the tax in addition to the amount of the tax.

(b) If the City Council determines that the nonpayment of any remittance due under this section is due to fraud, a penalty of twenty-five (25%) percent of the amount of the tax shall be added thereto in addition to the penalties stated in subsection (a) of this section.

(c) In addition to the penalties imposed, any operator who fails to remit any tax imposed by this section shall pay interest at the rate of one-half (1/2) of one (1%) percent per month or fraction thereof on the amount of the tax, exclusive of penalties, from the date on which the remittance first became delinquent until paid.

(d) Every penalty imposed and such interest as accrues under the provisions of this section shall become a part of the tax herein required to be paid.

3-4.110 *Enforcement.*

(a) Any tax required to be paid by any transient under the provision of this section shall be deemed a debt owed by the transient to the City. Any such tax collected by an operator which has not been paid to the City shall be deemed a debt owed by the operator to the City. Any person owing money to the City under the provisions of this section shall be liable to an action brought in the name of the City for the recovery of such amount.

(b) Any person violating any of the provisions of this section shall be guilty of a misdemeanor and shall be punishable therefor by a fine of not more than five hundred ($500.00) dollars or by imprisonment for a period of not more than six (6) months or by both such fine and imprisonment.

(c) Any operator or other person who fails or refuses to register as required herein, or to furnish any return required to be made, or who fails or refuses to furnish a supplemental return or other data required by the City Council, or who renders a false or fraudulent return or claim, is guilty of a misdemeanor, and is punishable as aforesaid.

(d) Any person required to make, render, sign or verify any report or claim who makes any false or fraudulent report or claim with intent to defeat or evade the determination of any amount due required by this section to be made, is guilty of a misdemeanor and is punishable as aforesaid.

3-4.111 *Proceeds.* All taxes, penalties, interest, and other sums collected pursuant to this section shall be deposited in the General Fund Account of the City.

Article 5. Franchises

Division 1. General

3-5.101 *Scope.* This Article sets forth how franchises are granted by the City and describes the required terms and conditions of certain types of franchises.

3-5.102 *Definitions.* The following terms are defined for the purposes of this Article unless otherwise apparent from context:

(a) *"Franchisee"* or *"grantee"* refers to a person, firm or corporation which has been granted a franchise under this Article.

(b) *"Franchise"* refers to an entitlement issued by the City under this Article.

(c) *"Gross annual receipts"*or *"gross revenue"* refers to any and all compensation and other consideration in any form whatsoever and any contributing grant or subsidy received directly or indirectly by the franchisee from customers or users in payment for franchisee's service, provides taxes on the franchisee by any city, State or Federal government unit and collected by franchisee for such governmental unit shall not be a part of gross revenue.

(d) *"Customer"* refers to a person who receives service from a franchisee.

3-5.103 *Franchises Required.* No person shall maintain or operate a taxi service, utility service, cable television service or trash collection service with the City except pursuant to a franchise issued by the City under this Article. (Ord. No. 89-19, §1)

3-5.104 *Application.*

(a) Any person who desires to obtain a franchise under this Article shall make application to the City Administrator. The application shall contain the information required by the Director to determine whether the franchisee will comply with this Article including the following:

(1) Name, address and telephone number;

(2) Type of franchise;

(3) Proposed service area;

(4) Plan for providing service;

(5) Evidence that the franchisee is capable of implementing the plan for services;

(6) Applicant's agreement to comply with the terms of this Article.

(b) The Director shall prepare a report and make a of application.

3-5.105 *Hearing.*

(a) The Council shall consider the report and recommendation of the City Administrator at a duly noticed public hearing conducted within thirty (30) days after the date of the report. The hearing shall be preceded by ten (10) days prior mailed notice to the applicant and by notice published at least once, at least ten (10) days before the hearing. The Council shall receive the testimony of all interested persons at the hearing. The hearing may be continued from time to time.

(b) The Council shall render its decision on the application at the conclusion of the hearing. The Council's decision shall be set forth in an ordinance and shall be final when the ordinance is adopted and effective.

(c) The franchise shall be accepted in writing after first reading of the ordinance and before adoption of the ordinance.

3-5.106 *Term.* The term of the franchise shall not exceed thirty (30) years from the date of acceptance. The franchise may be renewed in the same manner as the original franchise.

3-5.107 *Transfer of Franchise.*

(a) A franchise may not be transferred by operation of law. A franchise may be transferred with the approval of the Council upon showing that the transferee would be eligible to obtain a franchise on the first instance.

(b) A franchisee who desires to transfer a franchise shall make application to the Director of Public Works. The application shall include the written agreement of the transferee to be bound by the terms and conditions of the franchise. The Director shall prepare a report and recommendation on the application. The Council shall review the Director's report and recommendation.

(c) The Council shall set forth its decision on the application in a resolution. The Council's decision shall be final when the resolution is adopted and effective.

3-5.108 *Termination.*

(a) A franchise is terminated when: It expires by its terms; the franchise voluntarily abandons the franchise; or the franchisee violates the terms and conditions of the franchise.

(b) The Director of Public Works shall provide the franchisee at least ten (10) days prior written notice of his intent to terminate the franchise. The notice shall state the reasons for terminating the franchise.

(c) Except when the franchise has terminated by its terms, the franchisee may contest the Director's determination

by filing a written appeal with the Director within ten (10) days of the date of the notice. When the franchise has terminated by its terms, the franchisee may request renewal of the franchise by filing an application for a franchise. The Director shall file a report and recommendation with the Council concerning each proposed termination for which a request for hearing has been filed. If no request for hearing is filed, the Director's decision is final.

(d) The Council shall consider the Director's report and recommendation at a duly noticed public hearing if written appeal has been filed with the Director. The hearing shall be preceded by at least ten (10) days prior written notice to the franchisee and notice published once ten (10) days before the hearing. The Council shall render its decision at the conclusion of the hearing. The Council's decision shall be set forth in an ordinance and shall be final when the ordinance is adopted and effective.

3-5.109 *Limitations.*

(a) Any franchise granted pursuant to the provisions of this Article shall be nonexclusive.

(b) No privilege or exemption shall be granted or conferred by any franchise except as specifically prescribed in this Article.

(c) Any privilege claimed under any franchise by the grantee in any street or public property shall be subordinate to any prior lawful occupancy of the streets or public property.

(d) Time shall be of the essence of any franchise. The grantee shall not be relieved of his obligation to comply promptly with any of the provisions of this Article or by any failure of the City to enforce prompt compliance.

(e) Any right or power in, or duty impressed upon, any officer, employee, department, or board of the City shall be subject to transfer by the City to any other officer, employee, department, or board of the City.

(f) The grantee shall have no recourse whatsoever against the City for any loss, cost, expense, or damage arising out of

any provision or requirement of this Article or of any franchise or because of the enforcement of the provisions of this chapter.

(g) The grantee shall be subject to all City laws, rules, regulations, and specifications heretofore or hereafter enacted or established.

(h) No person, firm, or corporation in the existing service area of the grantee shall be arbitrarily refused service; provided, however, the grantee shall not be required to provide service to any customer who does not pay the applicable fee or monthly service charge.

(i) The Council shall impose additional terms and conditions for the granting of a franchise as are necessary to implement the provisions of this Article including but not limited to provisions concerning the facilities of the grantee and operational standards. These additional terms and conditions shall be set forth in the ordinance granting the franchise operations of any grantee or from any provision of this Article.

3-5.110 *Reserved Rights.*

(a) Nothing contained in this Article shall be deemed or construed to impair and affect in any way, to any extent, the right of the City to acquire the property of the grantee, either by purchase or through the exercise of the right of eminent domain. The measure of damages if the grantor exercises the power of eminent domain shall be in accordance with laws as determined by a court of competent jurisdiction. Nothing contained in this Article shall in any way modify or abridge the City's right of eminent domain.

(b) There is hereby reserved to the City every right and power which is required to be reserved or provided by the provisions of this Article or by any law of the City, and the grantee, by its acceptance of any franchise, agrees to be bound thereby and to comply with any action or requirements of the City in its exercise of such rights or power heretofore or hereafter enacted or established.

(c) Neither the granting of any franchise nor any of the provisions contained in this Article shall be construed to prevent the City from granting any identical or similar franchise to any other person, firm, or corporation within all or any portion of the City.

(d) Neither the granting of any franchise nor any provision of this Article shall constitute a waiver or bar to the exercise of any governmental right or power of the City.

(e) The Council may do all things which are necessary and convenient in the exercise of its jurisdiction under the provisions of this Article and may determine any question of fact which may arise during the existence of any franchise. The City Clerk is hereby authorized and empowered to adjust, settle, or compromise any controversy or charge arising from the operations of any grantee under the provisions of this Article, either on behalf of the City, the grantee, or any subscriber, in the best interests of the public. Either the grantee or any member of the public who may be dissatisfied with the decision of the City Clerk may appeal the matter to the Council for hearing and determination. The Council may accept, reject, or modify the decision of the City Clerk and the Council may adjust, settle, or compromise any controversy or cancel any charge arising from the franchise.

(f) No provision of this Article shall be deemed or construed so as to require the granting of a franchise when, in the opinion of the Council, it is in the public interest to restrict the number of grantees to one (1) or more.

(Ord. No. 96-01, § 3)

3-5.111 *Franchise Fees.*

(a) Franchise fees shall be as set forth in subsequent divisions but shall be calculated and paid as set forth herein.

(b) The grantee shall file with the City, within thirty (30) days after the expiration of any calendar year, or portion thereof, during which such franchise is in force, a financial statement prepared by a certified public accountant, or person otherwise satisfactory to the Council, showing in detail the

gross annual receipts of the grantee during the preceding calendar year, or portion thereof. It shall be the duty of the grantee to pay to the City, within fifteen (15) days after the time for filing such statements, the sum set forth in this section, or any unpaid balance hereof, for the calendar year, or portion thereof, covered by such statements.

(c) The City shall have the right to inspect the grantee's records showing the gross receipts from which its franchise payments are computed and the right of audit and recalculation of any and all amounts paid under the provisions of this Article. No acceptance of any payment shall be construed as a release or as an accord and satisfaction of any claim the City may have for further or additional sums payable under the provisions of this Article or for the performance of any other obligation hereunder.

(d) In the event of any holding over after the expiration or other termination of any franchise without the consent of the City, the grantee shall pay to the City reasonable compensation and damages of not less than one hundred (100) percent of the grantee's total gross profits during such period.

3-5.112 *Temporary Operating Permits.* The City Council may authorize the issuance of a temporary operating permit to a person who has applied for a franchise after the Council has tentatively approved the issuance of a franchise but before the franchise has been granted. In no event shall a permit issued pursuant to this section be renewed or extended for more than sixty (60) days.
(Ord. No. 95-02, § 2)

Division 2. Reserved*

*Editor's note—Division 2, Ambulance Franchise, previously contained herein, has been repealed in entirety by Ordinance No. 89-19, adopted November 15, 1989.

Division 3. Reserved*

Division 4. Taxi Franchise

3-5.401 *General.* No person shall operate a taxi upon a public street of the City without first securing a franchise as required by this Division.

3-5.402 *Definitions.* The following words and phrases are defined for the purposes of this Division unless otherwise apparent from context:

(a) "*Taxi franchise*" shall mean a franchise granted under this Division to operate taxi service upon the streets of the City.

(b) "*Taxi service*" shall mean the transportation of passengers for compensation within a motor vehicle over the streets of the City and not over a fixed or defined route, provided, the use of a motor vehicle for which a driver is not provided or a motor vehicle owned, operated or subsidized by a governmental agency or political subdivision does not constitute taxi service. (Ord. No. 91-03, § 2)

3-5.403 *Taxi Franchise.* A non-exclusive taxi franchise to serve customers within all or any portion of the City may be granted by the City Council by ordinance pursuant to the provisions of this Division.

3-5.404 *Fees.* Any grantee of a taxi franchise shall pay to the City a franchise fee of three (3) percent of the gross annual receipts of the grantee. (Ord. No. 89-19, § 3)

3-5.405 *Taxi Rates.*

(a) No rate, fee or charge shall be levied or collected for taxi service except in compliance with this section.

***Editor's note**—Division 3, Towing Franchise, previously contained herein, has been repealed in entirety by Ordinance No. 89-19, adopted November 15, 1989.

(b) The franchisee shall submit proposed rates for taxi service to the City Clerk. The City Clerk shall cause a notice to be published of the proposed rates. The rates are effective ten (10) days after publication.

(c) The approved rates shall be posted within each taxicab at a location visible to passengers.

(d) The franchisee shall not charge more than the approved rates, but may charge less. (Ord. No. 91-03, § 3)

3-5.406 *Taxicabs.*

(a) Each vehicle used for taxi service by the franchisee shall be maintained in a safe and clean condition. Each vehicle shall include: an exterior display signifying it is a franchised taxicab and an instrument or devise by which the charge for use of the vehicle is calculated and upon which such charge is indicated by means of figures visible to the passengers. Each vehicle shall be insured against liability for personal injury in a minimum amount from time-to-time determined by the City Attorney. The franchisee shall cause the City to be named as an added insured on such policy.

(b) Prior to commencement of service, the franchisee shall obtain a certificate from the Chief of Police that each vehicle to be used for taxi service has complied with this section. A certificate shall also be obtained each time the franchisee proposes to substitute or add a new vehicle to provide taxi service.

(c) The Chief shall prepare forms to be used by the franchisee to apply for the certificate. The application form shall provide such information as the Chief of Police deems necessary to determine that the vehicle satisfies the requirements of this Division.

(d) Each vehicle shall be inspected at least annually, after any accident, and may be inspected more frequently as necessary to assure compliance with this Division. (Ord. No. 91-03, § 4; Ord. No. 99-04, § 2)

3-5.407 *Taxicab Drivers.*

(a) The franchisee shall not engage any person to operate or drive a vehicle to be used for taxi service unless the driver

is duly licensed and qualified to carry passengers. A driver who has been convicted of a crime involving moral turpitude, including but not limited to, using, possessing, selling or transporting any controlled substance or dangerous drug, or who has been convicted of driving under the influence of alcohol or drugs within three (3) years of the application, or who has been convicted of reckless driving within two (2) years of the application, shall be presumed not qualified to operate a taxi within the City.

(b) Prior to commencement of service, each driver engaged by the franchisee to drive a vehicle to be used for taxi service shall obtain a certificate from the Chief of Police that the driver has complied with this section. The certificate shall also be obtained each time the franchisee proposes to substitute or add a new driver to provide taxi service.

(c) The Chief shall prepare forms to be used to apply for a driver's certificate. The application form shall provide such information as the Chief deems necessary to determine that the driver satisfies the requirements of this Division.

(d) If, after review of the application and the applicant's driver's record, the Chief determines that application and the driver comply with the requirements of this Division, the Chief shall issue a certificate to the driver.

(e) Each driver's certificate shall be reviewed at least annually, after any accident, and more frequently as necessary to assure compliance with this Division. (Ord. No. 91-03, § 5)

3-5.408 *Operations.*

(a) Every vehicle used for taxi service shall display the following in a place visible from the passenger's compartment: a notice showing the name of the franchisee; the certificate issued by the Chief of Police under this Division for the vehicle and for the driver; and the rate schedule approved by the Council.

(b) The driver shall take the most direct route possible that will carry the passenger safely and expeditiously to their destination unless specifically directed otherwise by the passengers.

(c) When a vehicle is engaged, the passengers have the exclusive right to full and free use of the passenger compartment and no additional passengers shall be solicited or carried therein, without the consent of the existing passengers.

(d) Any passenger who refuses to pay the fare upon arrival at the passenger's destination, shall be guilty of an infraction. (Ord. No. 91-03, § 6)

3-5.409 *Taxi Stands.* The franchisee shall secure an encroachment permit from the Director of Public Works before establishing any fixed points of departure within the City. As used herein, a fixed point of departure for taxi service is also

known as a taxi stand. The Director may issue an encroachment permit as to any State Highway within the City provided that this Division is first approved in writing by the California Department of Transportation. (Ord. No. 91-03, § 7)

Division 5. Utility Franchise

3-5.501 *General.* No utility shall operate within a public street of the City without first securing a franchise as required by this Division.

3-5.502 *Definitions.* For the purposes of this Division, unless otherwise apparent from context, words and phrases used in this Division are defined as follows:

(a) *"Utility franchise"* shall mean the authorization granted under this Division: (1) to construct and use poles, wires, conduits and appurtenances transmitting and distributing electricity; (2) to use or to lay and use pipes and appurtenances for transmitting and distributing gas or to use or; (3) to lay and use pipes and appurtenances for transmitting and distributing oil and to lay and use pipes.

(b) *"Franchise Act"* shall mean the Franchise Act of 1937 as set forth in Division 3, Chapter 2, Article 1 (commencing with section 6201) of the Public Utilities Code.

(c) *"Utility"* shall mean a person, firm or corporation authorized to engage in the transmission and distribution of oil, electricity, gas or water, other than a public agency.

3-5.503 *Utility Franchise.*

(a) A non-exclusive utility franchise to serve customers within all or any portion of the City may be granted by the City Council by ordinance pursuant to the provisions of this Division.

(b) Any franchise granted pursuant to this Division shall be granted in accordance with the procedures of the Franchise Act. The terms and conditions of any franchise granted under this Division shall also be consistent with the terms and conditions of the Franchise Act.

3-5.504 *Fees.* Any grantee of a utility franchise shall pay to the City a franchise fee based on the gross annual receipts of the grant in the maximum amount permitted under the Franchise Act. Such payment shall be made by the grantee at such times and in such manner as is set forth in the franchise ordinance.

Division 6. Cable Television Service

Part 1. General

3-5.6.101 *Requirements.* No person shall operate a community antenna television system within the City without first securing a franchise as required by this Division.

3-5.6.102 *Definitions.* For the purposes of this Division, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is mandatory and "may" is permissive. Words not defined shall be given their common and ordinary meaning.

(a) *"Basic Cable Service"* shall mean any service tier which includes the retransmission of local broadcast signals.

(b) *"Broadcast signal"* shall mean a television or radio signal that is transmitted over the air to a wide geographic audience and is received by a Cable Communications System off-the-air or by microwave.

(c) *"Cable Communications System* or *CATV System"* shall mean a facility consisting of a set of closed transmission paths and associated signal generation, reception and control equipment that is designed to provide cable service which includes video programming and which is provided to multiple subscribers

within a community, but such term does not include: (1) a facility that serves only to retransmit the television signals of one or more television broadcast stations; (2) a facility that serves only subscribers in one or more multiple unit dwellings under common ownership, control or management, unless such facility or facilities uses any public right-of-way; (3) a facility of a common carrier which is subject, in whole or in part, to the provisions of Title 11 of the Cable Communications Policy Act of 1984, except that such facility shall be considered a cable system (other than for purposes of Section 621 (c) of the Cable Communications Policy Act of 1984) to the extent such facility is used in the transmission of video programming directly to subscribers; or (4) any facilities of any electric utility used solely for operating its electric utility systems.

(d) *"Trunk cable"* is that CATV line used to transport signals and is used to provide signal for the distribution cable.

(e) *"Distribution cable"* is that CATV line used to provide signals to the subscriber tap.

(f) *"Tap"* is that device which acquires signal from distribution line and interconnects the system to a customer drop.

(g) *"Drop"* is that CATV line used to feed a signal to the customers location and TV receiver.

(h) *"Channel"* shall mean a portion of the electromagnetic frequency spectrum which is used in the Cable Communications System and which is capable of delivering a television channel (as television channel is defined by the Federal Communications Commission by regulation).

(i) *"Commence construction"* shall mean that time and date when construction of the Cable Communications System is considered to have commenced, which shall be when the first strand or cable is connected to a utility

pole, or the first undergrounding of cables is initiated, after preliminary engineering (strand mapping) and after all necessary permits and authorizations have been obtained.

(j) *"Commence operation"* shall mean that time and date when operation of the Cable Communications System is considered to have commenced which shall be when sufficient distribution facilities have been installed so as to permit the offering of full service to at least ten (10%) percent of the dwelling units located within the service area.

(k) *"Council"* shall mean the governing body of the City of Ridgecrest.

(l) *"FCC"* shall mean the Federal Communications Commission and any legally appointed or elected successor.

(m) *"Franchise"* shall mean the nonexclusive rights granted pursuant to this Chapter to construct and operate a Cable Communications System along the public way within all or a specified area in the City. Any such authorization, in whatever form granted, shall not mean and include any license or permit required for the privilege of transacting and carrying on a business within the City as required by other ordinances and laws of the City.

(n) *"Franchise agreement"* shall mean an agreement between Grantor and Grantee, approved by resolution of the Council, containing the specific provisions of the franchise granted, including any referenced specifications, franchise applications and other related material within such agreement.

(o) *"Franchise fee"* shall mean the fee paid by Grantee to Grantor in consideration of the use of public streets and right-of-way.

(p) *"Franchise territory"* shall mean that portion of the City defined in the Franchise Agreement for which a franchise is granted.

(q) *"Grantee"* shall mean any person receiving a franchise pursuant to this chapter and the Franchise Agreement and its lawful successor, transferee or assignee.

(r) *"Grantor or City"* shall mean the City of Ridgecrest as represented by the City Council or any delegated commission acting within the scope of its jurisdiction.

(s) *"Gross annual revenue"* shall mean all cash, goods, services, credits, property of any kind or nature, or other consideration received directly by a Grantee arising from or attributable to the sale or exchange of cable services by Grantee within the City in any way derived from the operation of its system within the City, including, but not limited to, basic service, monthly fees, optional service or pay cable fees, installation and reconnection fees, local advertising revenues, leased channel fees, and converter rentals.

Gross annual revenues will also include any of the aforementioned revenues received directly by an affiliate, subsidiary, parent or other entity in which Grantee has a financial interest, that directly and exclusively relates to the CATV system operation, provided that the gross annual revenues of such entities, including Grantee, will not include revenue which has already been accounted for in calculating gross annual revenues.

Gross annual revenues shall not include any taxes, fees or tariffs on services furnished by Grantee imposed upon any subscriber or user by the State, City or other governmental unit, converter deposits, refunds to subscribers by the Grantee, revenue from the sale, exchange or cablecast of any programming developed for community use or institutional users. Nor shall it include revenues for services which are provided at cost.

(t) *"Initial service area"* shall mean the area of the City which will receive service initially, as set forth in the Franchise Agreement.

(u) *"Installation"* shall mean the connection of the Cable Communications System from feeder cable to subscribers' terminals and the provision of service.

(v) *"Person"* shall mean an individual, partnership, association, organization, corporation or any lawful successor, transferee or assignee of said individual, partnership, association, organization or corporation.

(w) *"Subscriber"* shall mean a member of the general public who receives broadcast programming distributed by a Cable Television System and does not further distribute it.

(x) *"Potential subscriber"* shall mean a member of the general public who has access to becoming a subscriber.

(y) *"Public access channel"* shall mean any channel where any member of the general public or any noncommercial organization may be a user, without charge, on a first come, first served, nondiscriminatory basis, in accordance with the terms of the Franchise Agreement.

(z) *"Reasonable notice"* shall be written notice addressed to Grantee at its principal office or such other office as Grantee has designated to Grantor as the address to which notice should be transmitted to it, which notice shall be certified and postmarked not less than ten (10) days prior to that day in which the party giving such notice shall commence any action which required the giving of notice. In computing said ten (10) days, Saturdays, Sundays and holidays, recognized by Grantor, shall be excluded.

(aa) *"School"* shall mean any educational institution including primary and secondary schools, colleges and universities, both public and private.

(bb) *"Service area"* shall mean the entire geographic area within the Franchise Territory.

(cc) *"Street"* shall include each of the following which have been dedicated to the public or hereafter are dedicated to the public and located within the City limits: streets; roadways; highways; avenues; lanes; alleys; sidewalks; easements; right-of-way and similar public property and areas.

Part 2. Grant

3-5.6.201 *Franchise Application.*

(a) Applicants for a franchise shall submit to Grantor written applications utilizing the standardized format provided by Grantor, at the time and place designated by Grantor for accepting applications, and including the designated application fee. This section shall apply to a Grantee seeking renewal of a franchise provided, however, that the Grantor may waive the requirement to provide any information that is unnecessary due to Grantee's status as a renewing franchise.

(b) An application fee in the sum of three thousand ($3,000.00) dollars, which shall be valued in 1987 dollars, and certified or cashier's check, or money order, to pay the costs of studying, investigating, and otherwise processing such application, and which shall be in consideration thereof and not returnable or refundable in whole or in part except to the extent that such fee exceeds the actual costs incurred by Grantor in studying, investigating, and otherwise processing the application. Grantee shall also, in addition to the franchise application fee, reimburse the City for the cost of publication of the ordinance within a newspaper of general circulation that complies with the City's general statute requirements.

3-5.6.202 *Grant.* If Grantor shall grant to Grantee a franchise pursuant to this chapter to construct, operate, maintain and reconstruct a Cable Communications System within the Franchise Territory, the franchise shall constitute both a right and an obligation to provide the services of a Cable Communications System as required by the provisions of this chapter and the Franchise Agreement.

3-5.6.203 *Franchise Territory.* Grantor may grant a franchise for all or any defined portion of the City. The Service Area shall be the entire territory defined in the Franchise Agreement. The Initial Service Area is that portion of the Franchise Territory scheduled to receive initial service, as may be stated in the Franchise Agreement.

3-5.6.204 *Use of Public Streets and Ways.* For the purpose of operating and maintaining a Cable Communications System in the Franchise Territory, and subject to the provisions of the division, Grantee may erect, install, construct, repair, replace, reconstruct, and retain in, on, over, under, across, and along the public streets and ways within the Franchise Territory such wires, cables, conductors, ducts, conduits, vaults, manholes, amplifiers, appliances, pedestals, attachments, and other property and equipment as are necessary and appurtenant to the operation of the Cable Communications System. Prior to the construction or alteration, however, Grantee shall in each case file plans with the appropriate Grantor agencies and local utility companies, and comply with the Division.

3-5.6.205 *Duration.*

(a) The term of a Franchise Agreement and all rights, privileges, obligations and restrictions pertaining thereto shall be fifteen (15) years, commencing on the effective date of the Franchise unless terminated sooner as hereinafter provided. The effective date of the Franchise shall be the date of adoption of the resolution approving a Franchise Agreement by Grantor. Said

resolution shall not be adapted until Grantee has signed the Franchise Agreement.

(b) The franchise shall terminate without further action by Grantor at the end of the term; provided however, that Grantor, at or before the end of the term, retains the exclusive power to grant an extension, or a renewal of the franchise to Grantee. Any decision as to renewal shall be made in accordance with this Division.

3-5.6.206 *Franchise Nonexclusive.* A franchise granted pursuant to this chapter is non-exclusive. Grantor specifically reserves the right to grant, at any time, such additional franchises for the City as it deems appropriate. Such additional franchise grants shall be enacted with the same or similar Franchise Agreement terms and conditions insofar as to exclusion of unfair advantages or business conditions.

3-5.6.207 *Transfer of Ownership or Control.*

(a) A franchise and its assets granted hereunder shall be a privilege to be held in personal trust by Grantee. It cannot be sold, transferred, leased, assigned or disposed of in whole or in part, either by forced or involuntary sale or by voluntary sale, merger, consolidation or otherwise, other than to an entity controlling, controlled by or under common control with Grantee, without the prior written consent of Grantor. Such consent by Grantor shall not be unreasonable withheld provided, however, the proposed transferee must agree in writing to comply with all provisions of this chapter and establish to the satisfaction of Grantor its financial and technical capability. Notice shall be provided, but no such consent shall be required for transfer in trust, mortgage or other hypothecation in whole or in part to secure an indebtedness of Grantee.

(b) If Grantee is a corporation, prior approval of Grantor shall be required in the event of a transfer of forty (40%) percent of the voting stock within a one (1) year period to

one (1) person or entity. Any such transfer, occurring without prior approval of Grantor, shall constitute a failure to comply with this chapter.

3-5.6.208 *Franchise Renewal.* The procedure for considering, granting or denying renewal of any franchise granted pursuant to this chapter or any previous cable television ordinance shall be consistent with the procedures set forth in the Cable Communications Policy Act of 1984, Section 626, 47 U.S.C. Section 546 (1985).

3-5.6.209 *Franchise Fee.*

(a) A Grantee of a franchise hereunder shall pay to Grantor an annual Franchise Fee in an amount to equal five (5) percent of total gross revenues, but in no event shall the fee be more than authorized by applicable Federal or State law and such payment shall be in lieu of any occupation tax, license tax or similar levy. The time of computation of the Franchise Fee shall commence on September 1, 1993 or on the effective date of the franchise, whichever is later. Grantor shall be furnished annually with a statement by a certified public accountant reflecting the total amounts of Gross Annual Revenues as described in this division.

(b) No acceptance of any payment by Grantor of the Franchise Fee shall be construed as a release or as an accord and satisfaction of any claim Grantor may have for further or additional sums payable as the Franchise Fee under the chapter or for the performance of any other obligation of Grantee.

(c) Payment due Grantor under this provision shall be computed monthly or quarterly, for the preceding month or quarter. Each monthly or quarterly payment shall be due and payable no later than sixty (60) days after the last day of the month or quarter. Each payment shall be accompanied by a brief report showing the basis for the computation.

(d) If any Franchise Fee payment is not made on or before the dates specified herein, Grantor may impose a late penalty. Such penalty shall be equal to the payment due times ten (10) percent for each month payment is not made.

3-5.6.210 *Termination.*

(a) The franchise may be terminated, or liquidated damages may be assessed, in the event the Council finds, after notice of hearing that:

(1) Grantee fails to comply with any material provisions of this chapter or any Franchise Agreement executed pursuant to this chapter. Termination proceedings shall only be commenced through a public hearing process affording due process as defined in subsection (b) below, if, after thirty (30) days from written notification from Grantor stating the specific grounds upon which Grantor relies, Grantee fails to correct the stated violation. In the event the stated violation is not reasonably curable within thirty (30) days, the franchise shall not be terminated or revoked if Grantee provides, within the thirty (30) days, a plan, satisfactory to the City Administrator, to remedy the violation and continues to demonstrate good faith in seeking to correct the violation. It shall not be a failure to comply with a material provision of this franchise for Grantee to comply with any law, rules and regulations of the Federal or State government or any Federal or State regulatory commission or agency having jurisdiction over Grantee's operations. The Council's finding of materiality is subject to a de novo review by a court of competent jurisdiction.

(2) Grantee's construction or improvement schedule is delayed longer than the schedule contained in the Franchise Agreement and after giving Grantee the same due process hearing as provided for in subsection (b) below, Grantor finds that the delay is not excusable.

a. If Grantor determines that Grantee has failed to comply with any material provision or schedule as provided for in subsection (a) above and, in the case of a request for termination has failed to cure any material breach as provided for in subsection (a)(1) above, the City Administrator shall place a request for termination or liquidation damages upon a regular Grantor meeting agenda for a public hearing. The City Administrator shall cause notice to be served upon Grantee, at least ten (10) days prior to the date of such meeting, a written notice of this intent to request such termination or liquidated damages, and the time and place of the meeting, notice of which shall be published at least once, within a period of ten (10) to fourteen (14) days before such meeting in the newspaper of general circulation within the Franchise Territory.

b. At the public hearing noticed pursuant to subsection (a)(1) above, Grantor shall hear any persons interested therein, and shall determine, in its discretion, whether or not any failure, refusal or neglect by Grantee was with just cause.

c. If such failure, refusal or neglect by Grantee was with just cause, Grantor, subject to any applicable Federal or State law, shall direct Grantee to comply with any such requirement, limitation, term, condition, rule or regulation or correct any action deemed cause for termi-

nation within such time and manner and upon such terms and conditions as are reasonable.

d. If the Grantor shall determine such failure, refusal or neglect by Grantee was without just cause, then Grantor may, subject to any applicable Federal or State law, by resolution, declare that the franchise of such Grantee shall be terminated and bonds forfeited unless there be compliance by Grantee within such period as Grantor may fix, or may levy liquidated damages as follows:

1. For failure to complete system improvement in accordance with this chapter or Franchise Agreement thereunder, a Grantee shall pay Grantor five hundred ($500.00) dollars per day for each day, or part thereof, the deficiency continues.

2. For failure to test, analyze and report on the performance of the system in a timely manner following a written request pursuant to this chapter, a Grantee shall pay to Grantor fifty ($50.00) dollars per day for each day, or part thereof, that such noncompliance continues.

3. For failure to provide the aggregate number of services specified in the Franchise Agreement, Grantee shall pay to Grantor one hundred ($100.00) dollars per day for each day, or part thereof, that such noncompliance continues.

4. For failure by Grantee to comply with operations, maintenance of technical standards, performance guidelines or any other material requirements of the franchise, Grantee shall pay to Grantor fifty ($50.00) dollars for each day, or part

thereof, that such noncompliance continues.

(b) If Grantee files a written objection to the penalty with the Council, then Grantee and Grantor shall conduct arbitration in accordance with the commercial rules of arbitration of the American Arbitration Association. Any decision by the arbitrators shall be a final judgment which may be executed upon or enforced in accordance with applicable law in any court having jurisdiction thereof. The fees for the arbitrator shall be shared equally by Grantor and Grantee, but the costs of arbitration which shall be the same costs which would be taxable had the dispute been brought in the Superior Court of Monterey County and reasonable attorney's fees shall be prorated among Grantor and Grantee in proportion to any ward made by the arbitrator.

3-5.6.211 *Establishment of Franchise Requirements.* Grantor may from time to time, by resolution, establish or modify appropriate Cable Communications System and service requirements for future franchises, provided that said action does not grant Cable Communications System and service requirements that allow for less than the current level of requirements for technology application, franchise area and service standards.

Part 3. Regulation of Franchise

3-5.6.301 *Regulatory Authority.* Grantor shall exercise appropriate regulatory authority under the provisions of this Division and applicable law.

3-5.6.302 *Systems and Services Review.*

(a) Grantor and Grantee shall hold a Cable Communications System and services review session on or about the fifth anniversary date of the Franchise Agreement. Subsequent Cable Communications System review sessions

shall be scheduled by Grantor every five (5) years thereafter.

(b) The purpose of these review sessions shall be to evaluate the performance of Grantee within the provisions of this chapter.

(c) Grantor shall be entitled to measure the performance of Grantee not only against the literal compliance with the written requirements of this franchise, but also against the reasonableness of the methods employed by the Grantee to meet such requirements.

(d) Topics for discussion and review at the Cable Communications System and services review sessions may include, but not be limited to, services provided, application of new technologies, Cable Communications System performance, programming, subscriber complaints, user complaints, rights of privacy, amendments to the franchise, undergrounding processes, developments in the law and regulatory changes. Either Grantor or Grantee may select additional topics for discussion at any review session.

(e) Not later than sixty (60) days after the conclusion of each Cable Communication System and services review session, Grantor shall issue findings including specifically a listing of any cable service not then being provided to the subscribers that are considered technically and economically feasible. Grantor and Grantee shall then enter negotiations regarding the provision of such services. Negotiations shall be initiated upon written notice given by the City or Grantee to the other and shall be concluded within six (6) months from each five (5) year anniversary date.

(f) At each review session, in reviewing the performance for Grantee, it is the intent of Grantor that the CATV System shall at the end of this franchise, be in the same technological position relative to other CATV franchises of similar size.

3-5.6.303 *Annual Review of Performance.*

(a) Grantee shall conduct performance tests in accordance with the requirements of Section 76.610 through 76.619, or any successor section, of the Federal Communication Commission's rules, regulations or guidelines, as those requirements may apply or be amended from time to time.

(b) Within ninety (90) days after the end of each calendar year, Grantee shall make available if requested by Grantor, a summary report which attests to the performance of the physical plant of the Cable Communication System; as to compliance with subsection (a) above.

Part 4. General Financial and Insurance Provisions

3-5.6.401 *Construction Bond.*

(a) Prior to the commencement of any construction work by Grantee, Grantee shall file with Grantor a construction bond in the amount specified in the Franchise Agreement in favor of Grantor and any other person who may claim damages as a result of the breach of any duty by Grantee assured by such bond.

(b) Such bond as contemplated herein shall be in the form approved by Grantor.

(c) In no event shall the amount of said bond be construed to limit the liability of Grantee for damages.

(d) Grantor, at its sole option, may waive this requirement and permit consolidation of the construction and with the performance bond provided for in this Division.

(e) Notwithstanding the provision of subsections (a), (b) and (c) above, no construction bond will be required of Grantee for rebuilding or extension of an existing Cable Communication System unless such rebuilding or extension is projected to cost in excess of one hundred thousand ($100,000.00) dollars, in which event a con-

struction bond in an amount to be agreed upon by the parties may be required.

3-5.6.402 *Performance Bond.*

(a) In addition to any construction bond set forth above, Grantee shall, at least thirty (30) days prior to the commencement of operation of the Cable Communications System, file with Grantor a performance bond in the amount specified in the Franchise Agreement in favor of Grantor and any other person who may be entitled to damages as a result of any occurrence in the operation or termination of the Cable Communications System operated under the Franchise Agreement, and including the payment required to be made to Grantor hereunder.

(b) Such bond as contemplated herein shall be in the form approved by Grantor.

(c) In no event shall the amount of said bond be construed to limit the liability of Grantee for damages.

3-5.6.403 *Indemnification.*

(a) Grantee shall, by acceptance of the franchise granted herein, indemnify, defend and hold harmless Grantor, its officers, boards, communications, agents, and employees from any and all claims, suits, judgments for damages in any way arising out of or through or alleged to arise out of or through the acts or omissions of Grantee, its servants, employees or agents. Such indemnification shall cover such claims arising in tort, contract, violation of statutes, ordinances or regulations or otherwise. If any such claims shall arise, Grantor shall tender the defense thereof to Grantee provided, however, that Grantor in its sole discretion may participate in the defense of such claims at its expense.

(b) Grantor shall, by acceptance of the franchise granted herein, indemnify, defend and hold harmless Grantee,

its officers, boards, communications, agents, and employees from any and all claims, suits, judgments for damages in any way arising out of or through or alleged to arise out of or through the acts or omission of Grantor, its servants, employees or agents. Such indemnification shall cover such claims arising in tort, contract, violation of statutes, ordinances or regulations or otherwise. If any such claims shall arise, Grantee shall tender the defense thereof to Grantor provided, however, that Grantee in its sole discretion may participate in the defense of such claims at its expense.

3-5.6.404 *Insurance.*

(a) Grantee shall maintain throughout the term of the franchise insurance in amounts at least as follows:

(1) *Worker's Compensation Insurance.* In such coverage as may be required by Worker's Compensation Insurance and safety laws of the State of California and amendments thereto.

(2) *Comprehensive General Liability.* Comprehensive general liability insurance, including but not limited to, coverage for bodily injury and property damage shall be maintained at the sum(s) specified in the Franchise Agreement.

(3) *Comprehensive Automobile Liability.* Comprehensive automobile liability including, but not limited to, non-ownership and hired car coverage as well as owned vehicles with coverage for bodily injury and property damage shall be maintained at the sum(s) specified in the Franchise Agreement.

(b) Grantee shall furnish Grantor with copies of such insurance policies or certificates of insurance.

(c) Such insurance polices provided for herein shall name Grantor, its officers, boards, commissions, agents, and employees as additional insureds without offset to Grantor's policies as respects to all operations of the

named insurance and shall contain the following endorsement:

It is hereby understood and agreed that this insurance policy may not be cancelled by the surety or the intention not to renew be stated by the surety until thirty (30) days after receipt by Grantor by registered mail of written notice of such intention to cancel or not renew.

(d) The minimum amounts set forth in the Franchise Agreement for such insurance shall not be construed to limit the liability of Grantee to Grantor under the franchise issued hereunder to the amounts of such insurance.

Part 5. Design and Construction Provisions

3-5.6.501 *System Design.* The Cable Communication System shall be constructed in accordance with any design requirements contained in the Franchise Agreement.

3-5.6.502 *Geographical Coverage.* Grantee shall design and construct the Cable Communication System in such a manner as to have the eventual capability to pass by every single-family dwelling unit, multiple-family dwelling unit, school and public agency within the Franchise Territory. Service shall be provided to subscribers in accordance with the schedules and line extension policies specified in the Franchise Agreement. Cable Communication System construction and provision of service shall be non-discriminatory, and shall not delay or defer service to any section of the Franchise Territory on the grounds of economic preference.

3-5.6.503 *System Construction Schedule.*

(a) Grantee shall comply with the requirements of the Cable Communication System construction schedule contained in the Franchise Agreement.

(b) Construction of the Cable Communication System and service need not be provided where power and telephone utilities are not available.

(c) As required in the Franchise Agreement, Grantee shall provide a detailed construction plan indicating progress schedule, area construction maps, test plan, and projected dates for offering service. In addition, Grantee shall update this information for Grantor on a monthly basis, showing specifically whether schedules are being met and the reasons for any delay.

(d) Failure to begin construction within one (1) year after award of the franchise shall be grounds for franchise termination, at the option of Grantor.

3-5.6.504 *Remedies for Delay in Construction.* Grantor may, in accordance with the procedures set forth in this Division, at its sole option apply any or all of the following remedies in connection with delays in Cable Communication System construction:

(a) Reduction in the duration of the franchise on a month-to-month basis for each month of delay exceeding six (6) months.

(b) Forfeiture of construction bonds or assessment of monetary damages up to the maximum limit, if any, specified in the Franchise Agreement for delays exceeding one year.

(c) Termination of the franchise for delays exceeding eighteen (18) months, without just cause.

3-5.6.505 *Undergrounding of Cable.* The undergrounding of cable is encouraged. Cables shall be installed underground at Grantee's cost where existing utilities are already underground. Previously installed aerial cable shall be placed underground or relocated in concert, with other utilities, when such utilities may convert from aerial to underground construction.

3-5.6.506 *New Development Undergrounding.* In cases of new construction or property development where utilities are to be placed underground, upon request by Grantee, the developer or property owner shall give Grantee reasonable notice of the particular date on which open trenching will be available for Grantee's installation of conduit, pedestals or vaults at the developer's expense and laterals to be provided at Grantee's expense. Grantee shall also provide specifications as needed for trenching.

Costs of trenching and easements required to bring service to the development shall be borne by the developer or property owner; except that if Grantee fails to install its conduit, pedestals or vaults, and laterals within five (5) working days of the date the trenches are available, as designated in the notice given by the developer or property owner, then should the trenches be closed after a five (5) day period, the cost of new trenching is to be borne by Grantee.

3-5.6.507 *Undergrounding at Multiple-Dwelling Units.* In cases of multiple dwelling units serviced by aerial utilities, Grantee shall make every effort to minimize the number of individual aerial drop cables, giving preference to undergrounding of multiple drop cables between the pole and dwelling unit.

3-5.6.508 *Street Occupancy.*

(a) Grantee shall utilize existing poles, conduits and other facilities whenever possible, and shall not construct or install any new, different, or additional poles, conduits, or other facilities whether on public property or on privately-owned property until the written approval of Grantor is obtained, which approval shall not be unreasonably withheld.

(b) Grantee shall notify Grantor at least fifteen (15) days prior to the intention of Grantee to commence any construction in any streets except in emergency situations. Grantor shall cooperate with Grantee in granting any

permits required, providing such grant and subsequent construction by Grantee shall not unduly interfere with the use of such streets and that proposed construction shall be done in accordance with the pertinent provisions of the ordinances of Grantor.

(c) All transmission lines, equipment and structures of the Cable Communications System shall be so installed and located as to cause minimum interference with the rights and reasonable convenience of property owners and at all times, shall be kept and maintained in a safe, adequate and substantial condition, and in good order and repair, Grantee shall, at all times, employ ordinary care and shall install and maintain in use commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public. Suitable barricades, flags, lights, flares or other devices shall be used at such times and places as are reasonably required for the safety of all members of the public and as required by Grantor, any pole or other fixtures placed in any public way by Grantee shall be placed in such a manner as not to interfere with the usual travel on such public way.

(d) Grantee shall, at its own expense, restore any damage or disturbance caused to the public way as a result of its operations or construction on its behalf.

(e) Whenever, in case of fire or other disaster, it becomes necessary in the judgment of Grantor to remove any of Grantee's facilities, no charge shall be made by Grantee against Grantor for restoration and repair, unless such acts amount to gross negligence by Grantor.

(f) Grantee shall have the authority to trim trees on public property at its own expense as may be necessary to protect its wires and facilities, subject to the supervision and prior direction of Grantor.

(g) Grantee, at its expense, shall protect, support, temporarily disconnect, relocate, or remove any property of

Grantee when, in the opinion of Grantor, the same is required by reason of traffic conditions, public safety, street vacation, freeway or street construction, change or establishment of street grade, installation of sewers, drains, waterpipes, power line, signal line transportation facilities, tracks or any other types of structure or improvements by governmental agencies whether acting in a governmental or a proprietary capacity, or any other structure or public improvement, including, but not limited to, movement of buildings, redevelopment, or any general program under which Grantor shall undertake to cause any such properties to be located beneath the surface of the ground. Grantee shall in all cases have the privilege, subject to the corresponding obligations, to abandon any property of Grantee and Grantee shall be entitled to no surcharge by reason of anything hereunder. Should relocation be requested by a private property owner, the expense shall be borne by that owner.

(h) Upon failure of Grantee to commence, pursue or complete any work required by law or by the provisions of this chapter to be done in any street, within the time prescribed and to the satisfaction of Grantor, Grantor may, at its option, after having given fifteen (15) days written notice to Grantee, cause such work to be done and Grantee shall pay to Grantor the cost thereof in the itemized amounts reported by Grantor to Grantee within thirty (30) days after receipt of such itemized report.

(i) Grantee shall make no paving cuts or curb cuts unless absolutely necessary, and only after written permission has been given by Grantor.

(j) Grantor reserves the right to require conduit for underground cabling consistent with its normal permit procedure for any application of underground street crossing.

3-5.6.509 *Removal or Abandonment of Grantee's Property.*

(a) If:

(1) The use of any part of the system of Grantee is discontinued for any reason for a continuous period of thirty (30) days without prior written notice to and approval by Grantor; or

(2) Any part of such system has been installed in any street or other area without complying with the requirements hereof; or

(3) Any franchise shall be terminated, canceled, or shall expire;

Then Grantee shall, after discussion with Grantor, and at the expense of Grantee and at no expense to Grantor, and upon demand of Grantor, promptly and within a reasonable time, remove from any streets or other areas all property of Grantee, and Grantee shall promptly and within a reasonable time, restore the street or other area from which such property has been removed to such condition as the City Manager shall approve.

(b) The Grantor may, upon written application thereof by Grantee, approve the abandonment of any such property in place by Grantee and under such terms and conditions as Grantor may prescribe. Upon abandonment of any of such property in place, Grantee shall cause to be executed, acknowledged, and delivered to Grantor such instruments as Grantor shall prescribe and approve, transferring and conveying the ownership of such property to Grantor.

3-5.6.510 *Construction and Technical Standards.*

(a) *Construction Standards.*

(1) *Compliance with Safety Codes.* All construction practices shall be in accordance with all applicable Federal, State and local laws, rules and regulations.

(2) *Compliance with Electrical Codes.* All installation of electronic equipment shall be of a permanent nature, durable and installed in accordance with all Federal, State and local rules, laws and regulations.

(3) *Antennas and Towers.* Antenna supporting structures (tower) shall be designed for the proper loading in accordance with all applicable Federal, State and local laws, rules and regulations.

(4) *Compliance with Aviation Requirements.* Antenna supporting structures (tower) shall be painted, lighted, erected and maintained in accordance with all applicable Federal, State and local laws, rules and regulations.

(5) *Construction Standards and Requirements.* All of Grantee's plant and equipment, including, but not limited to, the antenna site, head-end and distribution Cable Communication System tower, house connections, structures, poles, wire, cable, coaxial cable, fixtures and appurtenances shall be installed, located, erected, constructed, reconstructed, replaced, removed, repaired, maintained and operated in accordance with good engineering practices, performed by experienced maintenance and construction personnel so as not to endanger or interfere with improvements Grantor may deem proper to make, or to interfere in any manner with the rights of any property owner, or to unnecessarily hinder or obstruct pedestrian or vehicular traffic.

(6) *Safety, Nuisance, Requirements.* Grantee shall at all times employ ordinary care and shall install and maintain in use commonly accepted methods and devices preventing failures and accidents which are likely to cause damage, injury or nuisance to the public.

(b) *Technical Standards.* The Cable Communication System shall meet all technical and performance standards for cable television promulgated by the Federal Communications Commission and contained in 47 C.F.R. 76, and any successor standards, whether such standards be denominated rules, regulations or guidelines.

Part 6. Service Provisions

3-5.6.601 *Services to be Provided.*

(a) Grantee will provide carriage of all FCC required services; plus other services, including distant television broadcast signals and satellite-delivered programs as deemed appropriate by the Grantee.

(b) Grantee shall provide a Cable Communication System which has the technical capacity for up to 450 mhz (sixty (60) channel) activation. Initial individual channel activation shall be determined in accordance with the Franchise Agreement and Grantee's Proposal.

3-5.6.602 *Public Access.*

(a) Grantee shall furnish at least one public access channel for public, educational or governmental use upon reasonable request to Grantee. Grantee may utilize the channel furnished pursuant to this section when such channel is not being used for governmental, educational or public use, but only at such times as shall not interfere with any governmental, educational or public use and any such scheduled use. When such public access channel is utilized with reasonable nonrepetitious originated programming of a non-automated format, inclusive of a period of thirteen (13) consecutive weeks, with four (4) hours per day during the time between 10:00 a.m. and 10:00 p.m., a second channel may be made available, or time shared, upon request by Grantor.

(b) Grantee shall permit public, educational, or governmental access users reasonable accessibility for use of the Access Channel(s).

(c) Grantee shall comply with and provide notification of any rules, regulations and standards relating to Access Channel use, as mandated by the FCC and the Cable Communications Policy Act of 1984, and any subsequent modifications of same.

If Grantee does establish, provide and cause to be used, any access channel(s) by action directly related to Grantee; then Grantee shall establish and file with Grantor reasonable rules and regulations concerning the use of said Access Channel(s). Grantee further agrees to provide advice to aid in the utilization of the Access Channel(s). At Grantor's option, Grantor or Grantor's designee may establish such rules and regulations concerning use of said Access Channel.

3-5.6.603 *Service to Public Facilities.* Any school, public building or public library more than one hundred fifty (150) feet from Grantee's distribution system may be charged for the actual cost to Grantee of installation of such subscriber drop less the cost of providing the first one hundred fifty (150) feet of such drop, which shall be borne by Grantee.

Part 7. Operation and Maintenance

3-5.6.701 *Inspection of Property and Records.* Upon written request and during normal business hours, Grantee shall permit any duly authorized representative of Grantor to examine the Cable Communication System together with any appurtenant property of Grantee situated within or without Grantor's corporate boundaries, and to examine any and all maps and other records, kept or maintained by Grantee, or under its control, which deal with the operations of the Cable Communication System. Upon written request and during normal business hours, Grantor, its agents or officers shall have the right to inspect all of Grantee's books and records

which, in Grantor's opinion, are reasonably necessary to verify the amounts due and paid to Grantor under this Franchise. Such book and records shall be made available in the City of Monterey.

Grantee shall, at all times, make and keep in the County, full and complete plans and records showing the exact location of all its Cable Communication Service equipment installed or in use in streets, alleys and public places in Grantor's corporate boundaries. Promptly upon acceptance of the Franchise, Grantee shall file with Grantor a current map or set of maps drawn to a scale approved by Grantor showing all Cable Communication System equipment heretofore installed in Grantor's corporate boundaries and now existing. Thereafter, Grantee shall file with Grantor on or before the last day of March of each year, a current map or set of maps drawn to a scale approved by Grantor showing all Cable Communication System equipment installed in streets, alley and public places of Grantor's corporate boundaries during the previous year.

3-5.6.702 *Complaint Records.* Grantee shall maintain a record, or "log", listing date of customer complaints, identifying the nature of the complaint, and when and what action was taken by Grantee in response thereto; such record shall be kept at Grantee's office within the County for a calendar period of one year after the close of each business year, and shall be available for inspection, if requested, during regular business hours without further notice or demand by Grantor.

3-5.6.703 *Local Office and Complaints.*

(a) Grantee shall maintain an office within reasonable access of the customer base which shall be open at least twenty (20) hours per week and Grantee shall provide a local telephone directory listing and "toll-free" telephone service maintained on a seven (7) day, twenty-four (24) hour basis for the receipt of consumer complaints and requests for repairs or adjustments.

(b) Upon complaint by a subscriber as to signal quality which is not resolved within seven (7) working days, Grantee at request of Grantor, shall make a demonstration satisfactory to Grantor that a signal is being delivered which is of sufficient strength and quality to meet the standards set forth in the regulations of the Federal Communications Commission.

(c) If a subscriber files, in writing, a complaint for a loss of service problem for which the subscriber would be entitled to a credit under this Division and which exceeds a period of twenty-four (24) hours and Grantee fails to remedy the problem within a reasonable period following its receipt of written notice given by Grantor, then the Council may, after notice and hearing, level a penalty of up to seventy-five ($75.00) dollars for any occurrence or series of related occurrences. If Grantee files a written objection to the penalty with the Council, then Grantee and Grantor shall conduct arbitration in accordance with the commercial rules of arbitration of the American Arbitration Association. Any decision by the arbitrators shall be a final judgment which may be executed upon or enforced in accordance with applicable law in any court having jurisdiction thereof. The fees for the arbitrator shall be shared equally by Grantor and Grantee, but the costs of arbitration which shall be the same costs which would be taxable had the dispute been brought in the Superior Court of Monterey County and reasonable attorney's fees shall be prorated among Grantor and Grantee in proportion to any award made by the arbitrator.

3-5.6.704 *Rights of Individuals.*

(a) Grantee shall not deny service, deny access, or otherwise discriminate against subscribers, channel users, or general citizens on the basis of race, color, religion, national origin, age, sex, or physical handicap. Grantee shall comply at all times with all other applicable Federal, State and local laws and regulations, and all

executive and administrative orders relating to non-discrimination which are hereby incorporated and made part of this chapter by reference.

(b) Grantee shall adhere to the equal employment opportunity requirements of Federal, State and local regulations, and is amended from time to time.

(c) Grantee shall comply with all Federal and State laws regarding subscribers' rights to privacy and fairness of accessibility to cable television facilities.

3-5.6.705 *Continuity of Service Mandatory.*

(a) It shall be the right of all subscribers to continue receiving service insofar as their financial and other obligations to Grantee are honored.

(b) In addition to other service regulations adopted by Grantee, and excepting circumstances beyond Grantee's control including, but not limited to, acts of God, riots, civil disturbances, power failures and equipment failures and in providing the foregoing services, Grantee shall:

(1) Limit system failures to minimum time duration of locating and correcting malfunctioning promptly, but in no event longer than twenty-four (24) hours after occurrence, irrespective of holidays or other non-business hours; and

(2) Render efficient service, making repairs promptly and interrupting service only for good cause and for the shortest time possible. Planned interruptions, insofar as possible, shall be preceded by notice given to subscribers twenty-four (24) hours in advance and shall occur during periods of minimum use of the system.

(c) In the event of a change of Grantee, or in the event a new operator acquires the Cable Communication System, Grantee shall cooperate with Grantor, new Grantee or

operator in maintaining continuity of service to all subscribers. During such period, Grantee shall be entitled to the revenues for any period during which it operates the Cable Communication System, and shall be entitled to reasonable costs for its services when it no longer operates the Cable Communication System.

3-5.6.706 *Credit for Service Interruption.* Grantee shall, upon written notice from a subscriber of any verified service loss of fifty (50%) percent or more of the service normally available, which exceeds a period of twenty-four (24) hours continuous and is not beyond the control of Grantee or caused by acts of God, strikes, insurrection, acts of war, power failures or equipment failures; credit the account of the subscriber for such interruption. The amount of such subscriber credit shall be calculated based upon a formula which reflects the percentage of viewing hours and channels out of the total number of viewing hours and channels available on a monthly basis of which the subscriber was deprived. Additionally, if Grantee is provided with a credit by program suppliers or transmission delivery of program signal supplies, for service affecting the subscriber which is not performed; then Grantee shall in turn provide a proportionate credit applied to the subscriber's bill. The aggregate credit applied to the subscriber service base shall not exceed the Grantee's credit received from the program service or transmission supplier.

3-5.6.707 *Grantee Rules and Regulations.* Grantee shall have the authority to promulgate such rules, regulations, terms and conditions governing the conduct of its business as shall be reasonably necessary to enable Grantee to exercise its rights and perform its obligations under the franchise, and to assure an uninterrupted service to each and all of its customers, provided, however, that such rules, regulations, terms and conditions shall not be in conflict with the provisions hereof or applicable State and Federal laws, rules and regulations.

3-5.6.708 *Tenant Rights.* Grantee shall be required to provide tenants in individual units of any multiple-housing facility with all services offered to other dwelling units within the Franchise Territory, so long as it is technically and economically feasible, the Grantee and the building management shall agree to the following:

(a) To Grantee's providing of the service to units of the facility.

(b) To reasonable conditions and times for installation, maintenance, and inspection of the Cable Communication System on the facility premises.

(c) To reasonable conditions promulgated by Grantee to protect Grantee's equipment and to encourage widespread use of the Cable Communication System.

(d) To not discriminate in rental charges or otherwise, between tenants who receive cable service and those who do not.

(e) Nothing shall preclude the Grantee from entering into a single billing or bulk bill condition, with the property management in order to efficiently provide services to the tenants.

3-5.6.709 *Subscriber Survey.* Grantee shall, at its expense, conduct a survey of its subscribers for the purpose of determining subscriber satisfaction with the Cable Communication System and services provided thereby, at or near the time of this franchise grant, and again in the second, fifth, tenth and fourteenth years of the franchise. At the times during the franchise when a Franchise Review is implemented pursuant to Section 15-6.302, the survey may be incorporated within the overall review process and not be necessary as an independent exercise. The survey shall be designed cooperatively by Grantor and Grantee. If Grantor determines that the survey is not necessary or relevant, Grantor may waive this requirement.

Upon request from Grantor, Grantee shall provide to Grantor at the second, fifth, tenth and fifteenth year of the franchise, a listing of the then available satellite delivered program services which are commonly used for subscriber distribution by CATV systems. Such listing shall be accompanied by a brief description of these services. The purpose of the request is to inform Grantor as to the availability of CATV satellite delivered program services currently in use by CATV systems, yet not currently carried by the Grantee's system serving the City. Additionally, this information may be used or included within the scheduled subscriber survey.

Part 8. Right Reserved to the Grantor

3-5.6.801 *Right to Purchase System.* Upon the revocation of the franchise in accordance with this Division, or upon the expiration of the terms thereof subject to the renewal provision of this Division, and upon payment by the Grantor to the Grantee of the fair market value of Grantee's Cable Communication System, Grantor may purchase, acquire, take over, or hold the system. For purposes of this section, "fair market value" shall be determined as value arrived at with a "willing seller and a willing buyer" mutually agreeing upon a price. Such price shall take into consideration as value; tangible and intangible assets of the system, including business goodwill, current and potential customers, and a condition as an ongoing business concern with a reasonable life expectancy without regard to the remaining term of the franchise. Such right to purchase system by the Grantor shall be governed by Section 627 (Conditions of Sale) contained within the Communications Policy Act of 1984. Immediately upon determination of revocation or expiration of the franchise, other than when a renewal or extension of franchise between Grantor and Grantee; Grantor and Grantee may attempt to mutually agree upon the fair market value of the system. However, if within a reasonable period of time they cannot agree upon the fair market valuation, then the valuation may be determined by a three-member board of appraisers, one selected by the Grantor, one selected by the

Grantee, and one selected by the appraisers themselves. The cost of the appraisal shall be borne equally by the Grantor and the Grantee.

3-5.6.802 *Eminent Domain.* Subject to applicable Federal or State law, nothing in this chapter shall in any way, or to any extent, impair or affect the rights of Grantor to acquire Grantee's property either by purchase or through exercise of the right of eminent domain, and nothing herein shall be construed to contract away, or to modify, or abridge Grantor's right of eminent domain with respect to any Grantee. Nor shall any franchise ever be given any value before any Court of public authority in any proceeding of any character, except for purposes of taxation.

3-5.6.803 *Right of Inspection of Construction.* Grantor shall have the right to inspect all construction or installation work performed subject to the provisions of the franchise and to make such tests as it shall find necessary to ensure compliance with the terms of the franchise and other pertinent provisions of law. Grantor shall perform such inspections and testing by competent and knowledgeable personnel who are recognized as capable of performing to industry standards. Such activity shall not be unreasonable as to time or interference with the personnel or equipment used by the Grantee.

3-5.6.804 *Right of Grantee.* Should Grantee become dissatisfied with any material decision or ruling of Grantor pertaining to cable communications matters, Grantee may pursue such other remedies as are available, including the bringing of action in any court of competent jurisdiction for breach of contract and damages.

3-5.6.805 *Grantee's Inability to Perform.* In the event Grantee's performance of any of the terms, conditions, obligations or requirements of the franchise is prevented or impaired due to any cause beyond its reasonable control or not reasonably foreseeable, such inability to perform shall be

deemed to be excused and no penalties or sanctions shall be imposed as a result thereof, provided Grantee has notified Grantor in writing within thirty (30) days of its discovery of the occurrence of such an event. Such causes beyond Grantee's reasonable control or not reasonably foreseeable shall include, but shall not be limited to: Acts of God and civil emergencies.

3-5.6.806 *False Statements.* Any materially false or misleading statement or representation made knowingly by Grantor or Grantee shall be deemed a material breach of the contractual relationship between Grantor and Grantee and shall subject the breaching party to all remedies, legal or equitable, which are available to Grantor or Grantee under the franchise or otherwise.

Part 9. Miscellaneous

3-5.6.901 *Compliance with State and Federal Laws.* Notwithstanding any other provisions of this Division to the contrary, Grantee shall at all times comply with all laws and regulations of the State and Federal government or any administrative agencies thereof, provided, however, if any such State or Federal law or regulation shall require Grantee to perform any service, or shall permit Grantee to perform any service, or shall prohibit Grantee from performing any service, in conflict with the terms of this Division or of any law or regulation of Grantor, then as soon as possible following knowledge thereof, Grantee shall notify Grantor of the point of conflict believed to exist between such regulation or law and the laws or regulations of Grantor of this Division.

3-5.6.902 *Separability of Material Provisions.* If any provision of this Division or any related agreements is held by any court or by any Federal, State, or local agency of competent jurisdiction, to be invalid as conflicting with any Federal, State, or local law, rule or regulation now or hereafter in effect, or is held by such court or agency to be modified in any way in order to conform to the requirements

of any such law, rule or regulation, and if said provision is considered material, said provision shall be considered a separate, distinct and independent part of this Division and such holding shall not affect the validity and enforceability of all other provisions hereof. In the event that such law, rule or regulation is subsequently repealed, rescinded, amended or otherwise changed, so that the provision hereof or thereof which had been held invalid or modified is no longer in conflict with the law, rules and regulations then in effect, said provisions shall thereupon return to full force and effect and shall thereafter be binding on the parties hereto, provided that Grantor shall give Grantee thirty (30) days written notice of such change before requiring compliance with said provision.

3-5.6.903 *Separability of Non-material Provisions.* If any non-material section of this Division, is held to be invalid or pre-empted by Federal, State or county regulations or laws, Grantor shall negotiate with Grantee appropriate modifications to the franchise to provide reasonable relief from such invalidity or pre-emption. If the parties are unable to reach agreement on such modifications, then the dispute shall be submitted to a mutual agreeable arbitrator, in accordance with State law, who shall determine what modifications are appropriate. The arbitrator's decision shall be binding on the parties, provided, that no decision of the arbitrator shall require Grantor or Grantee to be in violation of any Federal or State law or regulation. Each party shall bear its respective costs for such arbitration.

3-5.6.904 *Public Notice.* Minimum public notice of any public meeting relating to the franchise shall be by publication at least once in a newspaper of general circulation in the area at least ten (10) days prior to the meeting and posting at the offices of Grantor.

3-5.6.905 *Theft of Services and Tampering.*

(a) No person, whether or not a subscriber to the Cable Communications System may intentionally or know-

ingly damage or cause to be damaged any wire, cable, conduit, equipment and apparatus, or appurtenances of Grantee with the intent to obtain a signal or impulse from the Cable Communications system without authorization and compensation to Grantee, or to obtain cable television or other communications services with intent to cheat or defraud Grantee of any lawful charge to which it is entitled.

(b) Any person convicted of violating any provision of this Division is subject to a fine of not more than authorized under Federal law, and such incident shall come under the appropriate court of jurisdiction for review and due process.

3-5.6.906 *Audit of Financial Records.* Upon written request and during normal business hours, Grantor, its agents or officers shall have the right to audit Grantee's books and records which, in Grantor's opinion, are reasonably necessary to verify the amount due or paid to Grantor under this franchise. Such audit shall take place within twelve (12) months following the close of Grantee's fiscal years. Grantee shall reimburse Grantor for up to one thousand ($1,000.00) dollars of Grantor's out of pocket and professional service expenses that are substantiated and directly related to the Financial Record Audit. The request for implementation of an audit shall be based upon a reasonable need as determined by the facts involved.

3-5.6.907 *Notice.* All notices, requests, demands and other communications called for or contemplated hereunder shall be in writing and shall be deemed to have been duly given when delivered or if mailed ten (10) days after the date of mailing by United States certified or registered mail, prepaid, addressed to the parties, their permitted successors in interest or assignees at the following addresses provided in the Franchise Agreement or at such other addresses as the parties may designate by written notice in the manner provided.

Division 7. Trash Collection

3-5.701 *General.* No person shall operate a trash collection service upon a public street of the City without first securing a franchise as required by this Division.

3-5.702 *Definitions.* For the purposes of this Division, unless otherwise apparent from context, words and phrases used in this Division are defined as follows:

(a) "*Trash Collection Franchise*" shall mean the authorization granted under this Division to operate a trash collection service upon the streets of the City.

(b) "*Trash collection service*" shall mean the collection of trash, garbage, debris and other wastes by trucks or other vehicles traveling along an assigned route.

3-5.703 *Trash Collection Franchise.* A nonexclusive Trash Collection Franchise to serve customers within all or any portion of the City may be granted by the City Council by ordinance pursuant to the provisions of this Division.

3-5.704 *Fees.* Any grantee of a Trash Collection Franchise shall pay to the City a Franchise Fee of five (5) percent of the gross annual receipts of the Grantee.
(Ord. No. 95-08, § 2)

Article 6. Investment Policy

3-6.101 *General.* This Article sets forth the City's investment policy established pursuant to Government Code Section 53646.

3-6.102 *Investment Policy.* The City Treasurer shall invest the surplus funds of the City in investment permitted by Government Code Section 53601 taking into account safety, liquidity and then yield. The Treasurer shall not invest in bills of exchange, time drafts, commercial paper, repurchase or reverse repurchase agreements, corporate notes or diversified management fund without prior approval by the Council.

The Treasurer may invest in certificates of deposit or other similar evidences of indebtedness issued by banks, savings and loans and thrift associations located within the State of California

without obtaining collateral to the extent that such indebtedness is guaranteed for payment by an instrumentality of the United States government.

3-6.103 *Reports.* The Treasurer shall provide a monthly report showing the status of all investments and shall certify that all investments are in accordance with the foregoing investment policy.

3-6.104 *Annual Review of Investment Policy.* The Council shall annually review the investment policy set forth in this Article. If the Council chooses to reaffirm the investment policy, it may do so by minute order. If the Council chooses to modify the investment policy, it shall do so by amendment to this Article.

Article 7. Claims and Demands

3-7.101 *Employee Claims: Procedure.*

(a) All claims for money or damages against the City shall be presented within the time limitations and in the manner prescribed by Chapter 1 of Division 3.6 of the Government Code of the State, commencing with Section 900 and following.

(b) As a prerequisite to bringing suit against the City, any claim against the City for money, including any claim presented by or on behalf of the City employees, shall be presented and acted upon in accordance with the provisions of Title 1, Division 3.3, Part 3, Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910) of the Government Code of the State.

3-7.102 *Departmental Approval.* Each claim or demand shall be presented by the City Clerk to the department head, if any, who authorized the claim or demand for his written

approval thereof, and each claim and demand shall thereafter be presented to the City Clerk for his certification as to the accuracy of the claim or demand and the availability of funds for its payment. All such claims and demands shall be forwarded by the City Clerk to the Council for audit. The Council shall audit such claims and demands as required by law.

3-7.103 *Itemization.* The Council shall not hear, consider, allow, or approve any claim, bill, or demand against the City unless the claim, bill, or demand shall be itemized, giving the names, dates, and particular services rendered, the character of the process, the distance traveled, the character of the work done, the number of days engaged, the materials and supplies furnished, when, to whom, and in what quantity furnished, the price therefor, and any other pertinent details, as the case may be.

3-7.104 *Council Approval.* If any claim or demand is determined to be a proper charge against the City, the claim or demand shall be allowed only by a resolution or minute order of the Council setting forth as to each claim the name of the claimant, a brief statement of the claim and the amount allowed.

Any claim may be allowed in part and rejected in part by the Council.

If any claim or demand shall be approved or allowed by the Council, the City Clerk shall endorse upon each of the duplicate copies thereof the words "Allowed by the City Council of the City of California City." The resolution or minute order approving the claim or demand, its amount, and the fund it is drawn against shall be attached thereto, and the City Clerk shall attest to the same with his signature.

3-7.105 *Warrants: Checks.* If any claim or demand shall be approved and allowed by the Council, the Mayor or Mayor Pro Tem shall draw a warrant for it upon the City Treasury, or the Mayor or Mayor Pro Tem shall draw a check upon the proper City account, which warrant or check shall be countersigned

by the City Clerk and the City Treasurer and shall specify for what purpose the claim or demand is drawn and from what fund it is to be paid.

The method of drawing warrants and checks in the City shall be as prescribed by resolution of the Council.

3-7.106 *Funds Available.* Except as otherwise provided in this Code, no warrant or check shall be drawn on evidence of indebtedness unless there shall be at the time sufficient money in the treasury legally applicable to the payment of the indebtedness.

3-7.107 *Payment.* Upon presentation of the City warrant, properly executed and endorsed, the City Treasurer shall pay the warrant out of the funds of the City Treasury properly applicable to that purpose.

3-7.108 *Denial.* If the Council finds that any claim or demand is not a proper charge against the City, the claim or demand shall be rejected by resolution or minute action, and the fact of rejection shall be plainly endorsed upon the claim by the City Clerk or his authorized representative. Any person may appear before the Council and oppose the allowance of any claim or demand made against the City.

3-7.109 *Employee Claims.* No City Officer shall, except for his own service, present any claim, account, or demand for allowance against the City or in any way, except in the discharge of his official duties, advocate the relief asked in the claim or demand made by any other person.

3-7.110 *Compromise of Certain Claims.* The City Administrator may approve, deny or approve in part, claims which seek seven hundred fifty ($750.00) dollars or less from the City. The City Administrator shall present a monthly report to the City Council which identifies each claim handled by the City Administrator under this section and which states the action taken by the City Administrator. (Ord. No. 90-04, § 2)

Article 8. Unclaimed Property

3-8.101 *Holding Period for Unclaimed Property.*

(a) All unclaimed property in the possession of the City or in the possession of the Police Department of the City with the exception of unclaimed bicycles shall be held by the Police Department for a period of at least six (6) months. Unclaimed bicycles shall be held for a period of at least three (3) months.

(b) Following the expiration of the time periods set forth above, the property referred to shall be sold at public auction to the highest bidder.

3-8.102 *Notice of Auction Sale.* Notice of any such auction sale shall be given by the Chief of Police at least five (5) days before the time fixed for said auction sale by publication once in a newspaper of general circulation published in the County of Kern.

3-8.103 *Proceeds of Auction Sale.* The proceeds of any such auction sale, if any, shall be deposited in the general fund of the City.

Article 9. Miscellaneous

3-9.101 *Gas Tax Improvement Fund.*

(a) There is hereby created a special fund in the City Treasury to be known as the special gas tax street improvement fund.

(b) All monies received by the City from the State of California under the provisions of the Streets and Highways Code, Section 2107 et seq. for the acquisition of real property or interests therein for, or for engineering, or for the construction, maintenance or improvement of streets or highways by the City shall be paid into said fund.

(c) All monies in said fund shall be expended exclusively for the purposes authorized by, and subject to the provisions of Section 2107 et seq. of the Streets and Highways Code.

Article 10. Fee and Service Charge Revenue/Cost Comparison System*

3-10.101 *Purpose and Scope.* The City Council intends to ascertain and recover costs incurred by the City in providing regulations, products or services from fees as hereinafter enumerated for the user of the products and services. The revenue/cost comparison system set forth below provides a mechanism for ensuring fees adopted by the City do not exceed the reasonably estimated cost for providing the services or products for which the fees are charged. (Ord. No. 94-08, § 2)

3-10.102 *Delegation of Authority.* The City Administrator shall adjust fees and charges to recover the percentage of costs reasonably borne in providing regulations, products or services enumerated below in the percentage of costs reasonably borne and on the schedule of rate review and revision as hereinafter established. In adjusting fees and charges, the City Administrator shall act in an administrative and ministerial capacity and shall consider only the standards and criteria established herein and applicable State law. (Ord. No. 94-08, § 3)

3-10.103 *Definitions.* As used herein, the term "costs reasonably borne" is the sum of the following:

(a) All applicable direct costs including, but not limited to salaries, wages, overtime, employee fringe benefits, services and supplies, maintenance and operation expenses, contracted services, special supplies, and any other direct expense incurred.

(b) All applicable indirect costs including, but not restricted to, building maintenance and operations, equipment maintenance and operations, communication expenses, computer costs, printing and reproduction, vehicle expenses, insurance, debt service, and like expenses when distributed on an accounted and documented rational proration system.

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*Editor's note—Ordinance No. 94-08, adopted July 20, 1994, added provisions designated as §§ 3-9.102—3-9.106. For purposes of classification, such provisions have been redesignated as Article 10, §§ 3-10.101—3-10.105 at the discretion of the editor.

(c) Fixed asset recovery expenses, consisting of depreciation of fixed assets, and additional fixed asset expense recovery charges calculated on the current estimated cost of replacement, divided by the approximate life expectancy of the fixed asset. A further additional charge to make up the difference between book value depreciation not previously recovered and reserved in cash and the full cost of replacement, also shall be calculated and considered a cost so as to recover such unrecovered costs between book value and cost of replacement over the remaining life of the asset.

(d) General overhead, expressed as a percentage, distributing and charging the expenses of the City Council, City Attorney, City Administrator, City Clerk, City Treasurer, Economic Development, Finance Department, Personnel Office, and City Promotion, and all other staff and support service provided to the entire City organization. Overhead shall be prorated between tax-financed services and fee-financed services on the basics of the percentage so each of taxes and fees and charges shall proportionately defray such overhead costs.

(e) Departmental overhead, expressed as a percentage, distributing and charging the cost of each department head and supporting expenses as enumerated above.

(f) Debt service costs, consisting of repayment of principal, payment of interest, and trustee fees and administrative expenses for all applicable bond, certificate, or securities issues or loans of whatever nature or kind. Any required coverage factors or required or established reserves beyond basic debt service costs also shall be considered a cost if required by covenant within any securities ordinance, resolution, indenture or general law applicable to the City. (Ord. No. 94-08, § 4)

3-10.104 *Schedule of Fees and Service Charges.*

(a) The City Administrator, Finance Director and each department head, under the direction of the City Administrator, shall annually review the following fees and service charges, and provide an adjusted fee or charge schedule to the City Council for its consideration to recover the listed percentage

of costs reasonably borne:

I. Development Services:

1.	Condition Use Review	100%
2.	Variance Review (Note 1)	100%
3.	Zone Change Review (Map)	100%
4.	Zoning Code Amendment Review (Text)	100%
5.	General Plan Amendment	100%
6.	General Plan Maintenance	100%
7.	Specific Plan Review	100%
8.	Specific Plan Amendments	100%
9.	Tentative Tract Map Processing ...	100%
10.	Tentative Parcel Map Processing ..	100%
11.	Categorical Exemption Review	100%
12.	Initial Study & Negative Declaration	100%
13.	Mitigated Negative Declaration ...	100%
14.	Environmental Impact Report Review	100%
15.	Mitigation Monitoring Plan Set-Up .	100%
16.	Mitigation Monitoring	100%
17.	Home Occupation Review	100%
18.	Time Extension Review	100%
19.	Conceptual Pre-App. Plan Review .	100%
20.	Development Agreement Review ..	100%
21.	Development Agreement Amendment	100%
22.	Temporary Use Review (P.C./Staff) .	100%
23.	Annexation/Deannexation Processing	100%
24.	Processing of Appeal (C.C./P.C.) ...	100%
25.	Sign Permit Review (P.C./Staff) ...	100%
26.	Certificate of Compliance	100%
27.	Street & Alley Vacation Processing .	100%
28.	Street Name Change	100%
29.	Street Address Change	100%
30.	Landscape Plan Check/Inspection ..	100%
31.	Site Plan Review (P.C./Staff)	100%

32.	300' Notice List (Public Hearing) ..	100%
33.	Final Tract Map Check	100%
34.	Final Parcel Map Check	100%
35.	Public Improvements Plan Check/ Insp.	100%
36.	Engineering Plan Revision Checking	100%
37.	Encroachment Permit Processing ..	100%
38.	Grading Plan Check/Inspection-PW	100%
39.	Grading Plan Check/Inspection-Building	100%
40.	Lost Line/Merger Adjustment Review	100%
41.	Engineering Surveying & Staking .	100%
42.	Property Ownership I.D. Service ..	100%
43.	Building Plan Check	100%
44.	Building Plan Review/Modification Check	100%
45.	Building Inspection	100%
46.	Building Demolition Review & Inspection	100%

II. Public Safety Services:

47.	Special Business License Regulation	100%
48.	Concealed Weapon Permit Review .	100%
49a.	Parking Enforcement—Resident ...	100%
49b.	Parking Enforcement—Non-Resident	100%
50.	Vehicle Code Correction Sign-off ..	100%
51.	V.I.N. Verification	100%
52.	Funeral Procession Traffic Control .	100%
53.	Bicycle License	100%
54.	Agency Clearance Report	100%
55.	Disturbance Response Call-back ...	100%
56.	Police False Alarm Response	100%
57.	Burglar Alarm Regulation	100%
58.	Impounded Vehicle Release	100%

59.	Fingerprinting Service	100%
60.	Police Report Reproduction	100%
61.	Police Photo Reproduction	100%
62.	DUI Arrest	100%
63.	Crosswalk Protection	100%
64.	Animal License/Control	50%

III. Leisure and Cultural Services:

65.	Adult Sports Programs	(Note 2)
66.	Youth Sports Programs	(Note 2)
67.	Adult Contract Recreation Classes .	(Note 2)
68.	Youth Contract Recreation Classes .	(Note 2)
69.	Pre-School Classes	(Note 2)
70.	Youth Gymnastics Program	(Note 2)
71.	Youth Special Events	(Note 2)
72.	Summer Youth Day Camp Programs	(Note 2)
73.	Adult Racquetball Tournaments ...	(Note 2)
74.	Private Adult Ballfield Rental	(Note 4)
75.	Private Youth Ballfield Rental	(Note 4)
76.	Senior Building Rental	(Note 2)
77.	Racquetball Court Use	(Note 2)
78.	Swimming Lessons	(Note 2)
79.	Recreational Swimming	(Note 2)
80.	City Swim Team	(Note 2)
81.	Swimming Classes	(Note 2)
82.	Swimming Pool Rental	(Note 2)
83.	Miniature Golf/Driving Range	NA

IV. Utility and Enterprise Services:

84.	Sewer Service	100%
85.	Storm Drainage Maintenance	0%
86.	Transit Service (Note 3)	10%

V. Maintenance Services:

87. General Utility Street Usage
88. Waste Management Services
89. Median Maintenance (Note 4)

90.	Neighborhood Park Maintenance (Note 4)	
91.	Street/Traffic Lighting (Note 4)	
92.	Community Walkway Maintenance (Note 4)	

VI. Finance and Administrative Services:

93.	New/Moved Business License App. Rev.	100%
94.	Business License Renewal Processing	100%
95.	Returned Check (NSF) Processing .	100%
96.	Agenda/Minute Mailing Service ...	100%
97.	Municipal Code Update Service ...	100%
98.	Notary Public Services	100%
99.	Kerr McGee Center Paid Rental (Note 5)	100%
100.	Senior Center Rental (Note 5)	100%
101.	Assessment District Pay-off Calc. ..	100%
102.	Document Printing & Copying	100%
103.	Records Research Service	100%

Notes:

1. Staff is to restructure service to make it less expensive.
2. The Council goal for the Recreation Staff is to achieve in three years an average recovery of 75% from adult & senior programs and 35% from youth programs.
3. Staff is to recover at least the minimum required by law.
4. Staff is to pursue the creation of a 1972 Act Assessment District to recover these costs.
5. Staff is to recover the maximum consistent with maximizing use of the facility and market limitation.

(b) A minimum fee of ten dollars ($10.00) shall be charged in all instances except in the cases of numbers 64, 65-82, 86, and 102.

(c) The services listed above are further defined in the certain document entitled *Cost Control Study for the City of Ridgecrest* dated February 9, 1994, as produced by Management Services Institute, Inc., of Anaheim, California.

(d) The schedule of frequency of rate adjustments may be varied by the City Administrator to adjust revenues sufficient to meet debt service coverage requirements of any bond, certificate, or ordinance, resolution, indenture, contract, or action under which securities have been issued by the City containing coverage requirements.

(e) The City Administrator may vary the review schedule if a gross inequity would be perpetrated by not revising the rate schedule. Any such rate revision which deviates from the review schedule as set herein shall be reported to the City Council at its next succeeding meeting.

(Ord. No. 94-08, § 5)

3-10.105. *Periodic review.* City Council shall at least annually receive oral and written evidence concerning changes in the amount or type of fee. A duly-noticed public meeting shall be held prior to Council action. Appropriate data indicating the cost, or estimated cost required to support the fees, general explanation of proposed changes and a summary of the present and proposed fees shall be made available for public inspection at least ten (10) days prior to consideration by the Council.
(Ord. No. 94-08, § 6)

Article 11. Development Impact Fees

3-11.101 *Purpose and Scope.* The City Council intends to ascertain and recover costs incurred by the City in providing funds to finance public facilities and improvements and/or compensation measures to reduce the impacts caused by future developments as shown in the Development Cost and Fee Study. Such improvements or compensation measures include but are not limited to Fire Facilities Improvements Fees, Traffic Impacts Fees, Park Development Fees, Law Enforcement Improvements Fees, and Storm Drainage Facilities Fees. The fees collected pursuant to

this Article shall be used to finance the municipal public facilities identified in the Development Impact Fee Study and incorporated by reference and the City Capital Improvement Program as budgeted by the City Council from time-to-time to serve proposed development.
(Ord. No. 06-01, § 1(Exh. A))

3-11.102 *Delegation of Authority.* Based upon the enabling legislation for Impact Fees identified within California Government Code 66000—66008, the City Manager intends to ascertain and recover costs incurred by the City in providing funds to finance public facilities and improvements and/or compensation measures to reduce the impacts caused by future developments as shown in the Development Cost and Fee Study. The City Manager shall act in an administrative and ministerial capacity and shall consider only the fees established by City Council Resolution.
(Ord. No. 06-01, § 1(Exh. A))

3-11.103 *Definitions.* "Facility" or "improvement," as used in this section, means any of the following:

(1) Public buildings.

(2) Facilities for the storage, treatment, and distribution of nonagricultural water.

(3) Facilities for the collection, treatment, reclamation, and disposal of sewage.

(4) Facilities for the collection and disposal of storm waters and for flood control purposes.

(5) Facilities for the generation of electricity and the distribution of gas and electricity.

(6) Transportation and transit facilities, including but not limited to streets and supporting improvements, roads, overpasses, bridges, harbors, ports, airports, and related facilities.

(7) Parks and recreation facilities.

(8) Any other capital project identified in the capital facilities plan adopted pursuant to Section 66002.

"Final inspection" or "certificate of occupancy," as used in this section, have the same meaning as described in Sections 305 and 307 of the Uniform Building Code, International Conference of Building Officials, 1985 edition.
(Ord. No. 06-01, § 1(Exh. A))

3-11.104 *Schedule of Fees.* All fees for the construction of public improvements or facilities shall be due and payable prior to the issuance of the final inspection, or the date the certificate of occupancy is issued, whichever occurs first, except for Storm Drainage Impact Fees which shall be collected prior to issuance of a Grading Permit. If any fee or charge required by the City of Ridgecrest is not fully paid prior to issuance of a building permit for construction of any portion of the residential development encumbered thereby, the City of Ridgecrest issuing the building permit may require the property owner, or lessee if the lessee's interest appears of record, as a condition of issuance of the building permit, to execute a contract to pay the fee or charge, or applicable portion thereof. The obligation to pay the fee shall inure to the benefit of, and be enforceable by, the City of Ridgecrest that imposed the fee, regardless of whether it is a party to the contract. The contract shall contain a legal description of the property affected, shall be recorded in the office of the Kern County recorder and, from the date of recordation, shall constitute a lie for the payment of the fee or charge, which shall be enforceable against successors in interest to the property owner or lessee at the time of issuance of the building permit. The contract shall be recorded in the grantor-grantee index in the name of the City of Ridgecrest issuing the building permit as grantee and in the name of the property owner or lessee as grantor. The City of Ridgecrest shall record a release of the obligation, containing a legal description of the property, in the event the obligation is paid in full, or a partial release in the event the fee or charge is prorated.
(Ord. No. 06-01, § 1(Exh. A))

3-11.105 *Development Impact Funds.* The following funds are hereby created:

1. Fire Facilities Improvement Fees;
2. Traffic Impact Fees;

3. Park Development Impact Fees;

4. Law Enforcement Improvement Fees;

5. Storm Drainage Facilities Fees; and

6. Development Impact Fee Internal Service Fund.

(Ord. No. 06-01, § 1(Exh. A))

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 vheicle 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.

(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

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

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)

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)

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

(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 crosswak 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)

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 therafter be issued to such person until six (6) months have eclipsed 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

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

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,

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;

*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

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.

(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 staking 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

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

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 access 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

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)

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 Ridgecrest 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

(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.

***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.

(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.

(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.

(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.

(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-

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

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;

***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 nonmedical 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 owing 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

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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

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

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)

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)

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

*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.

(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.

(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

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

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;

(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;

(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.

(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

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.

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.

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;

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)

[The next page is 501]

CHAPTER V

ANIMAL CONTROL

5-1 Definitions.

As used in this section;

a. "*Dog*" shall be deemed to include both male and female dogs, irrespective of age.

b. "*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 animal control officers.

c. "*Animal Control Officer*" shall mean the duly appointed Animal Control Officer of the City.

d. "*License Collector*" shall mean the City Clerk of the City. (Ord. No. 85, § 2)

5-2 Animal Shelter.

An animal shelter is hereby authorized and established for the impounding of animals under the direction and control of the Animal Control Officer. (Ord. No. 85, § 3)

5-3 Duty of Animal Control Officer.

It shall be the duty of the Animal Control Officer to take and have charge of the animal shelter and to take and impound all animals, except cats, found at large upon any street, sidewalk, lane, alley, or other public or unoccupied place within the City, except animals fastened securely by a chain, rope, or leash, or except confined securely within private property legally controlled by the person in possession of the animal. It shall be the duty of the Animal Control Officer to take and impound all animals found in any place within the City which are being kept or maintained contrary to the provisions of this section. (Ord. No. 85, § 4)

(Original Animal Control Ord. No. 17, adopted 3/5/64, and its amendments, Ord. No. 27, 37, 53 and 58 were repealed by Ord. No. 85.)

5-4 Animal Control Regulations.

5-4.1 *Leash Law.* It shall be unlawful for any person owning, harboring, or having the care, custody, or possession of any dog to keep or maintain any dog in any place in the City except fastened securely by a chain, rope, or leash, or except confined securely within private property legally controlled by the person in possession of the dog. (Ord. No. 85, § 5)

5-4.2 *Barking, Howling, or Other Unreasonable Animal Noise.* Persons owning or keeping an animal shall prevent such animal from disturbing the peace of another person by loud and persistent or loud and habitual barking, howling, yelping, braying, whinnying, crowing, calling, or making another loud and persistent or loud and habitual noise, whether the animal is on or off the owner's or keeper's premises.
(Ord. No. 02-01, §§ 2, 3)

Editor's note—Ord. No. 02-01, §§ 2, 3, repealed and reenacted § 5-4.2 to read as herein set out. Formerly, § 5-4.2 pertained to animal noises and derived from Ord. No. 85, § 6.

5-5 Licensing.

5-5.1 *Dogs, Licensing Required.* It shall be unlawful for any person owning, harboring, or having the care, custody, or possession of any dog to keep or maintain any such dog in any place in the city, unless such dog is licensed as provided herein. This section shall have no application to dogs under the age of four months which are fastened securely by a chain, rope, or leash, or confined within private property legally controlled by the person in possession of such dog. (Ord. No. 85, § 7)

5-5.2 *Dogs, Vaccination Required.* It shall be unlawful for any person owning, harboring, or having the care, custody, or possession of any dog to keep or maintain any such dog in any place in the City, unless such dog has been vaccinated as required by this section, excepting dogs under the age of four months fastened securely by a chain, rope, or leash, or confined within private property legally controlled by the person in possession of such dog. (Ord. No. 85, §8)

5-5.3 *No Licensing Without Vaccination.* No person shall license any dog in the City until it has been vaccinated with canine chick-embryo origin modified live-virus rabies vaccine or other biennially-effective method approved by the Health Officer, or the owner or the person in possession of a dog submits a certificate from a licensed veterinarian issued within the preceding 60 days stating that in his opinion the rabies vaccine would be likely to seriously injure the dog. Any dog so excepted from rabies vaccination shall be restricted to the enclosed yard of the owner or person in possession of the same except when held upon a chain, rope, or leash. Any violation hereof by the owner or person in possession of such dog shall be unlawful. (Ord. No. 130, §1; Ord. No. 85, §9)

5-5.4 *Vaccinator.* Said vaccination shall be performed by any duly qualified and licensed physician or veterinarian. This person may be hereinafter referred to as the "vaccinator". The vaccinator shall issue to the owner or person in possession of the dog which has been vaccinated a certificate of vaccination in a form approved by the Health Officer and endorsed by the vaccinator showing the date of such vaccination. (Ord. No. 130, §2; Ord. No. 85, §10)

5-5.5 *Fees and Penalties.* License fee amount, due date and penalties shall be set forth by resolution. (Ord. No. 79-2, §2; Ord. No. 130, §3; Ord. No. 85, §11)

5-5.6 *Dog License Tag.* Upon exhibition of the proper certificate of vaccination or a proper certificate of exemption from vaccination and payment of the license fee, there shall be delivered to the person making such payment a metal tag, with the number and year stamped or cut thereon, and the words "Dog Tag" stamped thereon, which dog tag shall be securely fastened to a collar or harness which must be worn at all times by the dog for which the tag was issued. If the dog is exempted from vaccination, the dog tag shall have a distinguishing mark as evidence of such fact. Said tag while attached to a dog's collar or harness shall be prima facie evidence that the dog for which the same was issued has been licensed during the calendar year for which said tag

was issued and has been vaccinated or is exempt from the requirement of vaccination. (Ord. No. 85, §12)

5-5.7 *License Issuance by Others.* In order to facilitate the licensing of dogs in the City and the collection of fees thereon, the license collector may authorize the Animal Control Officer, his deputies, or any duly qualified and licensed physician or veterinarian to license any dog, collect the license fee thereon and issue to the person paying said fee the dog tag herein provided for at the same time said dog is vaccinated with canine rabies vaccine and a certificate of vaccination is issued, or at the same time that said dog is given a certificate of exemption from such vaccination. Any person so authorized by the license collector to perform the aforementioned acts shall account to the license collector not less than once each month for all dogs so licensed and all license fees collected. (Ord. No. 85, §13)

5-5.8 *Lost License Tag.* Whenever, during the biennial period for which it is effective, a dog tag issued pursuant to this section has been lost or taken or stolen by parties unknown to the owner or person having the care, custody, or control of the dog for which the dog tag was issued, such owner or person having the care, custody, or control of such dog may, upon payment of one ($1.00) dollar and exhibition of evidence of vaccination in compliance with this section and on making and subscribing to an affidavit of such loss of the tag, receive from the license collector a duplicate tag for the remaining portion of the biennial period for which the original dog tag was issued. (Ord. No. 85, §14; Ord. No. 130, §4)

5-6 Seizure of Dog.

5-6.1 *Seizure of Dogs Without License Tags.* If any dog is found in or upon any place in the City without having an official tag attached to its collar or harness as required by this section, said dog shall be presumed a stray dog and shall be presumed not to have been vaccinated or licensed as required by this section. The Animal Control Officer, his deputies or assistants, any person employed by the City, and citizens acting pursuant to subsection 5-15 of this section, are

hereby authorized and empowered to capture any unlicensed stray dog which is found running at large in or upon any place within the City. The Animal Control Officer is authorized, empowered and directed to confine such dogs at the animal shelter. (Ord. No. 85, §15)

5-6.2 *Citizen Seizure of Dogs.* Any citizen finding at any time any dog at large contrary to the provisions of subsections 5-3 or 5-4 of this section may take up and hold the same; provided, however, that such person so taking up such dog shall within four hours after taking up such dog notify the Animal Control Officer of the fact that he has such dog in his possession and shall, upon demand, surrender possession of such dog to the Animal Control Officer. Such person taking up such dog may deposit such dog at the animal shelter of the City if such shelter is open for business. It shall be the duty of the Animal Control Officer to take custody of any such dog immediately upon receipt of such notification and impound the same subject to the provisions of this section pertaining to the redemption and/or disposition of dogs impounded. (Ord. No. 85, §16)

5-6.3 *Confinement of Dogs Seized.* Any dog taken up and impounded by the Animal Control Officer shall be confined in the animal shelter. It shall be the duty of the Animal Control Officer to cause any dog suspected of having rabies to be examined by a licensed veterinarian to determine whether or not it is affected with rabies. (Ord. No. 85 §17)

5-6.4 *Notification to Owner.* Any officer or other person capturing and holding a dog under the provisions of this section shall make a reasonable effort to locate and notify the owner thereof, if known, that the animal is being held at the animal shelter and may be reclaimed by him within a period of three days from the date of seizure, as provided herein. (Ord. No. 85, §18)

5-6.5 *Release of Unlicensed Dogs — Vaccination Receipt.* In the event that an unlicensed dog appears to be free from rabies and the owner desires to claim said dog before or after it is impounded, it shall be returned to him upon his paying to the Animal Control Officer the following:

a. Cost of obtaining a vaccination, if the owner does not produce a certificate that the dog has either been vaccinated as required by this section or been exempted;

b. Cost of a dog license tag;

c. Sheltering costs, if dog was impounded.

The Animal Control Officer shall issue for such vaccination cost and other costs a receipt containing the date and a statement that if the owner of the dog secures the vaccination of the dog by a vaccinator in the City and surrenders said receipt to the vaccinator, said vaccinator, if he accepts said receipt in payment of charges for vaccination of said dog, may reimburse himself from the City for said charges, not to exceed the amount herein specified. If a vaccinator accepts said receipt in payment, he shall not make any other charge for said vaccination of such dog. The sum of five ($5.00) dollars is hereby fixed as the cost of vaccination to be charged by officials enforcing the provisions of this section. No person shall issue a license tag for such released animal until the owner shall produce a certificate of vaccination endorsed by a licensed physician or veterinarian. (Ord. No. 85, §19)

5-6.6 *Audit of Receipts — Reseizure.* The Animal Control Officer shall monthly audit all vaccination receipts issued to ascertain whether any person receiving a released dog shall have failed to have the released dog vaccinated or have failed to obtain a license tag for such dog. When such failure has been confirmed, the Animal Control Officer shall immediately search for and seize and impound said dog. For the purpose of seizing and impounding a dog pursuant to this section, the Animal Control Officer is authorized and empowered to enter upon the private property of the owner or person in possession of said dog to seize and impound said dog. (Ord. No. 85, §20)

5-6.7 *Sale or Destruction of Unclaimed Animals.* In the event the owner does not claim an impounded animal within three days after seizure and in the event the City continues to hold the possession of the animal, the Animal Control Officer is authorized and empowered to deliver the animal to any other person pursuant to the provisions of subsection 5-6.9 through 5-6.13 of this section. (Ord. No. 85, §21)

5-6.8 *Record and Treatment of Animals Seized.* The Animal Control Officer shall keep a true and faithful record of the number and descripton of all animals taken into his custody, with the date of their impounding, area where collected, duration of detention at the animal shelter, date and manner of their disposition, fees collected, and such other information as may be required by the City Administrator. He shall provide the necessary subsistence for animals while in his custody and shall not alter, nor suffer to be altered, any mark or brand thereon, and shall not suffer cruel treatment thereof. (Ord. No. 85, §22)

5-6.9 *Notice of Public Auction of Unclaimed Animals.* All animals, except animals affected with rabies, taken into custody of the Animal Control Officer, if not reclaimed within 24 hours thereafter, may be sold by the Animal Control Officer after giving at least three days notice of such sale. The notice shall describe the animal and shall state the time and place of sale and shall be posted on the official City Hall Public Bulletin Board, the official Police Department Public Bulletin Board, and at the entrance to the animal shelter. A copy of said notice shall be mailed at least three days in advance of the sale to the owner or person formerly in possession or control of said animal, if known to the Animal Control Officer, at such person's residence or place of business. (Ord. No. 85, §23)

5-6.10 *Public Auction of Unclaimed Animals.* At the time advertised the Animal Control Officer shall sell all the animals so advertised at public auction to the highest bidder for cash. He shall begin the bidding at a price which shall include the costs of sheltering for each auctioned animal and dog vaccination and licensing fees, where appropriate. If no bid if offered for an animal, the Animal Control Officer shall dispose of it by private sale or destruction in a humane manner. The Animal Control Officer shall not release an unlicensed dog until he shall have issued to the person obtaining the dog a receipt for vaccination and license fees in accordance with subsection 5-6.5 of this chapter. Proceeds of such sale and fees shall be accounted for in a manner

required by the City Administrator and delivered to the City Clerk the day of the sale or the next working day. (Ord. No. 85, §24)

5-6.11 *Owner Claim to Auction Proceeds.* The City Council, after the City Clerk has deducted vaccination, licensing, sale, and sheltering costs, shall pay the balance of the proceeds of public auction or private sale to the owners of such animals sold who claim such proceeds within three months of the date of the sale. (Ord. No. 85, §25)

5-6.12 *Costs of Sheltering.* Costs of sheltering shall be set forth by resolution. (Ord. No. 85, §26; Ord. No. 79-2, §3)

5-6.13 *Fees and Charges to License Collector.* All fees and charges collected by the Animal Control Officer or his deputies in the performance of their duties under this chapter shall be delivered to the license collector for deposit in the City treasury. (Ord. No. 85, §27)

5-7 Rabid Dogs

5-7.1 *Symptoms of Rabies.* Whenever the owner or person having the care, custody, or control of an animal shall observe or learn that such animal shows symptoms of rabies, or acts in a manner which would lead to a reasonable suspicion that it may have rabies, such owner or person having the custody or possession of such animal shall immediately notify the health officer. The health officer shall cause an inspection or examination of such animal to be made by a licensed veterinarian until the existence or nonexistence of rabies in such animal is established to the satisfaction of such veterinarian. (Ord. No. 85, §28)

5-7.2 *Reports of Dog Biting.* Any person owning or having the care, custody, or control of any dog that bites any person and any person bitten by such dog may report the same to the health officer. The Animal Control Officer shall also be notified and he shall place said dog under regulation and quarantine under direction of the health officer for such time as may be required by State law or the rules and

regulations of the State Department of Public Health. Said regulation or quarantine may be had at the home of the owner or possessor of said dog or at such other place as may be designated by the health officer, and said dog shall be kept securely enclosed and under strict observation. (Ord. No. 85, § 29)

5-7.3 *Biting by Animal Suspected of Rabies.* Whenever any animal shall be bitten by another animal suspected of having rabies, the owner or person having the custody or possession of the animal so bitten shall, upon being informed thereof, notify the health officer and either kill such animal or quarantine it and keep it confined or tied up for such time as may be required by State law or the rules and regulations of the State Department of Public Health; and the health officer shall have power, in his discretion, to quarantine the animal so bitten in case the owner or person having custody or possession thereof shall fail to do so immediately or in case he is not readily accessible. (Ord. No. 85, § 30)

5-7.4 *Disposition of Animal with Rabies.* If it shall appear to the health officer from the report of a licensed veterinarian that an animal is afflicted with rabies, he shall kill and destroy such animal forthwith and/or shall take such other action as in his discretion he deems necessary to prevent the spread of such disease. (Ord. No. 85, § 31)

5-8 Vicious Dogs

5-8.1 *Handling of Vicious Dogs.* If it shall be determined by the health officer, after giving the order of quarantine mentioned in subsection 5-7.3 of this chapter that the said dog is a vicious dog, although not afflicted with rabies, the health officer shall thereupon order the person who owns or has the custody of said dog to keep the said dog at all times securely fastened by chain or securely confined within the private property of said owner or person having the custody of said dog, or keep said dog in such manner as said health officer shall direct, to prevent it from biting or having the opportunity of biting any persons, including persons lawfully on the premises where said dog is so fastened or confined, until further order of the health officer. (Ord. No. 85, § 32)

5-8.2 *Violation of Order on Vicious Dog.* Any violation by the said owner or person having custody of said dog of the said order of the health officer shall be unlawful. (Ord. No. 85, § 33)

5-8.3 *Determining Vicious Dogs.* In determining whether or not a dog is vicious, the health officer shall be guided by the following:

a. Whether or not the said dog has bitten any person or persons at any time other than the occasion which gave rise to the operation of subsection 5-7.2;

b. The circumstances surrounding the occasion indicating the temper or ferocity of the said dog;

c. The reputation of the said dog in the community in regard to its temper and ferocity; and

d. Is general menace to the public.

This section shall be operative even though the dog in question has been vaccinated and licensed as required by this chapter. (Ord. No. 85, § 34)

5-9 Disposition of Infirm Animals.

It shall be unlawful for any person to willfully abandon or turn loose to run at large any animal unfit for further use by reason of disease, old age, or injury. Whenever any animal is taken up for impounding which in the opinion of the Animal Control Officer is, by reason of age, disease, or injury, unfit for further use or dangerous to be kept impounded, the Animal Control Officer shall within twenty-four (24) hours thereafter destroy such animal. (Ord. No. 85, § 35)

5-10 Disposition of Dead Animals on Owner's Request.

(a) The Animal Control Officers upon the request of any owner or person in possession of any accessible dead animal, under one hundred (100) pounds in weight, may pick up and dispose of said animal as allowed by law. The Animal Control Officer and the Health Officer shall each have the power to require the owner or person in possession of any dead animal over one hundred (100) pounds in weight to forthwith bury the same. If such owner in possession shall

refuse to bury the same, the Animal Control Officer and the Health Officer shall each have the power to cause the rental and operation of such heavy equipment or the employment of such persons as is necessary to bury said dead animal and to cause the cost of such rental and operation of said heavy equipment or the wages of said employed persons to be a charge against the owner or person in possession of said dead animal over one hundred (100) pounds in weight, which charge the Animal Control Officer shall have the power to collect. In the event that the owner or person having had possession or control of said dead animal is unknown, said charge shall be a charge against the City treasury. Nothing in this section shall be construed so as to require the Animal Control Officer or the Health Officer to bury or cause to be buried or cause to be picked up any dead animal.

(b) Fees for this service shall be established by the City Council by resolution. (Ord. No. 85, § 36; Ord. No. 96-04, § 2)

5-11 Disposition of Dead Animals Found on Public Streets.

It shall be the duty of the Health Officer and the Animal Control Officer whenever it comes to their knowledge that any dead animal is upon any of the public streets, alleys, sidewalks, or other public places within the City, to order the owner or person who had possession or control of such animal while alive to bury or destroy the same. In the event the owner or person who had possession or control of the animal while alive fails to bury or destroy the same after being so offered by the Animal Control Officer or Health Officer, the Animal Control Officer and the Health Officer are each hereby authorized to cause the rental and operation of such heavy equipment or the employment of such persons as is necessary to bury said animal and to cause the cost of such rental and operation of said heavy equipment or the wages of said employed persons to be a charge against the owner or person having had possession or control of such animal, which charge the Animal Control Officer shall have the power to collect. In the event the owner or person having had possession or control of said dead animal is unknown, said charge shall be a charge against the City treasury. (Ord. No. 85, § 37)

5-12 Offenses.

5-12.1 *Offenses: Placement of Dead Animals on Public Streets.* It shall be unlawful for an owner or person having had the possession or control of any animal while alive, to place the body of such animal or cause or permit it to be placed or to knowingly allow or permit the same to remain, in or upon any public street, alley, sidewalk, lane, park, or other public place. (Ord. No. 85, § 38)

5-12.2 *Offenses: Resisting Action of Animal Control Officer or Health Officer.* Any person rescuing or attempting to rescue any animal from the Animal Control Officer or Health Officer while either is about to convey the animal to the animal shelter, or in any way directly or indirectly removing or delivering an animal from the animal shelter or from a vehicle operated by the Animal Control Officer or the Health Officer, or causing or enabling an animal to escape therefrom without the express consent of such officer, shall be deemed guilty of a misdemeanor. (Ord. No. 85, § 39)

5-12.3 *Offenses: Failure to Furnish Information.* Any person owning or having the care, custody, or control of any dog in the City who willfully refuses, fails, or neglects to furnish to the Animal Control Officer, or to the Health Officer, or to the License Collector, or to any duly licensed physician or veterinarian authorized to vaccinate and license dogs and to collect the license fees thereon, as provided herein, the information necessary to properly vaccinate and license such dog, or who fails, neglects, or refuses to pay the license fee at the time and in the manner herein provided; or who violates any of the provisions of this chapter declared to be unlawful, shall be guilty of a misdemeanor and shall be punishable by imprisonment in the County Jail for a term of not to exceed six (6) months or a fine of not to exceed five hundred dollars ($500.00) or both such fine and imprisonment. (Ord. No. 85, § 40)

5-13 Citation Power.

The Animal Control Officer and the Chief of Police and their deputies are hereby designated as persons who may issue citations for the violation of any of the provisions of this chapter

pursuant to the citation procedure as prescribed by ordinance or State law. Failure to appear in court in violation of a written promise to so appear shall be punishable as set forth in ordinance or State Law. (Ord. No. 85, § 41)

5-14 Penalties.

Violation of this chapter is an infraction as defined by Penal Code Section 19c; and is punishable by a fine not to exceed fifty dollars ($50.00) for a first offense, and a fine not to exceed one hundred dollars ($100.00) for a second offense, and a fine not to exceed two hundred fifty dollars ($250.00) for a third and any subsequent offense. Prior offenses must be pleaded and proven. (Ord. No. 85, § 42; Ord. No. 79-2, § 4)

5-15 Cleanliness of Animal Cage or Pen Required.

It shall be unlawful for any person, firm or corporation owning, possessing or controlling any dog, cat, fowl, reptile, pet or animal of any kind to permit the pen, cage, yard or other facilities in which such animal is kept and maintained to accumulate dropping, food, garbage, refuse or any other matter so as to cause flies, odors or other noxious, or unsanitary conditions to exist, or to allow any pen, cage, yard or other facilities in which such animal is kept to be maintained in any condition which is dangerous to the health or safety of any person. (Ord. No. 108, § 1; Ord. No. 79-7, § 1)

5-15.1 *Penalties.* Any person, firm or corporation violating any provision of this section shall be deemed guilty of an infraction and upon conviction thereof shall be liable to the penalty established in Chapter I, Section 1-5. Each day the condition exists shall be deemed a separate offense for which the violator may be cited and fined. (Ord. No. 108, § 2; Ord. No. 79-7, § 2)

5-16 Sale of Animals Prohibited.

5-16.1 *Prohibitions.* It shall be unlawful for any person to display, sell, offer for sale, barter or give away, upon any street, sidewalk, or other public place in the City, as pets or novelties, any cat, dog, fish, fowl, reptile, rodent, or other live animal. This shall not be construed to prohibit the display, advertising for sale,

or sale of such live animals legally for sale in or at licensed pet shops, kennels, aviaries, fish hatcheries or for sale at ranches or stables located outside of the city limits. (Ord. No. 78-4, § 1)

5-16.2 *Penalties.* Any violation of this section shall, upon conviction, be liable to the penalty established in Chapter I, Section 1-5. (Ord. No. 78-4, § 2)

CHAPTER VI

BUSINESS LICENSES

6-1 Definitions. As used in this chapter.

a. "*Average Number of Employees*" shall mean the average number of persons employed daily in a business for one year and shall be determined by ascertaining the total number of hours of service performed by all the applicant's employees in the City during the previous year, and dividing the total number of hours of service thus obtained by the number of hours of service constituting a year's work of one full-time employee according to the custom or laws governing such employment. In computing the average number of persons employed fractions of numbers shall be excluded.

b. "*Business*" shall include professions, trades, and occupations and all and every kind of calling whether or not carried on for profit.

c. "*Cafes, Restaurants*" shall include drive-in cafes, nightclubs, taverns, or any similar place of business preparing and serving food, beverages, or refreshments for consumption on the premises.

d. "*City*" shall mean the City of Ridgecrest, a municipal corporation of the State of California, in its present incorporated form or in any later reorganized, consolidated, enlarged, or re-incorporated form.

e. "*Concession*" shall mean any one separate show, attraction, exhibition, riding device, apparatus or arrangement for test of strength or skill, game of skill or chance, and also any cafe or restaurant provided that all soft drinks and food product services may be grouped together as one restaurant concession at any one carnival, animal show, or exhibition.

f. "*Contractor*" shall mean any person who is required to be licensed as a contractor by the State of California, whether in fact licensed or not, or any person who undertakes to or offers to undertake to, or purports to have the capacity to undertake to, or submits a bid to, or does himself or by or through others, construct, alter, repair, add to, subtract from, improve, move, wreck, or demolish any building, highway, road, railroad excavation or other structure, project, develop-

ment or improvement, or to do any part thereof, including the erection of scaffolding or other structures or works in connection therewith. "Contractor" includes specialty contractor, and further includes any person who contracts to hire out trucks, tractors, excavating, or other equipment in connection with a construction project, whether at rates by the hour or day or for a contract amount.

g. "*Employee*" shall include any person engaged or participating in the operation or conduct of any business, whether as owner, relative of the owner, partner, agent, manager, solicitor, salesman, or in any other capacity.

h. "*Established Place of Business*" shall mean a permanent store, office, market or other place of business within the corporate limits of the City where business is regularly transacted from month to month in such manner as a business of like nature is generally conducted, and where the circumstances indicate a bona-fide intention to become an established, fixed, and continuous part of the regular and legitimate business life of the City and not temporarily conducting business on the public streets or highways or in any hotel, motel, or other residential accommodation or from a vacant lot, parking lot, or portion of a building already occupied by another established business with no intent to move to more permanent quarters within the City.

i. "*Itinerant Merchant*" shall mean and include any person, whether first person or agent, who shall engage in a temporary and transient business in the City selling goods, wares, merchandise, and who, for the purpose of carrying on such business, shall sell door-to-door from a vehicle or on foot or shall lease or use a vacant lot, parking lot, or space in a structure already occupied by another established business for the exhibition or sale of such goods, wares, merchandise; provided, however, that this shall not apply to commercial travelers or selling agents who sell their goods to merchants, dealers, or traders where same is to become a part of said merchant, dealer, or trader's stock in trade in his established place of business in the City.

j. "*Junk Dealer*" shall mean any person who engages in the business of buying, selling, or otherwise dealing in or acquiring, old bottles, scraps, pieces of metal, rags, old rope, or any old or used article not to be used in its former state or condition.

k. *"Outdoor Advertising Structure"* shall mean the same as billboards and shall include any sign, whether painted on a building or free-standing, which is advertising merchandise or services of a business not located on the same site as the sign. Church directional signs, service club identification and meeting place signs, temporary signs advertising the sale or rental of properties (not exceeding six square feet in area), temporary contractor's identification signs on the site of a construction project, or other non-profit organization community service signs shall not be considered outdoor advertising structures for the purpose of this ordinance.

l. *"Person"* shall include all domestic and foreign corporations, associations, syndicates, joint stock corporations, partnerships of every kind, clubs, Massachusetts, business, or common law trusts, societies, and individuals transacting and carrying on any business in the City.

m. *"Regularly Engaged in the Business of Renting"* shall mean any person who owns and holds out for lease or rent property or accommodations, including any commercial parcels or structures, or four or more residential accommodations, including single-family dwellings, trailer court spaces, mobile-homes, house trailers, hotels, inns, tourist homes or houses, motels, studio hotels, bachelor hotels, lodging houses, rooming houses, apartment houses, including duplexes, triplexes, courts, etc., dormitories, public or private clubs.

n. *"Sale"* shall include the transfer, in any manner or by any means whatsoever, of title to property for a consideration; the serving, supplying, or furnishing for a consideration of any property) and a transaction whereby the possession of property is transferred and the seller retains the title as security for the payment of the price shall likewise be deemed a sale. The foregoing definitions shall not be deemed to exclude any transaction which is or which, in effect, results in a sale within the contemplation of law.

o *"Solicitor"* shall mean any person asking for orders for the sale of merchandise or services directly to a potential consumer, by sample or otherwise, for himself or another person, and includes telephone solicitors.

p. *"Sworn Statement"* shall mean an affidavit sworn to before a person authorized to take oaths, or a declaration or certification made under penalty of perjury.

q. "*Transient Photographer*" means any person engaged in picture taking or portrait photography for sale of pictures or portraits and not having an established place of business in the City. (Ord. No. 111, §1; Ord. No. 114, §1)

6-2 Revenue Measure.

This chapter is enacted solely to raise revenue for municipal purposes, and is not intended for regulation. (Ord. No. 111, §2)

6-3 Effect On Other Ordinances.

Persons required to pay a license tax for transacting and carrying on any business under this chapter shall not be relieved from the payment of any other applicable fee required under any other ordinance of the City, and shall remain subject to the regulatory provisions of other ordinances. (Ord. No. 111, §3)

6-4 License and Tax Payment Required.

There are hereby imposed upon the businesses, trades, professions, callings, and occupations specified in this chapter license taxes in the amounts hereinafter prescribed. It shall be unlawful for any person to transact and carry on any business, trade, profession, calling, or occupation in the City without first having procured a license from said City to do so and paying the license tax hereinafter prescribed or without complying with any and all applicable provisions of this chapter.

a. This chapter shall not be construed to require any person to obtain a license prior to doing business within the City if such requirement conflicts with applicable statutes of the United States or of the State of California. Persons not so required to obtain a license prior to doing business within the City nevertheless shall be liable for payment of the tax imposed by this chapter.

b. The provisions of this chapter shall not be deemed or construed to require the payment of a license tax to conduct, manage, or carry on any business, occupation, or activity

from any organization or institution which is conducted, managed, or carried on wholly for the benefit of charitable purposes; nor shall any license tax be required for the conducting of any entertainment, concert, exhibition, or lecture on scientific, historical, literary, religious, or moral subjects within the City whenever the receipts of any such entertainment, concert, exhibition, or lecture are to be appropriated to any church, school, or to any religious or benevolent purpose; nor shall any license tax be required for the conducting of any entertainment, dance, concert, exhibition, or lecture by any religious, charitable, fraternal, educational, military, State, County or municipal organization or association whenever the receipts of any such entertainment, dance, concert, exhibition, or lecture are to be appropriated for the purpose and objects for which such organization or association was formed and from which profit is not derived, either directly or indirectly, by any individual. (Ord. No. 111, § 4)

6-5 Separate Businesses, Branch Establishments.

A separate license shall be obtained for each separate type of business carried on at the same location and for each branch establishment or location of the business transacted and carried on, and each license shall authorize the licensee to transact and carry on only the business licensed thereby at the location or in the manner designated in such license; provided that warehouses and distributing plants used in connection with and incidental to a business licensed under the provisions of this chapter shall not be deemed to be separate places of business or branch establishments; and provided further that any person conducting two or more types of business at the same location and under the same management, which businesses are all classified such that the license tax is determined by average number of employees, may, at his option, include all said businesses on one license and pay a license tax based on the average number of employees rate applicable to the principal business at that location. (Ord. No. 111, § 5)

6-6 Evidence of Doing Business.

When any person shall by use of signs, circulars, cards, telephone book, or newspapers, advertise, hold out, or represent that he is in business in the City, or when any person holds an active license or permit issued by a governmental agency indicating that he is in business in the City, and such person fails to state by a sworn statement given to the Director of Finance that he is not conducting a business in the City after being requested to do so by the Director of Finance, then these facts shall be considered prima facie evidence that he is conducting a business in the City. (Ord. No. 111, § 6; Ord. No. 92-02, § 2)

6-7 Constitutional Apportionment.

None of the business taxes provided for by this chapter shall be so applied as to occasion an undue burden upon interstate commerce or be violative of the equal protection and due process clauses of the Constitution of the United States and the State of California.

In any case where a license tax is believed by a licensee or applicant for a license to place an undue burden upon interstate commerce or be violative of such constitutional clauses, he may apply to the Director of Finance for an adjustment of the tax. Such application may be made before, at, or within six months after payment of the prescribed license tax.

The applicant shall, by sworn statement and supporting testimony, show the method of business, average number of employees, gross volume, or estimated gross volume of business, and such other information as the Director of Finance may deem necessary in order to determine the extent, if any, of such undue burden or violation.

The Director of Finance shall then conduct an investigation, and, after having first obtained the written approval of the City Attorney, shall fix as the license tax for the applicant an amount that is reasonable and nondiscriminatory, or if the license tax has already been paid, shall order a refund of the amount over and above the license tax so fixed.

In fixing the license tax to be charged, the Director of Finance shall have the power to base the license tax upon a percentage of average number of employees or any other measure which will assure that the license tax assessed shall be uniform with that assessed on businesses of like nature, so long as the amount assessed does not exceed the license tax as prescribed by this chapter.
(Ord. No. 111, § 7; Ord. No. 92-02, § 3)

6-8 Exemptions.

a. The following persons are exempt from the requirements of this chapter:

1. Persons transacting and carrying on any business exempt by virtue of the Constitution or applicable statutes of the United States or of the State of California for payment of business taxes.

2. The owner of any franchise from the City who pays franchise fees to the City under an obligation imposed by the franchise.

3. Licensed auctioneers other than auctioneers whose permanent place of business is within the City.

b. Any person claiming an exemption under this section shall file a sworn statement with the Director of Finance stating the facts upon which the exemption is claimed. Upon a proper showing, the Director of Finance shall issue an exemption certificate upon one day prior notice to the certificate holder that the certificate holder shall be given the opportunity to have the exemption request reconsidered. The Council shall from time-to-time by resolution establish fees for the issuance of the exemption certificate equal to the administrative cost of processing the exemption application.
(Ord. No. 111, § 8; Ord. No. 87-11, § 1; Ord. No. 92-02, § 4)

6-9 Contents of License.

Every person required to have a license under the provisions of this chapter shall make application as hereinafter prescribed for the same to the Director of Finance of the City, and upon the

payment of the prescribed license tax the Director of Finance shall issue to such person a license which shall contain the following information:

a. The name of the person to whom the license is issued;

b. The business licensed;

c. The place where such business is to be transacted and carried on;

d. The business mailing address;

e. The date of expiration of such license; and

f. Such other information as may be necessary for the enforcement of the provisions of this chapter.

Whenever the tax imposed under the provisions of this chapter is measured by the number of vehicles, devices, machines, or other pieces of equipment used, or whenever the license tax is measured by the average number of employees involved in the operation of such items, the Director of Finance shall issue only one license for each such business, provided that he may issue for each tax period for which the license has been paid one identification sticker, tag, plate, or symbol for each item included in the measure of the tax or used in a business where the tax is measured by the average number of employees involved in the operation of such items.
(Ord. No. 111, § 9; Ord. No. 92-02, § 5)

6-10 Unlawful Business Not Authorized.

a. No business license shall be issued authorizing the conduct or continuance of any business which violates local, state, or federal law.

b. No business license issued under the provisions of this chapter or the payment of any tax required under the provisions of this chapter shall be construed as authorizing the conduct or continuance of any illegal business or of a legal business in an illegal manner, or to conduct within the City the business for which a business license has been issued without complying with all the provisions of the chapter or City and State and Federal

laws, including, but not limited to those requiring a permit from any commission, department, or office of the City or the County of Kern.
(Ord. No. 111, § 10; Ord. No. 07-03, § 2)

6-11 Approvals by Other Departments.

The Director of Finance shall not issue any business license, other than a renewal business license, to any established place of business within the City until such time as it is shown that the business has met the requirements of the Zoning, Building, Fire and Health Codes of the City and the State of California. For the purpose of providing the requisite evidence of such compliance, the Director of Finance will provide the forms for signature of the appropriate departments. Failure of the applicant to comply with the aforesaid codes shall constitute grounds for refusal to issue, suspension or revocation of a business license. (Ord. No. 111, § 11; Ord. No. 92-02, § 6)

6-12 Application; First License.

Upon a person making application for the first license to be issued hereunder or for a newly established business, such person shall furnish to the Director of Finance a sworn statement upon a form provided by the Director of Finance setting forth the following information:

a. The exact nature or kind of business for which a license is requested;

b. The place where such business is to be carried on, and if the same is not to be carried on at any permanent place of business, the places of residences of the owners of same;

c. In the event that application is made for the issuance of a license to a person doing business under a fictitious name, the application shall set forth the names and places of residences of those owning said business;

d. In the event that the application is made for the issuance of a license to a corporation or a partnership, the application shall set forth the names and places of residences of the officers or partners thereof;

e. In all cases where the amount of license tax to be paid is measured by average number of employees, the applicant shall estimate the average number of persons to be employed for the calendar year to be covered by the license to be issued.

Such estimate shall be calculated as provided in the definition of "average number of employees" in Section 6-1 of this chapter; and, if accepted by the Director of Finance as reasonable, shall be used in determining the amount of license tax to be paid by the applicant; provided, however, the amount of the license tax so determined shall be tentative only and the amount of license tax for the period covered by the first license shall be finally ascertained and paid in the manner provided by this chapter for ascertaining and paying renewal business licenses taxes;

f. In all cases where the amount of license tax to be paid is measured by the number of vehicles, devices, machines, rental units, or other tax measures, applicant shall provide such information as the Director of Finance may require to enable him to ascertain the correct business license tax to be paid.
(Ord. No. 111, § 12; Ord. No. 92-02, § 7)

6-13 Renewal License.

In all cases, the applicant for the renewal of a business license shall submit to the Director of Finance, within 30 days after the expiration of the period for which the preview business license was issued, for his guidance in ascertaining the amount of the license tax to be paid by the applicant, a sworn statement upon a form provided by the Director of Finance, setting forth such information concerning the applicant's business during the preceding year as may be required by the Director of Finance to enable him to ascertain the amount of license tax to be paid by said applicant pursuant to the provisions of this chapter.

In all cases for renewal of a first license where the amount of license tax to be paid is measured by average number of employees the applicant's sworn statement shall indicate the actual average number of employees during the period of the first license. The Director of Finance shall subtract from the payment found to be due based on the actual average number of employees such payment as was made the previous year for the first license based on the estimated average number of em-

ployees, and the applicant shall pay the difference at the time of renewal.

The Director of Finance shall then determine the amount due for the renewal license based on the actual average number of employees indicated on the applicant's sworn statement and such payment shall also be due at the time of renewal.

The Director of Finance shall not issue to any person a renewal license or another license for the same or any other business until such person shall have furnished to him the sworn statement and paid the license tax as herein required. (Ord. No. 111, § 13; Ord. No. 92-02, § 8)

6-14 Information Confidential.

It shall be unlawful for the Director of Finance or any person having an administrative duty under the provisions of this chapter to make known in any manner whatever the business affairs, operations, or information obtained by an investigation of records and equipment of any person required to obtain a license, or pay a license tax, or any other person visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures, number of employees, or any particular thereof, set forth in any statement or application, or copy of either, or any book containing any abstract or particulars thereof to be seen or examined by any person. Provided that nothing in this section be construed to prevent:

a. The disclosure to, or the examination of records and equipment by another City official, employee, or agent of the City for the sole purpose of administering or enforcing any provisions of this chapter or collecting taxes imposed hereunder;

b. The disclosure of information to, or the examination of records by, Federal or State officials, or the tax officials of another city or county, if a reciprocal arrangement exists, or to a grand jury or court of law, upon subpoena;

c. The disclosure of information and results of examination of records of particular taxpayers, or relating to particular taxpayers, to a court of law in a proceeding brought to deter-

mine the existence or amount of any license tax liability of the particular tax payers to the City;

d. The disclosure after the filing of a written request to that effect, to the taxpayer himself, or to his successors, receivers, trustees, executors, administrators, assignees, and guarantors, if directly interested, of information as to the items included in the measure of any paid tax, any unpaid tax or amounts of tax required to be collected, interest and penalties; further provided, however, that the City Attorney approves each such disclosure and that the Director of Finance may refuse to make any disclosure referred to in this paragraph when in his opinion the public interest would suffer thereby;

e. The disclosure of the names and addresses of persons to whom licenses have been issued, and the general type or nature of their business;

f. The disclosure by way of public meeting or otherwise of such information as may be necessary to the City Council in order to permit it to be fully advised as to the facts when a taxpayer files a claim for a refund of license taxes, or submits an offer of compromise with regard to a claim asserted against him by the City for license taxes, or when acting upon any other matter;

g. The disclosure of general statistics regarding taxes collected or business done in the City.

(Ord. No. 111, § 14; Ord. No. 92-02, § 9)

6-15 Failure to File Statement or Corrected Statement.

If any person fails to file any required statement within the time prescribed, or if after demand therefor made by the Director of Finance he fails to file a corrected statement, or if any person subject to the tax imposed by this chapter fails to apply for a license, the Director of Finance may determine the amount of license tax due from such person by means of such information as he may be able to obtain.

If the Director of Finance is not satisfied with the information supplied in statements or applications filed, he may determine the amount of any license tax due by means of any information he may be able to obtain.

If determination is made the Director of Finance shall give a notice of the amount so assessed by serving it personally or by depositing it in the United States Post Office at Ridgecrest, California, postage prepaid, addressed to the person so assessed at his last known address.

Such person may, within 15 days after the mailing or serving of such notice, make application in writing to the Director of Finance for a hearing on the amount of the license tax. If such application is made, the Director of Finance shall cause the matter to be set for hearing within 20 days before the City Council. The Director of Finance shall give at least ten days' notice to such person of the time and place of hearing in the manner prescribed above for serving of notices of assessment.

The City Council shall consider all evidence produced and shall make findings thereon, which shall be final. Notice of such findings shall be served upon the applicant in the manner prescribed above for serving of notices of assessment. (Ord. No. 111, § 15; Ord. No. 92-02, § 10)

6-16 Appeal.

Any person aggrieved by any decision of the Director of Finance with respect to the issuance or refusal to issue such license may appeal to the City Council by filing a notice of appeal with the Director of Finance. The Council shall thereupon fix a time and place for hearing such appeal. The Director of Finance shall give notice to such person of the time and place of hearing by serving it personally or by depositing it in the United States Post Office at Ridgecrest, California, postage prepaid, addressed to such person at his last known address. The Council shall have authority to determine all questions raised on such appeal. No such determination shall conflict with any substantive provision of this chapter. (Ord. No. 111, § 16; Ord. No. 92-02, § 11)

6-17 Extension of Filing Time.

In addition to the authority conferred upon the Director of Finance by other provisions of this chapter, he shall have the

power, for good cause shown, to extend the time for filing any required sworn statement or application for a period of not exceeding 30 days, and in such case to waive any penalty that would otherwise have accrued. Negligence of the applicant shall not be sufficient cause. (Ord. No. 111, § 17; Ord. No. 92-02, § 12)

6-18 License Nontransferable; Changed Location and Ownership.

No license issued pursuant to this chapter shall be transferable; provided that where a license is issued authorizing a person to transact and carry on a business at a particular place, such license may upon application therefor and paying a fee of one ($1.00) dollar have the license amended to authorize the transacting and carrying on of such business under said license at some other location to which the business is or is to be moved. Provided further that transfer, whether by sale or otherwise, to another person under such circumstances that the real or ultimate ownership after the transfer is substantially similar to the ownership existing before the transfer, shall not be prohibited by this chapter. For the purpose of this chapter stockholders, bondholders, partnerships, or other persons holding an interest in a corporation or other entity herein defined to be a person are regarded as having the real or ultimate ownership of such corporation or other entity. (Ord. No. 111, § 18)

6-19 Duplicate License.

A duplicate license may be issued by the Director of Finance to replace any license previously issued hereunder which has been lost or destroyed upon the licensee filing statement of such fact and at the time of filing such statement paying to the Director of Finance a duplicate license fee of two ($2.00) dollars. (Ord. No. 111, § 19; Ord. No. 92-02, § 13)

6-20 Posting and Keeping of Licenses.

a. Any license transacting and carrying on business at an established place of business in the City shall keep the license posted in a conspicuous place upon the premises where such business is carried on.

b. Any licensee transacting and carrying on business but not operating at an established place of business in the City shall keep the license upon his person at all times while transacting and carrying on the business for which it is issued.

c. Whenever identifying stickers, tags, plates, or symbols have been issued for each vehicle, device, machine, or other piece of equipment included in the measure of a license tax, the person to whom such stickers, tags, plates, or symbols have been issued shall keep firmly affixed upon each vehicle, device, machine, or piece of equipment the identifying sticker, tag, plate, or symbol which has been issued therefor at such locations as are designated by the Director of Finance. Such sticker, tag, plate, or symbol shall not be removed from any vehicle, device, machine, or piece of equipment kept in use during the period for which the sticker, tag, plate, or symbol is issued.

d. No person shall fail to affix as required herein any identifying sticker, tag, plate, or symbol to the vehicle, device, machine, or piece of equipment, for which it has been issued at the location designated by the Director of Finance, or to give away, sell, or transfer such identifying sticker, tag, plate, or symbol to another person, or to permit its use by another person.

(Ord. No. 111, § 20; Ord. No. 92-02, § 14)

6-21 License Tax — How and When Payable.

Unless otherwise specifically provided, all annual license taxes, under the provisions of this chapter, shall be due and payable to the Director of Finance in City Hall in advance on the first day of January of each year; provided that license taxes covering new operations, commenced after the first day

of January, shall be due and payable before the first day of operation of the new business.

Except as otherwise herein provided, license taxes, other than annual, required hereunder shall be due and payable as follows:

a. Semi-annual license taxes on the first day of January and the first day of July of each year;

b. Quarterly license taxes on the first day of January, April, July and October of each year; the Director of Finance shall not credit payment on a quarterly license toward payment for any annual license in a succeeding quarter;

c. Daily license taxes each day in advance.

(Ord. No. 111, § 21; Ord. No. 92-02, § 15)

6-22 Delinquent Taxes; Penalties; Installment Payment.

For failure to pay a license tax when due, the Director of Finance shall add a penalty of ten percent of said license tax on the first day of the month following the due date month and shall add a penalty of 90 percent of said license tax on the first day of the second month following the due date month. The total penalties added shall in no event exceed 100 percent of the amount of the license tax due.

No license shall be issued, nor one which has been suspended or revoked be reinstated or reissued, to any person, who at the time of applying therefor, is indebted to the City for any delinquent license taxes, unless such person, with the consent of the Director of Finance, enters into a written agreement with the City, through the Director of Finance, to pay such delinquent taxes, plus ten percent simple annual interest upon the unpaid balance, in monthly installments, or oftener, extending over a period of not to exceed one year.

In any agreement so entered into, such person shall acknowledge the obligation owed to the City and agree that, in the event of failure to make timely payment of any installment, the whole amount unpaid shall become immediately due and payable and that his current license shall be revocable by the Director of Finance upon 30 days notice. In the event legal action is brought by the City to enforce collection of any amount

included in the agreement, such person shall pay all costs of suit incurred by the City or its assignee, including a reasonable attorney's fee. The execution of such an agreement shall not prevent the prior accrual of penalties on unpaid balances at the rate provided hereinabove, but no penalties shall accrue to account of taxes included in the agreement, after the execution of the agreement, and the payment of the first installment and during such person shall not be in breach of the agreement.
(Ord. No. 111, § 22; Ord. No. 92-02, § 16)

6-23 Refunds of Overpayments.

No refund of an overpayment of taxes imposed by this chapter shall be allowed in whole or in part unless a claim for refund is filed with the Director of Finance within a period of one (1) year from the last day of the calendar month following the period for which the overpayment was made, and all such claims for refund of the amount of the overpayment shall be filed with the Director of Finance on forms furnished by him and in the manner prescribed by him. Upon filing of such a claim and when he determines that an overpayment has been made, the Director of Finance may refund the amount overpaid.
(Ord. No. 111, § 23; Ord. No. 92-02, § 17)

6-24 License Tax Rates and Classifications.

6-24.1 *Fees Designated; Increase or Decrease by Cost of Living Index.* Every person who engages in business in the City shall pay a license tax based on the license tax rate specified in the Classification into which his business is placed by this chapter or by the Director of Finance in interpreting this chapter:

Beginning with the calendar year 1980, and each year thereafter, the license tax fees as hereinafter set forth for Classifications "A" through "T" shall be raised or lowered by the percentage of the cost of living index as determined by the Federal Government. The increase or decrease shall be to the nearest dollar according to the U.S. Department of Labor's adjusted, compound annual rate of the Consumer Price Index for all Urban

consumers (CPI-U) for all items to be determined in October of each year.

(Ord. No. 111, § 24; Ord. No. 78-15, § 2; Ord. No. 92-02, § 18)

6-24.2 *Rates.*

(a) *Classification "A"—Retail Sales and Services—Base Permit Fee:* Sixty dollars ($60.00) per year for the first five (5) employees plus six dollars ($6.00) per year for each employee over five (5).

(b) *Classification "B"—Professionals—Base Permit Fee:* Sixty dollars ($60.00) per year for each professional practicing as an individual, partner, member of an association, or employee plus six dollars ($6.00) per year for each non-professional employee.

(c) *Classification "C"—Manufacturing, Hospitals, Utilities—Base Permit Fee:* Eighty-four dollars ($84.00) per year for the first five (5) employees plus six dollars ($6.00) per year for each employee over six (6).

(d) *Classification "D"—Vending, etc.—Base Permit Fee:* Sixty dollars ($60.00) per year for the first employee plus sixty-six dollars ($66.00) per year for each additional employee.

(e) *Classification "E"—Wholesale and Route—Base Permit Fee:* Sixty dollars ($60.00) per year for the first vehicle plus sixteen dollars ($16.00) per year for each additional vehicle.

(f) *Classification "F"—Catering from Vehicle—Base Permit Fee:* Sixty dollars ($60.00) per year for the first vehicle and sixty-six dollars ($66.00) per year for each additional vehicle.

(g) *Classification "G"—Itinerant/Theaters, Junk Dealers—Base Permit Fee:* One hundred sixty dollars ($160.00) per year.

(h) *Classification "H"—Residential Rentals—Base Permit Fee:* Sixty dollars ($60.00) per year minimum for one (1) to three (3) units; six dollars ($6.00) per year for every unit over three (3).

(i) *Classification "I"—Mobilehome Space Rentals—Base Permit Fee:* Sixty dollars ($60.00) per year minimum for one (1) to

three (3) spaces; six dollars ($6.00) per year for every unit over three (3).

(j) *Classification "J"—Commercial Rentals—Base Permit Fee:* Sixty dollars ($60.00) per year for the first commercial parcel or structure plus sixteen dollars ($16.00) per year for each additional parcel or structure.

(k) *Classification "K"—Pool Tables/Bowling Alleys—Base Permit Fee:* Eighty dollars ($80.00) per year for the first table or alley plus six dollars ($6.00) per year for each additional table or alley.

(l) *Classification "L"—Card Rooms—Base Permit Fee:* Three hundred ninety dollars ($390.00) semi-annually for the first table plus forty dollars ($40.00) semi-annually for each additional table.

(m) *Classification "M"—Billboards—Base Permit Fee:* Sixty dollars ($60.00) per year for one (1) sign; sixty dollars ($60.00) per year for each sign over one (1).

(n) *Classification "N"—Carnivals/Circuses (Non-charitable Sponsor)—Base Permit Fee:* Three hundred ninety dollars ($390.00) per day plus sixteen dollars ($16.00) per day for each concession as defined in Section 6-1.

(o) *Classification "O"—Carnival/Fortune Tellers, etc.—Base Permit Fee:* One hundred dollars ($100.00) per day.

(p) *Classification "P"—Shoe Shining—Base Permit Fee:* Fifteen dollars ($15.00) per year for the first chair and six dollars ($6.00) per year for each additional chair.

(q) *Classification "Q"—Non-licensed Contractor—Base Permit Fee:* Sixty-six dollars ($66.00) per year for the first employee plus six dollars ($6.00) per year for each additional employee.

(r) *Classification "R"—Licensed Contractor—Base Permit Fee:* Sixty-six dollars ($66.00) per year for each licensed contractor contracting as an individual, partner, or member of an association, plus six dollars ($6.00) per year for each non-licensed employee.

(s) *Classification "S"—Part-time/Intermittent—Base Permit Fee:* Nine dollars ($9.00) per day per each day of retail sales.

(t) *Classification "T"—Swap Meets, etc.—Base Permit Fee:* Three hundred ninety dollars ($390.00) per day plus nine dollars ($9.00) per day for each vendor not having a City license.

(Ord. No. 111, § 24; Ord. No. 114, § 4, § 8; Ord. No. 116, § 4; Ord. No. 124, § 1; Ord. No. 78-15, § 3; Ord. No. 91-02, § 2; Ord. No. 91-06, § 2; Ord. No. 93-06, § 1)

6-24.3 *Classifications.*

(a) Classification "A" shall consist of:

(1) Retailing of goods, wares, or merchandise including, but not limited to, the following businesses selling tangible personal property at retail or conducting a business of a retail nature:

Air conditioning or cooler supplies

Appliance sales and service

Automobiles—New or used

Automobile tires, batteries, parts, and accessories

Automobile service station

Awning sales

Bakery

Bicycle sales and service

Book shop

Brush and toiletries

Catalogue and mail order sales

Carpet sales and installation

Clothing store

Cosmetics and toiletries

Dairy products delivery to customer service routes from an established place of business in the City, (Otherwise see Classification "E")

Department store

Drug store

Dry goods store

Electric supplies and appliances

Feed

Fence sales (not installation, see Classification "G")

Fish and poultry (not from vehicle, see Classification "G")

Fire extinguisher sales and service

Five and ten—variety store

Florist

Fruit and vegetable sales (not from vehicle, see Classification "G")

Furniture and home furnishings

Gasoline and gasoline tank sales

Gift and novelty shop

Glass and paint shop

Groceries and meats

Hardware, paint, and appliances

Health foods

Ice

Ice cream parlors

Ice cream sales from vehicles operated from an established place of business in the City (otherwise see Class "E")

Jewelry store

Lapidary shop

Lumber and building materials
Motorcycle sales and service
Mobilehome sales and repairs (not towing, see Class "E")
Newspaper publishing (not distributors see Classification "E)
Nursery
Paint sales
Pet shop, pet food, pet supplies
Pharmacy
Photographer (not transient photographer, see Classification "G")
Photo shop
Plumbing supplies and appliances
Sewing machine sales and service
Shoe sales
Sporting goods
Stationery, office equipment, office supplies
Stamp redemption center
Wig sales

(2) Services including, but not limited to, the following businesses which are considered of a service nature:
Advertising and advertising agency (not billboards, see Classification "M")
Artist
Automobile or truck repairs (all types)
Automobile parking lot
Automobile or recreation vehicle or trailer rentals
Automobile towing service
Automobile wash
Animal kennels
Barber shop
Beauty shop
Bookkeeper (not public accountant, see Classification "B")
Bus depot

Cafe, restaurant, night club, tavern, without live entertainment or public dancing (with live entertainment or public dancing add twenty ($20.00) dollars per year)
Carpet cleaning
Cemetery
Cesspool cleaning
Collection agency
Credit checking agency
Dancing school
Dressmaking and tailoring
Dry cleaning and laundry (not out-of City, see Class "E"); not coin-operated, see Class "D")
Finance company or loan company
Financial counselor
Gardener, yard cleaning (not landscaping, see Class "G")
Gunsmith
Gymnasium, health studio
Income tax service
Insurance broker or adjustor
Interior decorator
Janitorial service
Laundry (not coin-operated, see Classification "D")
Locksmith
Machine shop making repairs only (for fabricating machine shops, see Classification "C")
Musical instructor or school
Mutual fund broker
Moving and storage services
Nursery school
Printing, dry copying, mimeographing, multigraphing, duplicating
Radio or television station
Real estate agent or broker
Repair services (all types except those under "contractor" in Classification "G" and those under Classification "Q")

Savings and loan institution
Saw sharpening
Steam cleaning
Stocks and bonds broker or agent
Sweeping service
Swimming pool, commercial operation
Telephone answering service
Travel services
Upholstering

(b) Classification "B" shall consist of:
Accountant
Architect
Appraiser
Attorney
Bacteriologist
Certified Public Accountant
Chemist
Chiropractor
Consultant
Clairvoyant
Dental or Medical Laboratory
Dentist
Detective
Engineer (all types)
Embalmer
Fortune Teller
Funeral Director
Geologist
Masseur
Medium
Mortician
Oculist
Optician
Optometrist
Osteopath
Palm Reader
Physician
Psychiatrist

Psychologist
Public Stenographer
Radiologist
Spiritualist
Surgeon
Surveyor
Veterinarian

(c) Classification "C" shall consist of:

(1) Manufacturing, fabricating, processing, or other industrial businesses including data processing businesses, data analysis services and manufacturer's customer service representatives working in the City.

(2) Hospitals of all types.

(3) Telephone and other utility companies and communication companies not specifically classified in this ordinance or franchised by the City.

(4) Automobile dismantling yards including sale of used vehicle parts removed from dismantled vehicles.

(d) Classification "D" shall consist of:

(1) Coin-operated launderettes, laundromats, dry cleaning establishments, wet wash businesses including persons conducting businesses in which the public is permitted to enter to wash, dry, or dry clean clothes or other materials in individual machines and the public uses coins in coin-operated machines.

(2) Persons distributing and maintaining vending and self-service machines including but not limited to:

Merchandise dispensing machines
Music dispensing machines

Amusement machines
Beverage dispensing machines
Food dispensing machines
Automobile car wash machines
Copying machines.

(e) Classification "E" shall consist of:

(1) Wholesaling including any person primarily selling goods, wares, or merchandise directly to retailers, and including, but not limited to:

Automobile parts distributors (TBA)
Bakery products distributors
Dairy products distributors
Grocery products distributors
Gasoline and oil distributors
Produce distributors

(2) Laundry, dry cleaning, and other services conducted over customer routes from locations outside the corporate limits of the City.

(3) Retail sales conducted from vehicles over customer routes from locations outside the corporate limits of the City (but not itinerant merchants as defined in Section 6-1).

(4) Pick-up and delivery services including, but not limited to:

Parcel and freight delivery (when delivery in the City is more than occasional and incidental to business conducted elsewhere)
Newspaper delivery (but not newspaper boys)
Mobilehome transport service

(5) Ice cream vending from vehicles.

(6) Bottled water distributors.

(7) Propane or other gas or fuel distributors.

(8) Pest exterminator services.

(f) Classification "F" shall consist of:

Food catering service when conducted primarily from a vehicle (otherwise see Classification "A").

(g) Classification "G" shall consist of:

(1) Theater (motion picture or playhouse) except that only one license shall be required for a firm operating theaters at separate locations alternately and not simultaneously.

(2) Skating rink.

(3) Public dance hall (but not night club or restaurant with dancing, see Classification "A").

(4) Itinerant merchant as defined in Section 6-1, see also Section 6-31 of this chapter.

(5) Solicitor as defined in Section 6-1 of this chapter.

(6) Transient photographer as defined in Section 6-1 of this chapter.

(7) Junk dealer as defined in Section 6-1 of this chapter.

(h) Classification "H" shall consist of:

Persons regularly engaged in the business of renting residential property or accommodations including all those types of residential accommodations listed in Section 6-1 of this chapter but not including mobilehome park spaces and not including a residential accommodation usually rented which is being occupied by its owner.

(i) Classification "I" shall consist of:

Persons regularly engaged in the business of renting mobile-home park spaces. Persons owning mobilehome park spaces who rent out or lease out mobilehomes on those spaces shall also obtain a license under

Classification "H" for the number of mobilehome units so rented or leased.

(j) Classification "J" shall consist of:

Persons regularly engaged in the business of renting commercial property or accommodations including offices, stores, shops, or other commercial structures and parcels of land occupied by any business use. Several parcels used together as part of the same local business (lessee) shall be considered one parcel for the purposes of applying the tax rate in this Classification.

(k) Classification "K" shall consist of:

Persons engaged in the business of providing recreation involving the following games:

Pool, billiards, or bagatelle
Bowling
Shuffleboard
Skeeball

A table, alley, board, or device licensed under this Classification shall not be licensed under any other classification.

A person licensed under this Classification shall not be required to obtain an additional license under Classification "A" for the serving of food or beverages on the same premises.

(l) Classification "L" shall consist of:

Persons operating card rooms approved by the Chief of Police as prescribed by City Ordinance. See also Section 6-32.

(m) Classification "M" shall consist of:

Persons erecting and maintaining outdoor advertising structures as defined in Section 6-1 of this chapter.

(n) Classification "N" shall consist of:

Persons operating carnivals, circuses, animal shows, and exhibitions not sponsored by a local charitable organization.

(o) Classification "O" shall consist of:

(1) Persons operating carnivals, circuses, animal shows and exhibitions sponsored by a local church, school, PTA club, veteran's organization or other recognized local charitable organization.

(2) Fortune teller, clairvoyant, palm reader, spiritualist, medium or other prognosticator who provides such services in connection with an event described in the preceding paragraph (1).

(3) A masseur or masseuse who provides such services in connection with an event described in the preceding paragraph (1).

(p) Classification "P" shall consist of:

Persons engaged in the business of shining shoes.

(q) Classification "Q" shall consist of:

Persons engaged in businesses not required to be licensed under the California Contractors License Law but which involve maintenance or repair of structures, or installation, maintenance or repair of improvements to structures, including but not limited to:

Air conditioning
Building moving and wrecking
Cabinet making
Carpentry and building alterations
Concrete finishing
Coolers
Earth moving, grading, trenching, paving
Electrical alterations
Flooring and tiling
Heating

Landscaping
Masonry
Metal Working
Mobilehome installation and accessory building erection
Painting and decorating
Plumbing, including sewer repairing and rodding
Refrigeration
Roofing
Sign painting
Welding
Well drilling

All persons applying for a license under Classification "Q" shall be required by the City Clerk to sign a statement under penalty of perjury that they are exempt from and will not do any work in violation of the California Contractors License Law (Bus. & Prof. Code Secs. 7000 et seq.). If it appears that any person licensed under Classification "Q" has performed work different from that permitted hereunder, the City Clerk may, after conferring with the City Attorney notify such person in accordance with Section 6-25 that his business is being reclassified to Classification "G". Notwithstanding provisions of Section 6-25 to the contrary, such reclassification shall apply during the current licensing year and such person shall pay the difference in licensing fees. Procedures in Section 6-2 for appeal to the City Council shall apply to any such reclassification.

(r) Classification "R" shall consist of contractors as defined in Section 6-1.f.

(s) Classification "S" shall consist of persons who engage in business on a part-time or intermittent basis.

(t) Classification "T" shall consist of: Persons carrying on, conducting, or managing such events as arts exhibitions, crafts exhibitions, swap meets, flea markets, and similar events.
(Ord. No. 111, § 24; Otd. No. 114, §§ 1,2,3,5,7; Ord. No. 116, § 1,2,3; Ord. No. 78-15, § 4; Ord. No. 87-07, §§ 2,3; Ord. No. 91-02, § 3; Ord. No. 91-06, §3)

6-25 Reclassification.

In any case where a licensee or an applicant for a license believes that his individual business is not assigned to the proper classification under this section because of circumstances peculiar to it, as distinguished from other business of the same kind, he may apply to the Director of Finance for reclassification.

Such application shall contain such information as the Director of Finance may deem necessary and require in order to determine whether the applicant's individual business is properly classified. The Director of Finance shall then conduct an investigation following which he shall assign the applicant's individual business to the classification shown to be proper on the basis of such investigation.

The proper classification is that classification which, in the opinion of the Director of Finance most nearly fits the applicant's individual business. The reclassification shall not be retroactive, but shall apply at the time of the next regularly ensuing calculation of the applicant's tax. No business shall be classified more than once in one year.

The Director of Finance shall notify the applicant of the action taken on the application for reclassification. Such notice shall be given by serving it personally or by depositing it in the United States Post Office at Ridgecrest, California, postage prepaid, addressed to the applicant at his last known address.

Such applicant may, within 15 days after the mailing or serving of such notice, make written request to the Director of Finance for a hearing on his application for reclassification. If such request is made within the time prescribed, the Director of Finance shall cause the matter to be set for hearing before the City Council within 20 days. The Director of Finance shall give the applicant at least ten days notice of the time and place of the hearing in the manner prescribed above for serving notice of the action taken on the application for reclassification.

The Council shall consider all evidence adduced and its findings thereon shall be final. Written notice of such findings shall be served upon the applicant in the manner pre-

scribed above for service of notice of the action taken on the application for reclassification.
(Ord. No. 111, § 25; Ord. No. 92-02, § 19)

6-26 Enforcement.

It shall be the duty of the Director of Finance, and he is hereby directed to enforce each and all of the provisions of this chapter, and the Chief of Police shall render such assistance in the enforcement hereof as may from time to time be required by the Director of Finance or the City Council.

The Director of Finance, in the exercise of the duties imposed upon him hereunder, and acting through his deputies or duly authorized assistants, shall examine or cause to be examined all places of business in the City to ascertain whether the provisions of this chapter have been complied with.

The Director of Finance and each and all of his assistants, and any police officers shall have the power and authority, upon obtaining an inspection warrant therefor, if necessary, to enter, free of charge, and at any reasonable time, any place of business required to be licensed herein, and demand an exhibition of its license.

Any person having such license theretofore issued, in his possession or under his control, who willfully fails to exhibit the same on demand, shall be guilty of a misdemeanor and subject to the penalties provided for by the provisions of this chapter. It shall be the duty of the Director of Finance and each of his assistants to cause a complaint to be filed against any and all persons found to be violating any of the provisions of this section. (Ord. No. 111, § 26; Ord. No. 92-02, § 20)

6-27 License Tax a Debt.

The amount of any license tax and penalty imposed by the provisions of this chapter shall be deemed a debt to the City. An action may be commenced in the name of the City in any court of competent jurisdiction, for the amount of any delinquent license tax and penalties. All remedies prescribed hereunder

shall be cumulative and the use of one or more remedies by the City shall not bar the use of any other remedy for the purpose of enforcing the provisions hereof. (Ord. No. 111, § 27)

6-28 Effect of Ordinance on Past Actions.

Neither the adoption of this ordinance nor its superseding any portion of any other ordinance of the City shall in any manner be construed to affect prosecution for violation of any other ordinance commited prior to the effective date hereof, nor be construed as a waiver of any license or any penal provision applicable to any such violation. (Ord. No. 111, § 28)

6-29 Penalty for Violation.

Any person violating any of the provisions of this chapter or knowingly or intentionally misrepresenting to any officer or employee of this City any material fact in procuring the license herein provided for shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be liable to the penalty established in Chapter I, Section 1-5. (Ord. No. 111, §29)

6-30 Regulating of Adult Entertainment Businesses.

6-30.1 *Findings.*

a. Lists as conditional uses certain "adult entertainment" businesses within the General Commercial (CG) District of the City.

b. The City Council finds that "adult entertainment" businesses, because of their very nature, are recognized as having objectionable operational characteristics, thereby having a deleterious effect upon the adjacent areas. Special regulation of these businesses is also necessary to insure that the conduct or operation of any such "business" shall not be detrimental to the public health, safety, morals or welfare. (Ord. No. 79-9, §1, §2)

6-30.2 *Definitions.* "Adult entertainment businesses" as used in this section:

a. "*Adult Book Store*" shall mean an establishment having as a substantial or significant portion of its stock in trade, books, magazines and other periodicals which are

distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" or an establishment with a segment or section devoted to the sale or display of such material.

b. *"Adult Theater and Auditorium"* shall mean an enclosed building with a capacity of fifty or more persons used for presenting material distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

c. *"Adult Mini Motion Picture Theater"* shall mean an enclosed building with a capacity for less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

d. *"Adult Hotel or Motel"* shall mean a hotel or motel wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

e. *"Adult Motion Picture Arcade"* shall mean any place to which the public is permitted or invited wherein coin or slug operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing "specified sexual activities" or "specified anatomical areas."

f. *"Cabaret"* shall mean a nightclub, theater or other establishment which features live performances by "go-go" dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

g. *"Model Studio"* shall mean any business where, for any form of consideration or gratuity, figure models who display "specified anatomical areas" are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity.

h. "*Sexual Encounter Center*" shall mean any business, agency or person who, for any form of consideration or gratuity, provides a place where three or more persons, not all members of the same family, may congregate, assemble or associate for the purpose of engaging in "specified sexual activities" or exposing "specified anatomical areas."

i. Any other business or establishment which offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

j. "*Specified sexual activities*" shall mean and include but not be limited to the following:

1. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral anal copulation, beastiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following depicted sexually oriented acts or conduct: analingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty; or

2. Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence; or

3. Use of human or animal masturbation, sodomy, oral copulation, coitus, ejaculation; or

4. Fondling or touching of nude human genitals, pubic region, buttocks or female breast; or

5. Masochism, erotic or sexually oriented torture, beating or the infliction of pain; or

6. Erotic or lewd touching, fondling or other contact with an animal by a human being; or

7. Human excretion, urination, menstruation, vaginal or anal irrigation.

k. "*Specified anatomical areas*" shall include the following:

1. Less than completely and opaquely covered (1) human genitals, public region; (2) buttock, and (3) female breast below a point immediately above the top of the areola; and

2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
(Ord. No. 79-9, § 3)

6-30.3 *License Required.* No person shall own, operate, conduct or maintain any "adult entertainment" business without first obtaining from the Director of Finance a license for such "adult entertainment" business. Such person shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of this section is committed, continued, or permitted by such person, firm or corporation, and shall be punishable as herein provided. (Ord. No. 79-9, § 4; Ord. No. 92-02, § 21)

6-30.4 *Fees; Term of License.* No license shall be granted under this section to any person under the age of 18. The fee for the operator license shall be five hundred ($500.00) dollars. Every initial license shall be valid from the date of issue until December 31 of the calendar year of issue unless earlier suspended or revoked. Any renewal license shall be obtained not later than February 1 of the year following the last previous year in which a valid license was held and shall be valid until December 31 of the calendar year of issue unless earlier suspended or revoked. (Ord. No. 79-9, § 5)

6-30.5 *Issuance of License; Site Plan Approval Required.* Upon payment of the applicable fee to the Director of Finance by the applicant, the Director of Finance shall grant and issue an appropriate license under this section when the Director of Finance receives from the Ridgecrest Planning Commission a written approval of a Site Plan for the operation of an adult use as defined by Chapter XX. (Ord. No. 79-9, § 6; Ord. No. 92-02, § 22)

6-30.6 *License Information.* An applicant for a license under this section shall file a verification and written application with the Director of Finance, on forms to be provided by the Director of Finance, which application shall state the name of the business, its address or proposed location, the names,

addresses, ages and Social Security numbers of all persons interested in the ownership thereof, if privately owned, or the names, addresses, ages and Social Security numbers of all officers and directors, if owned by a corporation, the type, nature, and size of the business to be conducted by the applicant, the name, address, age, and Social Security number of a designated person upon whom notices may be served, a copy of a partnership agreement, if any, a copy of the articles of incorporation, if any, a copy of its bylaws, and such other and pertinent information as the Council may require. An investigation fee of fifty ($50.00) dollars shall be paid to the Director of Finance at the time such application is filed and such fee shall not be returnable to the applicant. (Ord. No. 79-9, § 7; Ord. No. 92-02, § 23)

6-30.7 *Change in Ownership.* The owner of and/or the holder of an operator's license shall, at all times, notify the Director of Finance of any change of ownership of the said "adult entertainment" business. Failure to so notify the Director of Finance shall be grounds for suspension or revocation and canceling by the Director of Finance of any licenses issued under this section.

a. No person under the age of 18 years shall be allowed or permitted on the licensed premises.

b. No license shall be transferable to another person or to another business location.

c. Each licensed premises shall have posted, and continually kept posted, a copy of this section in a conspicuous place on the licensed premises. Also, the operator's business licenses shall be similarly displayed nearby.

(Ord. No. 79-9, § 8; Ord. No. 92-02, § 24)

6-30.8 *Compliance With City Ordinances; Revocation or Suspension of License.* Persons securing licenses under the Business License Regulation, Sections 6-1 through 6-29, shall be subject to all regulations and ordinances adopted by the City, including all the regulations set forth in this section and nothing in this section contained shall be construed to create any vested right in any person to the assignment, renewal,

reissuance, or continuance of any license and such rights shall be, and remain at all times, vested in the City Council.

a. The City Council may suspend or revoke and cancel any license for good cause shown, which may include but not be limited to fraud or misrepresentation in its procurement, or for a violation of any of the provisions of this section, or of any other ordinance of this City, or any State or Federal statute, relating to gambling or the sale of intoxicating liquors, committed or permitted on the licensed premises or any other conduct or act permitted on the premises tending to render such premises a common nuisance or a menace to the health, peace, morals, or general welfare of the City, or whenever in the judgment of the City Council the public safety demands such revocation or suspension. A public hearing on the issue of suspension, revocation, or cancellation may be requested by the applicant, licensee, or concerned citizens.

b. Whenever the Council shall receive satisfactory evidence that any operator, his or her officers, employees, partners, or agents have caused, committed or allowed any act provided in paragraph a. above to be grounds for the suspension or revocation of any license issued hereunder, the Council may, by written notice serve upon said licensed person, or persons, temporarily suspend such license pending a hearing on the permanent suspension or revocation of such license, which hearing is to be held not more than ten working days after notice of such temporary suspension.

c. The notice of the temporary suspension, together with the notice of the hearing thereon, shall be given in writing, and served at least five days prior to the date of the hearing thereon, such service to be upon the licensed operator and/or employee and such notice shall state the grounds of complaint against the said licensed operator and/or employee, and the time when, and the place where such hearing shall be held. Deposit of such notice in a United States mail box in a correctly addressed, stamped envelope shall constitute service. The Council shall hold the hearing and shall give notice of the determination of the Council in the same manner as set forth above.

(Ord. No. 79-9, § 9)

6-30.9 *Conflict With City Ordinances, This Section Takes Precedence.* If any of the provisions of this section are found to be in conflict with any other City Ordinance, it is the intention of the City Council that the provisions of this section take precedence. (Ord. No. 79-9, § 10)

6-30.10 *Penalties.* Any violation of the Business License Chapter shall be an infraction and shall be liable, upon conviction of the penalty stated in Chapter I, Section 1-5.
(Ord. No. 79-9, § 11)

6-31 Itinerant Vendors. (Ord. No. 94-01, § 2)

6-31.1 *Purpose and Scope.* The purpose of this section is to protect the health, safety and welfare of the general public and consumers who purchase products from itinerant vendors. As used herein, "itinerant" vendors are persons who sell goods or services or solicit donations without a fixed place of business within the City. The term "itinerant vendor" does not include a member of a nationally chartered nonprofit corporation wearing the organization's uniforms or persons sponsored by a public or private school with school identification cards. The term "itinerant produce vendor" refers to an itinerant vendor who sells food product. (Ord. No. 150, § 1; Ord. No. 94-01, § 3)

6-31.2 *Requirements.*

(a) Every itinerant vendor shall:

(1) Obtain a business license prior to commencement of any commercial activities;

(2) Wear a badge issued by the City, at the applicant's cost, displaying such information as photograph, name of the person who will be soliciting and the name, address and phone number of the company represented by the solicitor;

(3) Conduct business only until 7:00 p.m.

(b) Every itinerant produce vendor's vehicle shall have displayed on both sides thereof the name, address and phone number of the person who manages and controls the vending operation. The name shall be shown in letters at least three (3) inches in height, and the address and phone number shall be shown in

letters at least one and one-half (1½) inches in height. (Ord. No. 150, § 2; Ord. No. 94-01, § 4)

6-31.3 *Preparation of Products Sold.* No prepared food or produce shall be served or sold by an itinerant produce vendor unless prepared in an establishment complying with all applicable health regulations and laws. No food or produce sold by an itinerant produce vendor shall be packed or wrapped except in an establishment complying with all applicable health regulations and laws. An itinerant produce vendor shall not prepare food or produce except as provided herein. The Health Officer may restrict the food or produce offered for sale or gift by an itinerant produce vendor to such items as are not a hazard to the public health, safety and welfare when handled by facilities of itinerant produce vendors. (Ord. No. 150, § 3)

6-31.4 *Storage.* It shall be unlawful to store or keep any itinerant produce vendor's vehicle, equipment, food, produce or supplies in an unsanitary or unhealthful manner or place. (Ord. No. 150, § 4)

6-31.5 *Personal Cleanliness.* All itinerant produce vendors, and all of their employees and agents who handle food or produce shall at all times maintain themselves in a sanitary condition. (Ord. No. 150, § 5)

6-31.6 *Vendors in Fixed Location.* All persons claiming to be itinerant produce vendors but who offer for sale any food or produce at a fixed location shall comply with all laws and regulations applicable to food establishments and restaurants. Any such vendor's vehicle which is not moved at least five hundred (500) feet within each twenty-four-hour period shall be deemed to be in a fixed location unless specifically excepted in writing by the Health Officer. (Ord. No. 150, § 6)

6-31.7 *Parking Limitations.* Itinerant produce vendors shall not permit any vehicle to remain in one location for the purpose of displaying or selling food or produce for more than thirty (30) minutes during any twenty-four-hour period. No vehicle shall be parked on private property without the prior written approval of the Planning Department, Health Department and Director of Finance. No vehicle shall be parked on any public street, highway

or right-of-way without written approval of the public agency having jurisdiction thereof. (Ord. No. 150, § 7; Ord. No. 92-02, § 25)

6-31.8 *Sanitation Facilities.* No portable sanitation facilities shall be permitted. Toilet and handwashing facilities shall be available with a distance of one hundred fifty (150) feet from the vendor's vehicle and must be approved by the Health Officer. All garbage, papers, debris and litter must be promptly picked up and disposed of, and the premises must be maintained at all times in a neat, clean and orderly condition. All food products except liquids shall be sold only in sealed packages or from sanitary dispensers. Water shall be provided on the site for controlling dust and blowing sand, which water supply shall be from an approved water system. (Ord. No. 150, § 8)

6-31.9 *General Requirements.* In addition to the requirements set forth hereinabove, every itinerant produce vendor shall:

a. Obtain a City business license prior to commencement of any activities;

b. Maintain all signs on the vehicle, tables or stands, and not on adjoining premises;

c. Use a vehicle of a commercial type, with truck bed in clean and good condition, and with a current valid California registration;

d. Not display or store any food or produce on the ground, but only from the vehicle or on tables or stands at least thirty (30) inches above the ground level;

e. Provide suitable containers for disposal of culls, trash, debris and litter, such containers to be sanitary and in good condition with tight-fitting lids;

f. Report to Health Officer and Director of Finance any change in equipment for inspection and approval prior to use;

g. Have the vehicle and any equipment inspected each time the City business license is renewed or changed;

h. Leave all sales sites in a clean condition, with all vehicles, tables, stands, food, produce, culls, trash, debris and litter removed;

i. Vendors in a fixed location shall remove all vehicles, tables, and stands within twenty-four (24) hours after termination of offering food or produce for sale.

(Ord. No. 150, § 9; Ord. No. 92-02, § 26)

6-31.10 *Penalties.*

(a) The first violation of this section is an infraction.

(b) The second or subsequent violation within two (2) years is a misdemeanor punishable by a fine of not to exceed five hundred dollars ($500.00), or imprisonment for not to exceed thirty (30) days, or by both fine and imprisonment. (Ord. No. 150, § 10; Ord. No. 94-01, § 5)

6-32 Controlled Games. (Ord. No. 99-02, § 2)

6-32.1 *General.* This section regulates controlled games permitted under State law. As used herein, a "controlled game" is a card game not prohibited by the Penal Code. "Controlled game" does not include bingo or games played with cards in private homes where no person makes money for operating the game, except as a player. Terms used in this section, also defined in the Business and Professions Code or the Penal Code, have the meanings ascribed by those Codes. (Ord. No. 18, §§ 1, 2; Ord. No. 99-02, § 3)

6-32.2 *Permit Required.* No person shall permit a controlled game to be conducted without first securing a permit from the City. The owner and lawful occupant of real property where the controlled game is conducted and persons employed at a location where the controlled game is conducted are responsible for compliance with this section. (Ord. No. 92-02, § 27; Ord. No. 99-02, § 4)

6-32.3 *Application for Permit.* Applications for permits to conduct controlled games shall be filed in writing with the city clerk. The application shall contain at least the following information:

(a) The location where the controlled game is to be conducted;

(b) The names and addresses of the owners of the real property where the controlled game is to be conducted;

(c) The names of the lawful occupants of the real property where the controlled game is to be conducted;

(d) The names and addresses of gambling enterprise employees, including key employees; and

(e) The names and addresses of the owners of the gambling enterprise. (Ord. No. 18, § 3; Ord. No. 92-02, § 28; Ord. No. 99-02, § 5)

6-32.4 *Investigation of Application.*

(a) The Chief of Police, or designee, shall determine whether the proposed location is suitable for controlled gaming and whether the gambling enterprise owners are of good moral character.

(b) The Chief's written decision shall be provided to the: Division of Gambling Control of the California Department of Justice; the applicant and the City Clerk within thirty (30) days after the application is filed. All work permit applicants must submit an application and fingerprints directly to the State Department of Justice, Division of Gambling Control, for a full background check to be conducted by that State Agency.

(c) The applicant for the gambling enterprise may appeal the Chief's decision to the City Council by filing a written appeal within ten (10) days after the Chief's decision. The Council shall schedule a hearing within thirty (30) days. The decision of the Council is final. (Ord. No. 18, § 5; Ord. No. 92-02, § 29; Ord. No. 99-02, § 6)

6-32.5 *Permit Conditions.*

(a) Permits issued under this section shall include at least the following conditions:

(1) The location of the gambling enterprise shall be as stated in the application;

(2) The gambling enterprise ownership shall not change without prior written approval following investigation by the Chief of Police;

(3) The permittee shall comply with other provisions of law;

(4) The permit shall be prominently displayed on the premises;

(5) Each dealer shall display an identification card issued by the State Department of Justice;

(6) The gambling enterprise shall operate only between the hours of 2:00 p.m. and 2:00 a.m.;

(7) The owner shall be liable for the safety and security of patrons;

(8) The permittee shall comply with applicable zoning;

(9) There are no wagering limits. Wagering limits established by the gambling establishment must be clearly displayed at the table.

(10) The maximum number of tables, in each establishment shall not cause the maximum number of tables for the City to be exceeded;

(11) The premises shall be open for inspection by the Chief of Police and other peace officers;

(12) An expiration date of the next following January 1st.

(b) The maximum number of tables permitted in each gambling establishment is five (5). The maximum number of tables permitted in the City is fourteen (14). Additional tables may be permitted for gambling tournaments and other special events on application.

(Ord. No. 18, § 6; Ord. No. 99-02, § 7; Ord. No. 06-18, § 2)

6-32.6 *Revocation of Permit.*

(a) The Chief of Police may revoke permits issued under this section for:

(1) Fraudulent application statements;

(2) Noncompliance with permit conditions;

(3) Maintaining the premises in a manner detrimental to good public morals and social peace.

(b) The permittee may appeal the Chief's decision to revoke a permit to the City Council by filing a written appeal with the City Clerk within ten (10) days of the decision. The Council shall conduct a hearing within thirty (30) days. The decision of the council is final. (Ord. No. 18, § 7; Ord. No. 99-02, § 8)

6-32.7 *Fees.* The applicant, gambling enterprise employees, owners of the gambling enterprise and the permittee shall pay fees established by resolution of the Council. (Ord. No. 18, § 8; Ord. No. 92-02, § 30; Ord. No. 99-02, § 9)

6-32.8 *Enforcement.* Violation of this section is a misdemeanor. (Ord. No. 18, § 10; Ord. No. 66, § 1; Ord. No. 106, § 1; Ord. No. 99-02, § 10)

6-32.9 *Reserved.* (Ord. No. 18, § 9; Ord. No. 99-02, § 11)

6-33 Hours of Operation of Gambling Games.

6-33.1 *Hours Prohibited.* It shall be unlawful for any person to deal, play or carry on or open or cause to be opened or conduct or cause to be conducted, either as owner or employee, or otherwise, whether for hire or not, any game not mentioned or included in Section 330 of the Penal Code of the State of California, played with cards or dice or any other device for money, checks, credits or any other representative of value, within the City, between the hours of 2:00 a.m. and 9:00 a.m. of any day, including Sundays and holidays. (Ord. No. 11, § 1)

6-33.2 *Enforcement.* It shall be the duty of each and every peace officer of said City or of the County of Kern to use all legal means of detecting and convicting persons of violating any provision of this section and to exercise the right of search given by the law of this State to seize and safely keep all chips, checks, cards, apparatus and paraphernalia used for gambling purposes at any place that may exist contrary to this section and to produce the same in court and retain them until the final decision of the case in which such articles may be required as evidence and these articles shall be destroyed by the order of the court after proof having been made of their use for gambling purposes. (Ord. No. 11, § 2)

6-33.3 *Violations and Penalties.* Any person violating any provision of this section shall be guilty of a misdemeanor and upon conviction thereof shall be liable to the penalty established in Section 1-5. Each day that any provision of this section is violated is a separate and distinct offense and shall be punished as a separate and distinct offense. (Ord. No. 11, § 3)

6-34 Bingo Games for Charitable Purposes.

6-34.1 *Bingo Games for Charitable Purposes Permitted.* The City is authorized pursuant to Section 19, Article IV of the California Constitution and Section 326.5 of the Penal Code to provide for, and does hereby provide for bingo games, but only

for charitable purposes in accordance with the provisions of this section. (Ord. No. 77-16, § 1)

6-34.2 *Bingo Games License Required.* No person, firm, corporation, organization or association shall engage in, carry on, maintain, conduct, or cause to be engaged, carried on, maintained or conducted a bingo game in the City without first having secured a license from the Director of Finance in accordance with the requirements of this section nor without complying with the regulations contained herein pertaining to the operation of bingo games. (Ord. No. 77-16, § 2; Ord. No. 92-02, § 31)

6-34.3 *Organizations Eligible for City License to Conduct Bingo Games.* Organizations exempted from the payment of the bank and corporation tax by Sections 23701a, 23701b, 23701d, 23701e, 23701f, 23701g, and 237011 of the Revenue and Taxation Code, and mobile home park associations and senior citizens organizations are eligible to apply to the City for a license to conduct bingo games in the City under the provisions of Section 326.5 of the Penal Code, provided that the proceeds of such games are used only for charitable purposes. (Ord. No. 77-16, § 3)

6-34.4 *Applications for Licenses.* Applications for a license to conduct bingo games pursuant to this section shall be executed under penalty of perjury and submitted to the Director of Finance on forms to be obtained from the Director of Finance's office upon payment of the license fee prescribed in subsection 6-34.6f. The license issued shall be for a term of one year from the date of issue, subject to renewal for annual fee. (Ord. No. 77-16, § 4; Ord. No. 92-02, § 32)

6-34.5 *Applicant Must Be Qualified.* No license shall be issued to any organization unless such applicant is an eligible organization under subsection 6-34.3 and its application conforms to the requirement, terms and conditions of this section. (Ord. No. 76-15, § 5)

6-34.6 *Contents of Application.* Said application for a license shall contain the following:

a. The name of the applicant organization and a statement that applicant is an eligible organization.

b. The name and signature of at least two officers, including the presiding officer, of the corporation or community chest and the trustee of any trust.

c. A list of the names of members of the applicant organization who will, from time to time, operate and staff bingo games.

d. The particular property within the City including the street number, owned or leased by the applicant, used by such applicant for an office or for performance of the purposes for which the applicant is organized, on which property bingo games will be conducted, together with the occupancy capacity of such place.

e. Proposed days of week and hours of day for conducting of bingo games.

f. The annual license fee fixed by the City Council by resolution shall accompany the application.

g. The applicant shall also submit with its application a letter or other evidence from the State Franchise Tax Board showing that the applicant is exempted from the payment of the bank and corporation tax by Sections 23701a, 23701b, 23701d, 23701e, 23701f, 23701g, and 237011 of the Revenue and Taxation Code, or that the organization is a mobile home park association or a senior citizens organization.

h. A statement that the applicant agrees to conduct bingo games in strict accordance with the provisions of Section 326.5 of the Penal Code and this section as they may be amended from time to time, and agrees that the license to conduct bingo games may be revoked by the Chief of Police upon violation of any of such provisions.

i. Said application shall be signed by the applicant under penalty of perjury.

(Ord. No. 76-15, § 6; Ord. No. 77-16, § 5)

6-34.7 *Investigation of Applicant.* Upon receipt of the completed application, the Chief of Police shall make an investigation to determine if all of the statements in the application are true and shall refer the application to other interested departments of the City, including but not limited to the Director of the Planning Department, Director of Building Inspection, the County Health Officer and the Fire Marshal to determine if the appropriate zoning ordinances and regulations, building code ordinances, health ordinances and regulations, and provisions of the Uniform Fire Code have been or will be complied with. (Ord. No. 76-15, § 7)

6-34.8 *Contents of License.* Upon being satisfied that the applicant is fully qualified, under the law, to conduct bingo games in the City, the Director of Finance shall issue a license to said applicant, which shall contain the following information:

a. The name and nature of the organization to whom the license is issued.

b. The address where bingo games are authorized to be conducted.

c. The occupancy capacity of the room in which bingo games are to be conducted.

d. The date of the expiration of such license.

e. Such other information as may be necessary or desirable for the enforcement of the provisions of this section.

(Ord. No. 77-16, § 6; Ord. No. 92-02, § 33)

6-34.9 *Posting of License.* An organization licensed pursuant to this section shall not conduct or permit to be conducted a bingo game unless said license is posted in a conspicuous place during the conduct of any bingo game. The licensee shall produce and exhibit the same, when applying for renewal thereof, and whenever requested to do so by any peace officer or officer authorized to issue, inspect or collect licenses. (Ord. No. 76-15, § 9)

6-34.10 *Summary Suspension of License Pending Opportunity for Hearing; Misdemeanor to Continue After Suspension; Revocation.*

a. Whenever it appears to the Chief of Police that the licensee is conducting a bingo game in violation of any of the provisions of this section, the Chief of Police shall have the authority to summarily suspend the license and order the licensee to immediately cease and desist any further operation of any bingo game.

b. Any person who continues to conduct a bingo game after any summary suspension thereof under paragraph a. shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punishable by a fine not exceeding five hundred ($500.00) dollars or by imprisonment in the County jail for a period not exceeding six months, or by both such fine and imprisonment.

c. The order issued under paragraph a. shall also notify the licensee that it shall have five (5) days from the date of such order to request a hearing to determine whether such license shall be revoked. Failure to request, in writing, such hearing before the Chief of Police within said five-day period, shall result in a revocation of the license.

d. Upon such request by the licensee, whose license has been suspended under paragraph a. for a hearing to determine whether such license shall be revoked, the Chief of Police shall provide such hearing within ten days after receipt of such request at which hearing the suspended licensee may appear before the Chief of Police for the purpose of presenting evidence why the license should not be revoked. No license shall be revoked under this section unless notice of the time and place of such hearing shall have first been given at least five days before the hearing thereof by depositing in the United States mail a notice directed to said suspended licensee at the address given in the application. The notice shall set forth a summary of the ground advanced as the basis of the suspension and revocation.

e. Any organization whose license is revoked under this section shall not conduct any bingo game in the City until such time as the City Council, on appeal, determines to overrule the decision of the Chief of Police.
(Ord. No. 76-15, § 10)

6-34.11 *Revocation of License; Alternative Procedure.*

a. Whenever it appears to the Chief of Police that the licensee is conducting bingo games in violation of any of the provisions of this section or that the license was obtained by fraudulent representation and no summary suspension is ordered, under subsection 6-34.10, the license may be revoked; provided, however, the licensee may appear before the Chief of Police at the time fixed by the Chief of Police, for the purpose of presenting evidence why the license should not be revoked. No license shall be revoked under this section unless written notice shall have first been given at least five days before the hearing thereof by depositing in the United States mail a notice directed to said licensee at the address given in the application. The notice shall set forth a summary of the grounds advanced as the basis of the revocation.

b. Any organization whose license is revoked under this section shall not conduct any bingo game in the City until such time as the City Council, on appeal, determines to overrule the decision of the Chief of Police. (Ord. No. 76-15, §10)

6-34.12 *Appeal of Revocation to the City Council.*

a. Any holder of a license whose license is revoked under this section shall have the right, within ten days after receiving notice in writing of the revocation, to file a written appeal to the City Council. Such appeal shall set forth the specific ground or grounds on which it is based. The City Council shall hold a hearing on the appeal within 30 days after its receipt by the City, or at a time thereafter agreed upon and shall cause the appellant to be given at least ten days written notice of such hearing. At the hearing the appellant or its authorized representative shall have the right to present evidence and a written or oral argument, or both, in support of his appeal. The determination of the City Council on the appeal shall be final.

b. Any organization whose license is finally revoked may not again apply for a license to conduct bingo games in the City for a period of one year from the date of such revocation; provided, however, if the ground for revocation is cancellation of the exemption granted under Section 23701d of the Revenue and Taxation Code, such organization may again

apply for a license upon proof of reinstatement of said exemption. (Ord. No. 76-15, §10.2)

6-34.13 *Definition of "Bingo".* As used in this section, "*Bingo*" shall mean a game of chance in which prizes are awarded on the basis of designated numbers or symbols on a card which conform to numbers or symbols selected at random. (Ord. No. 76-15, §11)

6-34.14 *Maximum Amount of Prize.* The total value of prizes awarded during the conduct of any bingo games shall not exceed two hundred fifty ($250.00) dollars in cash or kind, or both, for each separate game which is held. (Ord. No. 76-15, §12)

6-34.15 *Profits to be Kept in Separate Fund or Account.* All profits derived from a bingo game shall be kept in a special fund or account and shall not be co-mingled with any other fund or account. Such proceeds shall be used only for charitable purposes except as follows:

1. Such proceeds may be used for prizes.
2. A portion of such proceeds, not to exceed ten percent of the proceeds after the deduction for prizes or five hundred ($500.00) dollars per month, whichever is less, may be used for rental of property, overhead, and administrative expenses.

The licensee shall keep full and accurate record of the income and expenses received and disbursed in connection with its operation, conduct, promotion, supervision and any other phase of bingo games which are authorized by this section. The City by and through its authorized officers, shall have the right to examine and audit such record at any reasonable time, and licensee shall fully cooperate with City by making such record available. (Ord. No. 77-16, §7)

6-34.16 *Financial Interest in Licensee Only.* No individual, corporation, partnership, or other legal entity except the licensee shall hold a financial interest in the conduct of such bingo game. (Ord. No. 76-15, §14)

6-34.17 *Exclusive Operation By Licensee.* A bingo game shall be operated and staffed only by members of the

licensee organization whose names shall have been previously given to the Chief of Police in accordance with subsection 6-34.6c. Such members shall at all times during the conduct and operation of any bingo game be conspicuously identified by a name tag or other appropriate means, as members authorized to operate and staff such game. Such members shall not receive a profit, wage, or salary from any bingo game. Only the licensee shall operate such game, or participate in the promotion, supervision or any other phase of such game. (Ord. No. 76-15, §15)

6-34.18 *Bingo Games Open to Public.* All bingo games shall be open to the public, not just to the members of the licensee organization. (Ord. No. 76-15, §16)

6-34.19 *Attendance Limited to Occupancy Capacity.* Notwithstanding that bingo games are open to the public, attendance at any bingo game shall be limited to the occupancy capacity of the room in which such game is conducted as determined by the Fire Department and Building Inspection Department of the City in accordance with applicable laws and regulations. Licensee shall not reserve seats or space for any person. (Ord. No. 76-15, §17)

6-34.20 *Bingo Games Conducted Only on Licensee's Property.* An organization authorized to conduct bingo games pursuant to this section shall conduct a bingo game only on property owned or leased by it and which property is used by such organization for an office or for performance of the purposes for which the organization is organized. Nothing in this section shall be construed to require that the property owned or leased by the organization be used or leased exclusively by such organization. The license issued under this section shall authorize the holder thereof to conduct bingo games only on such property, the address of which is stated in the application. In the event the described property ceases to be used as an office or as a place for performance of the purposes for which the organization is organized, the license shall have no further force or effect. A new license may be obtained by an eligible organization upon application under this section when it again owns or leases property

used by it for an office or for performance of the purposes for which the organization is organized. (Ord. No. 77-16, §18)

6-34.21 *Minors Not to Participate.* No person under the age of 18 years of age shall be allowed to participate in any bingo game. (Ord. No. 76-15, §19)

6-34.22 *Use of Credit Prohibited.* No licensee shall issue chips or money to a patron on credit or loan (including but not limited to IOU's and checks to be held) or allow any patron to play on credit. (Ord. No. 76-15, §20)

6-34.23 *Intoxicated Persons Not to Participate.* No person who is in a state of intoxication shall be allowed to participate in a bingo game. (Ord. No. 76-15, §21)

6-34.24 *Hours of Operation.* No licensee shall conduct any bingo game more than six hours out of a 24 hour period. No bingo game shall be conducted before 9:00 a.m., nor continued after 2:00 a.m. of the following day. (Ord. No. 76-15, §22)

6-34.25 *Posting of Bingo Game Rules and Regulations.* The licensee shall post in a conspicuous place during the conduct of any bingo game the rules and regulations of said game. (Ord. No. 76-15, §23)

6-34.26 *Participant Must be Present.* No person shall be allowed to participate in a bingo game, unless the person is physically present at the time and place in which the bingo game is being conducted. (Ord. No. 76-15, §24)

6-34.27 *Receipt of Profit by a Person, a Misdemeanor Under State Law.* It is a misdemeanor under Section 326.5 (b) of the Penal Code of the State of California for any person to receive or pay a profit, wage, or salary from any bingo game authorized under this section, a violation of which is punishable by a fine not to exceed ten thousand ($10,000.00) dollars which fine shall be deposited in the general fund of the City. (Ord. No. 77-16, §9)

6-34.28 *City May Enjoin Violation.* The City may bring an action in a court of competent jurisdiction to enjoin a violation of Section 326.5 of the Penal Code or of this section. (Ord. No. 76-15, §26)

6-35 Display of Certain Merchandise.

6-35.1 *General.*

a. No person shall display merchandise depicting sexual activity or merchandise intended to assist or promote sexual activity in any commercial establishment except in areas set aside and clearly posted for adults only or displayed within opaque units.

b. "Adults only" areas shall be visible from the cash register or sales center of the store. No item frequently purchased by minors shall be located in the vicinity of the "adults only" area. Minors shall not be permitted to enter an "adults only" area. Merchandise with sexually explicit depictions shall not be visible to persons outside the "adults only" area.
(Ord. No. 92-13, §3)

6-35.2 *Definitions.* The following terms are defined for the purposes of this section:

a. *"Merchandise"* shall mean any book, magazine, pamphlet, video cassette or disk, newspaper, or tangible personal property offered for sale, rent, lease or loan.

b. *"Commercial Establishment"* shall mean any place of business located within the City in which minors are permitted.

c. *"Depicting Sexual Activity"* shall mean any picture, photograph, drawing, decoration or other illustration depicting:

1. Stimulation of human genitals, or otherwise emphasizing the genitals;

2. Acts of human masturbation, sexual intercourse, sodomy, bestiality, buggery, cunnilingus, fellatio, pederasty, homosexuality, sado-masochism or similar acts;

3. Fondling or other erotic touching of human genitals, pubic regions or female breasts.

d. *"Assist or Promote Sexual Activity"* shall mean any device that is used or useful for:

1. Stimulation of human genitals, or otherwise emphasizing the genitals;

2. Acts of human masturbation, sexual intercourse, sodomy, bestiality, buggery, cunnilingus, fellatio, pederasty, homosexuality, sado-masochism or similar acts;

3. Fondling or other erotic touching of human genitals, pubic regions or female breasts.

e. *"Opaque Display Units"* are display units that show only the top two (2) inches of magazine covers.
(Ord. No. 92-13, §3)

6-35.3 *Exemptions.* Nothing contained herein shall prohibit:

a. A minor having proprietary interests in or managerial control of the ordinary and routine operation of a commercial establishment from entering the "adults only" areas of the commercial establishment.

b. Employing or allowing a minor to act in a proprietary or managerial capacity with respect to the operation of a commercial establishment including "adults only" areas of a commercial establishment.

c. Admitting a minor to an "adults only" area of a commercial establishment if the minor is accompanied by an adult who represents himself or herself as the minor's parent or guardian.

d. Allowing a minor to enter the "adults only" area of a commercial establishment, when not accompanied by parent or guardian, if the minor presents false documentation of being at least eighteen (18) years of age and the documentation appears to be legitimate to an average, prudent person.

e. Allowing a minor to legally purchase contraceptive devices.
(Ord. No. 92-13, §3)

6-35.4 *Civil Enforcement.* Any violation of this section is a public nuisance that may be abated as provided by law. (Ord. No. 92-13, § 3)

6-35.5 *Criminal Enforcement.*

a. Every person who violates any provision of this section is guilty of an infraction for the first offense and is guilty of a misdemeanor for subsequent offenses that occur within twelve (12) months of the first offense.

b. It shall be a defense in any prosecution for violation of this section that the merchandise does not depict, assist or promote sexual activity if its apparent character, outward appearance or contemporary Kern County-wide reputation would not cause an average adult person to reasonably know or suspect that the merchandise depicts sexual activity or assists or promotes sexual activity.

c. The criminal penalties for violations of this section are separate and cumulative to the civil enforcement of this section. (Ord. No. 92-13, § 3)

6-36. Reserved.

6-37. Distribution of Handbills.

6-37.1 *Purpose.* The purposes of this chapter [section] are declared to be as follows:

(a) To protect the health and safety of the people and the expense incident to the littering of public places by the uncontrolled distribution of commercial handbills; and

(b) To preserve to the people their constitutional right to receive and disseminate information by distinguishing between the nuisance created by the uncontrolled distribution of commercial handbills and the right to deliver noncommercial handbills. (Ord. No. 94-03, § 2)

6-37.2 *Definitions.* The following words, terms and phrases when used in this chapter [section] shall have the meanings ascribed to them in this section:

(a) *Handbill* means and includes any printed or written matter, any sample or device, circular, leaflet, paper, booklet or any other printed or otherwise reproduced original copies of any matter or literature.

(b) *Commercial handbill* is a handbill which is not a newspaper or sign and which has for its principle purpose one (1) or more of the following:

(1) Advertising for sale any merchandise, product, commodity, or thing;
(2) Directing attention to any business, mercantile, commercial establishment or other activity for the purpose of promoting the interests thereof of sales;
(3) Directing attention to or advertises any meeting, theatrical performance, exhibition or event of any kind, for which an admission fee is charged for the purpose of private gain or profit.

(c) *Noncommercial handbill* is a sign, newspaper or any handbill other than a commercial handbill.

(d) *Newspaper* means and includes any newspaper of general circulation, as defined by general law, any newspaper duly entered with the United States Postal Service in accordance with federal statute or regulation, any newspaper filed and recorded with any recording officers provided by general law, and any periodical or current magazine regularly published with not less than four (4) issues per year and sold to the public.

(e) *Private property* means and includes any dwelling, house, building or other structure designed for use either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and includes any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

(f) *Public property* means and includes any and all streets, boulevards, avenues, lanes, alleys or other public ways and any and all public parks, squares, plazas, grounds, and buildings.
(Ord. No. 94-03, § 3)

6-37.3 *Posting or Distribution of Commercial Handbills.*

(a) No person shall throw, cast, distribute, scatter, deposit, or place commercial handbill upon any public property within the City, except as may be authorized or required by the laws of the United States, the State, and the ordinances of the City.

(b) No person shall throw, cast, distribute, scatter, deposit or place any commercial handbill upon an unattended vehicle.

(c) Violation of this section is an infraction.
(Ord. No. 94-03, § 4)

CHAPTER VII

RESERVED*

* Editor's Note: Chapter VII, Taxation, previously contained herein, has been repealed in entirety by Ordinance No. 89-13, adopted July 19, 1989. For provisions pertaining to Taxation, See Chapter III, Articles 1, 3 and 4.

CHAPTER VIII

TRAFFIC*

8-1—8-12 Reserved.

*Editor's Note: Ordinance 90-07 repealed Ordinance Nos. 22, 31, 40, 47, 87, 99, 136, 175, 193, 201, 75-10, 76-14, 77-12, 77-14, 77-17, 77-19, 78-10, 79-1, 79-5, 82-6, 86-18 and 86-19 which were previously codified herein.

CHAPTER IX

BUILDING AND HOUSING

9-1 Unform 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 Ridgecrest'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 buiiding 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

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 accptance 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 permitee 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)

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

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.*

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.

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

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)

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CHAPTER X

RESERVED FOR

FUTURE USE

CHAPTER XI

SWIMMING POOLS AND ARTIFICIAL BODIES OF WATER

11-1 Standards for Enclosing Pools and Bodies of Water.

11-1.1 *Protective Enclosure for Swimming Pools, Etc.* Every person who shall own or be in the possession of any premises on which there is situated on the effective date of this Ordinance or any time thereafter, a swimming pool, fish pond, wading pool, or any other outside body of water created by artificial means, any of which had a water depth of 18 inches or more in any portion thereof, shall maintain on the lot or premises upon which such swimming pool, fish pond, wading pool, or other artificial body of water is located and completely surrounding such body of water, lot or premises, a fence, wall, or other adequate structure to make such body of water inaccessible to small children. Such fence, wall or other structure must be not less than five feet in height with no openings large enough to admit a child except through doors or gates as hereinafter provided. (Ord. No. 39, §1)

11-1.2 *Protective Enclosures for Canals and Ditches.* Any person who shall own, be in possession of, maintain, or have control over any open canal or ditch or any portion thereof, whether artificially created or not, in which there is maintained, either permanently or occasionally, any water, which water is of a depth of 18 inches or more in any portion of said canal or ditch, owned, possessed, controlled or maintained by said person, shall surround said portion of such canal or ditch with a fence, wall, or other adequate structure to make such canal or ditch inaccessible to small children. Such fence, wall, or other structure must be not less than five feet in height with no openings large enough to admit a child except through doors or gates as hereinafter provided. (Ord. No. 39, §2)

11-1.3 *Doors or Gates.* All doors or gates shall be of such size as to completely fill any opening in the fence, wall, or other structure and shall be equipped with self-closing and self-latching devices on the inside capable of keeping such gate or door located not less than four feet above grade or otherwise be inaccessible from the outside to small children. In lieu of such self-closing and self-latching devices, said doors and gates may be equipped with locks which shall be kept locked at all times when said pool, pond or other body of water is not in actual use; except that in the case of canals and ditches all gates or doors shall be kept locked at all times, unless adequately supervised. (Ord. No. 39, §3)

11-1.4 *Construction Standards.* The following construction standards shall apply to fences or walls created in compliance with this section:

Wood - Redwood or pressure treated posts not less than 3" x 3", set not more than ten feet apart, embedded at least 18 inches in the ground. Vertical boards at least ½" thick shall be fastened securely to not less than two horizontal rails at least 2" x 3" in dimension.

Wire - Galvanized wire mesh, minimum 11 guage, with galvanized pipe posts of at least 1¼" diameter spaced not more than ten feet apart. Posts shall be set not less than 12 inches in concrete, in post holes six inches in diameter and 18 inches deep.

Masonry - Shall have concrete footing at least 12 inches wide and six inches thick, with bottom not less than 12 inches below the ground surface. Any wall reinforcing steel shall be embedded in the footing. (Ord. No. 39, §4)

11-1.5 *Supervision - Cover.* In lieu of maintaining a fence, wall, or other enclosing structure, such person may provide a competent person who shall keep the pool, canal or ditch under observation at all times while water is kept in said pool, canal or ditch. In the event the pool, canal or ditch is not under the observation of a competent person, a cover or other protective device approved by the City Building Inspector of the City may be used to make such water inaccessible to small children. (Ord. No. 39, §5)

11-1.6 *Time for Compliance.* All persons, maintaining such swimming pools, fish ponds, wading pools, canals, ditches, or other outside bodies of water created by artificial means or otherwise, shall comply with the provisions of this section within 60 days after the effective date thereof. (Ord. No. 39, §6)

11-1.7 *Modifications.* The City Building Inspector may allow slight modifications for good cause shown in individual cases with respect to the height of the fence, wall, or other enclosing structure or the nature or position of the latch or other locking device. The City Building Inspector may permit other protective devices or structures to be used so long as the degree of protection afforded by the substitute devices or structures is not less than the protection afforded by the fence, wall, or other enclosing structure and the gate, door, latch or other locking devices described herein. (Ord. No. 39, §7)

11-1.8 *Extension of Time.* When it shall be determined by the Council that strict compliance with the terms of this section will not materially benefit or safeguard the public and that the work to be done will result in undue hardship to the owners or occupants or persons in possession or in control of said property, compliance shall not be required, or said Council in other cases of undue temporary hardship, may extend the time of compliance, but in no event to exceed 180 days at any one time. (Ord. No. 39, §8)

11-1.9 *"Person" Defined.* PERSON shall mean and include any natural person, corporation, partnership, and other association of any kind or nature or any other group or combination acting as a unit, and the plural as well as the singular member. (Ord. No. 39, §9)

11-1.10 *Enforcement.* The enforcement of the provisions of this section shall be by any officer or employee of the Building Department of the City. (Ord. No. 39, §10)

11-1.11 *Penalty for Violations.* Any person violating any of the provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction, shall be liable to the penalty established in Section 1-5. (Ord. No. 39, §8, §9, §10, §11)

CHAPTER XII

SEWER AND WATER

12-1 Water Wells and Water Supply Systems.

12-1.1 *Purpose and Scope.* The provisions of this chapter are adopted to preserve, protect and promote the health, safety and welfare of the public with respect to water supply. (Ord. No. 75-8, § 1; Ord. No. 86-32, § 2)

12-1.2 *Definitions.* Unless otherwise apparent from context, the following terms are defined for the purposes of this chapter:

a. *"Domestic service"* refers to water which is delivered to be used primarily for human consumption and sanitation.

b. *"Municipal and industrial service"* refers to water which is delivered to be used primarily for commercial and manufacturing purposes.

c. *"Agricultural service"* refers to water which is delivered to be used primarily for irrigation purposes.

d. *"Public water purveyor"* refers to a public agency or regulated public utility which delivers water to others. (Ord. No. 75-8, A3; Ord. No. 86-32, § 3)

12-1.3 *Water Well Permit Required.* No person, other than a public water purveyor, shall dig, drill, bore or drive a water well without first applying for and securing a permit from the City. (Ord. No. 86-32, § 4)

12-1.4 *Application.* Each application for a water well permit shall include:

a. Evidence that a well site plan has been approved by the Kern County Health Officer and Planning Commission.

b. Evidence that the water well will be constructed by a person holding a valid water well drillers contractors license.

c. Evidence that the water well will be constructed in accordance with standards from time to time established by the City Engineer.

d. Such further information as the City Engineer shall from time to time require. (Ord. No. 86-32, § 5)

12-1.5 *Review of Application.* The City Engineer shall issue a water well permit when the completed application has been filed with the necessary fees. (Ord. No. 86-32, § 6)

12-1.6 *Expiration of Water Well Permit.* Each water well permit shall expire on the 90th day after issuance if work has not been started and reasonable progress towards completion has not been maintained. The City Engineer may extend the expiration date of the permit. (Ord. No. 86-32, § 7)

12-1.7 *Water Distribution.* Water purveyors shall comply with all applicable state and federal laws and regulations governing the production, storage, transmission and sale of water. Water purveyors shall also comply with the provisions of Chapter XVII, Section 17-2, Uniform Fire Code, respecting the location and construction of fire hydrants and other fire protection devices. (Ord. No. 86-32, § 8)

12-1.8 *Use of City Right-of-Way.* A water purveyor may install, operate and maintain water pipelines and undergound appurtenances within City owned rights-of-way provided an encroachment permit is obtained from the City in accordance with Section 14-2. (Ord. No. 86-32, § 9)

12-1.9 *New Water System.* Under other parts of this Code, the City requires the proponent of land divisions or other developments to demonstrate to the satisfaction of the City that adequate arrangements have been made to secure the necessary and appropriate water supply. Except as provided hereinabove with respect to facilities for fire protection, the design and construction of such water facilities shall be the responsibility of the water purveyor. (Ord. No. 86-32, § 10)

12-2 Reserved. (Ord. No. 86-32, § 11)

12-3 Large Volume Discharges.

a. No person shall discharge water onto or upon a City street for longer than 15 consecutive minutes per a 24-hour period or in excess of 250 gallons per day, whichever is less.

b. Violation of this section is an infraction.

(Ord. No. 87-32, § 3; Ord. No. 87-33, § 3; Ord. No. 89-11, § 3)

12-4 Reserved. (Ord. No. 86-32, § 11)

12-5 Collection and Treatment of Sewage; General.

12-5.1 *Purpose.* In addition to providing for the terms and conditions of City sewer service, this section is also enacted for the purpose of establishing pretreatment regulations to prevent the introduction of pollutants into the City's treatment facilities which will interfere with the operation of the facilities or contaminate the sewage sludge; prevent the introduction of pollutants into the facilities which pass through the treatment works into receiving waters, the atmosphere, or otherwise be incompatible; and improve the feasibility of recycling and reclaiming waste waters and sludge resulting from waste water treatment. (Ord. No. 86-05, § 1)

12-5.2 *Scope.* This section shall apply to the collection, treatment, and disposal of all wastes delivered directly or indirectly through collector sewers, into the trunk sewers of the City; to the tapping of the connection to the collector and trunk sewers and the authority therefor; to the issuance of permits and the collection of fees therefor; to the imposition and collection of fees to pay the cost of checking plans, inspecting construction and providing "as-built" plans of the facilities permitted hereunder; and to providing penalties for violation of any of the provisions hereof. (Ord. No. 86-05, § 1)

12-5.3 *Definitions.* The definitions in this subsection shall govern the construction of this section and any permits issued hereunder, unless otherwise apparent from the context.

a. "*Applicant*" shall mean a person requesting sanitation service from the City.

b. *"Biochemical Oxygen Demand"* or *"B.O.D."* shall mean the demand of the waste discharge as determined by standard methods.

c. *"Class 1 Discharger"* or *"Class 1"* shall mean and refer to any discharger who discharges sewage from a residential

structure, or whose discharge is equivalent in strength to a residential discharge.

d. *"Class 2 Discharger"* or *"Class 2"* shall mean and refer to any nonresidential discharger who discharges sewage containing not more than 235 mg/l B.O.D. and 282 mg/l S.S. on an average daily basis. Light industrial users and commercial users such as schools and offices are presumed to be Class 2 dischargers, however, dischargers in this class must demonstrate that the discharge does not, and will not, exceed the foregoing limits.

e. *"Class 3 Discharger"* or *"Class 3"* shall mean and refer to any discharger who discharges sewage containing more than 235 mg/l B.O.D. and 282 mg/l S.S. but less than 635 mg/l B.O.D. and 415 mg/l S.S. on an average daily basis. Moderate industrial users and commercial users such as shopping centers and gas stations are presumed to be Class 3 dischargers, however, dischargers in this class must demonstrate that the discharge does not, and will not, exceed the foregoing limits.

f. *"Class 4 Discharger"* or *"Class 4"* shall mean and refer to any discharger who discharges sewage containing more than 635 mg/l B.O.D. and 415 mg/l S.S. but less than 1000 mg/l B.O.D. and 700 mg/l S.S. on an average daily basis. Moderately heavy industrial users and commercial users such as restaurants, markets and mortuaries are presumed to be Class 4 dischargers, however, dischargers in this class must demonstrate that the discharge does not, and will not, exceed the foregoing limits.

g. *"Class 5 Discharger"* or *"Class 5"* shall mean and refer to any discharger who dischargers sewage containing more than 1000 mg/l B.O.D. and 700 mg/l S.S. on an average daily basis. The industrial users are in this category.

h. *"Collector Sewer"* or *"Branch Sewer"* shall mean a public sewer or system of public sewers which receives sewage from a relatively small area and discharges into a trunk sewer. A collector sewer may, under certain circumstances, be privately owned and maintained.

i. *"Customer"* shall mean a person receiving sanitation service from the City.

j. *"Domestic Sewage"* shall mean the water borne wastes derived from the ordinary living or commercial process and of such character as to permit satisfactory disposal without

special treatment, into the public sewer or by means of a private sewage disposal system.

k. *"Equivalent Residential Unit"* or *"E.R.U."* shall mean and refer to a residential unit of any size, or 20 plumbing fixture units, as defined in the Uniform Plumbing Code, discharging into the sewer.

l. *"Industrial Waste"* shall mean any and all waste substances, liquid or solid, except domestic sewage and including, but not limited to, radioactive wastes and explosives, noxious, toxic, or corrosive gases or liquids when present in the sewage system. Class 2, 3, 4 and 5 dischargers are presumed to deposit industrial wastes.

m. *"Industrial Waste Connection"* shall mean the connection between an industrial waste source and a trunk or collector sewer and may include a manhole, or other acceptable testing means, on the lateral so that the City can sample the discharge to the trunk sewer or collector sewer.

n. *"Lateral Sewer"* shall mean a sewer which discharges into a branch or other sewer and which has no other common sewer tributary to it.

o. *"Sanitation Service"* shall mean the collection and treatment of sewage and the disposal of effluent and sludge by the City.

p. *"Suspended Solids"* or *"S.S."* shall mean and refer to the results of a standard Total Nonfilterable Residue Dried at 103°-105°C test as described in Standard Methods.

q. *"Sewage Unit"* shall mean and refer to one E.R.U. A single-family residential dwelling contributes one sewage unit.

r. *"Trunk Sewer"* shall mean a public sewer, owned and maintained by the City, to which one or more collector sewers are tributary.

s. *"Sewer Connection"* shall mean the connection between a lateral and collector or trunk.
(Ord. No. 86-05, § 1)

12-6 Collection and Treatment of Sewage; Commencement of Service.

12-6.1 *Application; General.* An applicant for sanitation service or for a change in the amount or type of such service shall make request therefor on forms provided by the City, and pay all required fees prior to obtaining a permit. (Ord. No. 86-05, § 2)

12-6.2 *Application; Contents.* Applicants for sanitation service shall provide the following information to the City on forms provided by the City:

a. Location of property from which sewage will flow.

b. Owner of property.

c. Strength of sewage to be discharged.

d. Duration of discharge.

e. Quantity of discharge.

f. Type of user (residential, commercial or industrial).

g. Nature of business if commercial or industrial.

h. Plumbing plans of the proposed facility, commercial or industrial.

(Ord. No. 86-05, § 2)

12-6.3 *Certification and Recertification of Class.*

a. The City Engineer shall review all applications for sanitation service and determine which class of discharge applies to the applicant.

b. Any nonresidential discharger or applicant who contends that the City Engineer's determination of Class does not accurately reflect the quantity or quality of water reaching the sewer may request the City Engineer to review his determination by presenting evidence to support such contention. The City Engineer may change the classification assigned to the discharger if the discharger can show that the sewage differs significantly and substantially from the sewage for the class.
(Ord. No. 86-05, § 2)

12-6.4 *Multiple Classes.* Whenever property served by a single water meter includes several discharge classes, the discharge classification shall be the class which the City determines best represents the quality and quantity of sewage discharge from the entire property served by the meter. (Ord. No. 85-05, § 2)

12-6.5 *Fees; General.* Applicants for sanitation service shall pay the fees set forth in this section as a condition for obtaining sanitation service. (Ord. No. 86-05, § 2)

12-6.6 *Existing Lateral Connection.* Where sewage units are added to an existing lateral sewer which is already connected to the trunk sewer, directly or through a collector sewer, or otherwise, the customer shall pay a sewer connection fee, capacity fee and an offsite facilities charge as set forth below for the added units. (Ord. No. 86-05, § 2; Ord. No. 93-11, § 3)

12-6.7 *New Trunk or Collector Sewer Required.* An applicant for service to property which does not fully front upon an existing trunk or collector sewer shall provide for the construction of the necessary collector or trunk, and pay a sewer connection fee, capacity fee and offsite facilities charge but shall not pay a sewer extension fee. (Ord. No. 86-05, § 2; Ord. No. 93-11, § 4)

12-6.8 *Existing Collectors or Trunk Sewers.* An applicant for service to an existing collector or trunk sewer shall pay the applicant's pro rata share of the cost of the trunk or collector sewer as a condition of service if a main extension refund agreement exists with respect to such trunk or collector sewer. (Ord. No. 86-31, § 1)

12-6.9 *Sewage Connection Fees; Sewage Units.* Each applicant shall pay a sewer connection fee to offset the cost of construction and reconstruction of collector sewers, based upon the anticipated sewage flow to be contributed by the property as follows:

(a) Single-family residential dwelling:

Until June 30, 1986	$ 250.00
Effective July 1, 1986	400.00
Effective January 1, 1987	540.00

(b) Each dwelling unit of an apartment, attached condominium, townhouse, trailer park, mobile home park, or similar installation for permanent or semi-permanent residential service, (deemed to contribute eighty hundredths (0.80) sewage units):

Until June 30, 1986	$ 200.00
Effective July 1, 1986	320.00
Effective January 1, 1987	432.00

(c) Commercial, industrial, institutional, governmental and other nonresidential developments:

Until June 30, 1986	$ 12.50
Effective July 1, 1986	20.00
Effective January 1, 1987	27.00

(per plumbing fixture unit)

(Ord. No. 86-05, § 2, Ord. No. 93-11, § 5)

12-6.10 *Offsite Facilities Charges.* The applicant shall pay an offsite facilities charge for each connection made in all areas which were outside of the Ridgecrest Sanitation District boundaries on October 3, 1970, as such boundaries are shown on that certain map entitled "Ridgecrest Sanitation District" on file in the office of the City Clerk. Such charges shall be paid concurrently with the sewage connection fee.

a. Offsite facilities charges are as follows:

1.	Single-family residence	$ 100.00
2.	Mobile home	90.00
3.	Laundromat, per washer	20.00
4.	Self-service car wash, per stall	30.00
5.	Service station	200.00
6.	Restaurant	400.00
7.	Duplex, triplex and apartment, per unit	90.00
8.	Motel per unit	50.00
9.	All others, per plumbing fixture unit as defined in the Uniform Plumbing Code	5.00

(Ord. No. 86-05, § 2)

12-6.11 *Sewage Connection Fees; Added Fees.* Upon discovery of an unauthorized sewer connection by the City, the property owner shall pay a sewer extension fee, sewage connection fee, capacity fee and offsite facilities charge at the rates existing as of the date of the connection. Unless the property owner presents clear and convincing evidence as to the date of the unauthorized connection, it shall be presumed that the connection was made as of the date of discovery. (Ord. No. 86-05, § 2; Ord. No. 93-11, § 6)

12-6.12 *Miscellaneous.* An applicant shall pay the following miscellaneous fees in addition to the foregoing. The amount of such fees shall be established from time to time by resolution.

a. Permit fees for sewer service lateral installations.

b. Plan check, inspection, and permit fees for construction of a trunk or collector sewer mains and appurtenances.

c. Permit fees for abandonment of septic tanks.

d. Septic tank waste dumping fees.

(Ord. No. 86-05, § 2)

12-6.13 *Sewage Capacity Fees.*

(a) Each applicant for sanitation service shall pay the following capacity fee to offset the cost of construction and reconstruction of sewage treatment and disposal facilities, based upon the anticipated sewage flow to be contributed by the property to the treatment plant:

(1) Single-family residential dwelling:

From January 17, 2003: $1,500.00

(2) Each dwelling unit of an apartment, attached condominium, townhouse, trailer park, mobile home park, or similar installation for permanent or semi- permanent residential service or the second unit on a single-family lot (deemed to contribute eighty hundredths (0.80) equivalent sewage units):

From January 17, 2003: $1,200.00

(3) Commercial, industrial, institutional, governmental, and other nonresidential developments (per plumbing fixture unit):

From February 1, 1994 $ 175.00

(b) When three hundred (300) new connections have been made after February 1, 1994, each applicant sanitation service shall pay the following capacity fee to offset the cost of construc-

tion and reconstruction of sewage treatment and disposal facilities, based upon the anticipated sewage flow to be contributed by the property to the treatment plant:

(1) Single-family residential dwelling: $3,500.00.

(2) Each dwelling unit: $2,800.00.

(3) Commercial: $175.00

(c) Effective on July 1, 1996, capacity fees shall be further adjusted to recover the cost of capital improvement projects undertaken after February 1, 1994, for sewage treatment and disposal facilities.

(d) An applicant for sanitation service to property using an on-site sewage disposal system as of February 1, 1994, may abandoned the on-site system in accordance with law and accepted practices and connect residential dwellings on the property to the collector system without payment of the capacity fee if sanitation services commences before February 1, 1995.

(e) Between November 14, 2001, and May 15, 2002, applicants for single-family residential sewer service shall not be required to pay sewage capacity fees under (a)(1), (b)(1) or (d) of this section. (Ord. No. 93-11, § 7; Ord. No. 01-06, § 2; Ord. No. 01-12, § 2; Ord. No. 02-03, § 2; Ord. No. 02-05, § 2; Ord. No. 02-06, § 2)

12-6.14 *Fees: Deposits, Accounts, Expenditures, Reports and Refunds.*

(a) Sewer connection and capacity fees may be changed at any time in accordance with this Code and State law. An applicant shall pay the connection fees existent at time of issuance of building permit and capacity fees existent when service commences regardless of when the fees are deposited. As used herein, "service commences" for a new or additional ERU when the applicant's primary structure can be connected to the trunk or collector sewer and payment of sewage service charges commences.

(b) Sewage connection fees, capacity fees and offsite facilities charges shall be deposited in three (3) separate accounts, entitled "sewage connection fee account," "capacity fee account" and "offsite facilities charge account" to avoid commingling with each

other or with other revenues or funds of the City, except for temporary investments. Sewer connection fees shall be expended solely for the purpose of planning, designing and constructing the collector sewers described in the sanitation system improvement plan for the City of Ridgecrest. Capacity fees shall be expended solely for the purpose of planning, designing and constructing sewage treatment and disposal facilities described in the City's sanitation system improvement plan. Offsite facilities charges shall be expended solely for the purpose of recovering the cost of sanitation facilities existing as of October 3, 1970.Money shall be transferred from the sewer connection account, capacity fees account and offsite facilities charges account to the appropriate account when funds are appropriated to perform the work, when the work is performed, when a certificate of occupancy is issued or on the date of final inspection, whichever occurs first.

(c) An applicant who is not required to make a cash payment of the foregoing fees shall enter into a deposit agreement. The City Engineer shall present a form of the deposit agreement to the Council for approval. The deposit agreement shall be recorded and the debt evidenced by the deposit agreement shall constitute a lien against the property for which service is sought.

(d) On or before September 1 of each year, the City shall make available to the public the beginning and ending balance for the prior fiscal year, of the fee, interest and other income, the amount of expenditure and the amount of refunds. The Council shall review this information at the next regularly scheduled public meeting not less than fifteen (15) days after the information is made available.

(e) The Council shall make findings at least once each fiscal year with respect to any portion of the fee remaining unexpended or uncommitted in the separate accounts five (5) or more years after deposit of the fee to identify the purpose to which the fee is to be put and to demonstrate a reasonable relationship between the fee and the purpose for which it was charged. The findings required by this subsection shall only be made for monies in the possession of the City and need not be made with respect to de-

posit agreements taken to secure payment of the fee at a future date.

(f) The City shall refund to the then current record owner or owners of lots or units of the development project or projects on a *pro rata* basis the unexpended or uncommitted portion of the fee and any interest accrued thereon, for which a need cannot be demonstrated pursuant to subsection (e) of this section, provided, if the administrative costs of refunding exceed the amount to be refunded, the City may determine that the revenues shall be allocated for some other purpose which serves the project(s) on which the fee was originally imposed. If the fees are not refunded to the record owner, the Council shall conduct a duly-noticed public hearing before expending the fees for another purpose which serves the project(s).

(g) The fees described herein shall be deposited prior to the date of final inspection or the date the certificate of occupancy is issued, whichever occurs first. The fees shall be deposited prior to issuance of a permit by the City, if an account has been established, funds appropriated and a construction plan has been adopted for the facility or if the fees are to reimburse the City for expenditures previously made. As used herein, "appropriated" means authorization by the Council to make expenditures and incur obligations for specific purposes. If the Council makes either of these findings, the fees shall be deposited on demand. If the Council does not make either of these findings, the fees shall be deposited on a lump basis for each dwelling in a residential development which contains more than one (1) dwelling when the first dwelling in the development receives its final inspection or certificate of occupancy, whichever occurs first. If the fee is not fully deposited prior to issuance of a building permit for construction of any portion of the residential development encumbered thereby, the applicant shall execute a deposit agreement before the issuance of the building permit to deposit the fee as set forth herein. The contract shall be recorded and constitute a lien for payment of the fee and shall require payment from the sale proceeds in escrow prior to disbursing proceeds to the seller.

(h) If the applicant abandons the construction of the improvements, or the recording of a subdivision, for which fees and charges

were paid, the fees and charges shall be refunded, with interest, to the applicant upon the applicant's written request, provided, if the facilities necessary to serve the applicant's property have been installed or direct expenses incurred by the City toward such service installation, the refund permitted under this section shall be reduced by the amount of such expenditure. (Ord. No. 93-11, § 8)

12-7. Collection and Treatment of Sewage; Conditions of Service.

12-7.1 *Land Eligible; General.* Lands lying within the boundaries of the City of Ridgecrest shall be eligible to discharge, deposit or dispose of wastes into the collector or trunk sewers of the City. (Ord. No. 86-05, § 3)

12-7.2 *System Expansion; General.*

a. The applicant shall provide for the construction of facilities necessary to connect the applicant's sewage disposal system to the trunk sewer. If the applicant's property does not front upon a trunk sewer or a collector sewer connected to a trunk sewer, the applicant shall provide for the construction of a trunk sewer extension or a collector sewer extension to connect to a trunk sewer This section describes the possible methods of financing such facilities.

b. The applicant shall insure that all such extended facilities are constructed and connected to the trunk sewer in accordance with City requirements. This section also describes the City's design and construction standards. (Ord. No. 86-05, § 3)

12-7.3 *Financing System Expansion; Trunk or Collector Sewers.*

a. If an applicant or developer is required to provide for the construction of a trunk sewer and if the trunk or collector sewer will be capable of servicing more than one (1) parcel of land, the city may enter into a main extension refund

agreement with the applicant whereby the applicant shall bear the entire cost of the design and construction of the facilities and the City shall collect a sewer extension fee from other applicants for service to other property fronting the trunk or collector sewer and remit 80 percent of the same to the original applicant when so collected. The form of the main extension refund agreement shall be, from time to time, approved by the City Council. Except where the sewer is larger than eight inches in diameter, such reimbursement shall be 80 percent of the sewer main extension fee. When the sewer is greater than eight inches in diameter, such reimbursement may include the cost of oversizing the sewer.

b. The City may allow the formation of an assessment district to provide construction monies in lieu of providing the reimbursement described above.

c. Nothing herein contained shall require the City to allow improvement district or assessment district bond funds to be used to construct a trunk or collector sewer or enter into a main extension refund agreement.
(Ord. No. 86-05, § 3)

12-7.4 *Financing System Extensions; Collector Sewers.* An applicant who is required to provide for the construction of a collector sewer which will not benefit other parcels of land, in order to obtain sanitation service shall finance the cost of such facilities without City participation.
(Ord. No. 86-05, § 3)

12-7.5 *Design and Construction Standards; General.* Pipelines and appurtenances which are constructed to deposit industrial waste or domestic sewage into the City's trunk sewers shall not be connected to the City's trunk sewers unless the pipelines and appurtenances are designed and constructed in accordance with applicable City standards.
(Ord. No. 86-05, § 3)

12-7.6 *Design and Construction Standards; Lateral Connection to a Trunk Sewer.*

a. Laterals shall he installed as shown on the City's standard specifications. No additional laterals shall be attached to any sewer connection, nor shall laterals he extended to collect other

sewage discharges without prior approval of the City. Any person making such unauthorized lateral extension or additions shall be subject to immediate disconnection, in addition to the liability incurred for other expenses and charges, as hereinafter set forth.

b. Sewer connections shall be made only at points on trunk sewers approved by the City Engineer. Such connections shall be installed at the applicant's expense and in accordance with the standard specifications of the City.

c. The applicant shall make the excavation in accordance with the City's standard specifications, and notify the City at least 48 hours in advance of the commencement of the excavation. The City shall also be notified of the completion of the lateral attachment to the connection in order that an inspection may be made prior to backfill of the trench for the lateral sewer.

d. Basic requirements for lateral sewer connections, wastewater design and construction standards. Pursuant to the 2001 California Plumbing, California Code of Regulations, Title 24, Part 5, Section 713.0, the waste water department has developed the following standards for the City relating to all private sewer waste drain lines connected to the public sewer system.

1. All work performed should be exposed allowing visual inspection.

2. A minimum of ¼-inch per foot of vertical fall toward the point of disposal shall be maintained.

3. A cleanout of equal size shall be required at the existing or new lateral property line connection for more than 90 degree change of direction of the service connection.

4. A cleanout is required in all cases immediately outside the building structure and must be to ground level. Additional cleanouts must be installed every 100 feet of horizontal run.

5. Three or four-inch diameter pipe shall be used except where the waste line may become inaccessible due to a concrete slab etc., then four-inch pipe is recommended.

6. Material types permitted 3" or 4" - SDR 35 ASTM 3034, including PVC DWV, schedule #40 with exposed blue glue bands. ABS not permitted.

7. Solid firm bedding under the length of the line shall be maintained. Relatively clean backfill should surround the pipe.

8. Every cesspool, septic tank and seepage pit which has been abandoned or has been discontinued otherwise from further use or to which no waste or soil pipe from a plumbing fixture is connected, shall have the sewage removed therefrom and be either removed from the premises or completely filled with earth, sand, gravel or other approved material.

9. All work should be completed prior to inspection. Otherwise, an additional inspection fee may be imposed.

10. In some areas of the City, buried red and white fencing stakes indicate available sewer service.

11. The property owner is responsible for the entire service lateral when and if it becomes clogged or obstructed to the branch or main line, even if, it is within and under the public right-of-way.

(Ord. No. 86-05, § 3; Ord. No. 2005-06, § 2)

12-7.7 *Design and Construction Standards; Collector Connections to a Trunk Sewer.*

a. Collector sewers shall be connected to City trunk sewers only at locations and in the manner specified by the City Engineer. All such collector sewer connections shall be constructed in accordance with City specifications.

b. Plans and specifications of collector sewers and connections to trunk sewers, shall be prepared by a registered Civil Engineer, and be submitted to the City prior to construction. If the collector sewer system and the connection conforms with all of the requirements of the City, the City Engineer shall so certify upon the plans.

c. The City shall inspect the actual work of making a collector sewer connection, and for that purpose must be given at least 48 hours notice prior to commencement of such work. The City must be notified of the completion of such work in order that inspection may be made prior to approval thereof and its acceptance by the City.

d. The collector sewer, up to the point where it joins the connection at the trunk sewer, shall be dedicated to the City. No additional collector sewers shall be connected to any collector sewer connection or collector sewer system without prior approval of the City.

e. The collector sewer connection, including any required manhole, shall be dedicated to the City.
(Ord. No. 86-05, § 3)

12-7.8 *Design and Construction Standards; Additional Requirements for Industrial Waste Connections.*

a. Industrial waste connections shall be made on trunk sewers or collector sewers only at locations and in the manner specified by the City Engineer.

b. Industrial waste systems and laterals may, for the purpose of control, be required to be separated from domestic systems and laterals. This may be accomplished at a manhole or other appropriate inspection facility with a common lateral then discharging to the industrial waste connection.
(Ord. No. 86-05, § 3)

12-8 Collection and Treatment of Sewage; Usage of System.

12-8.1 *Usage; General.*

a. No connection of any nature shall be made nor permitted to the collector or trunk sewers which will admit wastes which do not comply in all respects to the discharge and waste requirements of this section.

b. No person shall knowingly discharge or deposit or allow discharge or deposit into trunk sewers of solids or fluids which create nuisances, such as offensive odors, are a menace to public health, or are detrimental to the functioning of said trunk sewers or to the treatment and disposal facilities and processes of the City. The Wastewater Facilities Supervisor shall be consulted prior to the discharge or deposit of wastes other than those of a sanitary nature derived from the ordinary living processes, or of such character so as to permit satisfactory disposal without special treatment.
(Ord. No. 86-05, § 4)

12-8.2 *Usage; Prohibited Discharges and Wastes.* The following discharges and wastes are prohibited from introduction into the collector of trunk sewers:

a. Brines, including brines produced in the regeneration of water softeners shall not be discharged into the trunk sewers.

b. Uncontaminated cooling water shall not be discharged into the trunk sewers.

c. No persons shall discharge or cause to be discharged any rain water, storm water, groundwater, street drainage, subsurface drainage, yard drainage, including evaporative type air cooler discharge water, to any sewage facility which is directly

or indirectly connected to the sewage facilities of the City.
(Ord. No. 86-05, § 4)

12-8.3 *Usage: Discharges Requiring Special Permits; General.*

a. No person shall discharge: swimming pool wastewater, cesspool or septic tank pump trucks, or industrial waste into a trunk sewer without having first notified and obtained permission from the Wastewater Facilities Supervisor.

b. Swimming pool wastewater discharges are limited to the hours of 9:00 p.m. to 4:00 a.m., and are further subject to the limitations contained in the permit.

c. Cesspool or septic tank pump trucks discharging into City facilities are subject to the limitations contained in such permit. At the discretion of the City, industrial waste permits and/or County Health Department Permits shall first be obtained by applicant.
(Ord. No. 86-05, § 4)

12-8.4 *Industrial Wastes; Limitations.* Each request for a permit to discharge industrial wastes to the collector or trunk sewer shall be subject to review and approval of the City. Each industrial waste discharge will be considered individually, giving due consideration to its effect upon the trunk sewers and the treatment and disposal facilities and processes of the City. In addition to limitations on industrial wastes as may be imposed by the City Engineer pursuant to the issuance of a permit, the following general limitations shall apply to all industrial wastes discharged to the trunk sewers.

a. Material which will settle out in the sewers, such as sand or metal filings, shall not be discharged to the sewers. Waste waters containing such materials must be passed through sand traps or other suitable structures, properly designed and maintained by the permittee, before discharge to the sewer.

b. Oil and grease shall be removed from wastewaters insofar as practicable. In the case of industries with large volumes of wastewaters containing oils of a hydrocarbon nature, the floatable oil content will be limited to ten parts per million. Industries with wastes containing animal or vegetable oils or fats mixed with other suspended matter rendering separation difficult, may in some cases be allowed higher concentrations of floatable oil or grease, up to 25 parts per

million. Dispersed oil and grease will, in general, be allowed in concentrations up to 600 parts per million provided that dilution of the waste in sewage does not cause the oil or grease to separate on the surface or collect on the walls of the sewer. Total oil determinations in oil field or refinery wastewaters will be made by the procedure of Kirshmann and Pomeroy, Anal. Chem. 2,793 (1949). Determinations in other wastes will be made by the procedures described in the latest editions of "Standard Methods for the Examination of Water and Sewage" published by the American Public Health Association, except where wastes of unusual character make other procedures necessary. Definition of floatable oil and grease, and instructions for determination of same, are available on request from the City's office.

c. Unreasonable or unnecessarily large amounts of suspended solids shall not be discharged into the sewer.

d. High B.O.D. wastes may in some cases cause excessive sulfide formation. In such cases suitable restrictions may be imposed by the City, and the industry discharging the same will be charged the cost of corrective treatment.

e. Wastes of strong odors, such as mercaptans, shall not be discharged into the sewer.

f. Dissolved sulfides in wastes discharged into the sewer shall not exceed a concentration of 0.1 ppm.

g. Acids shall not be discharged into the sewer unless neutralized to a pH value of six or above. Highly alkaline wastes will usually be accepted, except where they may cause incrustration of sewers. Nitric acid requires special consideration; the Wastewater Facilities Supervisor shall be consulted prior to making such discharges.

h. Compounds which may give off toxic or flammable gases in amounts considered dangerous by the City will not be permitted in the sewers. The concentration of cyanide in any waste (including HCN and CN) shall not exceed ten ppm. Wastes containing radioactive material shall require special consideration and a permit therefor issued by the City.

i. Contaminated cooling water blowdown, or bleed, from cooling towers or other evaporative coolers and when cooling is done by using only heat exchange, without utilizing evaporative cooling, the wastewater shall not be discharged to the sewer.

j. Industries shall segregate sewage and industrial wastes from roof and yard run-off. Roof and yard run-off shall not be discharged to the sewer.

k. The temperatures of discharges will generally be limited to 120°F. Where the quantity of discharge represents a significant portion of the flow in a particular sewer, it may be necessary to lower the temperature further.

l. Chemical solutions containing nitric acid or salts thereof in concentrations above five percent by weight, and volumes in excess of 50 gallons shall not be discharged into the sewer. Industries desiring to dispose of such wastes may consult the City as to permissible disposal methods.

m. Wastes shall not be discharged into the sewers containing heavy metals in concentrations greater than permitted by the Regional Water Quality Control Board for sewage effluent.

n. Wastes containing boron, fluorides, chlorides and sodium or potassiums or other dissolved solids which will cause the effluent of the City's treatment facilities to exceed the requirements of the Regional Water Quality Control Board shall not be discharged into the City's sewers.
(Ord. No. 86-05, § 4)

12-8.5 *Protective Measures; General.* Each customer shall comply with the provisions of this section to insure that the collection, treatment and disposal processes are not damaged. (Ord. No. 86-05, § 4)

12-8.6 *Definitions.* The following terms are defined for the purposes of this section unless otherwise apparent from context:

a. "*Act*" shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 38 U.S.C. Sections 1251 et seq.

b. "*Administrator*" or "*Regional Administrator*" shall mean the appropriate Environmental Protection Agency Regional Administrator.

c. "*Interference*" shall mean inhibition or disruption of the City's sewer system, treatment process or operations which contributes to a violation of any requirement of its National Pollution Discharge Elimination System (NPDES) permit. The term includes prevention of sewage sludge use or disposal by the City's facilities in accordance with Section 405 of the Act,

or any criteria guidelines or regulations developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substance Control Act, or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of the Solid Waste Disposal Act) applicable to the method of disposal or use employed by the City's treatment facilities.

d. *"Indirect Discharge"* shall mean the discharge or introduction of nondomestic pollutants from any source regulated under Section 307(b) or (c) of the Act, into the City's treatment facilities.

e. *"New Source"* shall mean any source, the construction of which is commenced after the publication of proposed regulations prescribing a Section 307(c) Categorical Pretreatment Standard which will be applicable to such source, if such Standard is thereafter promulgated within 120 days of the proposal in the Federal Register. Where the Standard is promulgated later than 120 days after the proposal, *"New Source"* shall mean any source the construction of which is commenced at the date of promulgation of the Standard.

f. *"Publicly Owned Treatment Works"* or *"P.O.T.W."* shall mean a treatment works as defined by Section 212 of the Act, which is owned by a state or municipality (as defined by Section 502(4) of the Act). This definition includes any sewers that convey wastewater to such a treatment works, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. The term also means the municipality as defined in Section 502(4) of the Act, which has jurisdiction over the indirect discharges to and the discharges from such treatment works.

(Ord. No. 86-05, § 4)

12-8.7 *National Categorical Pretreatment Standards.* Upon promulgation of the Categorical Pretreatment Standards for particular industry sub-category, the Federal Standard, if more stringent than the limitations imposed under this ordinance for sources in that sub-category, shall immediately supersede the limitations imposed under this ordinance. The Wastewater Facilities Supervisor shall notify all affected users of the applicable requirements under the General Pretreatment Regulations, Solid Waste Disposal Act, and the Act.

(Ord. No. 86-05, § 4)

12-8.8 *Pretreatment Compliance Schedule.* If additional pretreatment and/or operation and maintenance will be required to meet the Pretreatment Standards, the shortest schedule by which the user will provide such additional pretreatments shall be utilized. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard.

The following conditions shall apply to the schedule:

a. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable Pretreatment Standards e.g., hiring an engineer, completing preliminary plans, completing final plans executing contract for major components, commencing construction, completing construction, and so forth.

b. No increment referred to in paragraph a. shall exceed nine months.

c. Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Wastewater Facilities Supervisor including, as a minimum, whether or not it complied with the increment of progress to be met on such date, and, if not, the date on which it expects to comply with this increment of progress, the reason for the delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the Wastewater Facilities Supervisor.

(Ord. No. 86-05, § 4)

12-8.9 *Reporting Requirements for Permittee.*

a. *Compliance, Date of Report.* Within 90 days following the date for final compliance with applicable Pretreatment Standards or, in the case of a new source, following commencement of the introduction of wastewater into P.O.T.W., any user subject to Pretreatment Standards and Requirements shall submit to the Wastewater Facilities Supervisor a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by Pretreatment Standards and Requirements and the average and minimum daily flow for those process units in the user

facility which are limited by such Pretreatment Standards or Requirements. The report shall state whether the applicable Pretreatment Standards or Requirements are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the user into compliance with the applicable Pretreatment Standards or Requirements. This statement shall be signed by an authorized representative of the user, and certified to by a qualified professional.

b. *Periodic Compliance Reports.*

1. Any user subject to a Pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of a new source, after commencement of the discharge into the P.O.C.W., shall submit to the Manager of Water Reclamation Operations during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Wastewater Facilities Supervisor the report indicating the nature and concentration of pollutants in the effluent which are limited by such Pretreatment Standards. In addition, this report shall include a report of all daily flows which during the reported period exceeded the average daily flow reported in the paragraph above. At the discretion of the Wastewater Facilities Supervisor and in consideration of such factors as local high or low flow rates, holidays, budget cycles and so forth, the Wastewater Facilities Supervisor may agree to alter the monitoring which the above reports are to be submitted.

2. The Wastewater Facilities Supervisor may impose mass limitations on users which are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by paragraph 1. of this subsection shall indicate the mass of pollutants regulated by Pretreatment Standards in the effluent by the users. These reports shall contain the results of sampling and analysis of the discharge, including the flow and nature and concentration, of production and, where requested by the Wastewater Facilities Supervisor mass of pollutants contained therein which are limited by the applicable Pretreatment Standards. The frequency of monitoring shall be prescribed in the applicable Pretreatment Standards. All analysis shall be performed in accordance with the procedures established by

the Administrator pursuant to Section 304(g) of Act and contained in 40 CFR, Part 136 amendments thereto or with any other test procedures approved by the Administrator. (Ord. No. 86-05, § 4)

12-8.10 *Public Notification of Violations.* The City shall annually publish, in the daily newspaper within the jurisdiction, a list of users which are not in compliance with any Pretreatment Requirements or Standards at least once during the 12 previous months. The notification shall also summarize any enforcement action taken against the user during the same 12 months. (Ord. No. 86-05, § 4)

12-8.11 *State Requirements.* State requirements and limitations on discharges apply in any case where they are more stringent than Categorical Standards or this ordinance provided such requirements are adopted as set forth herein. (Ord. No. 86-05, § 4)

12-8.12 *More Stringent Limitations.* The City reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the waste water disposal system if deemed necessary to comply with the objectives as set forth in this ordinance. (Ord. No. 86-05, § 4)

12-9 Water Conservation Methods.

12-9.1 *Purpose.* This section adopts water conservation measures to protect the water supplies for the region. The measures described below are temporary. If the current lack of water replenishment continues or worsens, the City may react to the drought by enacting more stringent measures. If the current water supply improves, the City may adopt permanent water conservation measures based upon experience gained under this section. (Ord. No. 88-16, § 1)

12-9.2 *Voluntary Measures.*

a. Water users are encouraged to use the voluntary measures in order to achieve an overall ten percent reduction

in current usage.

b. Landscape irrigation shall be reduced by using, to the extent possible:

1. Low water usage plants;
2. Use of ground cover and shrubs in lieu of turf area;
3. Low precipitation heads to minimize overspray;
4. Irrigation system maintenance programs; and
5. Surround high runoff areas with borders, flower beds and similar devices to capture and reuse runoff.

c. Water users may reduce the amount of water used to water lawns by:

1. Periodically aerating the soil;
2. Using highly efficient irrigation equipment;
3. Placing irrigation equipment and regulating flow to avoid overspray on impervious surfaces;
4. Promptly repair all leaks;
5. Properly maintain sprinkling devices; and
6. Avoid overwatering by irrigation at more frequent intervals from shorter periods of time.

d. Vehicles should be washed at a commercial car wash, which recycles water, or using a water bucket and hose equipped with a shut-off nozzle for quick rinsing.

e. Water should be recycled and reused whenever possible.

f. The City shall advise the Indian Wells Valley Water District prior to high usage activities such as sewer system flushing and shall cooperate with the District to reduce the demand on the District's water system to the extent feasible.
(Ord. No. 88-16, § 2)

12-9.3 *Mandatory Measures.*

a. No water user shall waste water. For the purposes of this section, "waste" means using water for no beneficial purpose including, but not limited to:

1. Landscape irrigation in a manner or to an extent which allows water to runoff the area being irrigated;
2. Using water to wash or rinse sidewalks, driveways, parking areas, tennis courts or other exterior paved areas except to dispose of flammable or dangerous liquids.
3. Allowing water to leak through water connections, hoses, faucets, pipes, outlets or plumbing fixtures.

b. Landscape shall not be irrigated from May 1 through September 30 except between the hours of 8:00 o'clock p.m. and 8:00 o'clock a.m. unless a special permit is issued for an appropriate period of time to accommodate newly planted material.

c. No water shall be provided to any structure which is hereafter constructed or remodeled in which the plumbing fixtures are to be installed unless the plumbing fixtures conform with all requirements of law as to flow capacity.

d. Landscaped areas for all new property development, other than single family residences, shall include as part of its development, low water use or native plant material, low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices, and shall be designed to avoid water loss to the extent practicable.

(Ord. No. 88-16, § 3)

12-9.4 *Penalties.*

Each day's violation of this section is a separate offense. Violation of this section is an infraction punishable by a civil fine of not more than one hundred ($100.00) dollars for the first violation, two hundred fifty ($250.00) dollars for the second violation within one year and five hundred ($500.00) dollars for each subsequent violation within the same year.

(Ord. No. 88-16, § 4)

CHAPTER XIII

SANITATION

13-1 Removal of Garbage and Rubbish.

13-1.1 *Requirements for Food Handling Establishments.* All food processing or food handling establishments shall cause their garbage to be removed at least three times per week and in no event shall said firms be allowed to accumulate garbage for a period in excess of 72 consecutive hours.

13-1.2 *All Other Property; Weekly Disposal Required.* All other persons or firms owning or renting property within the City shall dispose of garbage from their premises at least once per week, and shall in no event allow garbage to accumulate upon these premises for more than seven consecutive days.

13-1.3 *Time Limit for Rubbish Disposal.* Property owners and tenants of any property within the City shall cause any rubbish thereon to be removed from their premises at least once per week and shall not permit any rubbish to remain upon their premises for a period in excess of seven consecutive days. (Ord. No. 41, §1, 2, 3)

13-1.4 *Contract Authorized for Garbage and Rubbish Collection; Rates Established.*

a. The City Council is hereby authorized to enter into a contract with a qualified person engaged in the business of collecting, transporting and disposing of refuse, garbage and rubbish, for the purposes of collecting, transporting and disposing of refuse, garbage and rubbish within the City.

b. The City Council, by resolution, shall establish and fix all rates, charges and conditions for the collection of refuse, garbage and rubbish in the City.

c. All refuse, garbage and rubbish shall be removed from the premises described above either by agreement with the qualified person who has entered into such an agreement with the City or by the property owner or tenant himself. In

the event the owner or tenant of property elects to dispose of rubbish or garbage on his own, he shall transport said garbage or rubbish to a dump site licensed by the City or the County of Kern. Such transportation shall be in a manner which will prevent leakage, spillage, and or littering of City streets or private property. If such transportation is not in containers with securely fastened lids, the bed or body of the vehicle containing said garbage or rubbish shall be covered with a securely lashed tarpaulin or other secure cover so as to prevent leakage, spillage, and/or littering of City streets or private property. (Ord. No. 41, §4; Ord. No. 112, §1; Ord. No. 78-13, §1)

13-1.5 *Dumping Prohibited; Exceptions for Licensed Dump.* No person shall permit the dumping of garbage or rubbish in any public place within the City or on or upon any private property within the City other than a duly licensed public dump or waste disposal facility where such material can be legally accepted. (Ord. No. 41, §5)

13-1.6 *Disposal of Industrial Waste or Volatile Liquids.* No person shall permit the dumping of industrial waste or volatile liquids within the City other than in a duly licensed public dump or waste disposal facility where such waste legally can be accepted. (Ord. No. 41, §6)

13-1.7 *Garbage Containers.* Property owners and tenants shall deposit all garbage for collection in leakproof containers equipped with a bail or with handles on both sides thereof. Such containers shall have closefitting covers. (Ord. No. 41, §7)

13-1.8 *Rubbish.* Property owners and tenants shall deposit all combustible and non-combustible rubbish for collection in substantial containers constructed of wood, metal or other material that will not permit the contents thereof to sift or pass through any opening therein. Such container shall have a capacity and weight not exceeding that which the collector, by contract, has agreed to pick up.

Tree trimmings, shrubs, branches and other combustible rubbish not reasonably susceptible to being placed in con-

tainers may be deposited for collection in securely tied bundles not longer and not heavier than the collector, by agreement, has agreed to pick up.

Non-combustible rubbish not reasonably susceptible of being placed in containers, may be deposited for collection without being placed in containers if no item exceeds in weight or length what the collector, by agreement, has agreed to pick up. (Ord. No. 41, §8)

13-1.9 *Garbage and Rubbish Mixed.* When garbage and rubbish is stored together in the same container, such container shall be leak-proof, metal, equipped with a bail or handles and have a tight fitting cover. Such container shall have a capacity and weight not exceeding that which the collector, by agreement, has agreed to pick up.

All garbage deposited in such containers shall be thoroughly drained and wrapped prior to placement in such container. (Ord. No. 41, §9)

13-1.10 *Use of Cardboard Boxes or Paper Bags.* A cardboard box or paper bag shall not be used as a container for garbage. Such boxes or bags may be used as containers for rubbish only if same are securely tied and secured so as to prevent winds from removing the contents thereof. (Ord. No. 41, §10; Ord. No. 112, §2; Ord. No. 78-13, §2)

13-1.11 *Keeping Container Lids Closed.* It shall be unlawful for any property owner or tenant to fail to keep a lid securely placed or fastened on a rubbish container or bin so as to prevent winds from removing the contents of such containers. It shall be unlawful for any private disposal firm to fail, after each collection, to replace the lids on bins and to clean up any litter dropped during unloading of such containers.

It shall be unlawful for any private disposal firm to provide a property owner or tenant with metal bins or other containers which do not have lids or covers capable of being closed to prevent winds from removing the contents thereof. If such bins or containers are damaged in the process of collection, the private disposal firm shall immediately replace the bins or containers with bins or containers meeting the requirements of this section.

Any private disposal firm contracting with property owners or tenants to collect garbage or rubbish and providing bins to the property owners or tenants for such collection purposes shall stencil on each such bin in a conspicuous place on the front thereof, with letters at least three inches high, the following wording: "Keep lids closed when not in use." Such stenciling shall be completed on all such containers in use by January 1, 1979. (Ord. No. 41, §11; Ord. No. 112, §4; Ord. No. 78-13, §3)

13-1.12 *Enforcement.* The City Administrator, with the assistance and cooperation of the Chief of Police, the Chief Building Inspector, the City Planner, and the City Code Enforcement Officer, shall conduct a program of inspecting garbage and rubbish containers for compliance with the provisions of this section. If after written warning a property owner or tenant or private disposal firm fails to comply with the provisions of this section, the City Administrator shall request the Chief of Police to issue a citation for violation of the provisions of this section. (Ord. No. 41, §12; Ord. No. 112, §4; Ord. No. 78-13, §3)

13-1.13 *Placement of Containers at Curb or Alley.* The collector may agree with the occupant of a dwelling or other building to collect garbage and rubbish from the rear yard or other portion of the property. The Health Officer may direct or permit the collection of garbage or rubbish from a particular location on or near the property. The collector shall collect all garbage and rubbish as so agreed to, directed or permitted. Otherwise, the collector shall collect all garbage or rubbish from the curb along the street. in front of each dwelling or human habitation if no paved alley exists in the rear of such properties, or such alley is:

a. A blind alley;

b. An alley less than 15 feet wide;

c. An alley that is "L" or "T" shaped and not wide enough to be safe for collection trucks to turn without damage to them or to adjacent improvements on private property;

d. An alley the surface of which is of such material as to endanger the safety or the convenient operation of the trucks at all seasons of the year.

Otherwise, the collector shall collect all garbage or rubbish from the paved alley, in which case the garbage and rubbish to be collected shall be placed on the premises within two feet of the rear property line, if physically possible, and if freely accessible from the alley; if not, then off premises within two feet of the rear property line. (Ord. No. 41, §11)

13-1.14 *Time of Placement of Containers.* A person shall not place any rubbish, or any container containing garbage, or rubbish, or both at the place of collection before 6:00 p.m. of the day preceding the scheduled collection of the said garbage or rubbish, or both, or leave any such container at the place of collection after 8:00 p.m. on the day of actual collection, or more than two hours after actual collection, whichever is later. (Ord. No. 41, §12)

13-1.15 *Penalties.* Any person who violates any provision of this section shall be guilty of a misdemeanor and shall be liable to the penalty established in Section 1-5. (Ord. No. 41, §13)

CHAPTER XIV

STREETS

14-1 Street Address Numbering System.

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

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

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

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

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

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

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

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

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

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

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

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

14-2 Encroachments.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

b. *Engineering Fees.*

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

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

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

c. *Inspection and Drainage Improvement Fees.*

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

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

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

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

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

4. In addition to the above specified fees, the Superintendent of Streets shall charge a sum equal to the wages of the inspector plus 50 percent for administration and overhead for inspections of construction of excavations required during other than normal business hours of the City.

(Ord. No. 128, §7; Ord. No. 167, §2; Ord. No. 78-16, §2)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAPTER XV

RESERVED*

* **Editor's Note:** Chapter XV, Cable Television, previously contained herein, has been repealed in entirety by Ordinance No. 89.13, adopted July 19, 1989. For provisions pertaining to Cable Television, See Chapter III, Article 5.

CHAPTER XVI

SOIL AND SOIL REMOVAL

16-1 Grading Permit: Soil Erosion Control.

16-1.1 *Purpose.* The City Council does hereby find that there exists within the City a serious and hazardous problem of erosion of soil from land surfaces by wind action which erosion problem affects the health, safety, welfare, and property of the residents of Ridgecrest. The City Council further finds that is is necessary to regulate the disturbance of soil surfaces and to require measures to control wind erosion of soil. (Ord. No. 149, § 2)

16-1.2 *Permit Required.* It shall be unlawful for any person, firm, or corporation, or any agent thereof who is in possession or control of land to disturb the surface or subsurface of land by excavation, leveling, cultivating, grading, or by distributing or spreading soil on land, or by any other action likely to cause or contribute to wind erosion of soil without first obtaining a permit from the City Engineer. Permits shall not be required for the following:

a. Residential lots which are 10,000 square feet or less where grading does not exceed 50 cubic yards on any one lot;
b. Normal landscaping, cultivating of existing plantings, improvement of landscaping or planting on single lots, or for farming operations: adequate protective measures shall, however, be provided in such cases.
(Ord. No. 149, § 3; Ord. No. 91-07, § 2)

16-1.3 *Application for Permit.* An applicant for a permit, hereinafter called "grading permit" to disturb the surface or subsurface of land, shall be the owner of said land. Applicant shall present detailed written plans for the development of the site in a form satisfactory to the City Engineer. Such plans

may be those required under zoning or subdivision chapter for land development. An applicant for grading permit must also state in writing applicant's proposed method to control wind erosion:

a. During the grading operation, and
b. For any period thereafter during which the land may be exposed with natural protective vegetation removed. (Ord. No. 149, § 4)

16-1.4 *Application Fee.* Applicant for a grading permit shall pay a fee of five ($5.00) dollars upon application. (Ord. No. 149, § 5)

16-1.5 *Engineer and Planning Director to Review Plans.* The City Engineer shall check applicant's plans to determine compliance with City ordinances and state law prior to issuing a grading permit. He shall also submit these plans to the City Planning Director for review and comment prior to issuance of the permit. The City Engineer may require of the applicant any additional information on the plans necessary to insure that the proposed construction shall be to City standards. The City Engineer may deny applicant a grading permit until the plans for development or soil erosion control are acceptable to him or until applicant receives approval of the Planning Commission and City Council pursuant to applicable zoning or subdivision chapter provisions. (Ord. No. 149, § 6)

16-1.6 *Permissible Soil Erosion Control Methods.* The City Engineer may, as part of the terms and conditions of granting a grading permit, authorize the use of one or a combination of the following soil erosion control methods:

a. Watering the soil of the site and the adjacent streets being used in connection with soil disturbance operations on the site.

b. Installation and property maintenance of snow fences to a minimum height of three feet and set back six feet from the property line.
c. Resin base or other suitable soil palliative.
d. Complete cover of gravel or rock landscaping.
e. Organic mulches, sprinkler irrigated.
f. Irrigated grasses.
g. Landscape vegetation.
h. Other methods proposed by applicant and found acceptable by the Engineer. (Ord. No. 149, § 7)

16-1.7 *Requirements for Issuance of Permit.* The City Engineer shall, in granting a grading permit, require:

a. That the permit state a date for beginning soil disturbance operations, the period for which the permit is valid,

and the approved method or methods of preventing and controlling soil erosion by wind during soil disturbance operations and after the land has been denuded of natural vegetation.

b. That the permit state that the City Engineer may suspend said permit for permittee's failure to comply with its terms and conditions.

c. Such additional conditions as he may determine are required in order to insure permittee's compliance with this chapter and other applicable City ordinances and State law.

d. That applicant deposit with the City a sum of lawful money of the United States based on the amount of acreage to be disturbed as specified in the following tables:

one acres or less - fifty ($50.00) dollars

two to nine acres - fifty ($50.00) dollars plus ten ($10.00) dollars per acre or portion thereof, over one acre

ten acres or more - one hundred fifty ($150.00) dollars plus five ($5.00) dollars per acre, or portion thereof, over ten acres. (Ord. No. 149, §8)

16-1.8 *City to Retain Cash Deposit; Terms of Release.* The cash deposit referred to in the previous subsection shall be retained by the City until the development proposed in the approved plans is completed and the danger of soil erosion by wind is, in the opinion of the City Engineer, eliminated or until natural vegetation has grown over the site sufficient to reduce the hazard of wind erosion of soil on the site. (Ord. No. 149, §9)

16-1.9 *Suspension of Grading Permit; Engineer to Provide Corrective Action; Collection of Costs.* The City Engineer may, during a situation in which, in his opinion, blowing sand or dust from a site under permit is causing or may cause a public nuisance or hazard affecting the health, safety, welfare, or property of residents neighbor to the site, after giving permittee due notice and time to take corrective action and upon permittee's failure to act within a period of time determined by the City Engineer to be reasonable, suspend the grading permit and cause the site to be watered down to reduce said nuisance or hazard.

The City Engineer shall cause a record of the costs of corrective action he has caused to be taken to be kept and filed and shall deduct the costs from permittee's deposit.

If the costs exceed the amount of the deposit, the difference shall be billed to permittee. Any costs remaining unpaid 30 days after billing shall be filed as a lien upon the property under permit. (Ord. No. 149, §10)

16-1.10 *Noncompliance with Terms of Permit; Hearing.* The City Engineer may, if in his opinion the permittee failed to comply with the terms and conditions of the permit for an unreasonable period, give notice to permittee of the time and place of a hearing before the City Council on the question of revoking the permit. This notice shall be mailed to permittee not less than five calendar days prior to the date of the hearing. (Ord. No. 149, §11)

16-1.11 *Modifications of Permit; Costs Assessed.* The City Council may modify or impose additional conditions on a permit or, after making a finding that permittee is failing to comply with permit terms and conditions such that a public nuisance or hazard affecting the health, safety, welfare, or property of residents neighbor to the site exists, revoke the permit and order the City Engineer to cause a resin base or other suitable soil palliative to be spread over the site. The Council shall order that the costs of such palliative and its spreading shall be deducted from permittee's deposit and that costs greater than the deposit be billed to permittee. Any said costs remaining unpaid 30 days after billing shall be filed as a lien on the property under permit. (Ord. No. 149, §12)

16-1.12 *Penalty.* Every person violating any provision of this section is guilty of a misdemeanor and, upon conviction, is liable to the penalty contained in section 1-5. (Ord. No. 149, §13)

CHAPTER XVII

FIRE PREVENTION

17-1 Fire Hazards Prohibited; Burning Regulations.

17-1.1 *Definition.* As used in this section; "*person*" shall mean and include any and all domestic and foreign corporations, associations, syndicates, joint stock corporations, partnerships of every kind, clubs, schools, Massachusetts, business or common law trusts, societies and individuals. (Ord. No. 9, § 1)

17-1.2 *Combustible Material.* No person shall deposit or keep, accumulate or permit, cause or suffer, any combustible rubbish or waste matter to be deposited, kept or accumulated in the City in such a manner as to constitute a fire hazard. Provided, further, that no person shall keep, accumulate or permit to be kept or accumulated any oily rags or oily waste, in any building or enclosure in the City unless the same is kept in a metal receptacle or can be fitted with a self-closing lid or cover, said receptacle being of durable material, having riveted joints, standing on metal legs which raise the bottom of the receptacle or container at least five inches from the floor. (Ord. No. 9, § 2)

17-1.3 *Burning Rubbish.* No person shall set fire to or burn any brush, grass, lumber, trash, rubbish, leaves or other combustible material, unless such burning is done between the hours of 6:00 a.m. and 12:00 noon; and in an incinerator, without first obtaining a written permit from the City Clerk or his duly authorized agent, and then only in strict accordance with the terms of such permit. All incinerators shall have a one-quarter inch mesh screen lid or cover over the smoke stack, or equivalent thereof, and shall be permitted only when it is placed at least ten feet from any building, fence, property line, dry grass, or other combustible material. Written permission shall not be necessary when such flammable material is burned in small heaps or piles in plowed fields or not nearer than 100 feet to any house, corral, fence, structure, dry grass, brush, forest covered land, grain or stubble field, wood pile or hay stack or any other combustible material (Ord. No. 9, § 3)

17-1.4 *Burning Odiferous Material.* No rubber scrap or any other material which produces or expels therefrom repugnant odors or other substances likely to cause an explosion shall be burned in an incinerator or within 50 feet of the property of another person unless within an incinerator which is designed and constructed to affect sufficient combustion of the material to prohibit the liberation to outside air of any substance, gases or odors which may be dangerous or harmful to health, safety or property. (Ord. No. 9, § 4)

17-1.5 *Penalty.* Any person violating any provision of this section shall be guilty of a misdemeanor and upon conviction thereof shall be liable to the penalty established in chapter 1, section 1-5. Each day's violation of this section shall be deemed a separate offense hereunder for each which separate offense prosecution may be had and punishment imposed as herein provided. (Ord. No. 9, § 5)

17-2 Uniform Fire Code.

17-2.1 *Uniform Fire Code.* The Fire Code for the city consists of latest edition of the Uniform Fire Code, published by the Western Fire Chiefs Association and the California Building Standards Commission with errata and Appendix Chapters I-C, II-A, II-B, II-C, II-F, II-I, II-J, III-A, III-C, III-D, IV-A, of the "Uniform Fire Code Standards, 1997 Edition", as amended, the Fire Code is adopted by this reference is the Fire Code for the purpose of regulating the safeguarding of life, property and public welfare to a reasonable degree from the hazards of fire, hazardous materials release and explosion arising from the storage, use and handling of dangerous and hazardous materials, substances and devices, the operation, installation, construction, location, safeguarding and maintenance of attendant equipment, and the installation and maintenance of adequate means of egress not provided for by the building code. Three copies of which are filed in the Office of the City Clerk of the City of Ridgecrest and each portion and provision thereof is hereby referred to, adopted and made a part of this chapter to the same effect as if fully set forth herein, and is hereby declared to be the Uniform Fire Code of the City of Ridgecrest for the purpose of regulating the safeguarding of life, property and public welfare to a reasonable degree from the

hazards of fire and explosion arising from the storage, use and handling of dangerous and hazardous materials, substances and devices, the operation installation, construction, location, safeguarding and the maintenance of attendant equipment, and the installation and maintenance of adequate means of egress not provided for by the building code.

Pursuant to the foregoing, the Fire Chief, in the exercise of his discretion, may interpret, administer and enforce this code by reference to the standards set forth in Section 101.3. Any authority of the Fire Chief involving discretion, or interpretation of this code, shall be exercised in a reasonable manner. Any decision of the Fire Chief relating to the interpretation of this Code, or to the standards referred to in Section 101.3 of the Uniform Fire Code shall be subject to appeal to the City of Ridgecrest Board of Appeals and the Ridgecrest City Council.
(Ord. No. 77-15, § 1; Ord. No. 85-03, § 11; Ord. No. 85-06, § 1; Ord. No. 87-10, § 11; Ord. No. 02-04, § 2, 10-16-02)

17-2.2 *Amendment to Code.* Article 12, Fireworks, is hereby amended by the addition of subparagraph (d) to Section 12.120, as follows: 'Safe and Sane Fireworks, as defined by Health and Safety Code Section 12504 may be sold, purchased and discharged within the City in accordance with the regulations promulgated by the Kern county Fire Department. (Ord. No. 77-15, § 2; Ord. No. 91-04, § 2)

17-2.3 *Regulations Concerning Issuance of a Permit.*

a. The issuance or granting of a permit or approval of plans and specifications by the City Building Department shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of this code. No permit presuming to give authority to violate or cancel the provisions of this code shall be valid, except insofar as the work or use which it authorizes is lawful.

b. The issuance of a permit upon plans and specifications shall not prevent the Building Inspector from thereafter requiring the correction of errors in said plans and specifications or from preventing construction operations being carried on thereunder when in violation of this code or of any other ordinances or from revoking any Certificate of Approval when issued in error.

c. Every permit issued by the Building Inspector under the provisions of this Code or other Codes of the City shall expire by limitation and become null and void, if the work authorized by such permit is not commenced within 60 days from the date of such permit, or if work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 120 days. Before such work can be recommended a new permit shall be first obtained to do so. (Ord. No. 77-15, §3)

17-2.4 *City or Employees Not Liable for Damages.* This section shall not be construed as imposing on the City or its officers or employees any liability for damage resulting from defective work; nor shall the City or any of its officers or employees be held to assume any such liability by reason of the inspections authorized hereunder. (Ord. No. 77-15, §4)

17-2.5 *Compliance with Requirements; Violation and Penalty.* No person, whether as owner, lessee, sublessee, or occupant, shall erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy, or maintain any building or premises, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this section or the code adopted herein or any order issued by the Building Official hereunder. Any person violating any of the provisions of this section or the code adopted herein shall be guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this section or the Code adopted hereby is committed, continued, or permitted, and upon conviction of such violation such person shall be punishable by a fine of not more than three hundred ($300.00) dollars, or by imprisonment for a period of not more than 90 days, or by both such fine and imprisonment. (Ord. No. 77-15, §5)

CHAPTER XVIII

UNDERGROUND UTILITY DISTRICTS

18-1 Definitions.

As used in this Chapter:

a. *"Commission"* shall mean the Public Utilities Commission of the State of California.

b. *"Underground Utility District"* or *"District"* shall mean that area in the City within which poles, overhead wires, and associated overhead structures are prohibited as such area is described in a resolution adopted pursuant to the provisions of section 18-3 of this chapter.

c. *"Person"* shall mean and include individuals, firms, corporations, partnerships, and their agents and employees.

d. *"Poles, overhead wires and associated overhead structures"* shall mean poles, towers, supports, wires, conductors, guys, stubs, platforms, crossarms, braces, transformers, insulators, cutouts, switches, communication circuits, appliances, attachments and appurtenances located aboveground within a District and used or useful in supplying electric, communication or similar or associated service.

e. *"Utility"* shall mean and include all persons or entities supplying electric, communication or similar or associated service by means of electrical materials or devices. (Ord. No. 88, §1)

18-2 Public Hearing by Council.

The Council may from time to time call public hearings to ascertain whether the public necessity, health, safety or welfare requires the removal of poles, overhead wires and associated overhead structures within designated areas of the City and the underground installation of wires and facilities for supplying electric, communication, or similar or associated service. The City Clerk shall notify all affected property owners as shown on the last equalized assessment roll and utilities concerned by mail of the time and place of such hearings at least ten days prior to the date thereof. Each

such hearing shall be open to the public and may be continued from time to time. At each such hearing all persons interested shall be given an opportunity to be heard. The decision of the Council shall be final and conclusive. (Ord. No. 88, §2)

18-3 Report by City Engineer.

Prior to such public hearing, the City Engineer shall consult with all affected utilities and shall prepare a report for submission at such hearing containing, among other information, the extent of such utilities' participation and estimates of the total costs to the City and affected property owners. Such report shall also contain an estimate of the time required to complete such underground installation and removal of overhead facilities. (Ord. No. 88, §3)

18-4 Council May Designate Underground Utility Districts by Resolution.

If, after any such public hearing the Council finds that the public necessity, health, safety or welfare requires such removal and such underground installation within a designated area, the Council shall, by resolution, declare such designated area an Underground Utility District and order such removal and underground installation. Such resolution shall include a description of the area comprising such district and shall fix the time within which such removal and underground installation shall be accomplished and within which affected property owners must be ready to receive underground service. A reasonable time shall be allowed for such removal and underground installation, having due regard for the availability of labor, materials, and equipment necessary for such removal and for the installation of such underground facilities as may be occasioned thereby. (Ord. No. 88, §4)

18-5 Unlawful Acts.

Whenever the Council creates an Underground Utility District and orders the removal of poles, overhead wires and associated overhead structures therein as provided in section 18-4 hereof, it shall be unlawful for any person or utility to

erect, construct, place, keep, maintain, continue, employ or operate poles, overhead wires and associated overhead structures in the District after the date when said overhead facilities are required to be removed by such resolution, except as said overhead facilities may be required to furnish service to an owner or occupant of property prior to the performance by such owner or occupant of the underground work necessary for such owner or occupant to continue to receive utility service as provided in Section 18-9 hereof, and for such reasonable time required to remove said facilities after said work has been performed, and except as otherwise provided in this chapter. (Ord. No. 88, §5)

18-6 Exception, Emergency or Unusual Circumstances.

Notwithstanding the provisions of this chapter, overhead facilities may be installed and maintained for a period, not to exceed ten days, without authority of the Council in order to provide emergency service. The Council may grant special permission, on such terms as the Council may deem appropriate, in cases of unusual circumstances, without discrimination as to any person or utility, to erect, construct, install, maintain, use or operate poles, overhead wires and associated overhead structures. (Ord. No. 88, §6)

18-6.1 *Other Exceptions.* In any resolution adopted pursuant to section 18-4 hereof, the City may authorize any or all of the following exceptions:

a. Any municipal facilities or equipment installed under the supervision and to the satisfaction of the City Engineer.

b. Poles, or electroliers used exclusively for street lighting.

c. Overhead wires (exclusive of supporting structures) crossing any portion of a District within which overhead wires have been prohibited, or connecting to buildings on the perimeter of a District, when such wires originate in an area from which poles, overhead wires and associated overhead structures are not prohibited.

d. Poles, overhead wires and associated overhead structures used for the transmission of electric energy at nominal voltages in excess of 34,500 volts.

e. Overhead wires attached to the exterior surface of a

building by means of a bracket or other fixture and extending from one location on the building to another location on the same building or to an adjacent building without crossing any public street.

f. Antennae, associated equipment and supporting structures, used by a utility for furnishing communication services.

g. Equipment appurtenant to underground facilities, such as surface mounted transformers, pedestal mounted terminal boxes and meter cabinets, and concealed ducts.

h. Temporary poles, overhead wires and associated overhead structures used or to be used in conjunction with construction projects. (Ord. No. 88, §7)

18-7 Notice to Property Owners and Utility Companies.

Within ten days after the effective date of a resolution adopted pursuant to section 18-4 hereof, the City Clerk shall notify all affected utilities and all persons owning real property within the District created by said resolution of the adoption thereof. Said City Clerk shall further notify such affected property owners of the necessity that, if they or any person occupying such property desire to continue to receive electric, communication, or similar or associated service, they or such occupant shall provide all necessary facility changes on their premises so as to receive such service from the lines of the supplying utility or utilities at a new location.

Notification by the City Clerk shall be made by mailing a copy of the resolution adopted pursuant to section 18-4, together with a copy of this ordinance, to affected property owners as such are shown on the last equalized assessment roll and to the affected utilities. (Ord. No. 88, §8)

18-8 Responsibility of Utility Companies.

If underground construction is necessary to provide utility service within a District created by any resolution adopted pursuant to section 18-4 hereof, the supplying utility shall furnish that portion of the conduits, conductors and associated equipment required to be furnished by it under its applicable rules, regulations and tariffs on file with the Commission. (Ord. No. 88, §9)

18-9 Responsibility of Property Owners.

a. Every person owning, operating, leasing, occupying or renting a building or structure within a District shall construct and provide that portion of the service connection on his property between the facilities referred to in section 18-8 and the termination facility on or within said building or structure being served. If the above is not accomplished by any person within the time provided for in the resolution enacted pursuant to section 18-4 hereof, the City Engineer shall give notice in writing to the person in possession of such premises, and a notice in writing to the owner thereof as shown on the last equalized assessment roll, to provide the required underground facilities within ten days after receipt of such notice.

b. The notice to provide the required underground facilities may be given either by personal service or by mail. In case of service by mail on either of such persons, the notice must be deposited in the United States mail in a sealed envelope with postage prepaid, addressed to the person in possession of such premises at such premises, and the notice must be addressed to the owner thereof as such owner's name appears, and must be addressed to such owner's last known address as the same appears on the last equalized assessment roll, and when no address appears, to General Delivery, City of Ridgecrest. If notice is given by mail, such notice shall be deemed to have been received by the person to whom it has been sent within 48 hours after the mailing thereof. If notice is given by mail to either the owner or occupant of such premises, the City Engineer shall, within 48 hours after the mailing thereof, cause a copy thereof, printed on a card not less than eight inches by ten inches in size, to be posted in a conspicuous place on said premises.

c. The notice given by the City Engineer to provide the required underground facilities shall particularly specify what work is required to be done, and shall state that if such work is not completed within 30 days after receipt of such notice, the City Engineer will provide such required underground facilities, in which case the cost and expense thereof will be assessed against the property benefited and become a lien upon such property.

d. If upon the expiration of the 30 day period, the said required underground facilities have not been provided, the City Engineer shall forthwith proceed to do the work; provided, however, if such premises are unoccupied and no electric or communications services are being furnished thereto, the City Engineer shall in lieu of providing the required underground facilities, have the authority to order the disconnection and removal of any and all overhead service wires and associated facilities supplying utility service to said property. Upon completion of the work by the City Engineer, he shall file a written report with the City Council setting forth the fact that the required underground facilities have been provided and the cost thereof, together with a legal description of the property against which such cost is to be assessed. The Council shall thereupon fix a time and place for hearing protests against the assessment of the cost of such work upon such premises, which said time shall not be less than ten days thereafter.

e. The City Engineer shall forthwith, upon the time for hearing such protests having been fixed, give a notice in writing to the person in possession of such premises, and a notice in writing to the person possessing such premises, and a notice in writing thereof to the owner thereof, in the manner hereinabove provided for the giving of the notice to provide the required underground facilities, of the time and place that the Council will pass upon such report and will hear protests against such assessment. Such notice shall also set forth the amount of the proposed assessment.

f. Upon the date and hour set for the hearing of protests, the Council shall hear and consider the report and all protests, if there be any, and then proceed to affirm, modify or reject the assessment.

g. If any assessment is not paid within five days after its confirmation by the Council, the amount of the assessment shall become a lien upon the property against which the assessment is made by the City Engineer, and the City Engineer is directed to turn over to the Assessor and Tax Collector a notice of lien on each of said properties on which the assessment has not been paid, and said Assessor and Tax Collector shall add the amount of said assessment to the next regular bill for taxes levied against the premises upon which

said assessment was not paid. Said assessment shall be due and payable at the same time as said property taxes are due and payable, and if not paid when due and payable, shall bear interest at the rate of six percent per annum. (Ord. No. 88, §10)

18-10 Responsibility of City.

City shall remove at its own expense all City-owned equipment from all poles required to be removed hereunder in ample time to enable the owner or user of such poles to remove the same within the time specified in the resolution enacted pursuant to section 18-4 hereof. (Ord. No. 88, §11)

18-11 Extension of Time.

In the event that any act required by this chapter or by a resolution adopted pursuant to section 18-4 hereof cannot be performed within the time provided on account of shortage of materials, war, restraint by public authorities, strikes, labor disturbances, civil disobedience, or any other circumstances, beyond the control of the actor, then the time within which such act will be accomplished shall be extended for a period equivalent to the time of such limitation. (Ord. No. 88, §12)

18-12 Penalty.

It shall be unlawful for any person to violate any provision or to fail to comply with any of the requirements of this chapter. Any person violating any provision of this chapter or failing to comply with any of its requirements shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding five hundred ($500.00) dollars or by imprisonment not exceeding six months, or by both such fine and imprisonment. Each such person shall be deemed guilty of a separate offense for each day during any portion of which any violation of any of the provisions of this chapter is committed, continued or permitted by such person, and shall be punishable therefor as provided for in this chapter. (Ord. No. 88, §13)

CHAPTER XIX

SUBDIVISION*

19-1 Purposes, Administration, General Provisions and Definitions.

19-1.1 *Purposes and Objectives.* This subdivision chapter is adopted to preserve, protect and promote the public health, safety, convenience, prosperity and general welfare. More specifically this chapter is adopted in order to achieve the following objectives:

a. To implement the General Plan of the City, and elements thereof, as adopted by the City Council.

b. To provide lots of sufficient size and appropriate design for the purposes for which they may be used.

c. To provide streets of adequate capacity for the anticipated traffic which might utilize them and to ensure that they are designed to promote a safe traffic circulation system.

d. To accommodate new development in a manner which will preserve and enhance the City's living environment and create new beauty through subdivision design.

e. To provide for water supply, sewage disposal, storm drainage and other utilities and facilities which are required conditions in an urban environment.

f. To ensure that the costs of providing rights-of-way, street improvements, utilities and public areas and facilities needed to serve new developments are borne fairly and equitably by subdividers and developers.

g. To protect and enhance real property values.

h. To coordinate subdivision policies and regulations with those of the County of Kern to facilitate transition from county to municipal jurisdiction that land which is first developed in unincorporated territory and is subsequently annexed to the City and to ensure unimpeded development of

***Editor's Note:** Ordinance No. 79 which established the Subdivision Chapter and amending Ordinance Nos. 79, 86, 148, 207, 74-8, 74-13, 78-12, 80-1, 81-1, 82-3, 84-12, 85-04, 85-20, 86-10 and 86-11 have been superseded by the provisions of Ordinance No. 87-01.

such new urban expansion that is logical, desirable and in accordance with goals, objectives and policies of the General Plan.
(Ord. No. 87-01, § 1)

19-1.2 *Title and Intent.* This chapter, known as the "Subdivision Ordinance", is to establish procedures and guidelines for tract maps, parcel maps, waivers of map, and lot line adjustments and their improvement requirements. (Ord. No. 87-01, § 2)

19-1.3 *Authority.* This chapter is enacted for the purpose of adopting subdivision and parcel map regulations in accordance with the Subdivision Map Act, Division 2 of Title 7 of the Government Code. The regulations in this chapter contained shall apply to all subdivisions and parcel maps or parts of subdivisions and parcel maps hereafter made entirely or partially within the City. (Ord. No. 87-01, § 3)

19-1.4 *Advisory Agency.* The Planning Commission is hereby designated as the Advisory Agency with respect to subdivisions and parcel maps, as provided in said Subdivision Map Act, and shall have all powers and duties with respect to subdivisions and parcel maps, the maps thereof and the procedures relating thereto which are specified by law and by this chapter. (Ord. No. 87-01, § 4)

19-1.5 *Separated Parcels.* Where land is separated by other than a street, highway, alley, railroad right-of-way, flood control right-of-way, or public utility right-of-way from other land in a proposed division or subdivision, a separate map shall be prepared for each of the divisions or subdivisions so separated and each of the maps prepared shall comply with the provisions of this chapter. (Ord. No. 87-01, § 5)

19-1.6 *Definitions.* Except as designated in Article 2 of the State Subdivision Map Act, sections 66414 through 66424.6, all items shall have the common meaning and usage as contained in other chapters of Ridgecrest Municipal Code. In the absence of such other usage, words and terms shall

have the preferred usage and definition as contained in "Webster's New Collegiate Dictionary." (Ord. No. 87-01, § 6)

19-2 Tentative Map Application Requirements.

19-2.1 *Tentative Map Required.* Each proposed subdivision of land, both tract and parcel maps, shall be submitted in tentative map form. The tentative map shall be prepared in accordance with the Subdivision Map Act and the provisions of this chapter. (Ord. No. 87-01, § 9)

19-2.2 *Tentative Map - Form and Content.*

a. The tentative map shall be clearly and legibly drawn and contain the following information:

1. The title, which shall contain the subdivision number obtained from the County Engineer.

2. Names and addresses and telephone numbers for:

(a) Legal owner of the property.

(b) Subdivider, and

(c) Person or person who prepared the map.

3. A topographical contour map with approximate contours at one foot intervals and showing in their correct location existing drainage channels, roads, culverts, overhead and underground utility lines, wells, springs, major structures, irrigation ditches, and other improvements which may affect the design of the subdivision. The map shall be drawn to an engineer's scale large enough to show all information clearly, but no smaller than 100 feet to the inch. Contour interval shall not be greater than one foot if the ground slope is less than ten percent and at such intervals that the contour lines will not be spread more than 150 feet (ground distance) apart. The boundary lines of the subdivision shall be shown by a heavy line. The map shall show:

(a) The outline of existing areas subject to inundation or ponding.

(b) The edges and type of pavement of existing paved roads within public rights-of-way and easements or within private common rights-of-way.

(c) Location of existing property lines and approximate boundaries of existing easements within the subdivision with the names of the owners of record, of easements, exclusions, and the properties abutting the subdivision.

(d) The proposed lot and street layout with scaled dimensions and area of each lot.

(e) The location of all proposed easements for drainage and access.

(f) Street names, width of streets and easements, approximate grade, and radius of curves along property lines of each street, as well as intersections on the adjacent property.

(g) Typical geometric sections for streets showing pavement width, curbs, sidewalks, grading in marginal strips, slopes of cuts and fills and other construction proposed or applicable.

(h) Areas to be used for public purposes.

(i) Location, approximate grade direction of flow and type of facilities of existing drainage channels and storm drains.

(j) A vicinity map showing roads, adjoining subdivisions, towns, creeks, railroads, and other data sufficient to locate the proposed subdivision and show its relation to community development including a legal description of the property comprising the subdivision.

(k) North arrow and scales for maps and contour interval.

(l) Boundary lines of existing land use zones shall be delineated.

(m) Statement or plan as to proposed plans for draining the areas subject to flooding or inundation by waters flowing into or from the subdivision.

(n) If to be developed in increments, the map shall indicate the approximate sequence of development by units.

b. Data which shall accompany the tentative map:

1. A written statement of general information which shall contain the following information:

(a) Existing use or uses of the property.

(b) A description of the proposed subdivision, including the number of lots, their average and minimum size, and nature of development.

(c) Source of water supply.

(d) Existing sanitary sewer facilities and proposed method of providing sewer services for the entire property.

(e) Other improvements proposed.

2. If the property proposed for subdivision is included in areas of identified seismic hazard as described in the Seismic Safety Element of the General Plan, the following data shall also be submitted at the time the map is filed.

(a) Two copies of a geological site reconnaissance report and a soils report prepared by a registered geologist regarding existing or anticipated seismic conditions, geologic features and soil conditions within or immediately adjoining the proposed development and their effect on the design and layout of the proposed subdivision.

(b) Four copies of a preliminary grading and site development plan, including drainage.

3. A copy of all covenants, conditions or restrictions proposed to be attached to the property.

c. The City Engineer may require additional information or materials when necessary to accurately and adequately review a tentative map. City Engineer may waive any information described above upon determination that it is not relevant to the review. Any decision made by the City Engineer pursuant to this subsection shall include a written justification which shall become part of the project record and accompany the application before the Planning Commission.
(Ord. No. 87-01, § 10; Ord. No. 92-07, § 2)

19-2.3 *Subdivision Design Requirements.*

a. A subdivision or division of land shall conform to the Circulation Element of the General Plan.

b. Street and highways specifications shall be as follows:

1. *State Highways.* State highways shall conform to the standards of the Division of Highways, Department of Public Works, State of California.

2. *Major Streets.* Major streets shall be not less than 110 feet wide.

3. *Secondary Streets.* Secondary streets shall be not less than 90 feet wide.

4. *Collector Streets.* Collector streets shall be not less than 64 feet wide.

5. *Local and Cul-De-Sac Streets.* Local and cul-de-sac streets shall be not less than 60 feet wide. The property line radius at the terminus of the cul-de-sac shall be subject to individual determination by the City.

6. *Special Streets.* Special streets where railroads, parkways, grade separations, freeways, or other dominant factors are involved shall be subject to individual determination by the City.

7. *Service Roadways.* Where lots in a subdivision front on any major or secondary highway, the Council may require the dedication and improvement of a service street for access to said lots.

8. *Street Corners.* Street corners shall have a property line dedication in accordance with the Public Works Standards.

9. *Street Intersections.* Street intersection shall be as near right angles as practicable.

10. *Continuation of Streets.* Streets which are a continuation of streets in contiguous territory shall be so aligned as to assure that their centerline shall coincide. In cases where straight continuations are not physically possible, such centerline shall be continued by curves.

11. *Private Streets.* The design and improvement of any private street shall be subject to all the requirements prescribed by this chapter for public streets unless otherwise approved by City Council. The subdivider shall provide a mechanism for the permanent maintenance of any street required for access to property in a private street subdivision.

12. *Streets in Subdivisions Adjoining Unsubdivided Land (acreage):*

(a) Stubbed Streets - Where a subdivision adjoins unsubdivided land, streets which may be necessary to assure the proper subdivision of the adjoining land shall be provided through to the boundary line of the subdivision. A temporary turn-around of a 50 foot radius shall be provided at the end of a stubbed street where it is determined by the Fire Chief to be necessary for the movement of emergency vehicles.

(b) Half Streets - Where a street is proposed adjacent and parallel to the boundary line of the subdivision, the subdivider shall either dedicate and improve two-thirds of the right-of-way improvements prescribed by the General Plan designation for that street to serve the subdivided

land or shall dedicate and improve one-half of the right-of-way improvements as prescribed provided that the City passes an ordinance prohibiting on street parking along the street until such time as the street is widened and improved to the standards for a full-width street. Where an existing half street is located adjacent and parallel to the boundary line of the proposed subdivision the subdivider shall dedicate such additional right-of-way and provide such additional improvements as may be necessary to meet the standards prescribed.

13. *Reserve Strips:*

(a) A one foot reserve strip shall be provided at the dead end of a stubbed street and shall be offered for dedication to the City for future street purposes.

(b) Where a half street is to be located adjoining unsubdivided land, a one foot reserve shall be provided adjacent to the unsubdivided land and shall be offered for dedication to the City for future street purposes.

c. *Alleys.* An alley may be required by the Planning Commission at the rear or side of lots where the property is to be used for multiple residential, commercial or industrial use, with adequate ingress and egress provided for vehicular traffic, unless said access is provided by way of a service road. Whenever it is proposed to subdivide property abutting a major or secondary street and the circumstances of such property or of adjoining property render it inadvisable or impracticable to provide access to the lots along such street by means of a service road, an alley shall be provided at the rear of such lots.

d. *Lot Design.* The size and dimensions of lots shall conform to the zoning provisions applicable in the area of the proposed subdivision, and the lot side lines shall be approximately at right angles or radial to the street line.

e. *Walkways.* The subdivider may be required to dedicate and improve walkways to standards prescribed by the Commission where necessary to provide adequate access to schools, parks or other public areas.

f. *Utility Easements.* Easements shall be provided as required by the utility companies furnishing service.

g. *Fencing.* When the rear of any lot abuts any drainage channel, railroad right-of-way, major or secondary street, or a

state highway, a fence shall be erected along the rear lot line by the subdivider to conform to the standards of the City. Where lots back up to a street or highway and where it is intended that there shall be no access from said lots to the street or highway which they back, a masonry wall of a height approved by the Planning Commission shall be erected on the rear property line within the street right-of-way as a physical separation between the lots and the street or highway.

Where such walls are required between a residential subdivision and a major or secondary street and there is more than one lot, either backing or siding on the major or secondary street, dedication of additional right-of-way, installation of landscaping, and automatic sprinkling systems shall be provided as indicated in the guidelines on file in the Department of Community Development. Variation and originality in design are encouraged. The Community Development Director shall approve the details of such installation including colors, textures, fencing and materials, prior to the recording of the final map.

In the case of side-on-lots facing an extended cul-de-sac where pedestrian access may be intended the same conditions shall apply except that in the area between the major street and the end of the cul-de-sac the masonry wall may be omitted.

h. *Maintenance Districts.* Prior to recordation of a subdivision the subdivider shall provide for a maintenance district to cover the cost of operating and maintaining any street lighting within or adjacent to the subdivision. Additionally, the subdivider or developer shall pay the maintenance and operations costs, as estimated by the Public Works Director, which may be incurred after acceptance but prior to the time the maintenance district can be put on the tax roll for the properties within the district.

Whenever landscaping is required between a residential subdivision and a major or secondary highway or landscaping is required on islands in minor streets, the subdivider shall agree to have the City establish a maintenance district to cover the cost of maintaining the required landscaping and shall pay the cost of all maintenance as estimated by the Public Works Director which may be incurred after acceptance of the landscaping by the City but prior to the time the

maintenance district assessment can be put upon the tax bill of the maintenance district property.

Said periods of maintenance costs for which the subdivider is liable shall not exceed one year.
(Ord. No. 87-01, § 11)

19-2.4 *Solar Access Requirements.*

a. Tentative maps, including tentative parcel maps, may provide for the dedication of solar access easements for the purpose of assuring that no building, wall, fence or other structure shall be constructed, and no vegetation shall be allowed to grow, on the individual lots so as to prevent unobstructed sunlight from reaching the south face of the buildable area of all other lots within the subdivision between the hours of 11:00 a.m. and 2:00 p.m. Pacific Standard Time on December 21, except that deciduous trees on adjacent property may shade a south facing wall, but must leave the roof area unobstructed between the hours of 10:00 a.m. and 2:00 p.m. Pacific Standard Time on June 21.

b. All solar easements shall contain the following:

1. A three dimensional diagram of the solar access easement between 10:00 a.m. and 2:00 p.m. Pacific Standard Time on December 21;

2. A written description specifying each solar access easement in measurable angles;

3. The restrictions placed upon buildings, walls, fences and other structures and upon vegetation which would impair or obstruct the passage of sunlight through the solar access easement;

4. A statement that the solar access easement is appurtenant to the dominant tenement and that the burdens and benefits of the easement shall run with the land; and

5. Any terms or conditions under which the easement may be revised or terminated, and a statement that before any term or condition may be revised or terminated, such change must be approved by the Planning Commission for a tentative tract map and for a tentative parcel map.

c. In approving a tentative map, including a tentative parcel map, the requirements of paragraph a. herein may be modified or waived for one or more lots in the subdivision if the dedication of the solar access easement would not be feasible or would cause results inconsistent with the intent of

this section given the contour and configuration of the land to be subdivided, existing vegetation, the use of vegetation to moderate wind or temperatures or the use of adjacent parcels to the north. In no event shall the subdivider be required to:

1. Reduce allowable densities;
2. Reduce the percentage of a lot which may be occupied by a building under the applicable zoning in force at the time the tentative map is filed; or
3. Remove existing vegetation either on-site or off-site.

d. All solar access easements created in accordance with this section shall be recorded with the Kern County Recorder concurrent with recordation of the final map.

e. The requirements of this section are not applicable to condominium projects which consist of the subdivision of air space in an existing building where no new buildings are added.

(Ord. No. 87-01, § 12)

19-2.5 *Franchised Public Utilities.*

a. The design of a subdivision for which a tentative or parcel map is required shall provide each franchised public utility an opportunity to construct, install and maintain, on land identified on the map as dedicated or to be dedicated to the public utility uses, any equipment necessary to extend said utility services to each residential parcel in the subdivision.

b. This section shall not apply to the conversion of existing dwelling units to condominiums, community apartment or stock cooperatives.

(Ord. No. 88-26, § 2)

19-3 Tentative Tract Map Application Procedures.

19-3.1 *Tentative Tract Map Filing.*

a. *Pre-Filing Conference.* Prior to the filing of a tentative tract map, the subdivider may submit to the Department of Community Development, maps, plans and other information concerning a proposed or contemplated development. The Department of Community Development shall then within ten working days, schedule a conference with the subdivider as shall seem proper regarding such plans or other data. This

conference is an optional procedure which may be elected by the subdivider and is not required by this section. A subdivider may commence with the filing of a tentative map and may elect to omit this pre-filing conference.

b. *Filing of Tentative Map and Supplementary Data.* The subdivider shall file with the Department of Community Development an adequate number of prints, as determined by the Director of Community Development, of the tentative tract map of the subdivision plus the supplemental data required in this Code. The Department of Community Development within 30 working days after the tentative map has been received, shall examine the map and if it appears to substantially comply in form and content, the map shall be accepted for

filing. If it is not accepted, it shall be returned to the subdivider with a written statement of the reason. Filing fees shall be as established by Resolution of the City Council. The City shall approval or disapprove such tentative map within one year from the date it was accepted for filing. Failure to act within one year shall be deemed approval of the tentative map.
(Ord. No. 87-01, § 15)

19-3.2 *Planning Commission Action.*

a. The Planning Commission shall hold a public hearing to consider the tentative map within 50 working days following the date of its filing, and shall determine whether the tentative map is in conformity with the provisions of law and this chapter and upon that basis shall approve, conditionally approve, or disapprove the tentative map.

b. Notice shall be published in a newspaper of general circulation in the community not less than nor more than 15 days before the date set for the Commission hearing. The notice shall contain all data pertinent to the hearing.

c. Written notices shall be mailed not less than ten days prior to the date of the hearing to owners of property within a radius of 300 feet of the external boundaries of the property described in the application, using for this purpose the last known name and address of such owners as are shown on the tax roll of the County. Such notice shall contain all pertinent data contained in the application.

d. The time for acting and reporting on tentative maps may be extended by mutual consent of the subdivider and the Planning Commission.

e. The Commission shall deny approval of a tentative map if it makes any of the following findings:

1. That the proposed map is not consistent with applicable general and specific plans.

2. That the design or improvement of the proposed subdivision is not consistent with the applicable general and specific plans.

3. That the site is not physically suitable for the type of development.

4. That the site is not physically suitable for the proposed density of development.

5. That the design of the subdivision or the proposed improvements are likely to injure fish or wildlife or their habitat.

6. That the design of the subdivision or the type of improvements is likely to cause serious public health problems.

7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

f. The approval or conditional approval of a tentative subdivision map shall be for 36 months. Upon written application, time extensions in one year increments but not to exceed a total of 36 months, may be granted by the Commission for a subdivision. Conditions may be added by the Commission when granting a time extension to bring the tentative map into compliance with the latest City requirements. If a final map is not submitted within the allowed time, the tentative map shall be considered abandoned.

g. The Planning Commission or the City Council may waive the provisions of this chapter and of Section 66476, the Subdivision Map Act, requiring disapproval of maps for failure to meet or perform State or local requirements of conditions when the failure of a map submitted for approval is the result of a technical and inadvertent error which in the determination of the Planning Commission or the City Council does not materially affect the validity of the map.

h. Any interested person may appeal any action of the Planning Commission with respect to the Tentative Tract Map

within 15 days after such action to the City Council in accordance with Section 66562.5 of the Subdivision Map Act. (Ord. No. 87-01, § 16)

19-4 Final Map.

19-4.1 *Final Map Requirements.* After final approval of a tentative map, the subdivider may cause a final map to be prepared in conformance with the Subdivision Map Act and this Code and in substantial compliance with the approved tentative map. (Ord. No. 87-01, § 19)

19-4.2 *Final Map Filing.* The subdivider shall submit two prints of the proposed final map to the City Engineer for checking. The City Engineer shall examine or have examined the map for compliance with the provisions of this chapter, the Subdivision Map Act and for such other matters as required. Upon acceptance the original shall be submitted for signature. Filing fees shall be as established by resolution of the City Council. (Ord. No. 87-01, § 20)

19-4.3 *Final Map - Form and Content.*

a. *Title.* The title sheet shall contain a subdivision number conspicuously placed at the top of the sheet, and a description of the property being subdivided with references to maps which have been previously recorded, or by reference to the plot of a United States survey, followed by the words "in the City of Ridgecrest" or "partly in the City of Ridgecrest and partly in the (name of jurisdiction)" as the case may be.

b. The final map shall show the centerline of all streets, length, tangent, radius and central angle of all curves; and the bearings of radial lines to each lot corner on a curve, the total width of each street, the width of the existing right-of-way and the width each side of the centerline; the width of rights-of-way of railroads, flood control or drainage channels and any other easements appearing on the map. One exterior line of the land being subdivided will be adequately monumented for reference before the map is recorded.

c. *Data for lots.* Sufficient data shall be shown to determine readily the bearing and length of each lot line of

the final map. Each lot line shall be shown entirely on one sheet. Distances and bearings on the sidelines of the lot which are cut by an easement shall be so shown as to indicate clearly the actual length of the lot lines. No ditto marks shall be used. No lot in a subdivision shall be divided by the boundary line of a City, County, or special district.

d. Easements. The location on the final map of all existing or proposed easements (public utility, private sewers, television antenna, etc.) which are to remain after recordation and which are not within streets in the subdivsion shall be shown by means of broken lines, together with the name of the vestee, the use of the easement and the record reference, if any. The width of the easement and the lengths and bearings of the lines thereof and sufficient ties to locate the easement shall be clearly labeled and identified on the final map, and if of record, properly referenced. If the easement is not definitely located of record, a statement as to the easement shall appear on the title sheet.

e. *Dedication.* The owner's certificate on the final map shall indicate the easements being offered for dedication.

f. *Monuments.* All monuments required by this Code shall be fully and clearly shown and identified as such on the final map together with sufficient information so that another engineer or surveyor may readily locate each monument.

g. *Established Lines.* Whenever the City Engineer has established a centerline of a street or alley, the data shall be considered in making the surveys and in preparing the final map. All monuments found shall be indicated and proper references made to field books or maps of public record relating to the monuments. If the points were reset by ties, that fact shall be stated.

h. *Watercourses and Flood Hazard.* Any unimproved natural watercourses wholly or partially within the proposed subdivision shall be indicated on the final map. The final map shall also show areas within the subdivision that are subject to inundation or flood hazard.

i. *Lot Numbers.* The lots on the final map shall be numbered consecutively commencing with the number one with no omissions or duplications.

j. *Additional Information.*

1. The date, north point and scale shown on all sheets.

2. The location and names, without abbreviations, of all existing and proposed streets and alleys, and adjoining streets.

3. Dimensions in feet and hundredths of a foot.

4. The dimensions of all lots.

5. The street centerline data, including bearings and distances.

6. The radius, tangent, arc and central angle of all curves.

7. Suitable primary survey control points.

(a) Section corners.

(b) Monuments (existing outside of subdivisions.)

8. The accurate location of all permanent monuments.

9. Ties to and names of all adjacent subdivisions.

10. Ties to any City or County boundary lines involved.

11. All required certifications.

12. The net acreage of all lots of one acre or more to not less than the nearest one hundredth.

13. References to maps previously recorded relative to the property.

14. The bearing and length of each lot line, block line and boundary line.

15. Basis of bearings.

k. *Limit of Error.* A survey and traverse of the boundaries of the subdivision and all lots and blocks shall close within a limit of error of one foot in 10,000 feet of perimeter.
(Ord. No. 878-01, § 21)

19-4.4 *Setting of Monuments and Ties.* In making a survey for the subdivision or division of land, the surveyor shall set sufficient permanent monuments so that the survey or any part thereof may be readily retraced. Such monuments shall generally be placed at right angle points on the exterior boundary lines of the subdivision or division of land, and at intersections of centerlines of streets and at beginning of curves and ends of curves on centerlines. Such monuments may be placed on offset lines. The character, type and positions of all permanent monuments shall be noted on the map.

Permanent monuments shall be not less substantial than a two inch diameter iron pipe, two and one-half feet long set at least two feet into the ground. For each centerline intersection monument set, the engineer or surveyor under whose supervision the survey has been made, shall furnish to the City Engineer, a set of notes showing clearly the ties between such monument and a sufficient number (normally four) of durable distinctive reference points or monuments. Such reference points or monuments may be leads and tacks in sidewalks, or two inch iron pipe set back of the curb line and below the surface of the ground, or such substitute therefor as appears to be not likely disturbed.

Such sets of notes shall be of such quality, form and completeness and shall be on paper of such quality and size as may be necessary to conform to the standardized office records of the City Engineer. All such notes shall be indexed and filed by the City Engineer's office.
(Ord. No. 87-01, § 22)

19-4.5 *Information To Be Submitted With Final Map.* When a final map is submitted to the City Engineer in accordance with this Code, it shall be accompanied by the documents specified in this section.

a. *Improvement Plans.* Improvements plans and specifications as indicated in this Code.

b. *Improvement Agreement.* All agreements and improvement security required by State law or this Code.

c. *Utility Statements.* Statements from the various public utility companies authorized to serve in the area of the subdivision or division of land certifying that satisfactory provisions have been made to accommodate their facilities.

d. *Subdivision Guarantee.* Prior to the recordation of a final map, the subdivider shall provide the City with a subdivision guarantee issued by a title company authorized by the laws of the State of California to write same, issued for the benefit and protection of the City of Ridgecrest, in the amount of at least one thousand ($1,000.00) dollars covering all land, including reserve strips, to be dedicated for public use.
(Ord. No. 87-01, § 23)

19-4.6 *Dedication of Easements for Public Use.*

a. *Public Use Areas.* All streets highways, and parcels of land shown on the final map and intended for any public use shall be offered for dedication to the City of Ridgecrest or other appropriate public agency.

b. *Future Streets.* Streets or portions of streets may be offered for future dedication where the immediate opening and improvement is not required, but where it is necessary to ensure that the City can later accept dedication when said streets are needed for further development of the area or adjacent areas.

(Ord. No. 87-01, § 24)

19-4.7 *City Council Action on Final Map.* If the final map as submitted conforms to the recommendations of the Planning Commission pertaining to the tentative map, the City Engineer shall submit the final map to the City Council. Final map shall be disapproved only for failure to meet or perform requirements or conditions which were applicable to the subdivision at the time of approval of the tentative map and such disapproval shall be accompanied by a finding identifying the requirements which have not been met. After City Council approval of the final map by Resolution, the proper signatures and acknowledgements shall be affixed thereto and the map recorded. After recording of the final map, the subdivider or his agent shall supply the City Engineer's office with three prints, plus a reproducible mylar copy, of the recorded map.

(Ord. No. 87-01, § 25)

19-4.8 *Reversion to Acreage.* A final map shall be recorded under the provisions of Title 7, Division 2, Chapter 6, Article 1, of the Subdivision Map Act for the purposes of showing as acreage land previously subdivided. A reversion to acreage shall be subject to approval by the Planning Commission. Prior to approval of a reversion to acreage, it shall be determined by the Commission that said reversion will have no adverse effect on abutting property or the proper development thereof. Upon the title sheet of each map filed for the purpose of reverting subdivided land to acreage, the subtitle shall consist of the words "A reversion to acreage of (Insert legal description of

the land being reverted.) Filing fees shall be as established by resolution of the City Council.
(Ord. No. 87-01, § 26)

19-5 Parcel Map Procedures.

19-5.1 *Tentative Parcel Map Required.* A tentative parcel map shall be required for any division of property which is not a subdivision as defined in Chapter 2 of the Subdivision Map Act and shall be prepared in accordance with the Subdivision Map Act and the provisions of this chapter. (Ord. No. 87-01, § 28)

19-5.2 *Tentative Parcel Map - Form, Content, and Design Requirements.* A tentative parcel map shall conform substantially with the provisions of Sections 19-2.2 and 19-2.3 of this chapter. (Ord. No. 87-01, § 29)

19-5.3 *Tentative Parcel Map Filing.* The party requesting approval of a parcel map shall file with the Department of Community Development an adequate number of prints of the tentative parcel map. The Department of Community Development, within 30 working days after receiving the tentative parcel map, shall examine the map and if it appears to comply in form and content shall accept the map for filing. Filing fees shall be as established by resolution of the City Council. The City shall approve or disapprove such tentative parcel map within one year from the date it was accepted for filing. Failure to act within one year shall be deemed approval of the tentative parcel map. (Ord. No. 87-01, § 30)

19-5.4 *Planning Commission Action.*

a. The Planning Commission shall hold a public hearing to consider the tentative parcel map within 50 working days following the date of its filing, and shall determine whether the tentative parcel map is in conformity with the provisions of law and this chapter and upon that basis shall approve, conditionally approve, or disapprove, the tentative parcel map and shall report its action directly to the party submitting the tentative parcel map.

b. Notice shall be published in a newspaper of general circulation in the community not less than ten days nor more than 15 days before the date set for the Commission hearing. The notice shall contain all data pertinent to the hearing.

c. Written notices shall be mailed not less than ten days prior to the date of the hearing to owners of property within a radius of 300 feet of the external boundaries of the property described in the application, using for this purpose the last known name and address of such owners as are shown on the tax roll of the County. Such notice shall contain all pertinent data contained in the application.

d. Within ten days following the action of the Planning Commission, the Director of Community Development shall transmit a letter containing the record pertaining to such action to the party submitting the tentative parcel map.

e. The approval or conditional approval of a tentative parcel map shall be for 24 months. Upon written application, a time extension not exceeding 12 months may be granted by the Planning Commission. If the final parcel map is not submitted within the allotted time, the tentative parcel map shall be considered abandoned.

f. If a person is dissatisfied with any action of the Planning Commission with respect to the tentative parcel map, he may, within 15 days after such action, appeal to the City Council in accordance with Section 66562.5 of the Subdivision Map Act. (Ord. No. 87-01, § 31)

19-5.5 *Final Map Requirements.* After final approval of a tentative parcel map, the owner of the property being divided may cause a final parcel map to be prepared in conformance with the Subdivision Map Act and this chapter and in substantial compliance with the approved tentative parcel map. (Ord. No. 87-01, § 32)

19-5.6 *Final Parcel Map Filing.* Two prints of the proposed final parcel map shall be submitted to the City Engineer for checking. The City Engineer shall examine or have examined the map for compliance with the provisions of this chapter, the Subdivision Map Act and for such other matters as required. Upon acceptance the original map shall be submitted for signature. Filing fees shall be as established by resolution of the City Council. (Ord. No. 87-01, § 33)

19-5.7 *Final Parcel Map - Form and Content.* The form and content of the parcel map shall conform to the requirements of Title 7, Division 2, Chapter 2, Article 3 of the Subdivision Map Act. (Ord. No. 87-01, § 34)

19-5.8 *Setting of Monuments and Ties.* In making a survey for a parcel map, the surveyor shall comply with Section 19.4.4 of this chapter. (Ord. No. 87-01, § 35)

19-5.9 *Information to be Submitted with Final Parcel Map.* When a final parcel map is submitted to the City Engineer in accordance with this chapter, it shall be accompanied by the documents specified in this section if improvements are required as a condition of approval of the tentative parcel map by the Planning Commission.

a. *Improvement Plans.* Improvement plans and specifications shall be submitted as indicated in this chapter.

b. *Improvement Agreements.* All agreements and improvements security required by this chapter shall be submitted with the final map.

(Ord. No. 87-01, § 36)

19-5.10 *Dedication of Easements for Public Use.*

a. Dedications, or offers for dedication, shall be required for street widenings, openings or easements, as determined by the City Engineer and in conformance with the Circulation Element of the General Plan.

b. All required dedications or offers of dedication shall be made by certificate on the final parcel map or by separate instrument, as determined by the City Engineer. Any dedication or offer of dedication made by separate instrument shall be recorded concurrently with or prior to the filing of the parcel map for record.

(Ord. No. 87-01, § 37)

19-6 Exceptions to Parcel Map Procedures.

19-6.1 *Waiver of Tentative Parcel Maps - Purpose and Scope.* Under § 66428 of the Subdivision Map Act, the City shall establish procedures for waiving parcel map requirements.

The City finds, determines and declares that tentative parcel maps may be waived under the provisions of this section. (Ord. No. 87-01, § 39)

19-6.2 *Procedure for Waiver of Tentative Parcel Maps.*

a. A person who desires to obtain a waiver from the requirement to file a tentative parcel map shall present the proposed final parcel map and the established fee to the Planning Commission Secretary. The Secretary shall obtain the comments of the Planning Director and the Director of Public Works as to whether the proposed map will conform with the criteria set forth below. The comments of the Director of Community Development and Director of Public Works shall be presented to the applicant who shall make recommended corrections, if any, or request the matter be placed before the Planning Commission for action.

b. If no corrections are suggested or when suggested corrections are made, the Planning Commission Secretary shall schedule a public hearing before the Planning Commission upon the giving of such notice as required for other parcel maps.

c. The Planning Commission shall approve the proposed map if the Commission makes the findings set forth in the criteria listed below. The decision of the Planning Commission shall be final unless the decision is appealed to the City Council in the same manner as tentative parcel maps.
(Ord. No. 87-01, § 40)

19-6.3 *Criteria for Waiver of Tentative Parcel Maps.*

a. A parcel may be approved for filing without a tentative map only if the Planning Commission finds that the following conditions exist:

1. The proposed map will promote the elimination or reduce the deficiencies of substandard or otherwise inappropriate parcels;

2. The proposed map complies with the Subdivision Map Act and this Code as to area, improvements and design, floodwater drainage control, appropriate improved public

roads, sanitary disposal facilities, water supply availability, environmental protection; and

3. The proposal is not a subdivision within the meaning of the Subdivision Map Act.

(Ord. No. 87-01, § 41)

19-6.4 *Lot Line Adjustment.*

a. A lot line adjustment between two or more adjacent parcels, where the land taken from one parcel is added to an adjacent parcel and where a greater number of parcels than originally existed is not thereby created, may be approved by the City Engineer when, in consultation with the Community Development Department, it is determined that all the following conditions exist:

1. The land is part of a recorded subdivision map, parcel map, Record of Survey, or shown on the latest adopted tax assessor's map as an individual parcel of land.

2. The lots or parcels created have the minimum square footage required by the zoning district in which they are located.

3. No lot or parcel that is created on a dedicated and City maintained street shall have less than 50 feet frontage and lots that are created on a cul-de-sac or knuckle street shall have a minimum of 40 feet of frontage if the width of the lot as measured at the front yard setback line is at least 50 feet.

4. All other applicable provisions of the zoning chapter shall be complied with.

5. An unnumbered tentative parcel map or clear and concise 8-1/2 inches by 11 inches or 14 inches rendering shall be submitted to the Public Works Department for review to insure compliance with the above sections.

b. Under no circumstances shall a lot line adjustment result in the creation of a substandard lot.

(Ord. No. 87-01, § 42; Ord. No. 88-15, § 3; Ord. No. 92-08, § 2)

19-7 Public Improvements.

19-7.1 *Required Subdivision Improvements.*

a. The subdivider shall improve, or agree to improve, all streets, highways or ways in or adjacent to the subdivision. The necessary improvements shall be made within the street right-of-way between the property line and the center of the street. Improvements shall be installed to permanent line and grade in accordance with standard subdivision improvements specification of the City on file with the City Engineer. The minimum improvements which the subdivider shall make, or agree to make at the cost of the subdivider, prior to acceptance and approval of the final subdivision map by the City Council, shall be:

1. Grading, concrete curbs and gutters, driveways, cross gutters, drainage and drainage structures necessary to the proper use and drainage of streets, highways and ways or to the public safety.

2. Street pavement and base of a thickness determined by the City Engineer in conformance with the standard City specifications.

3. Concrete sidewalks not less than five feet wide and four inches thick; provided, that the City Council may make an exception to this provision where topographical conditions make the installation of sidewalks impractical. The City Council may require sidewalk for the entire width of the parkway along major or secondary streets and for streets abutting commercial or industrial zoned land.

4. Fire hydrants of a size and at the location designated by the Indian Wells Valley Water District and the Kern County Fire Department.

5. Sanitary sewer facilities and connections for each lot.

6. Services from public utilities and sanitary sewers for each lot in such manner as will obviate the necessity for disturbing the street pavement, gutter, culvert and curb when service connections are made.

7. A street lighting system of type approved by City Engineer.

8. Street name signs at all street intersections. The subdivider shall bear the total expense incurred by the City in purchasing and installing all required street name signs.

9. Traffic islands where they are required to control the movement of traffic.

10. Barricades and reflectors along the ends of all dead end streets other than cul-de-sacs and at the ends of culverts and other dangerous areas.

11. Installation or relocation of traffic signals, traffic signs, safety lighting and safety devices where required by the City Engineer.

12. Easements or land dedicated to the City for park and recreation purposes shall be improved with sidewalks, rough grading, curbs and gutters, and adequate provisions for service to the proposed park site of all necessary utilities.

13. Other improvements where deemed necessary by the Planning Commission for the public health, safety, or welfare.

b. The subdivider shall perform all work required by the City Engineer or building official in connection with the demolition, moving, altering or conversion of any structure or facility, including underground structures either wholly or partially within the subdivision or affected thereby.
(Ord. No. 87-01, § 45)

19-7.2 *Subdivision Improvement Plans.* Plans, profiles and specifications of proposed improvements shall be furnished to the City Engineer prior to the time of submitting the final map to him. Such plans and profiles shall show full details of the proposed improvements which shall be according to the standards of the City. Plan check fees shall be as established by resolution of the City Council. (Ord. No. 87-01, § 46)

19-7.3 *Subdivision Grading Plans.* The subdivider shall be required to submit grading plans which shall incorporate all requirements of Appendix Chapter 70 of the Uniform Building Code, and the provisions of this chapter. Also the subdivider shall furnish all geological and soil test data as may be required by the City Engineer and Building Official. (Ord. No. 87-01, § 47)

19-7.4 *Subdivision Completion of Improvements.* If the required improvement work is not completed satisfactorily before the final map is approved, the owner or owners of the subdivision shall, immediately upon approval and before the certification of the final map by the City, enter as contractor into an agreement with the City Council whereby, in consideration of the acceptance by the City Council of street and easements offered for dedication, the contractor agrees to complete the work within the time specified in the agreement. (Ord. No. 87-01, § 48)

19-7.5 *Subdivision Improvement Security Required.* To assure the City that this work will be completed and lien holders paid, an improvement security shall be furnished guaranteeing faithful performance, and guaranteeing payment for labor and materials. The amount of such improvement security shall be determined by the City Engineer, and approved by the City Council as to the amount and adequacy. Improvement security as used in this section means one or a combination of the following:

a. A cash deposit or deposits made with the City.

b. A bond or bonds by one or more duly authorized corporate sureties.

c. An instrument or instruments of credit from one or more financial institutions subject to regulation by the State or Federal Government pledging that the funds necessary to meet the performance are on deposit and guaranteed for payment and agreeing that the funds designated by the instrument shall become trust funds for the purpose set forth in the instrument.

(Ord. No. 87-01, § 49)

19-7.6 *Subdivision Forfeiture of Security.* Upon the failure of a subdivider to complete all improvement within the time specified in an agreement or extension thereof, the Council may, upon notice in writing of not less than 20 days served by registered mail, addressed to the last known address of the person, firm, or corporation signing such contract, determine that said improvement work or any part thereof is uncompleted and may cause to be forfeited to the City such portion of said sum of money or bonds given for the faithful performance of

said work as may be necessary to complete such work. (Ord. No. 87-01, § 50)

19-7.7 *Subdivision Exoneration of Security.* It shall be the duty of the City Engineer to inspect all improvements installed and monuments set as to their compliance with this chapter and City standards. No sum of money or bonds given for faithful performance of such work shall be exonerated from the agreements referred to herein until and unless the City Engineer certifies compliance thereto. (Ord. No. 87-01, § 51)

19-7.8 *Subdivision Improvements - Underground Utilities.* Utility lines, including but not limited to electric, communications, street lighting and cable television shall be required to be placed underground. The subdivider is responsible for complying with the requirements of this section, and he shall make the necessary arrangements with the utility companies for the installation of such facilities. For the purposes of this section, appurtenances and associated equipment such as, but not limited to, surface mounted transformers, pedestal mounted terminal boxes and meter cabinets, and concealed ducts in an underground system may be placed above ground. The Commission may waive the requirements of this section if topographical, soil or any other conditions make such underground installations unreasonable. This section shall not apply to existing utility lines which do not provide service to the subdivision being developed. (Ord. No. 87-01, § 52)

19-7.9 *Required Parcel Map Improvements.* The party requesting approval of a parcel map shall be required to improve all streets, highways or ways in and adjacent to the parcel map as required by the Planning Commission's conditions of approval of the tentative parcel map, and in accordance with the standard subdivision improvement specifications of the City on file with the City Engineer.

The improvements which may be required by the Planning Commission prior to final approval of the parcel map are:

a. Grading, concrete curbs and gutters, driveways, cross gutters, drainage and drainage structures necessary to the proper use and drainage of streets, highways and ways or to the public safety.

b. Street pavement and base of a thickness determined by the City Engineer in conformance with the standard City specifications.

c. Concrete sidewalks not less than five feet wide and four inches thick.

d. Sanitary sewer facilities and connections for each lot.

e. Services from public utilities and sanitary sewers made available for each lot in such manner as will obviate the necessity for disturbing the street pavement, gutter, culvert and curb when service connections are made.

f. Fire hydrants of a size, and at the location designated by the Indian Wells Valley Water District and the Kern County Fire Department.

g. A street lighting system of type approved by City Engineer.

h. Street name signs at all street intersections. The owner shall bear the total expense incurred by the City in purchasing and installing all required street name signs.
(Ord. No. 87-01, § 53)

19-7.10 *Parcel Map Improvement Plans.* Plan, profiles and specifications shall be furnished to the City Engineer prior to approval of the parcel map. (Ord. No. 87-01, § 54)

19-7.11 *Parcel Map Completion of Improvements.* Where under the provisions of Section 66411.1 of the Subdivision Map Act improvement may not be required to be installed until such time as a grant of a development or approval is issued, fulfillment of the improvement requirements of this chapter shall be the obligation of the person or persons requesting development approval rather than obligation of the subdivider. The Planning Commission may require fulfillment of improvements within a reasonable time following approval of the parcel map and prior to the issuance of a permit with the finding that fulfillment of the construction requirements is necessary for reasons of:

a. Public health and safety; and

b. The required construction is a necessary prerequisite to the orderly development of the surrounding area.

(Ord. No. 87-01, § 55)

19-7.12 *Parcel Map Improvement Security Required.* To assure the City that this work will be completed and lien holders paid, an improvement security shall be furnished guaranteeing faithful performance and guaranteeing payment for labor and materials. The amount of such improvement security shall be determined by the City Engineer and may be one or a combination of the following:

a. A cash deposit or deposits made with the City.

b. A bond or bonds by one or more duly authorized corporate sureties.

c. An instrument or instruments of credit from one or more financial institutions subject to regulation by the State or Federal government pledging that the funds necessary to meet the performance are on deposit and guaranteed for payment and agreeing that the funds designated by the instrument shall become trust funds for the purpose set forth in the instrument.

(Ord. No. 87-01, § 56)

19-7.13 *Parcel Map Forfeiture of Security.* Upon the failure of an owner to complete all improvements within the time specified in an agreement or extension thereof, the Council may, upon notice in writing of less than 20 days served by registered mail, addressed to the last known address of the person, firm, or corporation signing such contract, determine that said improvement work, or any part thereof, is uncompleted and may cause to be forfeited to the City such portion of said sum of money or bonds given for the faithful performance of said work as may be necessary to complete such work. (Ord. No. 87-01, § 57)

19-7.14 *Parcel Map Exoneration of Security.* Utility lines, including, but not limited to, electric, communications, street lighting and cable television shall be required to be placed underground. The owner is responsible for complying with the

requirements of this section, and he shall make the necessary arrangements with the utility companies for the installation of such facilities. For the purposes of this section, appurtenances and associated equipment such as, but not limited to, surface mounted transformers, pedestal mounted terminal boxes and meter cabinets, and concealed ducts in an underground system may be placed above ground. The Planning Commission may waive the requirements of this section if topographical, soil or other conditions make such underground installation unreasonable. This section shall not apply to existing utility lines which do not provide service to the property being developed. (Ord. No. 87-01, § 58)

19-8 Vesting Tentative Maps.

19-8.1 *Vesting Map General Provisions.*

a. *Citation and Authority.* This chapter is enacted pursuant to the authority granted by Chapter 4.5 (commencing with Section 66498.1) of Division 2 of Title 7 of the Government Code of the State of California (hereinafter referred to as the Vesting Tentative Map Statute), and may be cited as the Vesting Tentative Map Ordinance.

b. *Purpose and Intent.* It is the purpose and intent of this chapter to establish procedures necessary for the implementation of the Vesting Tentative Map Statute, and to supplement the provisions of the Subdivision Map Act and the Subdivision Ordinance. Except as otherwise set forth in the provisions of this chapter, the provisions of the Subdivision Ordinance shall apply to the Vesting Tentative Map Ordinance.

To accomplish this purpose, the regulations outlined in this chapter are determined to be necessary for the preservation of the public health, safety and general welfare, and for the promotion of orderly growth and development.

c. *Consistency.* No land shall be subdivided and developed pursuant to a vesting tentative map for any purpose which is inconsistent with the General Plan and any applicable specific plan or not permitted by the zoning ordinance or other applicable provisions of the Municipal Code.

d. *Definitions.*

1. A *"vesting tentative map"* shall mean a "tentative map" for a residential subdivision, as defined in the

Ridgecrest Subdivision Ordinance that shall have printed conspicuously on its face the words "vesting tentative map" at the time it is filed in accordance with subsection 19-8.2 and is thereafter processed in accordance with the provisions hereof.

2. If a subdivider does not seek the rights conferred by the Vesting Tentative Map Statute, the filing of a vesting tentative map shall not be a prerequisite to any approval for any proposed subdivision, permit for construction, or work preparatory to construction.

e. *Application.*

1. This chapter shall apply only to residential developments. Whenever a provision of the Subdivision Map Act, as implemented and supplemented by the Ridgecrest Subdivision Ordinance, requires the filing of a tentative map or tentative parcel map for a residential development, a vesting tentative map may instead be filed, in accordance with the provisions hereof.

2. If a subdivider does not seek the rights conferred by the Vesting Tentative Map Statute, the filing of a vesting tentative map shall not be a prerequisite to any approval for any proposed subdivision, permit for construction, or work preparatory to construction.

(Ord. No. 87-01, § 60)

19-8.2 *Vesting Map Procedures.*

a. *Filing and Processing.* A vesting tentative map shall be filed in the same form and have the same form and have the same contents, accompanying data and reports and shall be processed in the same manner as set forth in the Ridgecrest Subdivision Ordinance for a tentative map except as hereinafter provided:

1. At the same time a vesting tentative map is filed it shall have printed conspicuously on its face the words "Vesting Tentative Map."

2. At the time a vesting tentative map is filed a subdivider shall also supply the following information:

(a) Height, size, and location of buildings

(b) Sewer, water, storm drain and road details

(c) Information on the uses to which the buildings will be put

(d) Detailed grading plans
(e) Geological studies
(f) Flood control information
(g) Architectural plans
(h) Any any other studies deemed necessary by the Director of Community Development

b. *Fees.* Upon application for a vesting tentative map the subdivider shall submit the appropriate fee as set by Council resolution.

c. *Expiration.* The approval or conditional approval of a vesting tentative map shall expire at the end of the same time period, and shall be subject to the same extensions, established by the Subdivision Ordinance for the expiration of the approval or conditional approval of a tentative map.
(Ord. No. 87-01, § 61)

19-8.3 *Vesting Map Development Rights.*

a. Vesting on Approval of Vesting Tentative Map.

1. The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards described in Government Code § 66474.2.

However, if § 66474.2 of the Government Code is repealed, the approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect at the time the vesting tentative map is approved or conditionally approved.

2. Notwithstanding paragraph 1., a permit, approval, extension, or entitlement may be made conditional or denied if any of the following is determined:

(a) A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.

(b) The condition or denial is required, in order to comply with State or Federal law.

3. The rights referred to herein shall expire if a final map is not approved prior to the expiration of the vesting tentative map as provided in subsection 19-8.2c. If The final map is approved, these rights shall last for the following periods of time:

(a) An initial time period of one year. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, this initial time period shall begin for each phase when the final map for that phase is recorded.

(b) The initial time period set forth in paragraph a,3(a) herein shall be automatically extended by any time used for processing a complete application for a grading permit or for design or architectural review, if such processing exceeds 30 days, from the date a complete application is filed.

(c) A subdivider may apply to the Planning Commission for a one year extension at any time before the initial time period set forth in paragraph a,3(a) expires. If the extension is denied, the subdivider may appeal that denial to the City Council within 15 days.

(d) If the subdivider submits a complete application for a building permit during the periods of time specified in paragraphs a,3(a) through a,3(c), the rights referred to herein shall continue until the expiration of that permit, or any extension of that permit.

b. *Development Inconsistent with Zoning - Conditional Approval.*

1. Whenever a subdivider files a vesting tentative map for a subdivision whose intended development is inconsistent with the zoning ordinance in existence at that time, that inconsistency shall be noted on the map. The City may deny such a vesting tentative map or approve it conditioned on the subdivider, or his or her designee, obtaining the necessary change in the zoning ordinance to eliminate the inconsistency. If the change in the zoning ordinance is obtained, the approved or conditionally approved vesting tentative map shall, notwithstanding subsection 19-8.3a,1., confer the vested right to proceed with the development in substantial compliance with the change in the zoning ordinance and the map, as approved.

2. The rights conferred by this section shall be for the time periods set forth in subsection 19-8.3 paragraph a,3.

c. *Applications Inconsistent with Current Policies.* Notwithstanding any provision of this chapter, a property

owner or his or her designee may seek approvals or permits for development which depart from the ordinances, policies, and standards described in subsections 19-8.3a,1. and 19-8.3b., and local agencies may grant these approvals or issue these permits to the extent that the departures are authorized under applicable law.
(Ord. No. 87-01, § 62)

19-8.4 *Vesting Map Improvement Districts.* In addition to the improvement standards for tentative tract maps, the subdivider of a vesting map shall establish a Mello-Roos Community Facilities District concurrent with the recordation of the final map.
(Ord. No. 87-01, § 63)

19-9 Park Acquisition and Development Fund.

19-9.1 *Fund Credits.*

a. Where private open space for recreation purposes is provided by a residential development, such areas in excess of the minimum Code requirement may be credited toward the fees required, the amount of credit to be determined by the Planning Commission. For the purposes of this section, open space shall include turfed and landscaped areas, recreation buildings and other facilities such as swimming pools and playing courts. Such credit toward fees shall be limited to a maximum of fifty percent of the required fee.

b. When private open space is credited against the required park fees, the Planning Commission shall find that the following standards are met:

1. That yards, court areas, setbacks and other open areas required to be maintained by the zoning and building regulations shall not be included in the computation of such private open space; and

2. That the private ownership and maintenance of the open space is adequately provided for by written agreement; and

3. That the use of the private open space is restricted for park and recreation purposes by recorded covenants

which run with the land and which cannot be defeated or eliminated without the consent of the Planning Commission; and

4. That the proposed private open space is reasonably adaptable for use for park and recreational purposes, taking into consideration such factors as size, shape, topography, geology, access, and location of the private open space; and

5. That the Planning Commission make an assessment of the relationship between the proposed private open space to be credited and the total community recreation needs as set forth in the General Plan. Those developments requesting credit for twenty-five (25) percent or more of the park fees should be providing exceptional open spaces or recreation facilities for which the credited fees would otherwise be used.

(Ord. No. 87-01, § 70; Ord. No. 06-07, § 2)

19-9.2 *Land Dedication in Lieu of Fees.*

a. Land may be dedicated in lieu of the required fees if such a request is approved by the City Council as being compatible with the City's goals and policies. The determination of the City Council as to whether land may be dedicated shall be final and conclusive.

b. When determining whether land may be dedicated in lieu of the fee payment, the Planning Commission shall make a recommendation to the Council addressing site suitability based upon:

1. The General Plan;

2. Topography, geology, access and location of the land available for dedication;

3. Size and shape of the land available for dedication.

c. "Fair market value" shall be the figure used to determine the percentage of the required fees that the land dedication represents. "Fair market value" may be determined by either of the following methods:

1. The fair market as determined by the City Council based upon the then assessed value, modified to equal market value in accordance with current practice of the County Assessor; or

2. The City and Developer may agree as to the fair market value.

d. When the land is to be dedicated, the Developer shall give the deed to the land to the City at the time that a building permit is requested; however, the City will not record the deed until after the building permit is issued.
(Ord. No. 87-01, § 71; Ord. No. 06-07, § 2)

Editor's note—Ord. No. 06-07, § 2, adopted July 19, 2006, repealed the §§ 19-9.1—19-9.5, and subsequently renumbered §§ 19-9.6 and 19-9.7 as §§ 19-9.1 and 19-9.2. Formerly, §§ 19-9.1—19-9.5 pertained to intent, applicability, fee schedule, parks and recreation facilities fund, and distribution of funds, respectively, and derived from Ord. No. 87-01, §§ 65—69.

19-10 Administration and Enforcement.

19-10.1 *Compliance Required, Evasion Unlawful.*

a. It is unlawful for any person, as principal, agent or otherwise, to divide or subdivide for lease or sale, into two or more parcels of land, or to lease, sell, convey, quitclaim, or transfer, by contract, deed or otherwise, or after such division or subdivision to offer for lease or sale, any land or any part thereof, whether improved or unimproved in the City of Ridgecrest, unless and until all of the requirements hereinbefore provided in relation thereto shall have been complied with. Such requirements shall not apply to the leasing of apartments, offices, stores or similar space within an apartment building, industrial building, commercial building, commercial building or trailer park, or to land dedicated for cemetery purposes.

b. It is unlawful for any person, as seller, buyer, agent, or otherwise, for the purpose of violating or nullifying the provisions of the chapter, knowingly to: Allow a transfer of title to property or any part thereof to take place by adverse possession or prescription; or to conspire or collude with another or others to effect a successive series or subdivisions of a larger parcel into smaller parcels; or to be or become a party to a friendly or sham lawsuit or litigation the purpose of which shall be to cause or to permit a transfer of title of any land or part thereof, whether improved or unimproved, in the City of Ridgecrest; or to do or perform any other act or willfully omit to do an act for the purpose of evading or nullifying the provisions of this chapter.

c. *Sale Voidable.* Any deed or conveyance, sale or contract to sell made contrary to the provisions of this chapter is voidable at the sole option of the grantee, buyer or person contracting to purchase, his heirs, personal representative, or trustee

in insolvency or bankruptcy within one year after the date of execution of the deed of conveyance, sale or contract to sell, but the deed of conveyance, sale or contract to sell is binding upon any assignee or transferee of the grantee, buyer or person contracting to purchase, other than those above enumerated, and upon the grantor, vendor or person contracting to sell, or his assignee, heir or advisee.

However, nothing in this section contained shall be deemed to render void or voidable any trust deed, mortgage or other encumbrance in the hands of a bona fide holder for value.

d. *Remedies Not Barred.* This chapter does not bar any legal, equitable or summary remedy to which the City of Ridgecrest or other political subdivision, or any person, firm or corporation, may file suit in any court of competent jurisdiction, to restrain or enjoin any attempted or proposed subdivision or sale in violation of the Subdivision Map Act or this chapter.

(Ord. No. 87-01, § 73)

19-10.2 *Building Permits.* Compliance with the provisions of this chapter is a condition precedent to the issuance of a building permit and any building permit which is issued before compliance with the provisions of this chapter shall be null and void. (Ord. No. 87-01, § 74)

19-10.3 *Enforcement.* It shall be the responsibility of the City Clerk to notify the City Attorney of any violation of this chapter. (Ord. No. 87-01, § 75)

19-10.4 *Penalties for Violations.* Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing the violation of any of the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than five hundred ($500.00) dollars or by imprisonment in the City Jail or County Jail for a term not to exceed six months, or by both such fine and imprisonment. Such person, firm, or corporation shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of

this chapter is committed or continued by such person, firm or corporation and shall be punishable as herein provided. (Ord. No. 87-01, § 76)

19-10.5—19-10.10 *Reserved.**

19-11 Amending Maps.

19-11.1 *Purpose and Scope.* Under Section 66472.1 Subdivision Map Act, the City may establish procedures for the filing of amending maps. This section sets forth such procedures. (Ord. No. 87-01, § 85)

19-11.2 *Procedure.*

a. A person who desires to file an amending map after a final subdivision map or parcel map has been filed shall present the proposed amending map and the established fee to the Planning Commission Secretary. The Secretary shall obtain the comments of the Planning Director and the Director of Public Works as to whether the proposed map conforms with the criteria set forth below. The comments of the Planning Director and Director of Public Works shall be presented to the applicant who shall make recommended corrections, if any, or request the matter be placed before the Planning Commission for action.

b. If no corrections are suggested or when suggested corrections are made, the Planning Secretary shall schedule a public hearing on the proposed map upon the giving of such notice as required for the underlying map.

c. The Planning Commission shall approve the proposed map if the Commission makes the findings set forth in the criteria listed below. The decision of the Planning Commission shall be final unless the decision is appealed to the City Council in the same manner as tentative parcel maps.
(Ord. No. 87-01, § 86)

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*Editor's Note: Former subsections 19-10.5 through 19-10.10 pertaining to variances, previously codified herein and containing portions of Ordinance No. 87-01 were repealed by Ordinance No. 92-09.

19-11.3 *Criteria for Amending Map.*

a. An amending map may be approved for filing if the Planning Commission finds that the following conditions exist:

1. The proposed map addresses changes in circumstances which make any or all of the conditions of the prior map no longer appropriate or necessary;

2. The modifications do not alter any right, title or interest in the real property reflected on the recorded map; and

3. The modified map conforms to the Subdivision Map Act.

b. An amending subdivision map shall conform to all requirements concerning content and form of final subdivision map. An amending parcel map shall conform to all requirements concerning content and form of a final parcel map.
(Ord. No. 87-01, § 87)

19-11.4 *Fees.*

a. The Council shall, from time to time, establish fees for the cost of reviewing each application for a permit or other entitlement for use as set forth in this chapter including all costs incurred by staff, the Planning Commission and Council to review applications, and appeals and to provide legally required notices and other reports and recommendations. Such fees shall also be adequate to recover the costs, if any, of conducting the environmental review associated with the permit or entitlement for use.

b. The Director of Community Development may establish fees for miscellaneous services and materials not set by Council action provided the Director 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 Director shall submit a report to the Council at least 20 days before the effective date of the fee. The fees shall not be effective if the Council disapproves.
(Ord. No. 87-13, § 2)

CHAPTER XX

ZONING

20-1 Introduction.

20-1.1 *Title, Purpose and Objectives.* This chapter shall be known as the "Zoning Ordinance of the City of Ridgecrest" and is adopted to preserve, protect, and promote the public health, safety, peace, comfort, convenience, prosperity and general welfare. More specifically, the chapter is adopted to achieve the following objectives:

a. To provide a specific plan so as to achieve progressively the general arrangement of land uses depicted in the General Plan.

b. To foster a wholesome, serviceable and attractive living environment, the beneficial development of areas which exhibit conflicting patterns of use, and the stability of existing land uses which conform with objectives and policies of the General Plan.

c. To prevent excessive population densities and overcrowding of land with structures.

d. To promote a safe, effective traffic circulation system, the provision of adequate off-street parking and truck loading facilities, and the appropriate location of community facilities.

e. To protect and promote appropriately located commercial and industrial activities, in order to preserve and strengthen the City's economic base, protect and enhance real property values and the City's natural assets.

f. To ensure unimpeded development of such new urban expansion that is logical, desirable and in conformance with objectives and policies of the General Plan. (Ord. 84-08, A 1, § 101)

20-1.2 *Definitions.*

"Abut" or *"Abutting"* shall mean contiguous or the same as adjoining.

"Access" or *"Access Way"* shall mean the place, means, or way by which pedestrians and vehicles shall have safe, adequate, and usable ingress and egress to a property or use as required by this chapter.

"Accessory Building" shall mean a building or structure which is subordinate to and the use of which is incidental to and detached from the main building, structure or use. An accessory building may be located on an adjacent lot.

"Accessory Use" shall mean a use incidental and subordinate to the principal use established on the same lot.

"Airport" shall mean any area which is used or is intended to be used for the taking off and landing of aircraft, including helicopters, and any appurtenant areas which are used or are intended to be used for airport buildings or facilities, including open spaces, taxiways and tie-down areas.

"Air Space Condominium" shall mean a freehold estate in which the space bounded by and contained within the interior surfaces of the perimeter walls, floors, ceilings, windows and doors of each separate unit, each of such space being defined as a "unit." Each unit includes both the portions of the building to be otherwise described and the airspace so encompassed, but the following are not part of a unit: bearing walls, columns, floors, roofs, foundations, reservoirs, tanks, pumps, and other central services, pipes, ducts, flues, conduits, wires and other utility installations wherever located, except the outlets thereof when located in the unit. The ownership also includes an undivided interest in common area. The common area includes all the area of an approved plan except the unit. (See *"Condominium."*)

"Alley" shall mean a passage or way open to public travel which generally affords a secondary means of vehicular access to abutting lots and is not intended for general traffic circulation.

"Animal Hospital" shall mean a place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding and shall be an accessory use to such hospital use.

"Animal Shelter" or *"Animal Care Facility"* shall mean a place where animals are boarded or held.

"Apartment" shall mean a room or suite of two (2) or more rooms with a single kitchen in a multiple dwelling, occupied or suitable for occupancy as a residence for one (1) family.

"Approval Authority" shall mean City staff or Planning Commission or City Council.

"Automobile Service Station" shall mean an establishment providing gasoline, oil, and other additives, and performing minor repairs and other customary repairs for automobile and light vehicles, but excluding painting, body work, steam cleaning and major repairs.

"Automobile Dismantling or Automobile Wrecking" shall mean the dismantling or wrecking of vehicles, including parts or components thereof, and the storage of dismantled or wrecked inoperative vehicles (including motor vehicles' wrecking yards).

"Automobile, Inoperative" shall mean any vehicle which is unable to be moved under its own power, except a trailer, or has parts removed or damaged which would render it unmovable under its own power.

"Automobile Motor Home," *"Trailer"* or *"Camp Trailer"* shall mean any vehicle or structure used for living or sleeping purposes and equipped with wheels or other means to facilitate movement from place to place, and under forty (40) feet in length.

"Basement" shall mean that portion of the building between the floor and ceiling which was more than 50 percent below the natural or finished grade of the exterior ground surface.

"Block" shall mean the properties abutting one side of a street and lying between intersections or between an intersection and the end of a street.

"Boarding, Bed and Breakfast" or *"Lodging House"* shall mean other than a hotel, motel, or dormitory where for compensation for days, week or greater term, table and board is provided. Meals may be furnished to the lodgers and to no other persons.

"Borrow Pit" shall mean the same as quarry.

"Breezeway" shall mean a roofed passageway, designed and used only to connect two or more otherwise separate buildings and permanently open along at least one of its sides.

"Building" shall mean any structure having a roof supported by columns or by walls and intended for a shelter, housing or enclosure for persons, animals or property of any kind.

"Building, Accessory" shall mean a detached building housing a permitted accessory use, located on the same parcel as the main building, provided that if the same is attached to a main building by a common wall or roof, it shall be deemed to be a part of such main building.

"Building Facade" shall mean that portion of any exterior elevation of a building extending from grade to the top of the parapet wall or eaves.

"Building or Structure Height" shall mean the vertical distance from the average finished grade of the lot to the highest point of the building or structure.

"Building Line" shall mean a line which establishes setback from front, rear, and side property lines over which no portion of a building or structure shall encroach except the roof line, which roof line shall in no case extend over the property line.

"Building, Main" shall mean a building within which is conducted the principal or main use on a parcel; where permissible use involves more than one structure designed or used for the primary purpose, as in the case of group houses, each such permissible building on the parcel, as defined in this chapter, shall be construed as constituting a main or principal building.

"Building Site" shall mean (1) the ground area of one parcel, or (2) the ground area of two or more parcels when used in combination with a building or group of buildings together with all open spaces as required by this chapter.

"Business, Retail" shall mean any establishment wherein the retail sale of any article, substances, or commodity takes place.

"Business, Wholesale" shall mean any establishment wherein the wholesaling of any article, substance or commodity takes place.

"Camp, Public" shall mean land or premises used or intended to be used, let or rented for camping purposes.

"Camper" shall mean a structure designed to be mounted upon or towed by a motor vehicle to provide facilities for temporary habitation or camping purposes. In no event shall a camper be used for human habitation outside of a recreational facility designed for such use.

"Carport" shall mean a permanent roofed structure not completely closed by walls or doors and used for shelter or storage of vehicles owned or operated by occupants of the main building.

"Carwash" shall mean any commercial automatic car wash, coin operated, or two or more hand washing stalls having no fuel sales.

"Cellar" See *"Basement."*

"Cemetery, Human" shall mean land used or intended to be used for human cemetery purposes, including columbariums, crematoriums, mausoleums and mortuaries when operated in conjunction with and within the boundary of the cemetery.

"Cemetery, Pet" shall mean land used or intended to be used for pet cemetery purposes, including columbariums, crematoriums, mausoleums and mortuaries when operated in conjunction with and within the boundary of the cemetery.

"Certificate of Acceptance" shall mean a written statement indicating that the construction of a project conforms to the site plan approved. It may be unified in the certificate of occupancy.

"Change in Use" (or "Intensity of Use") shall mean a discontinuance of an existing use and substitution thereof of a use of a different kind or class.

"Child Care Center" shall mean a facility with an organized daytime program for the supervision and care of children, who are not related to the person operating such facility, licensed as such by the State of California.

"Church" shall mean any building set apart for the purpose of worship.

"Clinic" or *"Medical Center"* shall mean a place for group medical services not including overnight housing of patients.

"Club" or *"Lodge"* shall mean a non-profit membership institution established for social, cultural, civic or similar purposes.

"Communication Equipment Building" shall mean a building housing operating electrical and mechanical equipment utilized in conducting a public utility communication operation.

"College" shall mean a school for vocational, technical or professional instruction.

"Commercial Office" shall mean a room or building where a particular kind of commercial business or services for others is transacted, including real estate, insurance, telegraph, utility, travel bureau, etc.

"Commercial Recreation" shall mean any place of amusement erected or maintained for amusement or entertainment purposes where the public or members are invited or allowed to attend or assemble, except City, County or State parks and recreation facilities. Although not intended to be specifically limited thereby, examples of commercial recreation are carnivals, side shows and circuses, wherein feats of horsemanship, trained animals, clowns, acrobats or trapeze performers or amusement

devices, games or other forms of skill or amusement are exhibited, bowling alleys, golf courses or private tennis centers, billiards and pool halls, theaters, private stadiums and recreation areas. Commercial recreation does not include card rooms.

"*Community Clubhouse*" shall mean a building containing facilities for private or public neighborhood civic and social activities, when operated for and used by property owners in the vicinity; excluding any place where membership or use is on any other basis than residence in the neighborhood, or where the chief activity is one customarily carried on as a business.

"*Condominium*" shall mean an estate of real property consisting of an undivided interest in common in a portion of a parcel of real property together with the separate interest in space in a residential, industrial or commercial building or such real property, such as a residential apartment, apartment house, office or offices, store or stores. A condominium may include in addition a separate interest in other portions of such real property. (See "*Air Space Condominium.*")

"*Conforming Building*" shall mean a building which wholly meets the requirements of the building code and zoning ordinance as they pertain to residential, commercial or industrial developments.

"*Convalescent Home*" and "*Rest Home*" shall mean premises used for the housing of and caring for, the ambulatory, aged or infirm, and which premises require a license from the State or the County. The convalescent home usually does not have a physician residing on the premises and usually does not provide for surgery or other similar activities which are customarily provided in sanitariums or hospitals.

"*Court*" shall mean an open space on a lot other than a yard or carport designed to be partially surrounded by dwellings.

"*Coverage*" shall mean that percentage of a lot or building site which is covered or occupied by any building or aboveground structure regardless of whether such building or structure is intended for human occupancy, the remainder being open space.

"*Day Care Nursery*" or "*Center*" shall mean any premise for the providing of care for pre-elementary school age children during day time hours, including parent cooperative nursery school, play groups for pre-school children, afterschool care for school children, providing such establishment is institutional in

character and is licensed by the State or County and conducted in accordance with State requirements.

"Dedication" shall mean the setting aside of land for some public use by an owner or developer and its acceptance by the City or affected agency.

"Density" shall mean the number of units allowed to be built upon an acre of land or individual site.

"District" shall mean land area as shown or described on the land use district maps which are an integral part of this title, and to which the regulations of this title apply. "District" shall have the same meaning as "zone" or "zoning district."

"Dormitory" shall mean a building used partially for sleeping and eating accommodation and where such facilities are related to educational or public institutions including religious institutions, fraternities or sororities.

"Drive-in" or *"Drive-Through Restaurant"* shall mean a restaurant which provides service directly to the motorist either for consumption upon the site or elsewhere, including establishments whose customers may serve themselves.

"Dump" shall mean a place used for the disposal, abandonment, discarding, dumping, reduction, burial, incineration or by any other means, of any garbage, trash, refuse, waste material (other than hazardous materials as defined by the State).

"Dwelling Unit" shall mean one or more rooms, with facilities for living, sleeping, cooking and eating, designed for occupancy by one-family and shall include bachelor or efficiency units.

"Dwelling, Multiple" shall mean a building, or portion thereof, designed for occupancy by two or more families living independently of each other with each dwelling unit provided with kitchen facilities.

"Educational Institutions" shall mean public and private institutions conducting regular academic instruction at primary, secondary or collegiate levels; and including graduate schools, universities, nonprofit research institutions. Such institutions must either: (1) offer general academic instruction equivalent to the standards prescribed by the State Board of Education; or (2) confer degrees as a college or university of undergraduate or graduate standings; or (3) conduct research or religious instruction; or (4) give religious instruction. This definition does not include schools, academies or institutes, incorporated or otherwise, which operate for a profit, nor does it include commercial or trade schools.

"*Electrical Transmission Substation*" shall mean an assembly of equipment which is part of a system for the transmission of electric power.

"*Establishment*" shall mean a business or professional firm, organization, or entity that is the sole occupant of all or a portion of the space on a site or in a building.

"*Family*" shall mean an individual or two or more persons related by blood or marriage or a group of not more than five persons, excluding servants, who are not related by blood or marriage, living within a single dwelling.

"*Fence*" shall mean a physical barrier which includes separately or in combination wire mesh, steel mesh, chain link, louvered wood, stake, concrete material, and other similar materials. It does not include plastic materials.

"*Festival,*" "*Fair,*" "*Carnival*" shall mean a temporary public or commercial gathering where entertainment, food, crafts, etc. are offered for viewing or sale. Gatherings on public property under the sponsorship or control of the City or State are excluded.

"*Floor Area*" or "*Gross Floor Area*" shall mean the entire floor area of a building; said floor area includes not only the ground floor area but also any additional stories or basement of said building. All horizontal dimensions shall be taken from the exterior faces of walls, including enclosed porches.

"*Frontage*" shall mean the property line of a site abutting on a street, other than one side line of a corner lot.

"*Garage*" shall mean a fully enclosed accessory building or a portion of the principal building for the storage of passenger vehicles, boats or trailers owned by the persons, residents of the premises.

"*Garage, Repair*" shall mean a structure, or portion thereof, for the minor or major commercial repair of automobiles and other vehicles as defined herein.

"*Garage, Storage*" shall mean any structure used primarily for the storage of vehicles. This use is usually commercial in nature.

"*General Plan*" shall mean the projected growth plan for the City of Ridgecrest which includes a statement of development policies and includes a diagram and text setting forth objectives, principles and plan proposals, includes the various elements adopted by the City Council.

"*Guest House (Accessory Living Quarters)*" shall mean living quarters within a detached accessory building located on the same premises with the main building, for use by temporary guests of the occupant of the premises. Such quarters shall have no kitchen facilities and shall not be rented or otherwise used as a separate dwelling unit.

"*Guest Room*" shall mean a room which is designed to be occupied by one or more guests for sleeping purposes and not rented or otherwise used as a separate dwelling unit.

"*Helipad*" shall mean any helicopter landing area as in the heliport except the appurtenant facilities.

"*Heliport*" shall mean any helicopter land area used, designed, or intended to be used for the receiving or discharge of passengers or cargo; also included are any appurtenant facilities for passengers, cargo or for the service or repair, shelter or storage of helicopters.

"*Hedge*" shall mean a plant or series of plants, shrubs or other landscaping materials, so arranged as to form a physical barrier or enclosure.

"*Home Occupation*" shall mean any use or occupation conducted or carried on by the occupant of a dwelling, which is clearly incidental and secondary to the use of the structure for dwelling purposes and which does not change the character thereof.

"*Hospital*" shall mean an institution providing physical or mental health service, inpatient or overnight accommodations and medical and surgical care of the sick or injured.

"*Hotel*" shall mean a building, or portion of a building, with access provided through a common entrance, lobby or hallway to six or more guest rooms, usually designed to be rented or hired out as temporary or overnight accommodations for guests, but in some cases contain permanent residents.

"*Junk Yard*" shall mean any parcel, or use of any portion of any parcel, for the dismantling or wrecking of machinery, or for the storage or keeping of parts and equipment resulting from such dismantling or wrecking, or for the storage or keeping of junk

including scrap metal or other scrap materials including any area of more than 200 square feet for the storage or keeping of junk, including scrap metals, used lumber, paper or other scrap materials, dismantling or selling of castoff or salvage materials of any sort.

"*Kennel*" shall mean any lot or premises on which four or more dogs and/or cats, four months of age or older, are kept, boarded or trained with or without special buildings or runways.

"*Kitchen*" shall mean any room or part of which is designed and/or used for cooking and the preparation of food.

"*Landscaped Area*" shall mean land set aside exclusively for shrubs, flowers, trees, and/or other landscaping material so as to enhance the natural beauty of any given area where landscaping is required.

"*Landscaping*" shall mean the planting and/or placement and maintenance of a combination of suitable ornamental material and/or vegetation within the landscaped area. The design may include a combination of natural features such as rocks, stones, wood fences, walls, benches, and live plant material.

"*Laundromat*" "*Self-Service Laundry*" shall mean any establishment for laundering which uses automatic washers and dryers or extractors where there is not pickup and delivery service and no steam or hand laundry of any type. Generally the machines are coin operated.

"*Live/Work Use*" shall mean a dwelling unit with a separate living space attached to a work space within the same structure. The work space and the living space must be occupied by the same tenant.

"*Loading Space*" shall mean an off-street space or berth on the same lot with a main building, or contiguous to a group of buildings, for the temporary parking of commercial vehicles while loading or unloading. It shall have appropriate means of ingress and egress to a public street or alley.

"*Lot,*" "*Site*" or "*Parcel*" shall mean (1) land occupied or to be occupied by a use, building or group of buildings, and accessory buildings together with such yards, open spaces, lot width, depth

and area as are required by this title, and fronting upon a dedicated street; (2) a single parcel of land for which a legal description is filed or recorded or the boundaries of which are shown on a subdivision map or parcel map filed in accordance with the City's Subdivision Ordinance and State Subdivision Map Act; (3) two or more abutting lots or parcels which when combined and used as though a single lot or parcel.

"*Lot or Site Area*" shall mean the total of the lot area, measured in a horizontal plane, within the lot lines of a lot including easements but exclusive of streets, highways, roads and alleys.

"*Lot, Corner*" shall mean a lot situated at the intersection of two or more streets having an angle of intersection of not more than 135 degrees.

"*Lot Depth*" shall mean the minimum horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

"*Lot, Double Frontage*" or "*Through*" shall mean any interior lot having frontage on two parallel or approximately parallel streets. For the purpose of determining front yard requirements, each frontage from which access is permitted shall be deemed a front lot line.

"*Lot, Flag*" shall mean a lot or parcel of land where the major portion of the lot area is removed from the street with access provided by a narrow portion of the lot which when measured along the lot width on the street is considerably less than the lot width requirements of the zoning district.

"*Lot, Width*" shall mean the average horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

"*Lot Line, Front*" shall mean:

a. In the case of an interior lot, a line separating the lot from the street.

b. In the case of a corner lot, the line separating the narrowest street frontage of the lot from the street.

"*Lot Line, Rear*" shall mean a lot line which is opposite and most distant from the front lot line. In the case of an irregular, triangular, or cone shaped lot, the rear lot line means a line not less than ten feet in length within the lot which is most parallel to the front lot line, at the maximum distance from the front lot line.

"*Lot Line, Side*" shall mean any lot line not a front lot line or a rear lot line.

"*Manager/Caretaker Unit*" shall mean a dwelling unit for a person who is employed (compensation may be in the form of free housing), including an owner or manager to watch over and perform routine maintenance of a ranch, home, or business. A Manager/Caretaker residence shall mean one (1) accessory structure or attached unit, used to accommodate a person or persons who takes charge of or cares for the principal use of the lot upon which the dwelling is constructed. Said dwelling may contain one (1) kitchen or cooking facilities, living and sleeping quarters, and shall be limited in floor area to a maximum of twenty (20) percent of the total floor area of the existing primary use not to exceed a total of one thousand two hundred (1,200) square feet of living area. A garage for residential purposes not exceeding three hundred sixty (360) square feet may be attached to the structure.

"*Manufacturing*" shall mean the making of goods and products by hand or machinery.

"*Marquee Sign*" shall mean a sign attached to a marquee.

"*Metal Buildings*" shall mean any building larger than 200 square feet in area if the exterior of the structure is comprised of 50 percent or more metallic building materials visible from the ground that have not been modified or augmented to emulate alternate building materials (stucco, wood siding, brick, etc.).

"*Mobile Home*" shall mean a vehicle, other than a motor vehicle, designed and equipped to contain one or more dwelling units to be used with or without a permanent foundation and which is in the excess of 12 feet in width and not less than 480 square feet.

"*Mobile Home Access Drive*" shall mean a private thoroughfare which affords internal circulation for a mobile home park.

"*Mobile Home Park*" shall mean any lot or parcel of land designed for, used or intended to be used for the placement of mobile homes or modular homes for residential occupancy regardless of whether or not a charge is made for such accommodation, including recreation and accessory facilities serving the residents thereof.

"*Mobile Home Space*" shall mean a plot of ground within a mobile home park, abutting one or more access drives, designed for the accommodation of one mobile home.

"*Motel*" shall mean one or more buildings containing guest rooms or dwelling units, with one or more such rooms or units having separate entrance leading directly from the outside of the building or from an inner court or hallway. Such facilities are designed, used or intended to be used, rented or hired out for temporary or overnight accommodations for guests. "Motel" includes auto court, motor lodge, tourist court and motor hotel.

"*Nonconforming Use or Structure*" shall mean a use, building or structure that does not conform to all the regulations of the zone in which it is located but which was legally established, built or altered in compliance with the ordinances and codes in effect at the time said use, building or structure was established.

"*Nursing and Convalescent Home*" shall mean a facility providing bed care, or chronic or convalescent care, for persons who by reason of illness, physical infirmity, or age are unable to properly care for themselves. A facility shall be deemed to be a nursing or convalescent home for the purpose of this chapter, notwithstanding the designation applied to the facility by its proprietors, of any Federal, State or local regulatory agency, such as "hospital" or "rest home," so long as the facility provides care as herein described, and does not qualify as a hospital as defined in this section.

"*Off-Street Parking Area*" shall mean an open area other than alley or loading facility used for the temporary parking of motor vehicles and available for public use whether free, for compensation, or as an accommodation for tenants, clients or customers.

"*Outdoor Advertising Structure*" shall mean any structure of any kind or character erected or maintained for outdoor advertising purposes upon which any advertising sign may be placed, located on a site other than the site on which the advertised use is located or on which the advertised product is produced. (Also "billboard.")

"*Outdoor Sales*" shall mean the sale of items outside a building, where such items are visible from a public right-of-way or neighboring property.

"*Overlay Zone*" shall mean a zone applied in combination with other zone districts in order to impose additional restrictions or to allow greater variety than is possible with the underlying zone.

"*Parapet*" shall mean a wall at the edge of the portion of the roof, of sufficient height behind which roof-top equipment, where provided, would be screened from public view of those at ground level and measured from a reasonable distance from the building walls.

"*Parking Area, Private*" shall mean an open area, other than a street, alley or access drive, used for parking of vehicles and restricted from general public use. Such areas shall have frontage on or access to a dedicated street or alley.

"*Parking Area, Public*" shall mean an open area, other than a private parking area, street, alley or access drive, used for the parking of vehicles and available for public use either free or for remuneration. Such areas shall have frontage or access to a dedicated public street or alley.

"*Parking District*" shall mean a parking area maintained by a special district or City government.

"*Parking Garage*" shall mean a structure or building designed and maintained exclusively for the temporary parking or storage of motor vehicles and available for public use whether free, for compensation, or as an accommodation for tenants, clients or customers.

"*Parking Space*" shall mean an accessible space within a building, parking area or parking garage for the temporary

parking or storage of one motor vehicle exclusive of streets, alleys, driveways, aisles and the area of egress or ingress and having public access to a public street or alley.

"*Pre-existing Use*" shall mean a use that may or may not be a nonconforming use.

"*Primary or Principal Use*" shall mean the primary or predominant use of any lot, building or structure.

"*Processing*" shall mean when used in reference to a commercial or industrial use, one or more acts or operations which have the effect of changing the form of a product or material, so as to render the same more saleable or usable.

"*Professional Office*" shall mean an office maintained and used as a place of business, conducted by persons engaged in the recognized professions, including but not limited to accountants, architects, attorneys, chiropractors, optometrists, physicians and surgeons, writers, musicians and artists.

"*Public Utility Service Yard*" shall mean an area for the storage of public utility vehicles and materials and office facilities for installation, maintenance and construction personnel.

"*Quarry and Borrow Pit*" shall mean any place on a parcel of land where topsoil, subsoil, sand, gravel, rock, clay or similar material is removed by excavation.

"*Quasi-Public*" shall mean a building or use, other than a public building or use, which serves a recognized community function and is not operated for profit.

"*Recreation, Commercial*" shall mean recreation facilities operated as a business and open to the general public for a fee. Public recreation facilities that charge a fee are not included.

"*Recreation, Public*" shall mean publicly owned or operated recreation facilities that may or may not charge a fee.

"*Recreation, Vehicle*" shall mean a trailer or self-propelled vehicle other than a mobile home as defined herein, intended for travel on a public highway and designed or arranged as a dwelling but not used for permanent habitation.

"*Residence*" shall mean a building used, designed, or intended to be used as a home or dwelling place for one or more families.

"*Restaurant*" shall mean a public eating place which is regularly and in a regular manner used and kept open for the serving of meals to guests for compensation.

"*Roadside Stand*" and "*Roadside Business*" shall mean the temporary use of the property for the display or sale of products, including sidewalk sales, parking lot sales, fireworks stands, Christmas tree sale lots or other sales or exhibits excluding those of a nonprofit nature.

"*Room*" shall mean an unsubdivided portion of the interior of a dwelling unit, excluding bathrooms, kitchens, closets, hallways and service porches.

"*Sanitarium*" shall mean the same as "hospital."

"*Screening*" shall mean a continuous fence, supplemented with landscaping or a continuous wall, evergreen hedge, or combination thereof, that effectively screens the property which it encloses, and is at least six feet high and is broken only for access drives and walks.

"*Service Station*" shall mean a place maintained for the sale of gasoline, lubricant and/or vehicular equipment, and providing maintenance service, but excluding vehicle sales and repair, engine overhauling, body and fender shops, paint shops, garages,

storage of vehicles, sales of goods not related to the use of the automobile, or other similar activities.

"Setback Line" shall mean a line over which no portion of a building or structure including covered porches shall encroach, except the roof lines, which in no case shall extend over the property line or into a public utility easement.

"Sign" shall mean any name, identification, description, symbol, display, illustration, or device, including any structure, component parts and paint, in view of the general public and which directs attention to a product, place, activity, person, institution or business.

"Site Plan" shall mean a detailed plan of development or improvement which must be reviewed and approved by the City prior to the issuance of a building permit. It shall show the manner in which the applicant proposes to make use of the property.

"Stable, Private" shall mean an accessory building for the keeping of horses, mules, or burros, not kept for remuneration, hire or sale.

"Story" shall mean that portion of a building included between the upper surface of any floor and the upper surface of the floor next above. If the finished floor level directly above a basement or cellar is more than six feet above grade, such basement or cellar shall be considered a story.

"Street" shall mean a public thoroughfare or right-of-way dedicated, deeded or condemned for use as such, other than an alley, which affords the principal means of access to abutting property. "Street" includes all major and secondary highways, traffic collector streets and local streets. A street may also be privately owned.

"Street Line" shall mean the boundary line between the street right-of-way and the abutting property.

"Structural Alteration" shall mean any changes in the supporting members of a building or structure such as foundations, bearing walls, columns, beams, floor or roof joists, girders or rafters or changes in the exterior dimensions of the building.

"Structure" shall mean anything constructed or erected on the ground, or which requires location on the ground, or is at-

tached to something having a location on or in the ground, but not including fences or walls used as fences seven feet or less in height. "Structure" does not include uncovered swimming pools or concrete slabs.

"Structure, Temporary" shall mean a structure which is readily movable and used, or intended to be used, for a limited period.

"Trailer Park or Camp" shall mean any area or premises where space for house trailers is rented, held for rent or on which free occupancy or camping is permitted to house trailer owners or users but not including automobile or trailer sales lots, on which unoccupied house trailers are parked for inspection and sale.

"Transition Zone" shall mean any area of mixed usage which is within a sphere of influence of commercial establishments.

"Use" shall mean the purpose for which land or a building or structure is designed, arranged or intended, or for which either land or a building is, or may be occupied, maintained, let or leased.

"Use, Permitted" shall mean a standard use that is established for a zoning district and listed as a permitted land use. It is also the accepted purpose or use for which a site or structure is arranged, designed, intended, constructed, moved, erected, altered, or enlarged, or for which either a site or structure is or may be occupied and maintained.

"Use, conditional" shall mean a deviation from the general standard established for a district, but essentially desirable in character to be compatible in some instances when located with permitted uses.

"Wall" shall mean any structure or device forming a physical barrier, which is constructed so that it is opaque. This shall include concrete block walls, wood, or other materials that are solid and are so assembled as to form a barrier.

"Yard" shall mean an open space on the same site as a structure, unoccupied and unobstructed by structures from the ground upward except as otherwise provided in this chapter,

including a front yard, side yard, rear yard, or space between structures.

"*Yard, Front*" shall mean a yard extending across the full width of a site, the depth of which is the minimum horizontal distance between the front lot line or planned street line in a line parallel or tangent thereto on the site.

"*Yard, Rear*" shall mean a yard extending across the full width of a site, the depth of which is the minimum horizontal distance between the rear lot line and a line parallel thereto on the site.

"*Yard, Side*" shall mean a space extending from the front yard, or from the front line where no front yard is required by this chapter, to the rear yard, or rear lot line where no rear yard is required by this chapter between a side lot line and the side yard setback line.

"*Zero Lot Line*" shall mean the provisions of this Code in which dwelling units may be placed on the side yard property lines in R-1, R-2, R-3 and R-4 Residential Districts, with a common wall between adjacent units or a single wall placed on the property line, provided there is a permanent easement on the adjacent parcel for maintenance of the zero lot line wall.
(Ord. 84-08, A 1, § 102; Ord. No. 89-16, § 3; Ord. No. 91-12, § 3; Ord. No. 92-10, § 4; Ord. No. 04-03, § 15; Ord. No. 04-04, §§ 3, 4)

20-1.3 *Severability.* This chapter and the various parts, sections, subsections and clauses thereof, are hereby declared to be severable. If any part, sentence, paragraph, subsection or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the chapter shall not be affected thereby. Whenever any condition or limitation is included in an order authorizing a planned unit development or any conditional use permit, variance, zoning compliance permit, certificate of occupancy, site plan approval or designation of a nonconformance, it shall be conclusively presumed that the authorizing officer or body considered such condition or limitation necessary to carry out the spirit and purpose of this chapter and the requirements of some provision hereof, and to protect the public health, safety and

welfare, and that the officer or body would not have granted the authorization to which the condition or limitation pertains except in the belief that the condition or limitation was lawful.
(Ord. 84-08, A 1, § 103)

20-1.4 *Relationship to Other Laws.* Whenever regulations or restrictions imposed by this chapter are either more or less restrictive than regulations or restrictions imposed by any governmental authority through legislation, rule or regulation, the regulation, rules or restrictions which are more restrictive or which impose higher standards or requirements shall govern. Regardless of any other provision of this chapter, no land shall be used and no structure erected or maintained in violation of any State or Federal pollution control or environmental protection law or regulation.
(Ord. 84-08, A 1, § 104)

20-1.5 *Administrative Standards.* Any administrative decision made under the provisions of this chapter shall be such that the result will not be contrary to the spirit and purpose of this chapter or injurious to the surrounding neighborhood or the community as a whole.
(Ord. 84-08, A 1, § 105)

20-1.6 *Application of this Chapter.* No structure shall be constructed, erected, placed or maintained and no land uses commenced or continued within the City except as specifically or by necessary implication is authorized by this chapter. Conditional uses are allowed only on permit granted by the City. Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized except as prohibited specifically or by necessary implication.
(Ord. 84-08, A 1, § 106)

20-1.7 *Conformity Required.* Except as otherwise provided herein, land, building and premises in any district shall hereafter be used only in accordance with regulations herein established for that district. Every department and employee of the City authorized to issue permits or licenses affecting the use or occupancy of land or of a structure shall comply with the provisions of this chapter. Where any action or referral on an appeal as required by

this chapter, no such permit or license shall be issued unless and until such an action has been taken and the time within which an appeal could have been taken has expired.

If any proposed structure, use or occupancy for which a permit or license is sought conforms with this chapter in all aspects, the application therefor may be approved as to zoning; otherwise it shall be denied.

Any permit or license hereafter issued contrary to the provisions of this chapter shall be void and of no effect. (Ord. 84-08, A 1, § 107)

20-1.8 *Interpretation.* The provisions of this chapter shall be held to be minimum requirements. Except as specifically herein provided, it is not intended to repeal, abrogate, annul or in any way impair or interfere with any existing law or ordinance of the City, or any easement, covenant or other agreement between parties; provided, however, that where this chapter imposes a greater restriction upon the use of buildings or premises, or

upon the height or bulk of buildings, or requires larger building site area, yards or open spaces than are imposed or required by any such other law, ordinance, easement, covenant or agreement, then the provisions of this chapter shall control. (Ord. 84-08, A 1, § 108)

20-1.9 *Provision for Continuity.* The provisions of the chapter, to the extent that they are substantially the same as those in prior effect relating to the same subject matter, shall be construed as restatements and continuations thereof and not as new enactments. No substantial property right accrued, or action or proceeding commenced prior to the effective date of this chapter is affected by the provisions hereof, but all procedures hereafter taken shall conform to the provisions of this chapter. (Ord. 84-08, A 1, § 109)

20-1.10 *Duty of the Planning Commission.* It is the duty of the City Planning Commission to assure the proper administration of this chapter, and the Commission shall have the power to establish such policies, rules and regulations not in conflict with any regulations of the City as are reasonably necessary for that purpose. (Ord. 84-08, A 1, § 110)

20-1.11 *Duty of Director of Community Development.*

a. The Director of Community Development shall have the primary duty to enforce the provisions of this chapter.
b. If the Director determines that the provision of this chapter or any condition of a permit issued under this chapter is being violated, the Director shall notify the property owner and permittee in writing, describing in reasonable detail the violation alleged to have committed. The permittee shall have fourteen days from date of mailing to correct the violation.
c. If the property owner or permittee does not correct the violation the Director shall give notice of revocation of the permit in writing, describing in reasonable detail the violation alleged to have been committed or to exist

and shall serve the notice on the property owner or permittee in person or by certified first class mail to the prior and at the address listed in the permit application.

d. The property owner or permittee may appeal the determination of the Director by filing a written notice of appeal with the Secretary of the Planning Commission no later than thirty days after the date of the notice of the revocation. At the hearing, the burden of proof shall be with the Director to prove the violation by a preponderance of the evidence. The Commission shall confirm, reverse or modify the Director's decision. The decision shall be final unless appealed. On appeal, the decision of the Commission shall be final.
(Ord. No. 84-08, A 1, § 111; Ord. No. 91-12, § 10)

20-1.12 *Enforcement.* The Planning Director or his representative shall have the right to enter on any site or to enter any structure for the purpose of investigation and inspection, provided that the right of entry shall be exercised only at reasonable hours. In no case shall any structure be entered in the absence of the owner or tenant or without the consent of the owner or tenant or the written order of a court of competent jurisdiction. The Planning Director may serve notice requiring the removal of any structure or use in violation of this chapter on the owner or his authorized agent, on a tenant, or on an architect, builder, contractor or other person who commits or participates in any violation. The City Attorney is authorized to institute appropriate actions for the enforcement of this chapter. The Planning Director may call upon the Chief Building Official, the Chief of Police or their authorized agents in the enforcement of this chapter. (Ord. 84-08, A 1, § 112)

20-1.13 *Violations and Penalties.* Any person, firm, corporation or organization violating any provisions of this chapter shall be guilty of an infraction and, upon conviction thereof, shall be punishable by a fine of not more than fifty ($50.00) dollars on a first conviction, a fine of not more than one hundred ($100.00) dollars on a second conviction within one year, and a fine of not more than two hundred fifty ($250.00) dollars on a third conviction within one year. A person, firm, corporation or organization shall be deemed guilty of a separate offense for each day during any portion of which a violation of this chapter is committed, continued or permitted by the person, firm, corporation or organization and shall be punishable as herein provided.

Any structure erected, moved, altered, enlarged or maintained and any use of a site or portion of a site contrary to the provisions of this chapter shall be and is hereby declared to be unlawful and a public nuisance, and the City Attorney may institute necessary legal proceedings for the abatement, removal and enjoinment thereof in the manner provided by law and shall take such other steps as may be necessary to accomplish these ends, and shall apply to a court of competent jurisdiction to grant such relief as will remove or abate the structure or use and restrain or enjoin the person, firm, corporation or organization from erecting, moving, altering, or enlarging the structure or using the site contrary to the provisions of this chapter. (Ord. 84-08, A 1, § 113)

20-1.14 *Construction.* The following rules of construction shall apply unless inconsistent with the plain meaning of the context of this chapter.

Words used in the present tense include the future tense.

Words used in the singular include the plural, and words used in the plural include the singular.

The words "shall" and "must" are mandatory; the word "may" is permissive.

The masculine shall include the feminine and neuter.

In the event that there is any conflict or inconsistency between the heading of an article, section or paragraph of this chapter

and the context thereof, the said heading shall not be deemed to affect the scope, meaning or intent of such context. The word "oath" shall include affirmation. (Ord. 84-08, A 1, § 114)

20-1.15 *General Terminology.* The word "city" shall mean the City of Ridgecrest, California. The words "City Council" and "Council" shall mean the City Council of the City of Ridgecrest. The words "Planning Commission" and "Commission" shall mean the Planning Commission of the City of Ridgecrest, California, duly appointed by the City Council. The words "City Clerk," "City Engineer," "City Administrator," "Chief Building Official" and "Planning Director" shall mean the City Clerk, City Engineer, City Administrator, Chief Building Official and Director of Planning and Community Development, respectively, of the City of Ridgecrest.

The word "Secretary" shall mean the Secretary to the Planning Commission duly appointed by the City Council. The word "zone map" shall mean the officially adopted zone map in accordance with section 20-2 of this chapter. (Ord. 84-08, A 1, § 115)

20-2 Precise Zone Plan.

20-2.1 *Adoption of the Plan.* There is hereby adopted a precise zoning plan and zone map for the City of Ridgecrest. (Ord. 84-08, A 2, § 201)

20-2.2 *Purpose of the Plan.* The purpose of this section is to provide for regulations for the systematic execution of the elements of the City of Ridgecrest General Plan and for the physical development of the City. (Ord. 84-08, A 2, § 202)

20-2.3 *Establishment of Zone District.* The City of Ridgecrest is hereby divided into zoning districts, as named and described in the following sections. The boundaries of said zoning districts shall be as shown upon the zoning maps of the City of Ridgecrest, an attested copy of which is attached hereto by reference and a permanent copy may be found in the office of the City Clerk. (Ord. 84-08, A 2, § 203)

20-2.4 *Boundaries Adopted — Rules for Construction When Boundaries Uncertain.* The boundaries of such zones as are shown upon the zoning maps or amendments thereto are

adopted and the specific regulations as hereinafter set forth for each zone and the general regulations applicable herein are established and declared to be in effect upon all lands included with the boundaries of each and every zone as shown upon said zoning map. Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules shall apply:

a. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.

b. Boundaries indicated as approximately following established lot lines shall be construed as following such lot lines.

c. Boundaries indicated as approximately following City limits shall be construed as following such City limits.

d. Boundaries indicated as parallel to or extensions of features indicated in paragraphs a. through c. above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.

e. Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, or in circumstances not covered by paragraphs a. through d. above, the Planning Commission shall interpret and determine the district boundaries. Where a street or alley is officially vacated or abandoned, the zone boundary shall be changed so as to include said vacated or abandoned street or alley in the same zone as the adjoining property to which it reverts. (Ord. 84-08, A 2, § 204)

20-2.5 *Uses Permitted in Zones.* No land shall be used, and no building or structure shall be erected, constructed, enlarged, altered, moved or used in any zone, as shown upon the official zone map, except in accordance with the regulations established by this chapter. (Ord. 84-08, A 2, § 205)

20-2.6 *Establishment of Zones.*

a. The provisions of this chapter shall apply to and govern the use or maintenance or keeping of any land or other property in the City.

b. The City may be divided by the City Council into parts, and each part may be subdivided into units, for purposes of imposing or establishing zones and subzones on land or property. Such

parts or units may be zoned and rezoned whenever the City Council finds that public convenience, the general welfare or good zoning practice justifies such action, providing such change is consistent with the City's adopted General Plan. The geographical boundaries of each part or unit shall be shown on a map, hereinafter referred to as a zoning map (or maps). A zoning map shall set forth the zone and subzone classification applicable to the land and property contained within the zoning boundary as shown on the map. (Ord. 84-08, A 2, § 206)

20-2.7 *Designation of Zones.* Zone classifications existing prior to April 4, 1986 have been eliminated and replaced with new classifications on April 4, 1986. Any land or property subject to the prior zone classification has been reclassified to the following zone classification:

Adopted:

CI	(Civic and Institutional)
RSP	(Recreation, Schools and Public Use District)
UR	(Urban Reserve)
R-1	(Single-Family Residential)
E-3	(Single-Family Residential)
E-2	(Single-Family Residential)
E-1	(Single-Family Residential)
R-2	(Multi-Family Residential)
R-3	(Multi-Family Residential)
R-4	(Multi-Family Residential)
RMH	(Residential Mobilehomes)
PO	(Professional Office)
CN	(Neighborhood Commercial)
CG	(General Commercial)
CS	(Service Commercial)
M-1	(Light Industrial)
M-2	(Heavy Industrial)
PUD	(Planned Unit Development)

(Ord. No. 84-08, § 207; Ord. No. 86-06, § 1)

20-2.8 *Prezoning of Unincorporated Territory.* Unincorporated territory may be prezoned by the City for the purpose of determining the zoning that will apply to such property in the event of subsequent annexation to the City. Such prezoning shall be accomplished when the annexation request is presented to LAFCO (Local Agency Formation Commission) and will be

effective upon completion of proceedings. (Ord. 84-08, A 2, § 208)

20-2.9 *Amendments to the Zone Plan.* Amendments to the zone plan shall be adopted in the manner provided for changing district boundaries as prescribed in Section 20-25 of this chapter and in accordance with the government code. The ordinance shall be attached to the map or maps affected and filed in the City Clerk's office. The planning staff will, from time to time, incorporate the ordinance onto the base zoning maps of the City. (Ord. 84-08, A 2, § 209)

20-3 General Provisions.

20-3.1 *Zoning Application of Provisions.*

a. No building, or structure, or lot hereafter shall be used or occupied, and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations herein specified for the zone in which it is located and then only after securing all permits and licenses required by law and ordinance.

b. No building or structure hereafter shall be erected or altered to exceed the height, to accommodate or house a greater number of families or persons, to occupy a greater percentage of lot area, or to have narrower or smaller rear yards, front yards, or side yards than is specified herein for the zone in which such building or structure is located, except as provided. (Ord. 84-08, A 3, § 301)

20-3.2 *Buildings Under Construction.* Any building or structure for which a building permit or other entitlement has been issued or granted prior to the effective date of this chapter may be completed and used in accordance with the plans, specifications and permits on which said building permit was granted, if construction is commenced within 120 days after the issuance of said permits and diligently pursued towards completion. (Ord. 84-08, A 3, § 302)

20-3.3 *Uses and Buildings.* The existing use or uses of all buildings improved on premises not in conformity with the standards or requirements of the zone in which they are located,

and which uses are lawfully existing may continue as a nonconforming use as hereinafter defined and subject to this section regulating such nonconforming uses. (Ord. 84-08, A 3, § 303)

20-3.4 *Uses Prohibited.* Uses that are not specifically listed by this chapter in the Purpose or Uses Permitted or Uses Conditionally Permitted sections of each article are specifically prohibited, except by the amendment of this chapter. (Ord. 84-08, A 3, § 304)

20-3.5 *Previous Violations.*

a. Any use or uses of any sort that are in violation of any zoning regulations upon the effective date of this chapter and in violation of the provisions of this chapter shall not be deemed to have acquired the status of a nonconforming use by reason of the adoption of this chapter. The same shall be deemed to be a continued violation thereof.

b. Any variance or permit of any kind and any nonconforming use now existing pursuant to any zone classification repealed by this chapter shall continue under the applicable new zone classification as a nonconforming use, but shall not be extended, expanded or enlarged in any way whatsoever. (Ord. 84-08, A 3, § 305)

20-3.6 *Conflicting Regulations.* Where any provisions of this title impose more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this title shall govern; provided, however, that where a subdivision has been approved by the Planning Commission and/or the City Council under the provision of the subdivision ordinance, then the approved standards for streets and highways, alleys, easements, blocks, lots, yards, pedestrian ways and access shall be considered as the requirement of the zoning ordinance. (Ord. 84-08, A 3, § 306)

20-3.7 *Addition of Permitted or Conditional Uses.* Upon application or on its own initiative, the Planning Commission may add or delete a use to the list of permitted or conditional uses if the Commission makes all of the following findings:

a. That the addition to or deletion from the list of permitted or conditional uses will further the purposes of the district in

which the use is proposed to be added or deleted.

b. That the use has or has not the same basic characteristics as the uses permitted in the district and is not less restrictive.

c. That the use can or cannot be reasonably expected to conform with the required conditions prescribed for the district.

d. That the addition of a use will not be detrimental to the public health, safety or welfare.

e. That the addition of a use will not create more vehicular traffic than the volume normally created by any of the uses allowed in the district.

f. That the addition of a use will not adversely affect the character of any district in which it is proposed to be allowed.

g. That the use conforms with the General Plan.

h. That the addition of a use will not create more odor, dust, dirt, smoke, noise, vibration, illumination, glare, unsightliness or any other objectionable influence than the amount normally created by any of the other uses allowed in the district.

i. That the addition of a use will not create any greater hazard of fire or explosion than the hazards normally created by any of the uses allowed in the districts. When a use has been added to a list of permitted or conditional uses in accordance with the procedure prescribed in this section, the use shall be deemed to be listed as a permitted or conditional use in the appropriate section and shall be added to the text of that section of this chapter when it is next published, with a notation of the date when the use was added to the list.

Any interested party may appeal the decision of the Planning Commission to the Council. The appeal shall be made in writing within five working days of the Planning Commission's decision and shall be accompanied by a fee as set by Council. Council may sustain, amend or disapprove the action of the Planning Commission.

(Ord. No. 84-08, A 3, § 307; Ord. No. 86-06, § 2)

20-3.8 *Access.* Except where otherwise provided for in this chapter, every structure or building shall face or have frontage upon one of the following:

a. A dedicated and improved street.

b. An improved common parking lot approved by the City; or

c. Other permanent access at least 12 feet wide to a street by a public easement or passageway other than an alley.
(Ord. No. 84-08, A 3, § 308; Ord. No. 86-06, § 3)

20-3.9 *Height Limits.* No structure or part thereof shall be erected, reconstructed or structurally altered in excess of height limits hereafter designated for the zone in which such structure is located except as follows:

a. Farm buildings or structures provided that these are not less than 50 feet from every lot line, church spires, belfries, cupolas and domes, monuments, water towers, fire and hose towers, observation towers, distribution and transmission towers, line and poles, chimneys, smoke stacks, flag poles, radio towers, masts and aerials, provided that they are safely erected and maintained.

b. Upon application for a conditional use permit, height limits may be increased for buildings to a height not exceeding 75 feet when set back an additional foot on all sides for each foot above that permitted.

c. An accessory building shall not exceed 16 feet in height, provided however, that the vertical height from the grade to the plate line of a gable hip or gambrel roof shall not exceed 13 feet.
(Ord. 84-08, A 3, § 309)

20-3.10 *Coverage, Measurement.* The percent of the site area covered by structures shall be measured by dividing the number of square feet of horizontal area covered by structures, open or enclosed, by the total horizontal area within the property lines of the site. (Ord. 84-08, A 3, § 310)

20-3.11 *Yard Requirements, Measurement.* Unless otherwise provided, required yards shall be measured as the minimum horizontal distance from the property line of the site or street line to a line parallel thereto on the site; provided that where a precise street plan has been adopted by the City Council, required front yards shall be measured from the outside dimensions of the plan line. No provisions of this chapter shall be construed to permit a structure or use to extend beyond such line; and provided further that where a site abuts on a street having only a portion of its required width dedicated or reserved for street purposes, required front yards shall be measured from

a line representing the boundary of the additional width required for street purposes abutting the site. (Ord. 84-08, A 3, § 311)

20-3.12 *Yard Requirements; Exceptions.* Residential yard requirements specified herein shall be subject to the following exceptions and modifications:

a. Unless otherwise provided, the width of one side yard may be reduced when authorized by the approval authority to not less than three feet, provided the sum of the widths of the two side yards is not less than the required minimum, and further provided the distance between proposed dwelling and another dwelling, existing or proposed, on an adjacent lot is not less than that required by the Uniform Building Code.

b. Every part of a required yard shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of the sills, belt courses, cornices, buttresses, chimneys, ornamental features, rain gutters, eaves, balconies, and heating and cooling equipment, provided, however, that none of the "projections" shall project into a minimum side yard more than 36 inches, and into the required front or rear yard not more than 6 feet. No building or projection thereof may extend into a public easement or right-of-way. Further, no projection shall project to within 36 inches of a property line.

c. Except as limited for a particular zone, sunshade and patio covers which are open on at least three sides, except for roof supports, may be located in any portion of a required side or rear yard, other than a street side yard, provided they do not encroach into a utility easement. The dripline of the sunshade or patio shall not fall outside of the lot on which the structure is located. Further, no sunshade or patio cover which fails to conform to the fire resistance set forth in the Uniform Building Code shall project to within 36 inches of a property line.

d. Except as limited for a particular zone, fences, walls, hedges, walks, driveways and retaining walls may occupy any required yard or other open spaces, unless necessary for public safety or as required by any law or regulation of the State of California or any agency thereof.

e. Open, unenclosed, uncovered metal fire escapes and depressed ramps or stairways may project into any required yard or space between buildings not more than four feet

unless otherwise provided in this chapter.
(Ord. No. 84-08, A 3, § 312; Ord. No. 86-06, § 4)

20-3.13 *Through Lots.* A front yard, the distance of which is specified in the district, shall be provided on each frontage of a through lot, except where a waiver-of-access to one of the frontages applies. (Ord. 84-08, A 3, § 313)

20-3.14 *Maintenance of Lanscaped Areas.* A landscaped area provided in compliance with the regulations prescribed in this chapter or as a condition of a use permit, site plan review or planned unit development shall be landscaped with materials suitable for screening or ornamenting the site, whichever is appropriate. Landscaped areas shall be watered, weeded, pruned, fertilized, sprayed or otherwise maintained to assure compliance with the regulations requiring landscaped areas as stated under Site Plan Review. (Ord. 84-08, A 3, § 314)

20-3.15 *Less Restrictive Uses.* The express enumeration and authorization in this chapter of a particular use, building or structure in a zone shall be deemed a prohibition of such buildings, structures or use in all zones of more restrictive classification. (Ord. 84-08, A 3, § 315)

20-3.16 *Use of Nonconforming Sites.* Except as otherwise provided in this section, a site having an area, frontage, width or depth less than the minimum prescribed for the district in which the site is located, which is shown on a duly approved and recorded subdivision map, or for which a deed or valid contract of sale was of record prior to the adoption of this chapter, and which had a legal area, frontage, width and depth at the time that the subdivision map, deed or contract of sale was recorded, may be used for any permitted use listed for the district in which the site is located, but shall be subject to all other regulations for such district notwithstanding previous violations of the Subdivision Map Act. (Ord. 84-08, A 3, § 316)

20-3.17 *Nonconforming Uses and Structures.*

a. *Purpose.* A nonconforming use is a use of a structure of land which was lawfully established and maintained prior to the adoption of this chapter but which does not conform with the use regulations for the district in which it is located. This section is intended to limit the number and extent of nonconforming uses by prohibiting their enlargement or their reestablishment after abandonment of six months or more and by prohibiting the alteration of the structures they occupy and their restoration after destruction to the extent of 75 percent or more.

A nonconforming structures is a structure which was lawfully erected prior to the adoption of this chapter but which, under

this chapter, does not conform with the standards of coverage, yard spaces, height of structures or distance between structures prescribed in the regulations for the district in which the structure is located.

While permitting the use and maintenance of nonconforming structures, this section is intended to limit the number and extent of nonconforming structures by prohibiting their being moved, altered or enlarged so as to increase the discrepancy between existing conditions and the standards prescribed in this chapter and by prohibiting their restoration after destruction to the extent of more than 75 percent.

b. *Continuation and Maintenance.* A use lawfully created and occupying a structure or a site on the effective date of this chapter or of amendments thereto which does not conform with the use regulations for the district in which the use is located shall be deemed to be a nonconforming use and may be continued, as provided in this section.

A structure lawfully created and occupying a site on the effective date of this chapter or of amendments thereto which does not conform with the standards of coverage, front yard, side yards, rear yard, or distances between structures prescribed in the regulations for the district in which the structure is located shall be deemed to be a nonconforming structure and may be used and maintained as provided in this section.

c. *Alterations and Additions to Nonconforming Uses.* No structure, the use of which is nonconforming, shall be moved, altered or enlarged unless the moving, alteration or enlargement will result in the elimination of the nonconforming use.

No structure partially occupied by a nonconforming use shall be moved, altered, or enlarged so as to permit the enlargment of the space occupied by the nonconforming use, and thereby increase the discrepancy.

d. *Change of a Legal Nonconforming Use.* The legal nonconforming use of a structure or site may be changed to another nonconforming use provided that the change of use is approved by the Planning Commission in accordance with the following procedure:

1. Application for a change of use shall be made to the Planning Commission and shall include the following date:

(a) Name and address of the applicant.

(b) Statement that the applicant is the owner of the property or is the authorized agent of the owner.

(c) Address and legal description of the property.

(d) Statement of the precise nature of the existing or pre-existing legal nonconforming use and the proposed new nonconforming use and any other data pertaining to the findings prerequisite to the granting of an application.

The application with the appropriate fee as set by Council shall be filed with the Secretary of the Planning Commission. The Secretary shall give notice to the applicant of the time and place when the application will be considered, and may give notice of the time to any other interested party.

2. The Planning Commission shall hold a public hearing on an application for a change in nonconforming use. Notice of the hearing shall be given in the manner prescribed by subsection 20-21.4 of this chapter.

3. The Planning Commission may grant an application for a change of use if, on the basis of the application and the evidence submitted, the Commission makes the following findings:

(a) That the proposed use is classified in a more restricted category than the existing or pre-existing use.

(b) That the proposed use will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

4. The Planning Commission may grant an application for a change of use for a limited time period or subject to such conditions as the Commission may prescribe. The Commission may deny an application for a change of use.

5. An action of the Planning Commission granting an application for a change of nonconforming use shall become null and void 180 days following the date of action unless the use is established or unless a greater amount of time is authorized.

e. *Abandonment of Nonconforming Use.* Whenever a nonconforming use had been abandoned or discontinued for a continuous period of six months, or changed to a conforming use, the nonconforming use shall not be re-established, and the use of the structure or site thereafter shall be in conformity with the regulations for the district in which it is located.

f. *Restoration of Damaged Structure.* Whenever a nonconforming use or a nonconforming structure shall be destroyed by fire or other calamity, or by an act of God or by the public enemy to the extent of less than 75 percent, the structure may be

restored and the nonconforming use may be resumed, provided the restoration does not increase the nonconformity which existed prior to the damage that prevails; further, that restoration is started within six months and is diligently pursued to completion. The extent of damage to any structure shall be determined by the Building Official. Whenever a nonconforming use or a nonconforming structure shall be destroyed by fire or other calamity, or by an act of God or by the public enemy to the extent of over 75 percent the strucutre shall not be restored except in full conformity with the regulations for the district in which it is located, and the nonconforming use shall not be resumed.

g. *Appeal to City Council.* All appeals to the City Council concerning decisions of the Planning Commission shall be made pursuant to subsection 20-21.10. (Ord. 84-08, A 3, § 317)

20-3.18 *Public Utility Distribution and Transmission Lines.* Public utility distribution and transmission lines, both overhead and underground, shall be permitted in all districts without the necessity of first obtaining a use permit, provided that a permit is obtained from the Department of Public Works prior to any new construction or installation of such facilities. (Ord. 84-08, A 3, § 318)

20-3.19 *Accessory Structures.* Accessory buildings may be erected detached from the principal building. Such accessory structure shall not be used as a dwelling unit nor have separately metered utilities.

The minimum distance between a dwelling unit and another structure shall be ten feet except where accessory structures are located to the rear of a dwelling unit and do not encroach into the rear yard setback.

(Ord. No. 84-08, A 3, § 319; Ord. No. 86-06, § 5)

20-3.20 *Dedication of Streets; Curb, Gutter and Sidewalk Requirements for Additions to or Remodeling of Existing Structures or New Construction.* Upon the issuance of any building permit or when the site of any remodeling, addition to or construction of a new building front on or is adjacent to a planned street or dedicated public street or highway, street sections, curbs, gutters and sidewalks shall be constructed to City standards. In addition, where offers of dedication for the

planned public right-of-way have not taken place, such offers shall be made prior to issuance of the building permit. However, where official grades and alignments have not been established or would not conform to existing features, the Director of Public Works may waive the construction of any portion of such improvements and may require the property owner to enter into a binding agreement calling for the future construction of waived improvements in accordance with approved City policy. (Ord. 84-08, A 3, § 320)

20-3.21 *Screening of Roof Equipment.* In all Commercial, Office and Industrial Districts all heating and cooling equipment shall be screened from view by a parapet or other structural feature and designed to match the total structure. (Ord. 84-08, A 3, § 321)

20-3.22 *Home Occupations.* The applicant for a home occupation permit shall attest to and acknowledge that they will not violate the following criteria: All applications shall be accompanied by the appropriate fee as set by the City Council. Applications shall be processed and approved or denied by the Planning Department.

a. The home occupation shall not involve the use of signs or accessory structures, other than those permitted in the R Districts.

b. The residence address will not be used for advertising purposes of any kind, nor shall any other residence address be used for advertising purposes in connection with the home occupation.

c. The home occupation shall not involve the use of commercial vehicles for delivery of materials to or from the premises, other than one vehicle not to exceed one ton gross capacity, owned by the operator of such home occupation. Home occupation materials including stock, wares, goods, samples or equipment, carried in or on the vehicle shall be concealed in such vehicle or within the main structure so as not to be visible from the street, sidewalk or alley when such vehicle is parked at such residence.

d. Retail sales at the residence and services performed at the residence for persons who have come to the residence for such services shall be limited to no more traffic than that normally occasioned by a residential use. Customers, clients, or prospective

customers or clients may be invited to the residence for the purpose of purchasing or obtaining or considering the purchasing or obtaining of merchandise, wares, goods, equipment or service, subject to the above limitation.

e. No noise, pedestrian or vehicular traffic or activity which constitutes a nuisance or disturbance of the peace of any person shall be produced or made at the residence in connection with the home occupation.

f. In no way shall the appearance of the structure be so altered or the conduct of the occupation within the structure be such that the structure may be reasonably recognized as serving a nonresidential use (either by color, materials or construction, lighting, signs, sounds or noises, vibrations, etc.).

g. Any stock, wares, goods, materials, samples, merchandise or equipment stored on the premises shall be entirely within the building and not visible from the street, sidewalk or alley and shall not interfere with the residential use or endanger any person.

h. No employees, salesmen or other help, including independent contractors, partners or joint ventures hired, engaged, or retained by the permittee, other than members of the immediate or resident family, shall perform any work at the premises or go to or upon the premises in conjunction with the home occupation.

i. Home occupation permits shall not be issued for the following businesses or for the following vocations:

1. Hairdresser, barber or other tonsorial pursuits;

2. Any vocation or business involving the preparation or sale of food or food products;

3. Any vocation or business involving machinery which cannot be stored or operated in the room allowed for use of the home occupation or concealed in the vehicle of not over one ton capacity.

4. Automotive, vehicular, or motorcycle repair or engine repair, body and fender repair and auto painting.

j. Home occupations are intended to be small businesses or vocations with limited hours of operation. Whenever practical for the operation of any proposed use, a condition of approval shall prohibit operation of all or certain aspects of the use between 9:00 p.m. and 8:00 a.m.

k. Home occupation permits shall not be transferable to other individuals. The permittee shall notify the city in writing

at least ten (10) days before the home occupation permit is transferred to a new location. The permit shall be transferred when the home occupancy is relocated if the permittee provides the required notice and the Planning Director finds the occupation compatible with the new location.

The granting of such home occupations permit is conditioned on the faithful compliance with all the regulations set forth herein and does not relieve the permittee from complying with applicable State and City laws for health and safety. The City Council is empowered to revoke the home occupation permit upon reasonable notice to the permittee and upon a hearing, when the Planning Director reports any persistent violations of any such regulation.
(Ord. No. 84-08, A 3, § 322; Ord. No. 86-06, § 6)

20-3.23 *Fences, Walls and Hedges.* Fences, walls and hedges may be permitted as follows:

a. Fences and walls behind the front yard setback along the side and rear yard property lines not exceeding seven (7) feet in height as measured from the average grade on either side of the fence. On streetside fences, the height shall not be higher then seven (7) feet above the top of curb.

b. On interior lots, the horizontal fencing line may be linearly tapered from behind the front yard setback line to the front yard property line provided that the fence is not higher than three (3) feet six (6) inches above grade at the property line.

c. The cross-visibility area as defined elsewhere in this chapter shall not be violated by any structure, fence, wall, hedge or other material.

d. No fence, wall or hedge shall be installed or constructed above the height of three (3) feet six (6) inches within any front or side setback adjacent to a street intersection except as provided below:

1. The fence, wall or hedge along the side yard is located more than twenty-five (25) feet from the projection of the front property line at the street intersection; or

2. Such installation within the side yard is determined by the Director of Public Works not to constitute a traffic hazard due to reduced visibility. (Ord. No. 84-08, A 3, § 323)

20-3.24 *Lot Width: Certain Areas.* Notwithstanding any other provisions of this Code, fifty-foot-wide lots in the R-3 and R-4 Zone Districts may be approved within the area bounded on the north by Church Avenue, bounded on the west by Norma Street, bounded on the south by Upjohn Avenue, and bounded on the east by China Lake Boulevard, if a tentative map is approved for such development. (Ord. No. 86-13, §§ 2, 3; Ord. No. 89-02, §§ 2, 3; Ord. No. 94-02, § 2)

20-3.25 *Permanent Structures.* No person shall undertake or conduct a commercial use except within a permanent structure unless the Planning Director determines that particular commercial use cannot be conducted within a permanent structure. (Ord. No. 87-15, § 3)

20-3.26 *Family Day Care Homes.*

a. A family day care home may be established in any residential zone, upon the conditions stated in this section.

b. A small family day care home may be established in any residential zone if the home complies with the regulations set forth in the California Health and Safety Code Section 1597.45 and one (1) off-street parking space is provided for each six (6) children, plus one (1) space for each staff member. As used herein, "small family day care home" is a home which regularly provides family day care protection and supervision to eight (8) or fewer children, including children who reside in the provider's own home, for periods of less than twenty-four (24) hours per day, while the parents or guardians (other than the provider) are absent. A small family day care home shall be considered a residential use of property for purposes of this chapter.

c. A large family day care home may be established in any residential zone if the home complies with the regulations set forth in the California Day Care Facilities Act, California Health and Safety Code Section 1597.46 and the Director of Planning and Community Development issue a permit. As used herein, "large family day care home" is a home which regularly provides

family day care, protection and supervision to nine (9) to fourteen (14) children, including children who reside in the provider's own home, for periods of less than twenty-four (24) hours per day, while the parents or guardians (other than the provider) are absent. The permit issued by the Director shall include at least the following conditions:

1. The day care home must be the principal residence of the provider, and its use as a day care home must be clearly incidental and secondary to the use of the property for residential purposes.

2. A minimum of one off-street parking space per employee must be provided. For purposes of this section, such off-street parking may be provided in the driveway of the day care home, provided that such parking space will not conflict with the required child drop-off/pick-up area and does not block a public sidewalk or right-of-way.

3. No structural changes or signage are proposed which will alter the character of the residence.

4. The operation of the facility will comply with noise standards contained in the Noise Element of the General Plan.

5. Residences located on major arterial streets must provide a child drop-off/pick-up area designed to prevent vehicles from backing onto the major arterial roadway.

6. The provider shall comply with all applicable regulations of the Fire Department and the State Fire Marshal regarding health and safety requirements.

7. The facility will be operated in a manner which will not adversely affect adjoining residence nor be detrimental to the character of the residential neighborhood.

(Ord. No. 89-15, § 3; Ord. No. 04-03, § 15; Ord. No. 04-04, §§ 3, 4)

20-3.27 *Bed and Breakfast Inns.*

a. A bed and breakfast inn serving tourists and visitors may be established with a conditional use permit in the R-2, R-3, R-4 and PO zones, upon the conditions stated in this subsection.

b. The building and the structure must be the primary residence of the owner or the manager of the bed and breakfast use.

c. Said use shall be located in a building of residential design having a minimum of 2,000 square feet of residential floor area.

d. No meals shall be served for commercial purposes to persons other than to registered guests and residents of the bed and breakfast inn. Meal prices are to be included in the price of the room.

e. The bed and breakfast inn shall be located on a collector or arterial street designed by the City of Ridgecrest General Plan or within a transition zone.

f. Common areas to be provided for exclusive use of the guests must be at least 300 square feet (parlors, dining rooms and the like).

g. Where multi-use eating and drinking utensils are used, washing and sanitizing shall comply with either Section 28559 or 28560 of the California Restaurant Act. A three compartment metal sink with integral metal drainboards or a commercial dishwasher machine with chlorination and sterilizing capabilities with a two compartment metal sink with integral metal drainboards shall be required.

h. The following standards shall apply to the establishment of bed and breakfast inns in the R-2 and R-3, R-4 and PO zones:

1. On-site parking for the underlying residential use shall be provided in accordance with the provisions of Section 20-20. In addition one on-site parking space shall be provided for each guest room in excess of two. On-site parking shall be designed or located so as not to detract from the residential character of the buildings and structures of the bed and breakfast inn.

2. Signs for bed and breakfast inns shall be limited to four square feet of sign area attached directly to the residential building or structure, provided, in the PO zone, sign standards for the zone shall apply. The content of any such sign shall be limited to identifying not more than the name and address of the facility. No sign shall be internally or externally illuminated.

3. The actual number of guest rooms permitted in any location will be determined by the Planning Commission

based on a relationship of the site to parking, access, character, size and scale of surrounding uses. The building or structure may not contain more than eight guest rooms, which may not be occupied by more than 16 guests.

4. In those areas where the existing building or structure is developed with or used for residential apartments, the unit may be converted upon application and approval by the Planning Commission.

5. No cooking facilities shall be permitted in any guest room.

6. No guest shall be permitted to rent accommodations or remain in occupancy for a period in excess of 28 days during any consecutive 30 day period.

7. Fire, safety and health requirements will be imposed by the City Building Department, the Kern County Fire Department and the Kern County Health Department (Information Only: $150.00 inspection fee is required by Kern County Health Department, 1991). Minimum requirements for a bed and breakfast occupancy shall be the installation of approved smoke detectors in each lodging room, installation of three approved fire extinguishers in the structure and the inclusion of an evacuation plan posted in each room. Written approval must be received from these departments prior to the business becoming operational.

8. The Kern County Fire Department and the Kern County Health Department shall conduct an annual inspection of each bed and breakfast inn.

9. No additions to existing buildings which would increase the number of bed and breakfast rooms shall be allowed.

i. In approving a conditional use permit for a bed and breakfast inn located in the R-2, R-3, R-4 and PO zones, the Planning Commission must make the following findings:

1. The establishment of a bed and breakfast inn is consistent with the purpose of the General Plan, including policies regarding the displacement of rental units in the housing stock; and

2. The establishment of a bed and breakfast inn will not be detrimental to a building, structure or feature of significant

aesthetic, cultural, architectural or engineering interest or value of a historical nature; and

3. The establishment of a bed and breakfast inn is compatible with and will not be detrimental to the character of the neighborhood and surrounding land uses.

These findings shall be in addition to those required for the approval of conditional use permits contained in subsection 20-21.7.

j. Any conditional use permit issued by the City for any bed and breakfast inn shall be subject to an express condition that said permit shall expire and said use shall terminate (unless a new conditional use permit is approved therefore) upon any transfer of ownership of said real property.

k. The permit shall terminate if any bed and breakfast inn is discontinued for a period of 12 months, regardless of any intent to resume operation.

(Ord. No. 91-12, § 9)

20-4 RSP — Recreation, Schools and Public Use District.

20-4.1 RSP — *Purpose and Intent.* This district is intended primarily for application to those areas of the City where it is necessary and desirable to provide permanent open space, governmental and special district facilities, which are necessary to safeguard the health, safety and welfare of the people, and to provide spaces for the location and preservation of public school, cultural, police, fire and other governmental facilities and recreation sites. (Ord. 84-08, A 4, § 401)

20-4.2 RSP — *Permitted Uses.*

a. Recreation areas, civic centers, parks, parkways, playgrounds, golf courses, primary and secondary schools, colleges, cemeteries and fairgrounds and areas of scenic, historic and cultural values and any necessary buildings incidental thereto.

b. Flood control channels and drainage ditches, water and gas reservoir distribution and pumping stations, irrigation ditches, settling and water recharge basins.

c. Any City, County, State and Special District Facilities not inconsistent with subsection 20-4.1.

d. Open space for public health and safety, including areas which require special management or regulation because of hazardous or special conditions such as earthquake fault zones, unstable soil areas, flood plains, watersheds, areas presenting high fire risk, areas required for the protection of water quality and water reservoirs, and the protection of residents from high noise areas.

e. Incidental and accessory structures and uses.

(Ord. 84-08, A 4, § 402)

20-4.3 *RSP — Conditional Uses.* Conditional uses may be added or deleted from time to time by the Planning Commission per subsection 20-3.7 of this Code and subject to the application for a Conditional Use Permit per Section 20-21 of this Code. (Ord. 84-08, A 4, § 403)

20-4.4 *RSP — Site Area.* The minimum site area shall be 6,000 square feet unless the land was lawfully subdivided into a smaller area prior to the enactment of this chapter. In such case the existing lawfully divided lot shall suffice for minimum area. (Ord. 84-08, A 4, § 404)

20-4.5 *RSP — Yard Requirements, Distance Between Structures, Coverage, Fences, Walls and Hedges.* Yard requirements shall be determined by the Planning Commission during the site plan review process. (Ord. 84-08, A 4, § 405)

20-4.6 *RSP — Site Plan Review.* No permitted or conditional use shall be permitted on any site in this district until a site plan review has been completed in accordance with the provisions of Section 20-22. (Ord. 84-08, A 4, § 406)

20-4A CI Civic and Institutional District.

20-4A.1 *CI - Purpose and Intent.* This district is intended to provide sites for offices and other facilities used by government, public utilities, and for public and private health and welfare facilities. Further, it is the intent of this district to encourage the location of such facilities in close proximity to each other. This district is not intended to include schools, either public or private. (Ord. No. 86-06, § 7)

20-4A.2 *CI - Permitted Uses.*

a. Public and private charitable institutions, hospitals, sanitariums.

b. Public and quasi-public uses of an administrative, public service or cultural including City, County, State or Federal administrative centers and courts, libraries, museums, art galleries, police, fire-stations and other public buildings, structures and facilities, public playgrounds, park and community centers.

(Ord. No. 86-06, § 7)

20-4A.3 *CI - Conditional Uses.* Conditional uses may be added or deleted from time to time by the Planning Commission per subsection 20-3.7 of this Code and subject to the application for a conditional use permit per Section 20-21 of this Code. (Ord. No. 86-06, § 7)

20-4A.4 *CI - Site Area.* The minimum site area shall be 6,000 square feet unless the land was lawfully subdivided into a smaller area prior to the enactment of this chapter. In such case the existing lawfully divided lot shall suffice for minimum area. (Ord. No. 86-06, § 7)

20-4A.5 *CI - Yard Requirements, Distance Between Structures, Coverage, Fences, Walls and Hedges.* Yard requirements shall be determined by the Planning Commission during the site plan review process. (Ord. No. 86-06, § 7)

20-4A.6 *CI - Site Plan Review.* No use shall be permitted on any site in this district until a site plan review has been completed in accordance with the provisions of Section 20-22. (Ord. No. 86-06, § 7)

20-5 UR Urban Reserve District.

20-5.1 *Purposes and Intent.*

a. This district is intended primarily for application to areas within urban limits of the General Plan and which are designated by the General Plan to be held in reserve for future urban expansion or which are in the vicinity of areas so designated, (i.e., Rural Density or Estate Density). Such areas are generally characterized by predominantly open uses of land and/or which, because of the lack of any clear trends for conversion to urban use, cannot be specifically zoned for urban use prior to the City's approval of definite proposals for urban development.

b. The application of this district will avoid problems associated with specific zoning of lands too far in advance of probable development, preserve the availability of lands required for future urban expansion, allow limited conversion of such lands to very low-density urban use, and assist in the prevention of premature development of land where the full range of municipal-type services is not available.

c. The rezoning of land with the UR District to other appropriate district classifications would be undertaken only at such time as evidence of substantial development is available through urban uses and the required infrastructure to serve those uses is available.
(Ord. 84-08, A 5, § 501)

20-5.2 *UR — Permitted Uses.*

a. A one-family dwelling in areas designated by the General Plan as Rural Residential or Estate Density.

b. The following uses are permitted:

1. Breeding, hatching, raising and fattening of poultry, fowl, birds, rabbits for domestic use, provided that such fowl or animal shall be limited in number to one per 2,000 square feet of site area.

2. Keeping of bovine animals and horses, provided, however, that there shall not be allowed on the premises more than one of any adult animal of the foregoing for each 40,000 square feet of site area. The keeping of such fowl and animals shall conform to all other provisions of law governing same, and no fowl or animals, nor any pen, coop, stable, barn or corral shall be kept or maintained within 50 feet of any dwelling or other building used for human habitation, or within 100 feet of the front lot line of the lot upon which it is located, or within 100 feet of any public park, school, hospital or similar institution.

3. There shall be no raising, killing or dressing of any such animals or poultry for commercial purposes.
(Ord. 84-08, A 5, § 502)

20-5.3 *Conditional Uses.*

a. Boarding stables and riding stables of a commercial nature with no more than one adult animal for each 10,000 square feet of site.

b. Church and school uses.
(Ord. No. 84-08, A 5, § 503; Ord. No. 86-06, § 8; Ord. No. 86-26, § 1; Ord. No. 04-03, § 15; Ord. No. 04-04, §§ 3, 4)

20-5.4 *Site Area.* The minimum site area shall be no less than two and one-half gross acres.
(Ord. No. 84-08, A 5, § 504)

20-5.5 *Building Height and Coverage.* Building height and coverage shall be as set forth in the R-1 District.
(Ord. No. 84-08, A 5, § 505)

20-5.6 *Lot Frontage, Width and Depth.* Each lot shall have not less than 300 feet of width/depth on a public or private street unless located on a knuckle or cul-de-sac. In this case, the front yard width scribed by the radius shall be no less than 200 feet.
(Ord. 84-08, A 5, § 506)

20-5.7 *Yard Requirements.* The front, rear, and side yard requirements for the main dwelling shall be no less than those specified in the R-1 District.
(Ord. 84-08, A 5, § 507)

20-5.8 *Site Plan Review.* No conditional use shall be permitted on any site in this district unless the site plan review has been completed in accordance with the provisions of Section 20-22.
(Ord. 84-08, A 5, § 508)

20-5A Primary Agriculture District.

20-5A.1 *Purpose and Intent.* To provide living areas which combine certain advantages of both urban and rural location by limiting development to very low-density concentration of one family dwellings and permitting a limited number of animals to be kept for pleasure, hobbies, and of a commercial nature.

This district is intended primarily for application of land in natural and scenic areas to:

a. Permit the opportunity of developing rural size parcels which because of their size cannot be economically accommodated within urban areas;

b. To permit agricultural pursuits which may not be harmonious and compatible with urban areas; and

c. To assure the provisions and/or construction of at least those minimum physical improvements that are necessary to protect safety and general welfare of people living on rural size parcels.
(Ord. No. 87-19, § 1)

20-5A.2 *Permitted Uses.*

a. A one family dwelling.

b. Accessory buildings and structures located on the same parcel of land.

c. Keeping of bovine and equine animals, provided, however that there shall not be allowed on the premises more than one of any adult animal of the foregoing for each 10,000 square feet of site area. The keeping of such fowl and animals shall conform to all other provisions of law governing same, and no fowl or animals, nor any pen, coop, stable, barn or corral shall be kept or maintained within 50 feet of any dwelling or other building used for human habitation, or within 100 feet of the front lot line of the lot upon which it is located, or within 100 feet of any public park, school, hospital or similar institution. There shall be no raising, killing or dressing of any such animals or poultry for commercial purposes.

1. One hog or pig per 10,000 per square feet of area 2;
2. Three goats or three sheep or three similar livestock per 10,000 square feet of area;
3. 24 chickens per 10,000 square feet of area;
4. Ten ducks or ten rabbits or ten similar livestock per 10,000 square feet of area;
5. The outdoor growing and harvesting of shrubs, plants, flowers, trees, vines, fruits, vegetables, hay, grain, and similar food and fiber crops.
6. Game preserves or refuges.
7. One stand for the sale of agricultural products grown on the premises.

(Ord. No. 87-19, § 1)

20-5A.3 *Uses Permitted with a Use Permit.* All land uses that are existing upon adoption of this section are considered legal conforming uses and do not need to acquire a conditional use permit.

a. The raising, feeding, maintaining, and breeding of poultry, foul, rabbits, fur-bearing animals, and the like, for other than domestic purposes.

b. Commercial hog and pig farming.

c. Dairies.

d. Livestock feed yards, animal sale yards.

e. Kennels, veterinarians clinics for farm animals and livestock but not for companion and exotic animals.

f. Public and private nonprofit elementary schools, junior high schools, and colleges.

g. Art, craft, music and dancing schools.

h. Business, professional and trade schools or colleges.

i. Churches, public playgrounds, parks, community centers, libraries, museums, and similar uses and buildings.

j. Public airports and private landing strips.

k. Cemeteries, mausoleums, columbariums, and crematoriums.

l. Public utility buildings and public service or utility uses (transmission and distribution lines excepted), including but not limited to reservoirs, storage tanks, pumping stations, telephone exchanges, power stations, transformer stations, service yards, and parking lots.

m. Commercial stables, riding academies and hunting clubs.

n. Commercial aquaculture.

o. Game preserves and refuges.

p. Retail plant nurseries (indoor or outdoor), fruit and produce stands, commercial wood yards, including wood splitting.

q. Commercial mushroom farming.

r. Wholesale nurseries and greenhouses for the indoor propagation and harvesting of shrubs, plants, flowers, trees, vines, fruits, vegetables, and similar crops.

s. Minor agricultural services which serve the immediate vicinity including blacksmithing, welding, small machinery repair, and the like.

t. Agricultural processing plants and facilities, including wineries, dehydrators, canneries and similar agricultural uses, including retail sales of agricultural products processed on the premises. Incidental activities such as fruit and vegetable packing, sizing, polishing, and the like, shall not be considered to be agricultural processing.

u. Enclosed temporary construction materials storage yards required in connection with the development of a subdivision and temporary subdivision sales offices and signs and model home display areas.

v. Reserved.

w. Guest houses.
(Ord. 84-08, A 6, § 603; Ord. No. 87-19, § 1; Ord. No. 92-10, § 6)

20-5A.4 *Site Area.* The minimum site area shall be no less than five (5) acres. (Ord. No. 87-19, § 1)

20-5A.5 *Building Height and Coverage.* Building height and coverage shall be as set forth in the R-1 District. (Ord. No. 87-19, § 1)

20-5A.6 *Lot Frontage.* Each lot shall have not less than 300 feet of frontage on a public or private street. (Ord. No. 87-19, § 1)

20-5A.7 *Lot Width.* The minimum lot width of each lot shall be no less than 300 feet. (Ord. No. 87-19, § 1)

20-5A.8 *Lot Depth.* The minimum depth of each lot shall be no less than 600 feet. (Ord. No. 87-19, § 1)

20-5A.9 *Site Density.* Not more than one (1) dwelling unit shall be permitted on each site. (Ord. No. 84-08, A 6, § 609; Ord. No. 87-19, § 1)

20-5A.10 *Yard Requirements.* The front, rear and side yards shall be no less than those set forth in the R-1 District. (Ord. 84-08, A 6, § 610; Ord. No. 87-19, § 1)

20-5B Residential Agriculture District.

20-5B.1 *Purpose and Intent.* The Residential Agriculture (RA) District is hereby created. This district is intended to provide living areas combining certain advantages of both urban and rural location by limiting development to very low-density concentration of one family dwellings and permitting a limited number of animals to be kept for pleasure, hobbies, and of a commercial nature. This district is intended primarily for application of land in natural and scenic areas to:

a. Permit the opportunity of developing rural size parcels which because of their size cannot be economically accommodated within urban areas;

b. To permit agricultural pursuits which may not be harmonious and compatible with urban areas; and

c. To assure the provisions and/or construction of at least those minimum physical improvements that are necessary to protect safety and general welfare of people living on rural size parcels. (Ord. No. 94-05, § 3)

20-5B.2 *Permitted Uses.* The following uses are permitted in the Residential Agriculture District:

a. A one-family dwelling.

b. Accessory buildings and structures located on the same parcel of land.

c. Keeping of bovine and equine animals, provided, however that there shall not be allowed on the premises more than one (1) of any adult animal of the foregoing for each ten thousand (10,000) square feet of site area. The keeping of such fowl and animals shall conform to all other provisions of law governing same, and no fowl or animals, nor any pen, coop, stable, barn or corral shall be kept or maintained within fifty (50) feet of any dwelling or other building used for human habitation, or within one hundred (100) feet of the front lot line of the lot upon which it is located, or within one hundred (100) feet of any public park, school, hospital or similar institution. There shall be no raising, killing or dressing of any such animals or poultry for commercial purposes.

1. One (1) hog or pig per ten thousand (10,000) square feet of area; or

2. Three (3) goats or three (3) sheep or three similar livestock per ten thousand (10,000) square feet of area; or

3. Twenty-four (24) chickens per ten thousand (10,000) square feet of area; or

4. Ten (10) ducks or ten (10) rabbits or ten similar livestock per ten thousand (10,000) square feet of area;

5. The outdoor growing and harvesting of shrubs, plants, flowers, trees, vines, fruits, vegetables, hay, grain, and similar food and fiber crops;

6. Equine boarding stables subject to requirements of subsection 20-5B.2(c).

d. Home occupations.

e. Enclosed temporary construction materials storage yards required in connection with the development of a subdivision and temporary subdivision sales offices and signs and model home display areas.

f. Second Units subject to the requirements of subsection 20-8.12.
(Ord. No. 94-25, § 3; Ord. No. 04-03, § 15; Ord. No. 04-04, §§ 3, 4)

20-5B.3 *Uses Permitted with a Conditional Use Permit.* The following uses may be permitted in the Residential Agriculture District with a conditional use permit:

a. One (1) stand for the sale of agricultural products grown on the premises.

b. The raising, feeding, maintaining, and breeding of poultry, foul, rabbits, fur-bearing animals, and the like, for other than domestic purposes with the exception of slaughtering.

c. Kennels and veterinarian clinics.

d. Public and private nonprofit elementary schools, junior high schools, and colleges.

e. Art, craft, music and dancing schools.

f. Churches, public playgrounds, parks, community centers, libraries, museums, and similar uses and buildings.

g. Cemeteries, mausoleums, columbariums, and crematoriums.

h. Public utility buildings and public service or utility uses (transmission and distribution lines excepted), including but not limited to reservoirs, storage tanks, pumping stations, telephone exchanges, power stations, transformer stations, service yards, and parking lots.

i. Equine riding academies.

j. Game preserves and refuges other than for migratory birds.

k. Wholesale nurseries and greenhouses for the indoor propagation and harvesting of shrubs, plants, flowers, trees, vines, fruits, vegetables, and similar crops.

l. Minor agricultural services which serve the immediate vicinity including blacksmithing, welding, small machinery repair, and the like.

m. Guest houses.
(Ord. No. 94-05, § 4)

20-5B.4 *Dimensional Minimums.* The following minimum dimensions apply in the Residential Agriculture Zone:

a. *Site Area.* The minimum gross site area shall be no less than two and one-half (2½) acres.

b. *Building Height and Coverage.* Building height and coverage shall be as set forth in the R-1 District.

c. *Lot Frontage.* Each lot shall have not less than two hundred twenty (220) feet of frontage on a public or private street unless located on a knuckle or cul-de-sac. In this case the front yard width as scribed by the radius arc shall be no less than one hundred forty (140) feet.

d. *Lot Width.* The minimum lot width of each lot shall be no less than two hundred twenty (220) feet except as provided in subsection 20-5B.6.

e. *Lot Depth.* The minimum depth of each lot shall be no less than three hundred (300) feet.

f. *Site Density.* Not more than one (1) dwelling unit shall be permitted on each site.

g. *Yard Requirements.*

1. *Front yard.* The minimum front yard setback shall be forty (40) feet as measured from the front property line. On a cul-de-sac or knuckle lot the minimum front yard setback line shall be determined by scribing a straight line between two (2) points located forty (40) feet behind the front property line on the side property lines. In no case shall any portion of the setback line be less than thirty (30) feet.

2. *Rear yard.* The minimum rear yard shall be twenty (20) feet. Accessory structures may be located in any portion of a required rear yard provided they do not encroach into a utility easement. Further, the drip line of an accessory structure shall not fall outside the lot line on which the accessory structure is installed.

3. *Side yard.* The minimum side yard setback on each side of a main building shall not be less than twenty (20) feet on either side.
(Ord. No. 94-05, § 5)

20-5B.5 *Site Plan Review.* All uses in the Country Estate District except a single family dwelling and incidental residential uses shall comply with the provisions of Section 20-22.
(Ord. No. 94-05, § 6)

20-5C Country Estate District-2½ acre minimum.

20-5C.1 *Purpose and Intent.* This district is intended to provide living areas combining certain advantages of both urban and rural location by limiting development to very low density concentration of one-family dwelling and permitting a limited number of animals to be kept for pleasure or hobbies, free from activities of a commercial nature.

This district is intended primarily for application of land in natural and scenic areas to (1) permit the opportunity of developing rural size parcels which because of their size cannot be economically accommodated within urban areas, (2) to permit limited agricultural pursuits which may not be harmonious and compatible with urban areas, and (3) to assure the provisions and/or construction of at least those minimum physical improvements that are necessary to protect safety and general welfare of people living on rural size parcels.
(Ord. No. 94-05, § 7)

20-5C.2 *Permitted Uses.* The following uses are permitted in the Country Estate (CE) District.

a. A one-family dwelling.

b. Accessory buildings and structures located on the same parcel of land.

c. Home Occupations.

d. Second Units subject to the requirements of subsection 20-8.12.
(Ord. No. 94-05, § 8; Ord. No. 04-03, § 15; Ord. No. 04-04, §§ 3, 4)

20-5C.3 *Uses Permitted with a Conditional Use Permit.* The following uses may be permitted in Country Estate District with a conditional use permit.

a. Keeping of bovine and equine animals provided, however, that there shall not be allowed on the premises more than one (1) of any adult animal of the foregoing for each ten thousand (10,000) square feet of site area. The keeping of such fowl and animals shall conform to all other provisions of law governing same, and no fowl or animals, nor any pen, coop, stable, barn or corral shall be kept or maintained within fifty (50) feet of any dwelling or other building used for human habitation, or within one hundred (100) feet of the front lot line of the lot upon which it is located, or within one hundred (100) feet of any public park, school, hospital or similar institution. There shall be no raising, killing or dressing of any such animals or poultry for commercial purposes.

1. One (1) hog or pig per ten thousand (10,000) square feet of area; or

2. Three (3) goats or three (3) sheep or three similar livestock per ten thousand (10,000) square feet of area; or

3. Twenty-four (24) chickens per ten thousand (10,000) square feet of area; or

4. Ten (10) ducks or ten (10) rabbits or ten similar livestock per ten thousand (10,000) square feet of area;

5. The outdoor growing and harvesting of shrubs, plants, flowers, trees, vines, fruits, vegetables, hay, grain, and similar food and fiber crops;

b. Public and quasi-public uses of an educational religious type including public and parochial elementary schools, junior high schools, high schools and colleges, day care centers, nursery schools, private nonprofit schools and colleges, churches, parsonages and other religious institutions.

c. Public and private charitable institutions, hospitals, sanitariums, rest homes and nursing homes, not including hospitals, sanitariums, rest homes or nursing homes for mental or drug addicts or liquor addict cases.

d. Public uses of an administrative, recreational, public service or cultural type, including city, county, state or federal administrative centers and courts, libraries, museums, art galleries, police and fire stations and other public buildings, structures and facilities, public playgrounds, parks and community centers.

e. Electrical distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations and/or elevated pressure tanks.

f. Enclosed temporary construction materials storage yards required in connection with the development of a subdivision and temporary subdivision sales offices and signs and model home display areas.
(Ord. No. 94-05, § 9; Ord. No. 04-03, § 15; Ord. No. 04-04, §§ 3, 4)

20-5C.4 *Dimensional Minimums.* The following minimums apply in the Country Estate District:

a. *Site Area.* The minimum site area shall be no less than two and one-half (2½) acres.

b. *Building Height and Coverage.* Building height and coverage shall be as set forth in the R-1 District.

c. *Lot Frontage.* Each lot shall have not less than two hundred twenty (220) feet of frontage on a public or private street unless located on a knuckle or cul-de-sac. In this case, the front yard width as scribed by the radius arc shall be no less than one hundred forty (140) feet.

d. *Lot width.* The minimum lot width of each lot shall be no less than two hundred twenty (220) feet except as provided in subsection 20-6.6.

e. *Lot Depth.* The minimum depth of each lot shall be no less than three hundred (300) feet.

f. *Site Density.* Not more than one (1) dwelling unit shall be permitted on each site.

g. *Yard Requirements.*

1. *Front yard.* The minimum front yard setback shall be forty (40) feet as measured from the front property line. On a cul-de-sac or knuckle lot the minimum front yard setback line shall be determined by scribing a straight line between two (2) points located forty (40) feet behind the front property line on the side property lines. In no case shall any portion of the setback line be less than thirty (30) feet.

2. *Rear yard.* The minimum rear yard shall be twenty (20) feet. Accessory structures may be located in any portion of a required rear yard provided they do not encroach into a utility easement. Further, the drip line of an accessory structure shall not fall outside the lot on which the accessory structure is installed.

3. *Side yard.* The minimum side yard setback on each side of a main building shall not be less than twenty (20) feet on either side.
(Ord. No. 94-05, § 10)

20-5C.5 *Site Plan Review.* All uses in the Country Estate District except a single family dwelling and incidental residential uses shall comply with the provisions of Section 20-22.
(Ord. No. 94-05, § 11)

20-5D Country Estate District-1 acre minimum.

20-5D.1 *Purpose and Intent.* The Country Estate District is hereby created. This district is intended to provide living areas combining certain advantages of both urban and rural location by limiting development to very low density concentration of one-family dwelling and permitting a limited number of animals to be kept for pleasure or hobbies, free from activities of a commercial nature.

This district is intended primarily for application of land in natural and scenic areas to (1) permit the opportunity of developing rural size parcels which because of their size cannot be economically accommodated within urban areas, and (2) to assure

the provisions and/or construction of at least those minimum physical improvements that are necessary to protect safety and general welfare of people living on rural size parcels.
(Ord. No. 94-05, § 12)

20-5D.2 *Permitted Uses.* The following uses are permitted in the Country Estate District:

a. A one-family dwelling.

b. Accessory buildings and structures located on the same parcel of land.

c. Home Occupations.

d. Second Units subject to the requirements of subsection 20-8.12.
(Ord. No. 94-05, § 13; Ord. No. 04-03, § 15; Ord. No. 04-04, §§ 3, 4)

20-5D.3 *Uses permitted with Conditional Uses.* The following uses may be permitted in the Country Estate District with a conditional use permit:

a. Keeping of equine animals provided, however, that there shall not be allowed on the premises more than one of any adult animal of the foregoing for each twenty thousand (20,000) square feet of site area. The keeping of such animals shall conform to all other provisions of law governing same, and no animals, stable, barn or corral shall be kept or maintained within fifty (50) feet of any dwelling or other building used for human habitation, or within one hundred (100) feet of the front lot line of the lot upon which it is located, or within one hundred (100) feet of any public park, school, hospital or similar institution.

b. Public and quasi-public uses of an educational religious type including public and parochial elementary schools, junior high schools, high schools and colleges, day care centers, nursery schools, private nonprofit schools and colleges, churches, parsonages and other religious institutions.

c. Public and private charitable institutions, hospitals, sanitariums, rest homes and nursing homes, not including hospitals, sanitariums, rest homes or nursing homes for mental or drug addicts or liquor addict cases.

d. Public uses of an administrative, recreational, public service or cultural type, including city, county, state or federal administrative centers and courts, libraries, museums, art galleries, police and fire stations and other public buildings, structures and facilities, public playgrounds, parks and community centers.

e. Electrical distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations and/or elevated pressure tanks.

f. Enclosed temporary construction materials storage yards required in connection with the development of a subdivision and temporary subdivision sales offices and signs and model home display areas.
(Ord. No. 04-03, § 15; Ord. No. 04-04, §§ 3, 4)

20-5D.4 *Dimensional Minimums.*

a. *Site Area.* The minimum site area shall be no less than one (1) acre.

b. *Building Height and Coverage.* Building height and coverage shall be as set forth in the R-1 District.

c. *Lot Frontage.* Each lot shall have not less than one hundred ten (110) feet of frontage on a public or private street unless located on a knuckle or cul-de-sac. In this case, the front yard width as scribed by the radius arc shall be no less than seventy (70) feet.

d. *Lot Width.* The minimum lot width of each lot shall be no less than one hundred ten (110) feet except as provided in subsection 20-6.6.

e. *Lot Depth.* The minimum depth of each lot shall be no less than one hundred fifty (150) feet.

f. *Site Density.* Not more than one (1) dwelling unit shall be permitted on each site.

g. *Yard Requirements.*

1. *Front yard.* The minimum front yard setback shall be twenty (20) feet as measured from the front property line. On a cul-de-sac or knuckle lot the minimum front yard setback line shall be determined by scribing a straight line between two (2) points located twenty (20) feet behind the front property line on the side property lines. In no case shall any portion of the setback line be less than fifteen (15) feet.

2. *Rear yard.* The minimum rear yard shall be ten (10) feet. Accessory structures may be located in any portion of a required rear yard provided they do not encroach into a utility easement. Further, the drip line of an accessory structure shall not fall outside the lot on which the accessory structure is installed.

3. *Side yard.* The minimum side yard setback on each side of a main building shall not be less than ten (10) feet on either side.
(Ord. No. 94-05, § 14)

20-5D.5 *Site Plan Review.* All uses in the Country Estate District except a single family dwelling and incidental residential uses shall comply with the provisions of Section 20-22.
(Ord. No. 94-05, § 14)

20-6 Estate Density.

20-6.1 *Purpose and Intent.* To provide living areas which combine certain advantages of both urban and rural location by limiting development of very low density concentration of one-family dwelling and permitting a limited number of animals to be kept for pleasure or hobbies, free from activities of a commercial nature.

This district is intended primarily for application of land in natural and scenic areas to (1) permit the opportunity of developing rural size parcels which because of their size cannot be economically accommodated within urban areas, (2) to permit limited agricultural pursuits which may not be harmonious and compatible with urban areas, and (3) to assure the provisions

and/or construction of at least those minimum physical improvements that are necessary to protect safety and general welfare of people living on rural size parcels.
(Ord. 84-08, A 6, § 601)

20-6.2 *Permitted Uses.*

a. A one-family dwelling.

b. Accessory buildings and structures located on the same parcel of land.

c. Home occupations.

d. The keeping of domestic animals as regulated by subsection 20-5.1b.

e. Second Units subject to the requirements of subsection 20-8.12.
(Ord. 84-08, A 6, § 602; Ord. No. 04-03, § 15; Ord. No. 04-04, §§ 3, 4)

20-6.3 *Conditional Uses.* The following uses may be permitted subject to the application for a conditional use permit per Section 20-21 of this Code.

a. Public and quasi-public uses of an educational religious type including public and parochial elementary schools, junior high schools, high schools and colleges, day care centers, nursery schools, private nonprofit schools and colleges, churches, parsonages and other religious institutions.

b. Public and private charitable institutions, hospitals, sanitariums, rest homes and nursing homes, not including hospitals, sanitariums, rest homes or nursing homes for mental or drug addicts or liquor addict cases.

c. Public uses of an administrative, recreational, public service or cultural type, including City, County, State, or Federal administrative centers and courts, libraries, museums, art galleries, police and fire stations and other public buildings, structures and facilities, public playgrounds, parks and community centers.

d. Electrical distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations and/or elevated pressure tanks.

e. Enclosed temporary construction materials storage yards required in connection with the development of a subdivision and temporary subdivision sales offices and signs and model home display areas.
(Ord. 84-08, A 6, § 603; Ord. No. 92-10, § 6; Ord. No. 04-03, § 15; Ord. No. 04-04, §§ 3, 4)

20-6.4 *Site Area.* The minimum site area shall be no less than 40,000 square feet.
(Ord. 84-08, A 6, § 604)

20-6.5 *Building Height and Coverage.* Building height and coverage shall be as set forth in the R-1 District.
(Ord. 84-08, A 6, § 605)

20-6.6 *Lot Frontage.* Each lot shall have not less than 110 feet of frontage on a public or private street unless located on a knuckle or cul-de-sac. In this case, the front yard width as scribed by the radius arc shall be no less than 70 feet.
(Ord. 84-08, A 6, § 606)

20-6.7 *Lot Width.* The minimum lot width of each lot shall be no less than 110 feet except as provided in subsection 20-6.6.
(Ord. 84-08, A 6, § 607)

20-6.8 *Lot Depth.* The minimum depth of each lot shall be no less than 150 feet.
(Ord. 84-08, A 6, § 608)

20-6.9 *Site Density.* Not more than one dwelling unit shall be permitted on each site.
(Ord. 84-08, A 6, § 609)

20-6.10 *Yard Requirements.* The front, rear and side yards shall be no less than those set forth in the R-1 District.
(Ord. 84-08, A 6, § 610)

20-7 E-2 Estate.

20-7.1 *Purpose and Intent.* To provide living areas within the City where development is limited to low density concentrations of one-family residential units and where regulations are designed to accomplish the following:

a. To promote and encourage a suitable environment for family life.

b. To provide space for community facilities needed to complement various styles of urban life.

c. To provide areas for institutions which require a residential environment.

d. To minimize traffic congestion and to avoid the overloading of utilities and public facilities designed to service only one-family residential uses in accordance with the density standards of the General Plan.

e. To combine certain of the advantages of the urban and rural locations by permitted limited numbers of animals and fowl to be kept for pleasure or hobbies that do not involve commercial nature.
(Ord. 84-08, A 7, § 702)

20-7.2 *Permitted Uses.*

a. A one-family dwelling.

b. Accessory structures which shall be located on the same parcel of land unless the main building and the accessory structure are both located on adjacent lots which meet minimum area requirements.

c. Private greenhouses and horticultural collections, flower and vegetable gardens and fruit trees not intended for commercial purposes.

d. Home occupations.

e. Second Units subject to the requirements of subsection 20-8.12.
(Ord. 84-08, A 7, § 702; Ord. No. 86-06, § 9; Ord. No. 04-03, § 15; Ord. No. 04-04, §§ 3, 4)

20-7.3 *Conditional Uses.* The following uses may be permitted subject to the application for a conditional use permit per Section 20-21 of the Code:

a. Public and quasi-public uses of an educational or religious type including public and parochial elementary schools, junior high schools, high schools and colleges, day care centers, nursery schools, private nonprofit schools and colleges, churches, parsonages and other religious institutions.

b. Public and private charitable institutions, hospitals, sanitariums, rest homes and nursing homes, not including hospitals, sanitariums, rest homes or nursing homes, for mental or drug addict or liquor addict cases.

c. Public uses of an administrative, recreational, public service or cultural type including City, County libraries, museums, art galleries, police and fire stations and other public buildings, public playgrounds, parks and community centers.

d. Electrical distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations and/or elevated pressure tanks.

e. Enclosed temporary construction materials storage yards required in connection with the development of a subdivision, and temporary subdivision sales offices and signs and model home display areas.
(Ord. 84-08, A 7, § 703; Ord. No. 92-10, § 6; Ord. No. 04-03, § 15; Ord. No. 04-04, §§ 3, 4)

20-7.4 *Site Area.* The minimum site area shall be 10,000 square feet.
(Ord. 84-08, A 7, § 704)

20-7.5 *Building Height and Coverage.* Building height and coverage shall be as set forth in the R-1 District.
(Ord. 84-08, A 7, § 705)

20-7.6 *Lot Frontage.* Each lot shall have no less than 70 feet of frontage on a public street, unless located on a knuckle or cul-de-sac. In this case, the front yard width as scribed by the radius arc shall be no less than 50 feet.
(Ord. 84-08, A 7, § 706)

20-7.7 *Lot Width.* The minimum width of each lot shall be no less than 70 feet except as provided in subsection 20-7.6.
(Ord. 84-08, A 7, § 707)

20-7.8 *Lot Depth.* The minimum depth of each lot shall be no less than 110 feet.
(Ord. 84-08, A 7, § 708)

20-7.9 *Site Density.* Not more than one dwelling unit shall be permitted on each site.
(Ord. 84-08, A 7, § 709)

20-7.10 *Yard Requirements.* The front, rear and side yards shall be no less than those set forth in the R-1 District.
(Ord. 84-08, A 7, § 710)

20-7A E-3 Estate District.

20-7A.1 *Purpose and Intent.* To provide living areas within the City where development is limited to low-density concentrations of one-family residential units and where regulations are designed to accomplish the following:

a. To promote and encourage a suitable environment for family life.

b. To provide space for community facilities needed to complement various styles of urban life.

c. To provide areas for institutions which require a residential environment.

d. To minimize traffic congestion and to avoid the overloading of utilities and public facilities designed to service only one-family residential uses in accordance with the density standards of the General Plan.
(Ord. No. 86-06, § 10)

20-7A.2 *Permitted Uses.*

a. A one-family dwelling.

b. Accessory structures which shall be located on the same parcel of land unless the main building and the accessory structure are both located on adjacent lots which meet minimum area requirements.

c. Private greenhouses and horticultural collections, flower and vegetable gardens and fruit trees not intended for commercial purposes.

d. Home occupations.

e. Second Units subject to the requirements of subsection 20-8.12.
(Ord. No. 86-06, § 10; Ord. No. 04-03, § 15; Ord. No. 04-04, §§ 3, 4)

20-7A.3 *Conditional Uses.* The following uses may be permitted subject to the application for a conditional use permit per Section 20-21 of the Code.

a. Public and quasi-public uses of an educational or religious type including public and parochial elementary schools, junior high schools, high schools and colleges, day care centers, nursery schools, private nonprofit schools and colleges, churches, parsonages and other religious institutions.

b. Public and private charitable institutions, hospitals, sanitariums, rest homes and nursing homes, not including hospitals, sanitariums, rest homes or nursing homes for mental or drug addict or liquor addict cases.

c. Public uses of an administrative, recreational, public service or cultural type including City, County libraries, museums, art galleries, police and fire stations and other public buildings, public playgrounds, parks and community centers.

d. Electrical distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations and/or elevated pressure tanks.

e. Enclosed temporary construction materials storage yards required in connection with the development of a subdivision, and temporary subdivision sales offices and signs and model home display areas.
(Ord. No. 86-06, § 10; Ord. No. 92-10, § 6; Ord. No. 04-03, § 15; Ord. No. 04-04, §§ 3, 4)

20-7A.4 *Site Area.* The minimum site area shall be 7,500 square feet.
(Ord. No. 86-06, § 10)

20-7A.5 *Building Height and Coverage.* Building height and coverage shall be as set forth in the R-1 District.
(Ord. No. 86-06, § 10)

20-7A.6 *Lot Frontage.* Each site shall have no less than 60 feet of frontage on a public street except for those sites fronting on a cul-de-sac or knuckle which may have a frontage of not less than 40 feet.
(Ord. No. 86-06, § 10)

20-7A.7 *Lot Width.* The minimum width of each lot shall be no less than 60 feet except as provided in subsection 20-7A.6. A corner lot shall be no less than 65 feet in width.
(Ord. No. 86-06, § 10)

20-7A.8 *Lot Depth.* The minimum depth of each lot shall be no less than 110 feet.
(Ord. No. 86-06, § 10)

20-7A.9 *Site Density.* Not more than one dwelling unit shall be permitted on each site.
(Ord. No. 86-06, § 10)

20-7A.10 *Yard Requirements.* The front, rear and side yards shall be no less than those set forth in the R-1 District.
(Ord. No. 86-06, § 10)

20-8 R-1 Single-Family Residential District.

20-8.1 *One-Family Dwelling District.* The following regulations shall apply in the R-1 Single-Family Residential District unless otherwise provided in this Code.
(Ord. 84-08, A 8, § 801)

20-8.2 *Permitted Uses.*

a. A one-family dwelling.

b. Accessory structures which shall be located on the same parcel of land unless the main building and the accessory structure are both located on adjacent lots which meet minimum area requirements.

c. Private greenhouses and horticultural collections, flower and vegetable gardens and fruit trees not intended for commercial purposes.

d. Home occupations.

e. Second Units subject to the requirements of subsection 20-8.12.
(Ord. 84-08, A 8, § 802; Ord. No. 86-06, § 11; Ord. No. 04-03, § 15; Ord. No. 04-04, §§ 3, 4)

20-8.3 *Conditional Uses.* The following uses may be permitted subject to the application for a conditional use permit per Section 20-21 of this Code.

a. Public and quasi-public uses of an educational or religious type including public and parochial elementary schools, junior high schools, high schools and colleges, day care centers, nursery schools, private nonprofit schools and colleges, churches, parsonages and other religious institutions.

b. Public and private charitable institutions, hospitals, sanitariums, rest homes and nursing homes, not including hospitals, sanitariums, rest homes or nursing homes for mental or drug addict or liquor addict cases.

c. Public uses of an administrative, recreational, public service or cultural type including City, County, State or Federal administrative centers and courts, libraries, museums, art galleries, police and fire stations and other public buildings, structures and facilities, public playgrounds, parks and community centers.

d. Electrical distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations and/or elevated pressure tanks.

e. Enclosed temporary construction materials storage yards required in connection with the development of a subdivision, and temporary subdivision sales offices and signs and model home display areas.

f. Lodges, social halls, fraternal organizations operated by a nonprofit organization.

g. Mobile home parks.

h. Reserved.

i. Parking lots.

(Ord. 84-08, A 8, § 803; Ord. No. 86-06, § 12; Ord. No. 92-10, § 6; Ord. No. 04-03, § 15; Ord. No. 04-04, §§ 3, 4)

20-8.4 *Building Height.* Building height shall not exceed 35 feet.
(Ord. 84-08, A 8, § 804)

20-8.5 *Site Area.* The minimum site area shall be 6,000 feet.
(Ord. 84-08, A 8, § 805)

20-8.6 *Lot Frontages.* Each site shall have no less than 60 feet of frontage on a public street, except for those sites fronting on a cul-de-sac or knuckle which may have a frontage of not less than 40 feet.
(Ord. 84-08, A 8, § 806)

20-8.7 *Lot Width.* The minimum width of each interior lot shall be no less than 60 feet except as noted in subsection 20-8.6. A corner lot shall be no less than 65 feet in width.
(Ord. 84-08, A 8, § 807)

20-8.8 *Lot Depth.* The minimum depth of each lot shall be no less than 100 feet.
(Ord. 84-08, A 8, § 808)

20-8.9 *Site Density.* Not more than one dwelling unit shall be permitted on each site.
(Ord. 84-08, A 8, § 809)

20-8.10 *Coverage.* The maximum site area covered by structure, not including swimming pools, shall not exceed 60 percent.
(Ord. 84-08, A 8, § 810)

20-8.11 *Yard Requirements.*

a. Front yard — The minimum front yard setback shall be 20 feet unless located on a cul-de-sac or knuckle. In this case the minimum setback line shall be determined by scribing a straight line between two points located 20 feet behind the front property line on the side property lines. In no case shall any portion of the setback line be less than 15 feet.

b. Rear yard — The minimum rear yard shall be ten feet. Accessory structures may be located in any portion of a required rear yard provided they do not encroach into a utility easement. Further, the drip line of an accessory structure shall not fall outside of the lot on which the accessory structure is installed.

c. Side yard — There shall be a side yard on each side of a main building of not less than five feet on one side and not less than ten feet on the other side subject to the following conditions and exceptions:

1. On a reversed corner lot, the street side yard shall not be less than one-half the required front yard of the adjoining key lot.

2. Where a lot contains a pedestrian easement, all structures shall have a minimum side yard of five feet from the edge of the easement.

3. Garages and carports taking direct access from the street shall provide a minimum of 20 feet of parking space between the structure and the front or street side property line. When adjacent to an alley, they shall be no less than 15 feet from centerline of said alley.

4. Any land lawfully subdivided prior to January 1, 1974 and having a lot frontage of less than 60 feet as specified in subsection 20-8.6 shall not be required to comply with the requirement for a ten-foot side yard. In this case a five-foot side yard is the minimum requirement except as otherwise provided. (Ord. No. 84-08, A 8, § 811; Ord. No. 86-08, § 13)

20-8.12 *Second Units.* Applications for secondary dwelling units shall be considered a ministerial process, without discretionary review or hearing, notwithstanding Section 65901 and 65906 or any City Ordinance regulating the issuance of variances or conditional use permits, if the dwelling unit is intended for the sole occupancy of one adult or two adult persons who are 62 years of age or over (Government Code Section 65852.1). Secondary dwelling units shall comply with all of the following:

a. The unit is not intended for sale and may be rented,

b. The lot is zoned for single family or multi family use,

c. The lot contains an existing single family unit,

d. The second unit is either attached to the existing dwelling and located within the living area of the existing dwelling or on the same lot as the existing dwelling,

e. The increased floor area of an attached second unit shall not exceed 30-percent of the existing living area,

f. The total area of floors pace for a detached second unit shall not exceed 1,200 square feet,

g. Requirements relating to height, setback, lot coverage, architectural review, site plan review, fees, charges, and other zoning requirements that are generally applicable to residential construction in the zone in which the property is located shall apply,

h. Local building code requirements shall apply to second dwelling units,

i. Parking shall be provided for second units at one space per unit or per bedroom, whichever is greater.
(Ord. 84-08, A 8, § 812; Ord. No. 04-03, § 15; Ord. No. 04-04, §§ 3, 4)

20-9 R-2 Low-Density Multi-Family Residential District.

20-9.1 *Low-Density Multi-Family Residential District.* The following regulations shall apply in the R-2 Low-Density Multi-Family Residential District unless otherwise provided in this Code.
(Ord. 84-08, A 9, § 901)

20-9.2 *Permitted Uses.*

a. Multi-family residential dwellings.

b. Accessory structures which shall be located on the same parcel of land unless the main building and the accessory structure are both located on adjacent lots which meet minimum area requirements.

c. Home occupations.

d. Private greenhouses and horticultural collections, flower and vegetable gardens and fruit trees not intended for commercial purposes.

e. Single-family dwellings.

f. Second Units subject to the requirements of subsection 20-8.12.

(Ord. No. 84-08, A 9, § 902; Ord. No. 86-06, § 14; Ord. No. 04-03, § 15; Ord. No. 04-04, §§ 3, 4)

20-9.3 *Conditional Uses.* The following uses may be permitted subject to the application for a conditional use permit per Section 20-21 of this Code.

a. Public and quasi-public uses of an educational or religious type including public and parochial elementary schools, junior high schools, high schools and colleges, day care centers, nursery schools, private nonprofit schools and colleges, churches, parsonages and other religious institutions.

b. Public and private charitable institutions, hospitals, sanitariums, rest homes and nursing homes, but not including hospitals, sanitariums, rest homes or nursing homes for mental or drug addict or liquor addict cases.

c. Public uses of an administrative, recreational, public service or cultural type including city, county, state or federal administrative centers and courts, libraries, museums, art galleries, police and fire stations and other public buildings, structures and facilities, public playgrounds, parks and community centers.

d. Electrical distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations and/or elevated pressure tanks.

e. Enclosed temporary construction materials storage yards required in connection with the development of a subdivision, and temporary subdivision sales offices and model home display areas.

f. Lodges, social halls, fraternal organizations operated by a nonprofit organization.

g. Mobile home parks.

h. Parking lots.

i. Bed and breakfast inns.

(Ord. No. 84-08, A 9, § 903; Ord. No. 86-06, § 15; Ord. No. 91-12, § 4)

20-9.4 *Site Area.* The minimum site area shall be 6,000 square feet. (Ord. 84-08, A 9, § 904)

20-9.5 *Building Height.* Building height shall not exceed 35 feet. (Ord. 84-08, A 9, § 905)

20-9.6 *Lot Frontage.* Each site shall have not less than 60 feet of frontage on a public street, except that sites which front on a cul-de-sac or knuckle may have a frontage of not less than 40 feet. (Ord. 84-08, A 9, § 906)

20-9.7 *Lot Width.* The minimum width of each interior lot shall be no less than 60 feet except as noted in subsection 20-9.6. A corner lot shall be no less than 65 feet in width. (Ord. 84-08, A 9, § 907)

20-9.8 *Lot Depth.* The minimum depth of each lot shall be no less than 100 feet. (Ord. 84-08, A 9, § 908)

20-9.9 *Site Density.* The minimum site area per dwelling unit shall be 3,000 square feet. (Ord. 84-08, A 9, § 909)

20-9.10 *Coverage.* The maximum site area covered by structures shall not exceed 60 percent. (Ord. 84-08, A 9, § 910)

20-9.11 *Yard Requirements.*

a. Front yard. The minimum front yard setback shall be 20 feet as measured from the front property line, with no parking permitted in the setback except on driveways which shall accommodate no more than one automobile per dwelling unit nor occupy more than 75 percent of the setback area. On a cul-de-sac or knuckle lot, the minimum front yard setback line shall be determined by scribing a straight line between two points located 20 feet behind the front property line on the side property lines. In no case shall any portion of the setback line be less than 15 feet.

b. Rear yard. The minimum rear yard shall be ten feet. Accessory structures may be located in any portion of a required rear yard provided they do not encroach into a utility easement. Further, the drip line of an accessory structure shall not fall outside of the lot on which the accessory structure is installed.

c. Side yard. The minimum side yard setback on each side of a main building shall not be less than five feet except that on the street side of corner lots there shall be a side yard of not less than ten feet.

d. Garages and carports taking direct access from the street shall provide a minimum of 20 feet of parking space between the structure and the front or street side property line. When adjacent to an alley, they shall be no less than 15 feet from centerline of said alley.

(Ord. No. 84-08, A 9, § 911; Ord. No. 86-06, § 16)

20-9.12 *Site Plan Review.* All uses in the R-2 District except a single-family dwelling shall comply with the provisions of Section 20-22. (Ord. 84-08, A 9, § 912)

20-10 R-3 Medium Density Multi-Family Residential District.

20-10.1 *Medium Density Multi-Family Residential District.* The following regulations shall apply to the R-3 Multi-Family Residential District unless otherwise provided under this Code. (Ord. 84-08, A 10, § 1001)

20-10.2 *Permitted Uses.* The following uses may be permitted subject to the application for a site plan review pursuant to Section 20-22 of this Code.

a. Multi-family residential dwellings.

b. A one-family dwelling.

c. Accessory structures which shall be located on the same parcel of land unless the main building and the accessory structure are both located on adjacent lots which meet minimum area requirements.

d. Private greenhouses and horticultural collections, flower and vegetable gardens and fruit trees not intended for commercial purposes.

e. Home occupations.

f. Second Units subject to the requirements of subsection 20-8.12.

(Ord. No. 84-08, A 10, § 1002; Ord. No. 86-06, § 17; Ord. No. 04-03, § 15; Ord. No. 04-04, §§ 3, 4)

20-10.3 *Conditional Uses.* The following uses may be permitted subject to the application for a conditional use permit per Section 20-21 of this Code.

a. Public and quasi-public uses of an educational or religious type including public and parochial elementary schools, junior high schools, high schools and colleges, day care centers, nursery schools, private nonprofit schools and colleges, churches, parsonages and other religious institutions.

b. Public and private charitable institutions, hospitals, sanitariums, rest homes and nursing homes, but not including hospitals, sanitariums, rest homes or nursing homes for mental or drug addict or liquor addict cases.

c. Public uses of an administrative, recreational, public service or cultural type including city, county, state or federal administrative centers and courts, libraries, museums, art galleries, police and fire stations and other public buildings, structures and facilities, public playgrounds, parks and community centers.

d. Electrical distribution substations, gas regulator stations communications equipment buildings, public service pumping stations and/or elevated pressure tanks.

e. Enclosed temporary construction materials storage yards required in connection with the development of a subdivision, and temporary subdivision sales offices and model home display areas.

f. Lodges, social halls, fraternal organizations operated by a nonprofit organization.

g. Mobile home parks.

h. Parking lots.

i. Bed and breakfast inns.

(Ord. No. 84-08, A 10, § 1004; Ord. No. 86-06, § 18; Ord. No. 91-12, § 5; Ord. No. 04-03, § 15; Ord. No. 04-04, §§ 3, 4)

20-10.4 *Site Area.* The minimum site area shall be 6,000 square feet.
(Ord. 84-08, A 10, § 1004)

20-10.5 *Building Height.* Building height shall not exceed 35 feet.
(Ord. 84-08, A 10, § 1005)

20-10.6 *Lot Frontage.* Each site shall have no less than 60 feet of frontage on a public street, except that those sites which front on a cul-de-sac or knuckle may have a frontage of not less than 40 feet.
(Ord. 84-08, A 10, § 1006)

20-10.7 *Lot Width.* The minimum width of each interior lot shall be no less than 60 feet except as noted in subsection 20-10.6. A corner lot shall be no less than 65 feet in width.
(Ord. 84-08, A 10, § 1007)

20-10.8 *Lot Depth.* The minimum depth of each lot shall be no less than 100 feet.
(Ord. 84-08, A 10, § 1008)

20-10.9 *Site Density.* The minimum site area per dwelling unit shall be 2,000 square feet.
(Ord. 84-08, A 10, § 1009)

20-10.10 *Coverage.* The maximum site area covered by structures shall not exceed 65 percent.
(Ord. 84-08, A 10, § 1010)

20-10.11 *Yard Requirements.*

a. Front yard. The minimum front yard setback shall be 15 feet with no parking permitted in the setback except on driveways which shall accommodate no more than one automobile per dwelling unit nor occupy more than 75 percent of the setback area. On a cul-de-sac or knuckle lot, the minimum front yard setback line shall be determined by scribing a straight line between two points located 15 feet behind the front property line on the side property lines. In no case shall any portion of the setback line be less than 12 feet.

b. Rear yard. The minimum rear yard shall be ten feet. Accessory structures may be located in any portion of a required rear yard provided they do not encroach into a utility easement. Further, the drip line of an accessory structure shall not fall outside of the lot on which the accessory structure is installed.

c. Side yard. The minimum side yard setback on each side of a main building shall not be less than five feet except that on the street side of corner lots there shall be a side yard of not less than ten feet.

d. Garages and carports taking direct access from the street shall provide a minimum of 20 feet of parking space between the structure and the front or street side property line. When adjacent to an alley, they shall be no less than 15 feet from centerline of said alley.
(Ord. No. 84-08, A 10, § 1011; Ord. No. 86-06, § 19)

20-10.12 *Site Plan Review.* All uses in the R-3 District except single-family dwellings shall comply with the provisions of Section 20-22.
(Ord. 84-08, A 10, § 1012)

20-11 R-4 Medium-Density Multi-Family Residential District.

20-11.1 *Medium-Density Multi-Family Residential District.* The following regulations shall apply to the R-4 Medium-Density Multi-Family Residential District unless otherwise provided in this Code.
(Ord. 84-08, A 11, § 1101)

20-11.2 *Permitted Uses.* The following uses may be permitted subject to the application for a conditional use permit per Section 20-22 of this Code.

a. A one-family dwelling.

b. Accessory structures which shall be located on the same parcel of land unless the main building and the accessory structure area both located on adjacent lots which meet minimum area requirements.

c. Private greenhouses and horticultural collections, flower and vegetable gardens and fruit trees not intended for commercial purposes.

d. Home occupations.

e. Second Units subject to the requirements of subsection 20-8.12.
(Ord. No. 84-08, A 11, § 1102; Ord. No. 86-06, § 20; Ord. No. 04-03, § 15; Ord. No. 04-04, §§ 3, 4)

20-11.3 *Conditional Uses.* The following uses may be permitted subject to the application for a conditional use permit per Section 20-21 of this Code.

a. Public and quasi-public uses of an educational or religious type including public and parochial elementary schools, junior high schools, high schools and colleges, day care centers, nursery schools, private nonprofit schools and colleges, churches, parsonages and other religious institutions.

b. Public and private charitable institutions, hospitals, sanitariums, rest homes and nursing homes, but not including hospitals, sanitariums, rest homes or nursing homes for mental or drug addict or liquor addict cases.

c. Public uses of an administrative, recreational, public service or cultural type including city, county, state or federal administrative centers and courts, libraries, museums, art galleries, police and fire stations and other public buildings, structures and facilities, public playgrounds, parks and community centers.

d. Electrical distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations and/or elevated pressure tanks.

e. Enclosed temporary construction materials storage yards required in connection with the development of a subdivision, and temporary subdivision sales offices and model home display areas.

f. Lodges, social halls, fraternal organizations operated by a nonprofit organization.

g. Mobile home parks.

h. Parking lots.

i. Bed and breakfast inns.

(Ord. No. 84-08, A 11, §1103; Ord. No. 86-06, § 21; Ord. No. 91-12, § 6)

20-11.4 *Site Area.* The minimum site area shall be 6,000 square feet.

(Ord. 84-08, A 11, § 1104)

20-11.5 *Building Height.* Building height shall not exceed 35 feet.

(Ord. 84-08, A 11, § 1105)

20-11.6 *Lot Frontage.* Each site shall not have less than 60 feet of frontage on a public street, except that those sites which front on a cul-de-sac or knuckle may have a frontage of not less than 40 feet.

(Ord. 84-08, A 11, § 1106)

20-11.7 *Lot Width.* The minimum lot width of each interior lot shall be no less than 60 feet except as noted in subsection 20-11.6. A corner lot shall be no less than 65 feet in width. (Ord. 84-08, A 11, § 1107)

20-11.8 *Lot Depth.* The minimum depth of each lot shall be no less than 100 feet. (Ord. 84-08, A 11, § 1108)

20-11.9 *Site Density.* The minimum site area per dwelling unit shall be 1,000 square feet. (Ord. 84-08, A 11, § 1109)

20-11.10 *Coverage.* The maximum site area covered by structures shall not exceed 70 percent. (Ord. 84-08, A 11, § 1110)

20-11.11 *Yard Requirements.*

a. Front yard. The minimum front yard setback shall be ten feet with no parking permitted in the setback except on driveways, which shall accommodate no more than one automobile per dwelling unit nor occupy more than 75 percent of the setback area. On a cul-de-sac or knuckle lot, the minimum front yard setback line shall be determined by scribing a straight line between two points located ten feet behind the front property line on the side property lines. In no case shall any portion of the setback line be less than eight feet.

b. Rear yard. The minimum rear yard shall be ten feet. Accessory structures may be located in any portion of a required rear yard provided they do not encroach into a utility easement. Further, the drip line of an accessory structure shall not fall outside of the lot on which the accessory structure is installed.

c. Side yard. The minimum side yard setback on each side of a main building shall not be less than five feet except that on the street side of corner lots there shall be a side yard of not less than ten feet.

g. Garages and carports taking direct access from the street shall provide a minimum of 20 feet of parking space between the structure and the front or street side property line. When adjacent to an alley, they shall be no less than 15 feet from centerline of said alley.

(Ord. No. 84-08, A 11, § 1111; Ord. No. 86-06, § 22)

20-11.12 *Site Plan Review.* All uses in the R-4 District except single-family dwelling shall comply with the provisions of Section 20-22. (Ord. 84-08, A 11, § 1112)

20-12 MH — Mobile Home Parks.

20-12.1 *Purpose and Intent.* The purpose of this section is to provide for the inclusion of manufactured housing (mobile homes) in mobile home parks, as defined in Administrative Code Title 25 of the State of California and the Health and Safety Code; to be located within any residential district of the City upon the application and approval of a conditional use permit and site plan review pursuant to Sections 20-21 and 20-22, respectively.

This article does not include those provisions of State of California law relating to the placement of mobile homes in any residential district on permanent foundations, the standards for which are regulated outside the provisions of this section. (Ord. 84-08, A 12, § 1201)

20-12.2 *Site Area.* The minimum site area shall be not less than two gross acres. There shall also be no less than 2,500 square feet of area for each mobile home space within the park. (Ord. 84-08, A 12, § 1202)

20-12.3 *Recreation Area.* In addition to the above site areas, a mobile home park shall provide one or more recreation areas totaling not less than 5,000 square feet with the aggregate recreational area being no less than 200 square feet for each mobile home space within the park, whichever is greater. Community recreational facilities located within a structure may be considered as part of the recreational public area requirements. (Ord. 84-08, A 12, § 1203)

20-12.4 *Park Access.* Mobile home parks shall be designed so that each unit does not face a public street and shall not have direct access to such street. Vehicular access within the park and ingress/egress to the park shall be controlled by the provisions provided in the conditional use permit and site plan review process. (Ord. 84-08, A 12, § 1204)

20-12.5 *Accessory Structures.* No accessory structure for use by the occupants other than a carport, garden structure, storage

building, sun or wind shelter shall be erected within a mobile home space. No accessory structure shall be permitted to be placed or remain on any lot in a mobile home park unless a mobile home is first placed upon said lot.
(Ord. 84-08, A 12, § 1205)

20-12.6 *Parking and Internal Circulation.* Not less than two on-site parking spaces shall be provided for each mobile home space and all internal streets shall be improved and paved so as to provide adequate turning radius and drainage; the design and specifications for such improvements to be subject to the approval of the City Engineer. No less than one guest parking space for every five mobile homes shall be provided and appropriately dispersed throughout the mobile home park.
(Ord. 84-08, A 12, § 1206)

20-13 RMH — Residential Mobile Home District.

20-13.1 *Purpose.* The provisions of this section are intended to provide for single-family conventional mobile homes to be placed on a lot and not necessarily required to be placed on permanent foundations.
(Ord. 84-08, A 13, § 1301)

20-13.2 *Permitted Uses.*

a. Mobile homes notwithstanding the provisions of subsection 20-13.6.

b. Any use permitted in the R-1 District with the exception of Second Units.
(Ord. 84-08, A 13, § 1302; Ord. No. 04-03, § 15; Ord. No. 04-04, §§ 3, 4)

20-13.3 *Conditional Uses.* The following uses may be permitted subject to the application for a conditional use permit as regulated by Section 20-21 of this Code: any use listed as a conditional use in the R-1 District.
(Ord. 84-08, A 13, § 1303; Ord. No. 04-03, § 15; Ord. No. 04-04, §§ 3, 4)

20-13.4 *Site Area, Frontage, Width, Depth, and Yards.* The lot, site area, frontage, width, depth and yard requirements shall be no less than that provided in the R-1 District.
(Ord. 84-08, A 13, § 1304)

20-13.5 *Density and Coverage.* Density and coverage shall be no less than that provided in the R-1 District.
(Ord. 84-08, A 13, § 1305)

20-13.6 *Additional Provisions.* The following additional provisions shall apply:

a. Mobile homes used as single-family dwellings shall be permitted only if the following criteria are met:

1. The provisions of subsection 20-3.20 shall apply.

2. Unless on a permanent foundation, the underneath area between ground level and the floor of the mobile home shall be screened from view by an opaque skirt around the entire perimeter of the base of the mobile home.

3. Appliances of any type other than home heating or cooling equipment shall not be installed outside the mobile home or accessory structures.
(Ord. 84-08, A 13, § 1306)

20-13A Dwellings: All Residential Zones.

a. Except as provided for in subsection 20-13.1, dwellings, including mobile homes, in any residential zones shall meet the requirements of the respective zone and the following:

1. Each single-family dwelling shall contain not less than 480 square feet of building area and shall be at least 12 feet wide. Multiple-story, single-family dwellings shall have a ground floor containing not less than 480 square feet.

2. All single-family dwellings located on a lot permitting conventional single-family dwellings shall have a continuous concrete perimeter foundation or support system sufficient to support all loads of the structure including wind and seismic loads and shall be at least six inches above ground and/or at least 12 inches above median curb height.

3. Each single-family dwelling and attached garage shall have a roof with a minimum pitch of no less than 3:12. Room additions which are physically constrained to a flatter slope shall have the maximum available slope consistent with the approved roofing. Roof eaves on mobile homes shall not be less than 16 inches. The Community Development Director may allow less roof pitch when necessary to accommodate a recognized architectural style.

4. The roof and siding shall be nonreflective and not produce "glare." Roofing and siding shall also have the appearance of an approved architectural style as determined by the Community Development Director.

5. Appliances of any type other than home heating or cooling equipment shall not be installed outside the dwelling unit or accessory structure.
(Ord. No. 92-10, § 5)

20-14 PO Professional Office.

20-14.1 *Purpose.* The Professional Office Zone is intended to provide opportunities for the location of professional offices in close relationship to one another inside or outside of the commercial districts, to provide adequate space to meet the needs of such offices by providing adequate off-street parking and loading space and to protect office uses from noise and other disturbances not conducive to an office atmosphere, and to encourage the full development of properties which lie in the transition area between residential and nonresidential districts and which cannot be included practically within residential districts.
(Ord. 84-08, A 14, § 1401)

20-14.2 *Permitted Uses.*

a. Offices which deal primarily in professional services in which goods, wares, merchandise are not commercially created, sold or exchanged for the private market, including medical offices, hospitals, engineering, architectural planning and landscape consulting, law, accounting, bookkeeping, banking and brokerage offices, travel agencies, medical and dental laborato-

ries and clinics, not including hospitals, sanitariums, rest homes or nursing homes for mental patients or drug or liquor addiction cases.

b. Local, state and federal government facilities that supply various services to the public at large; radio and television stations.

c. Prescription pharmacies in connection with medical office buildings, clinics or hospitals.

d. Public and private charitable institutions, but not including hospitals, sanitariums, rest homes or nursing homes for mental

patients or drug or liquor addiction cases.

e. Research and development engineering firms whose scientific and/or engineering investigation leads to the manufacturing of new material or equipment including the making or prototypes but not including the manufacture of such material or equipment.

f. Accessory structures located on the same site as a permitted use. (Ord. 84-08, A 14, § 1402)

20-14.3 *Conditional Uses.* The following uses may be permitted in accordance with the provisions of Section 20-21.

a. Churches, manses and other religious institutions.

b. Public uses of a cultural type including libraries, museums, art galleries and other similar structures and facilities.

c. Any use permitted in the R-1, R-2, R-3 and R-4 District, and if granted shall meet the setback requirements of that district.

d. Mortuaries.

e. Electrical transmission and distribution substations, gas regulator stations, communication equipment and transmitting stations, public service pumping stations and/or elevated pressure tanks.

f. Health Clubs.

g. Heliports and helipads.

h. Restaurants.

i. Metal buildings.

j. Bed and breakfast inns.

(Ord. No. 84-08, A 14, § 1403; Ord. No. 86-06, § 23; Ord. No. 86-36, § 1; Ord. No. 89-16, § 4; Ord. No. 91-12, § 7)

20-14.4 *Building Height.* Building height shall not exceed 35 feet. (Ord. 84-08, A 14, § 1404)

20-14.5 *Site Area and Frontage.* The minimum site area for the Professional Office District shall be 10,000 square feet with no less than 80 feet of frontage on a dedicated and improved public street, except that the sites which front on a cul-de-sac or knuckle may have a frontage of not less than 70 feet. (Ord. 84-08, A 14, § 1405)

20-14.6 *Lot Depth and Width.* The minimum depth of each site shall be no less than 100 feet. The minimum width of each lot shall be no less than 80 feet except as noted in subsection 20-14.5. (Ord. 84-08, A 14, § 1406)

20-14.7 *Lot Coverage.* The maximum area covered by structures shall be no more than 65 percent of the site area. (Ord. 84-08, A 14, § 1407)

20-14.8 *Yard Requirements.*

a. Front yard. The minimum front yard setback shall be 15 feet.

b. The minimum side and rear yards shall be as follows:

1. Where a lot abuts the side or rear yard of a lot in any R District, the side or rear yard shall be no less than ten feet for each story of the main structure.

2. The street side of a corner lot shall be five feet except that where a reverse corner lot rears upon a lot in any R District, the side yard on the street side shall not be less than 50 percent of the front yard required on the key lot.

3. In all other cases, a side or rear yard is not required provided there is an easement on the adjacent lot to allow maintenance along the zero lot line.

c. There are some areas of the city where there are physical and practical difficulties in providing a setback as required in paragraphs a. and b. above. In such cases the Planning Commission may reduce the required setback to not less than the setback required on the adjoining parcel(s).

d. The ordinary projection of sills, belt courses, cornices, buttresses, ornamental features, rain gutters and eaves may extend up to 36 inches into a required yard. No building or projection thereof may extend into a utility easement or public right-of-way nor shall the dripline of any structure fall outside of the lot on which it is located.
(Ord. No. 84-08, A 14, § 1408)

20-14.9 *Site Plan Review.* All uses in the Professional Office District except single-family dwellings shall comply with the provisions of Section 20-22. (Ord. 84-08, A 14, § 1409)

20-15 CN—Neighborhood Commercial.

20-15.1 *Purpose.* The Neighborhood Commercial District is intended primarily to provide the retail goods and services required to meet the needs of local residents of one or more neighborhoods with such business activities conducted entirely within an enclosed building except the accessory use of "outside gasoline service" in conjunction with a permitted use.
(Ord. 84-08, A 15, § 1501)

20-15.2 *Permitted Uses.*

a. Any local retail business or service establishment such as grocery, fruit and vegetable stores, bakery, drugstore, barber and beauty shops, florists, laundromats, drive-thru dairies, clothes cleaning and dyeing, variety store, hardware stores, which supply services and commodities for residents of a neighborhood.

b. Restaurants, cafes and soda fountains, not including entertainment or dancing or sale of alcoholic beverages for consumption on the premises.

c. Business, professional (not research and development) and medical offices. Accessory structures and uses customarily appurtenant to the permitted use such as incidental storage facilities.
(Ord. 84-08, A 15, § 1502)

20-15.3 *Conditional Uses.* The following uses may be permitted in accordance with the provisions of Section 20-21.

a. Sale of alcoholic beverages for consumption on premises in establishments where the primary function is sale of food, such as a restaurant, pizza parlor, etc.

b. Drive-thru restaurants.

c. Public and quasi-public uses appropriate in a Neighborhood Commercial District.

d. Social halls, lodges, fraternal organizations, and clubs.

e. Gasoline pumps when in conjunction with minimarts.

f. Metal buildings.
(Ord. 84-08, A 15, § 1503; Ord. No. 89-16, § 5)

20-15.4 *Site Area and Frontage.* The minimum site area for the Neighborhood Commercial District shall be no less than 6,000 square feet with no less than 60 feet of frontage on a public street.
(Ord. 84-08, A 15, § 1504)

20-15.5 *Building Height.* Building Height shall not exceed 35 feet.
(Ord. 84-08, A 15, § 1505)

20-15.6 *Lot Depth.* The minimum lot depth shall be no less than 100 feet.
(Ord. 84-08, A 15, § 1506)

20-15.7 *Yard Requirements.*

a. The front yard setback shall be no less than ten feet.

b. The minimum side or rear yard setback shall be as follows:

1. Where a CN lot abuts a side or rear yard of any R District, the side or rear yard shall be no less than ten feet.

2. The street side of a corner lot shall be five feet except that where a reverse corner lot rears upon a lot in any R District, the side yard on the street side shall not be less than 50 percent of the front yard required on the key lot.

3. In all other cases, a side or rear yard is not required provided there is a common wall or an easement on the adjacent lot to allow maintenance along the zero lot line.

c. There are some areas of the City where there are physical and practical difficulties in providing a setback as required in paragraphs a. and b. above. In such cases the Planning Commission may reduce the required setback to not less than the setback required on the adjoining parcel(s).

d. The ordinary projection of sills, belt courses, cornices, buttresses, ornamental features, rain gutters and eaves may extend up to 36 inches into a required yard. No building or projection thereof may extend into a utility easement or public right-of-way nor shall the dripline of any structure fall outside of the lot on which it is located.
(Ord. No. 84-08, A 15, § 1507; Ord. No. 86-06, § 25)

20-15.8 *Site Plan Review.* All uses in the Neighborhood Commercial District shall comply with Section 20-22.
(Ord. 84-08, A 15, § 1508)

20-16 CG General Commercial.

20-16.1 *Purpose.* The General Commercial District is intended primarily to serve as the central trading district of the City along major arterials. This zone provides the accommodations for the sales of commodities, performance of services, repair facilities, wholesale and retail distribution of goods and services that are conducted entirely indoors. Parking, auto sales, nurseries, service stations, mobile home sales and large vehicular equipment such as used in farming, trucking and open storage which is completely screened from view by a block wall are excluded from the provisions of being conducted entirely indoors.

Additionally, one live/work or manager/caretaker dwelling unit per legal, conforming lot and attached to a permitted use as specified in Section 20-16.2 may be permitted for upon ministerial site plan review in compliance with the provision of this chapter.
(Ord. No. 84-08, A 16, § 1601; Ord. No. 86-06, § 26; Ord. No. 04-03, § 15; Ord. No. 04-04, §§ 3, 4)

20-16.2 *Permitted Uses.*

a. Any use permitted in the Neighborhood Commercial (CN) Zone and Professional Office (PO) Zone plus the following:

Addressograph services

Apparel stores

Appliance stores

Art and antique stores

Art and craft schools and colleges

Art galleries

Art supply stores

Auction rooms

New and used automobile, motorcycle and boat sales rooms and service incidental thereto

Automobile parts supply stores

Automobile service stations

Bakeries

Banks

Bars, cocktail lounges and night clubs

Bicycle shops

Blueprint and photocopy shops

Book stores and rental libraries

Bowling alleys

Bus depots and transit stations

Business, professional and trade schools and colleges

Camera shops, photographic supplies and photography studios

Card rooms

Car washes

Catering shops

Clothing and costume rental establishments

Communications equipment buildings

Confectionery and ice cream stores

Department stores

Dry goods stores

Minor electrical and electronic equipment sales and service

Escrow offices

Farm equipment sales and services

Financial institutions

Florists

Frozen food lockers

Furniture stores

Garden shops and nurseries

Gift, novelty or souvenir shops

Glass shops

Grocery stores

Gunsmith shops

Gymnasiums and health clubs

Hardware stores

Health food stores

Hobby stores

Home furnishings

Home improvement centers

Hotels, motels and apartment hotels

Ice cream and confectionery stores

Interior decorating shops

Jewelry stores

Leather goods and luggage stores

Lending agencies

Linen supply services

Live/work use

Locksmith

Manager/caretaker use

Medical, dental and orthopedic clinics or laboratories

Millinery shops

Mobile home sales

Mortuaries

Music and dance studios

Office and business machine sales and services

Paint and wallpaper stores

Parcel delivery services

Pawn shops

Pet and bird stores

Printing shops

Public and private charitable institutions

Radio and television broadcasting studios

Restaurants, including drive-in restaurants, cafes, and outdoor cafes

Scientific instrument stores

Secretarial services

Shoe stores — sales and repair

Sign shops

Small animal hospitals and veterinary offices with no outside animal runs

Sporting good stores, including incidental boat sales

Sports arenas within buildings

Stamp and coin stores

Stationery stores

Storage garages

Tailor and dressmaking shops

Telegraph offices

Theaters and auditoriums

Tire, battery and alignment services (not including large trucks)

Tobacco shops

Travel bureaus

Upholstery shops

Variety stores

(Ord. 84-08, A 16, § 1602; Ord. No. 04-03, § 15; Ord. No. 04-04, §§ 3, 4)

20-16.3 *Conditional Uses.* The following uses may be permitted subject to the application for a conditional use permit per Section 20-21 of this Code.

a. Automobile rental agencies.

b. Electrical transmission or distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations.

c. Churches and other religious institutions.

d. Amusement centers and arcades.

e. Lodges, social halls, fraternal organizations and clubs.

f. Adult entertainment business as regulated by Chapter VI of the Municipal Code.

g. Cabinet shops.

h. Plumbing and sheet metal shops.

i. Heliports and helipads.

j. Schools and day care centers.

k. Mini-storage warehouse complexes.

l. Metal buildings.

m. A pest control business provided the business does not include any onsite storage of pesticides and chemicals.
(Ord. No. 84-08, A 16, § 1603; Ord. No. 86-06, § 27; Ord. No. 88-03, § 3; Ord. No. 89-16, § 6; Ord. No. 92-03, § 3; Ord. No. 04-03, § 15; Ord. No. 04-04, §§ 3, 4)

20-16.4 *Site Area and Frontage.* The minimum site area for the General Commercial District shall be no less than 10,000 square feet, with no less than 80 feet of frontage on an existing or planned secondary arterial and no less than 100 feet of frontage on an existing or planned primary arterial.

a. *Minimum Parcel Size in a Designated Common Parking Area in the General Commercial Zone.* The minimum lot frontage for a common parking area shall be 100 feet, and the minimum parcel depth shall be 100 feet with a minimum area of 20,000 square feet. The minimum site area for a parcel of land in

the General Commercial Zone shall be 3,000 square feet with a minimum frontage of 60 feet and minimum lot depth of 100 feet with a designated common parking area.
(Ord. No. 84-08, A 16, § 1604; Ord. No. 87-09, § 1)

20-16.5 *Building Height.* Building height shall not exceed 60 feet.
(Ord. 84-08, A 16, § 1605)

20-16.6 *Lot Depth.* The minimum lot depth shall be no less than 100 feet.
(Ord. 84-08, A 16, § 1606)

20-16.7 *Yard Requirements.*

a. The minimum front yard shall be five feet except when a greater setback is found necessary during site plan review.

b. The minimum side or rear yards shall be as follows:

1. Where a General Commercial lot abuts a side or rear yard of any R District, the side or rear yard shall be no less than ten feet.

2. The street side of a corner lot shall be five feet except that where a reverse corner lot rears upon a lot in any R District, the side yard on the street side shall not be less than 50 percent of the front yard required on the key lot.

3. In all other cases, a side or rear yard is not required.

c. There are some areas of the City where there are physical and practical difficulties in providing a five foot setback as required in paragraphs a. and b. above. In such cases the Planning Commission may reduce the required setback to not less than the setback required on the adjoining parcel(s).

d. The ordinary projection of sills, belt courses, cornices, buttresses, ornamental features, rain gutters and eaves may extend up to 36 inches into a required yard. No building or projection thereof may extend into a utility easement or public right-of-way nor shall the dripline of any structure fall outside of the lot on which it is located.
(Ord. 84-08, A 16, § 1607; Ord. No. 86-06, § 28)

20-16.8 *Site Plan Review.* All uses in the General Commercial (CG) District shall comply with Section 20-22.
(Ord. 84-08, A 16, § 1608)

20-16.9 *Development Guidelines for Live/Work or Manager/Caretaker Units.* Development of permitted residential uses (manager/caretaker live/work dwelling units shall enhance the diversity Section and Safety of mixed-use and built form through compatibly designed infill. Conversions and additions to establish live/work uses utilizing appropriate commercial amenities, building materials, and landscaping in a high quality environment is the overall goal, and shall be developed as follows:

a. Dwelling units located above commercial uses on the main floor shall have access at grade which is separate from the commercial component.

b. A maximum of one (1) manager/caretaker dwelling unit shall be located per legal parcel.

c. Two (2) off-street parking spaces shall be required per live/work or manager/caretaker unit.

d. A maximum of fifty (50) percent of the gross floor area with a maximum of one thousand two hundred fifty (1,250) square feet of all commercial development on the parcel shall be devoted to a residential dwelling unit.

e. Residential uses in the General Commercial Zone shall consist of only a manager/caretaker or live/work type dwelling unit as defined in Section 20-1.2 of this chapter.

f. A permanent commercial use as permitted in Section 20-16.2 shall be established on a parcel prior to a permitted manager/caretaker dwelling unit being established. No residential use shall be established prior to establishment of a commercial use.

g. A manager/caretaker or live/work residence shall not be permitted in conjunction with conditionally permitted uses as specified in Section 20-16.3. Further, for health, safety and general welfare purposes, manager/caretaker or live/work residence shall not be permitted within three hundred (300) feet

where hazardous materials dispensed and shall not be located on parcels accommodate bars, cocktail lounges, night clubs or adult oriented businesses.
(Ord. No. 04-03, § 15; Ord. No. 04-04, §§ 3, 4)

20-17 CS Service Commercial District.

20-17.1 *Purpose.* To provide for heavy commercial land uses along major arterial streets where a mixture of commercial/light industrial type activities has or is expected to occur. This designation accommodates those heavy commercial land uses generally not appropriate to the General Commercial area. It is intended to attract both indoor commercial uses and some selected outdoor uses which are compatible with existing or future adjoining activities. It is further meant to serve in some cases as a buffer zone between more restrictive commercial, industrial and residential areas, and to screen residential areas from noises generated by the City's transportation corridors. It is intended that this district be used in appropriate locations along select major arterial streets such as West Inyokern Road and East Ridgecrest Boulevard in such a manner as to enhance the entrances to the City. All uses wherein the open storage of appropriate materials is required shall provide for the screening of such materials from the public view by an opaque fence of no less than six feet in height. (Ord. No. 84-08, A 17, § 1701; Ord. No. 86-06, § 29)

20-17.2 *Permitted Uses.*

a. All uses permitted in the General Commercial (CG) District.

Ambulance service
Auto body and fender repair and painting
Auto repairing, overhauling and rebuilding
Bottling plants
Building material yards
Cabinet shops
Carpenter shops
Cold storage plants
Columbariums and crematoriums
Contractor storage yards
Dairy product plants
Drapery laundry and supply services
Drive-in theaters
Major electrical repair shops
Equipment rental yards

Exterminator shops
Freight forwarding terminals
Furniture warehouses and moving van services
Heating, ventilation, and air conditioning shops
Kennels and small animal boarding facilities located not closer than 500 feet from a more restrictive district unless conducted entirely indoors
Lumber yards not including sawing or planing mills
Machinery sales, rental and service
Plumbing and sheet metal shops
Research and development facilities
Service stations primarily related to truck service and repair (truck terminals)
Small animal hospitals, clinics and veterinary offices
Storage yards for commercial vehicles
Taxidermists
Tire sales in conjunction with retreading and recapping
Mobile home sales and services need not be screened by a solid fence
Warehouses except for the storage of large amounts of fuel, flammable liquids, toxic material or explosives
Welding shops (Ord. 84-08, A 17, § 1702)

20-17.3 *Conditional Uses.* The following uses may be permitted subject to the application for a conditional use permit per Section 20-21 of this Code.

a. Auto recycling yards.
b. Automobile rental agencies.
c. Churches and other religious institutions.
d. Lodges, social halls, fraternal organizations and clubs.
e. Amusement centers and arcades.
f. Electrical distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations and/or elevated pressure tanks.
g. Junk yards.
h. Schools and day care centers.
i. Watchman's quarters.

(Ord. No. 84-08, A 17, § 1703; Ord. No. 86-06, § 30; Ord. No. 88-03, § 4)

20-17.4 *Site Area and Frontage.* The minimum site area shall be no less than 20,000 square feet with no less than 80 feet of frontage on an existing or planned secondary arterial and no less than 100 feet of frontage on an existing or planned primary arterial.

a. *Minimum Parcel Size in a Designated Common Parking Area in the Service Commercial Zone.* The minimum lot frontage for a common parking area shall be 100 feet, and the minimum parcel depth shall be 100 feet with a minimum area of 20,000 square feet. The minimum site area for a parcel of land in the Service Commercial Zone shall be 3,000 square feet with a minimum frontage of 60 feet and minimum lot depth of 100 feet within a designated common parking area.
(Ord. No. 84-08, A 17, § 1704; Ord. No. 87-09, § 2)

20-17.5 *Building Height.* Building height shall not exceed 60 feet in height. (Ord. 84-08, A 17, § 1705)

20-17.6 *Lot Depth.* The minimum lot depth shall be no less than 200 feet. (Ord. 84-08, A 17, § 1706)

20-17.7 *Yard Requirements.*

a. Front yard. The minimum front yard setback shall be five feet except when a greater setback is found necessary during site plan review.

b. The minimum side and rear yards shall be as follows:

1. The street side of a corner lot shall be five feet except that where a Service Commercial lot abuts a side or rear yard of any R District, the side or rear yard shall be no less than ten feet.

2. Where a reverse corner lot rears upon a lot in any R District, the side yard on the street shall be no less than 50 percent of the front yard required on the key lot.

3. In all other cases, no side or rear yard is required.

c. There are some areas of the City where there are physical and practical difficulties in providing a five foot setback as required in paragraphs a. and b. above. In such cases the Planning Commission may reduce the required setback to not less than the setback required on the adjoining parcel(s).

d. The ordinary projection of sills, belt courses, cornices, buttresses, ornamental features, rain gutters and eaves may extend up to 36 inches into a required yard. No building or projection thereof may extend into a utility easement or public right-of-way nor shall the dripline of any structure fall outside of the lot on which it is located.

(Ord. No. 84-08, A 17, § 1707; Ord. No. 86-06, § 31)

20-17.8 *Site Plan Review.* All uses in the Service Commercial (CS) District shall comply with Section 20-22. (Ord. 84-08, A 17, § 1708)

20-18 M-1 Light Industrial District.

20-18.1 *Purpose.* To encourage and achieve appropriately located limited and small scale industrial uses for the assembly, fabrication, manufacturing and processing of goods, retailing and administrative activities, wholesaling, storage, warehousing, limited food processing, research and development, company offices, repair of service oriented facilities and truck and rail facilities.

The area designated for industrial uses on the General Plan provide opportunities for certain types of industrial uses to concentrate in mutually beneficial relationships to each other. It also provides adequate land area to meet the needs of modern industrial development that does not intrude into other noncompatible urban uses. (Ord. 84-08, A 18, § 1801)

20-18.2 *Permitted Uses.*

a. All uses permitted in the Service Commercial (CS) District.

b. Any kind of manufacture, compounding, storing, warehousing, assembling, processing, sales and service or treatment of products other than that which produces or may tend to produce, use, cause, or otherwise emit fumes, odor, dust, smoke, involve toxic materials, gas, noise or vibration that are or may be detrimental to properties and uses in the neighborhood or to the health and welfare of the occupants thereof or the City in general. When, in the opinion of the Planning Director, a proposed use does not fit the above general description, the matter will be referred to the Planning Commission for interpretation.

c. Animal hospitals, kennels and veterinary service located no closer than 500 feet from a more restrictive district unless conducted entirely indoors.

d. Office and retail stores and watchman living quarters incidental to and on the same site as the main use. (Ord. 84-08, A 18, § 1802)

20-18.3 *Conditional Uses.* The following uses may be permitted pursuant to Section 20-21.

a. Any uses not listed as permitted uses above, provided that, on the basis of the use permit application and the evidence submitted, the City Planning Commission makes the following findings in addition to the findings prescribed under Conditional Use permits.

1. That consideration of all determinable characteristics of the use which is the subject of the application indicates that the use has the same essential characteristics as the uses listed as permitted with respect to methods of operation, type of process, materials, equipment, structures, storage and appearances.

2. If the use involves nuisance or hazardous characterstics, that the application include sufficient evidence to indicate that special devices, construction or site design are planned to eliminate the nuisance or hazardous characteristic normally attendant to operation of the use.

3. In order to make the necessary findings, the Commission may require submission of technical reports by consultants or other evidence in addition to the date described in the Conditional Use permit. This date, if so required, will be the basis for granting or denying the application for a Conditional Use permit. The Commission is required to make appropriate findings in

granting or denying the Conditional Use permit. (Ord. 84-08, A 18, § 1803)

20-18.4 *Building Height.* Building height shall not exceed 60 feet. (Ord. 84-08, A 18, § 1804)

20-18.5 *Site Area.* The minimum site area shall not be less than 10,000 square feet. (Ord. 84-08, A 18, § 1805)

20-18.6 *Lot Frontage.* Each site shall have no less than 100 feet of frontage on a public street except those lots that front on a cul-de-sac or knuckle may have a frontage of not less than 70 feet. (Ord. 84-08, A 18, § 1806)

20-18.7 *Lot Width.* The minimum width shall be no less than 100 feet. (Ord. 84-08, A 18, § 1807)

20-18.8 *Lot Depth.* The minimum lot depth shall be 100 feet. (Ord. 84-08, A 18, § 1808)

20-18.9 *Coverage.* The maximum site area covered by structures shall not exceed 75 percent. (Ord. 84-08, A 18, § 1809)

20-18.10 *Yard Requirements.*

a. Front yard. The minimum front yard setback shall be five feet.

b. The minimum side and rear yard abutting any residential or Professional Office district shall be ten feet.

c. The street side of a corner lot shall be five feet.

d. No minimum side or rear yard is required except as provided above and as may be required during site plan review.

(Ord. No. 84-08, A 18, § 1810; Ord. No. 86-06, § 32)

20-18.11 *Site Plan Review.* All uses in the Light Industrial (M-1) district shall comply with Section 20-22. (Ord. 84-08, A 18, § 1811)

20-19 M-2 Heavy Industrial Zone.

20-19.1 *Purpose.* To provide an area in the City for normal operations of almost all industries that are "heavier" than those

permitted in the M-1 District and basically not compatible with residential and commercial uses. It excludes (unless effective mitigation measures are in place) offensive or unhealthful uses that involve creation or emission of dust, gas, smoke, fumes or other air pollutants, noises, vibration, liquid or solid wastes, uses that created undue traffic congestion, radioactivity, glare, fire, explosive hazard or other conditions that can conceivably affect overall health and safety of the residents of the City. (Ord. 84-08, A 19, § 1901)

20-19.2 *Permitted Uses.*

a. All uses permitted in the M-1 District.

Ordinance and accessories manufacturing

Textile mill production

Lumber and wood production such as sawmills

Paper and allied production such as paper mills

Chemicals and allied production

Petroleum refining and related industries; asphalt paving mixtures and blocks, felts and coatings

Rubber and miscellaneous plastic production

Processing leather and production of leather goods

Stone, clay, and glass production

Fabricated metal production; as in heavy metal stamping mills

Transportation equipment manufacturing

Motor vehicle wrecking and scrap metal yards provided the facility is enclosed by a solid wall not less than six feet high (Ord. 84-08, A 19, § 1902)

20-19.3 *Conditional Uses.* The following uses may be permitted pursuant to Section 20-21.

a. All uses listed as conditional uses in the Service Commercial (CS) District and Light Industrial (M-1) District.

b. The following uses and other uses which involve nuisances, dangers of fire of explosion or other hazards to health and safety require special consideration by the Planning Commission relating to public health, safety and welfare. The Commission may require submission of reports by technical consultants or other evidence in addition to the date prescribed in Section 20-21. This data, if required, will be the basis for granting or denying the application for a conditional use permit.

Cement, lime, gypsum and plaster of Paris manufacture

Charcoal, lampblack and fuel briquetts manufacture

Chemical products manufacture including acetylene, aniline dyes, ammonia, carbide, caustic soda cellulose, cholorine, cleaning and polishing preparation, exterminating agents, hydrogen and oxygen, industrial alcohol, nitrating of cotton and other materials, nitrates of an explosive nature, potash, pyroxlin, rayon yarn, and carbolic, hydrochloric, picric and sulphuric acids

Coal, coke and tar products manufacture

Dumps and slag piles

Fertilizer manufacture

Film manufacture

Fish products processing and packaging

Gas manufacture or storage

Gelatin, glue size and tallow manufacture from animal or fish refuse

Incineration or reduction of garbage, offal and dead animals

Insecticides, fungicides, disinfectants and similar agricultural, industrial, and household chemical compounds manufacture

Manure, peat and topsoil processing and storage

Metal and metal ores reduction, refining, smelting and alloying

Paint manufacture including enamel, lacquer, shellac, turpentine and varnish

Rolling mills and drop forges

Soap manufacture including fat rendering

Steam plants

Stock yards, stock feeding yards and slaughter houses

Stone quarries, gravel pits, and stone mills

Wood and bone distillation

Wood pulp and fiber reduction and processing. (Ord. 84-08, A 19, § 1903)

20-19.4 *Building Height.* Building height shall not exceed 60 feet. (Ord. 84-08, A 19, § 1904)

20-19.5 *Site Area.* The minimum site area shall be one gross acre. (Ord. 84-08, A 19, § 1905)

20-19.6 *Lot Frontage.* Each site shall have no less than 100 feet of frontage on a public street except those that front on a cul-de-sac or knuckle may have a frontage of not less than 70 feet. (Ord. 84-08, A 19, § 1906)

20-19.7 *Lot Width.* The minimum lot width shall be no less than 100 feet. (Ord. 84-08, A 19, § 1907)

20-19.8 *Lot Depth.* The minimum lot depth shall be 300 feet. (Ord. 84-08, A 19, § 1908)

20-19.9 *Coverage.* The maximum site area covered by structures shall not exceed 75 percent. (Ord. 84-08, A 19, § 1909)

20-19.10 *Yard Requirements.*

a. Front yard. The minimum front yard setback shall be five feet.

b. The minimum side and rear yard abutting any residential or Professional Office District shall be ten feet.

c. The street side of a corner lot shall be five feet.

d. No minimum side or rear yard is required except as provided above and as may be required during site plan review.

(Ord. No. 84-08, A 19, § 1910; Ord. No. 86-06, § 33)

20-19.11 *Site Plan Review.* All uses in the M-2 Heavy Industrial District shall comply with Section 20-22. (Ord. 84-08, A 19, § 1911)

20-20 Off-Street Parking.

20-20.1 *Purpose.* The following standards for off-street parking shall apply to new construction and when an existing building is altered or enlarged by the addition of floor space, dwelling units or guest rooms or where the use is otherwise intensified by a change in use, land area or seating capacity. These parking standards are required to accomplish the following:

a. To reduce traffic conflicts and congestion normally attributed to on-street parking and improve the overall maintenance and function of the street system;

b. To provide adequate and conveniently located parking spaces based upon realistic requirements for the zone or land use to be served;

c. To improve the economic stability of the community;

d. To improve the appearance of the City. (Ord. 84-08, A 20, § 2001)

20-20.2 *General Provisions.*

a. Parking spaces shall have the minimum dimensions of nine feet by 20 feet, with a one-foot double stripe between spaces where required by adopted City standards. A recreation vehicle parking space shall have a minimum of ten feet in width and 24 feet in length.

b. Not more than 20 percent of the required parking spaces may be designed for compact automobiles. Every space so used shall be clearly marked as a compact space. The minimum dimensions for compact spaces shall be seven-and-one-half feet by 15 feet, with a one-foot double stripe between spaces where required by adopted city standards. The net aisle width shall not be reduced.

c. Tandem parking spaces may be permitted but shall be limited to use by residents or employees of the facility and shall be so assigned. Tandem parking as may be permitted will be regulated by the Site Plan Review process.

d. Net Area — Coffee rooms, restrooms, hallways and mechanical rooms for heating and cooling shall not be used in calculating the required parking spaces unless otherwise stated as gross area. Where these areas are not known as in the case of a shell building, 15 percent of the gross square footage shall be deducted for the nonproductive use, the remainder of which shall be used to calculate the required parking.

e. When, after computing the number of parking spaces required, there appears a fractional requirement of one-half space or more, one additional parking space shall be required. If less than one-half, no additional space is required.

f. All parking for residential uses shall be on the same or adjacent lot, parcel or site. Parking for all other uses may be located no more than 500 feet from the subject area. Where the required off-street parking is provided for in this manner, a covenant, easement or other legal document acceptable to the approval authority shall be recorded for the benefit of the user prior to the use taking place.

g. Neither the side yard abutting a street or the front yard shall be used to meet the requirements for off-street parking purposes except in residential districts. Any use to the contrary requires a Conditional Use Permit, per Section 20-21.

h. All parking areas shall be paved with Portland cement, concrete, asphalt or other appropriate approved material as established by the Public Works Director. Four inch curbing or

wheel stops shall be provided around parking lots in all commercial, office, and industrial districts. Planters shall not drain into parking lots so as to accumulate mud or other unsightly residue.

i. The off-street parking provisions of this section may be waived by the Planning Director for unattended public utility facilities.

j. Handicapped parking spaces shall be provided in all parking lots in accordance with applicable State regulations.

k. In no event shall any parking provided pursuant to this chapter be situated in such a way that vehicles entering the parking area required by this chapter shall be required to back onto any street or thoroughfare in order to leave said property. This provision shall not be applicable to any private residence in an area zoned for private residences. On streets which have not been designated as major or secondary streets, the approval authority is granted the power to permit backing onto such streets for multiple dwellings where such backing will not create a serious or dangerous traffic hazard.

l. At the time any change in use takes place in the commercial, office or industrial districts, the parking space requirements of the new use shall be complied with prior to change of use if there is sufficient land available on the same lot or contiguous lots under the same ownership. If such change occurs in an existing building and creates a need for an increase in parking spaces by ten percent or more than exists on the site at the date of adoption of this chapter such increase in parking facilities shall be provided on the basis of the increased requirements for the new use except that if the change in use creates the need for two or less parking spaces, no additional parking spaces shall be provided, except as follows:

In the event a change in use takes place on an improved parcel of land on which no previous parking was provided and there is no area on which to supply such parking, no additional parking need be provided subject to Planning Director's approval.

m. On the same premises with every building, structure or part thereof erected or occupied for manfacturing, storage, warehouse, goods display, department store, wholesale or retail market, hotel, restaurant, hospital, laundry, dry cleaning plant, bus terminal, or other uses similarly involving the receipt or distribution of vehicles carrying materials, merchandise or passengers, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services in

order to avoid undue interference with the public use of the streets or alleys. Required loading space may be included within the required parking space adjacent to a building.

n. One parking stall shall be provided per employee, or parking shall be provided as required elsewhere, whichever is greater.

o. In all residential zones in the City a recreational vehicle, boat or a boat trailer may be parked in the following manner:

1. Outside of a structure in the side yard or rear yard area of a residential district provided that:

(a) The recreational vehicle, boat or boat trailer, except for self-propelled recreational vehicles customarily used for ordinary transportation purposes when occupying a parking space shall not obstruct the access to required parking in the garage area.

(b) In the event space is not accessible in the side or rear yard, a recreational vehicle, boat or boat trailer may be parked in the front setback area; a corner yard would be determined to have reasonable access to the rear yard unless a grade difference of three feet or more exists; in addition, a fence shall not be determined to prevent reasonable access.

2. No part of the recreational vehicle, boat or boat trailer may extend over the public sidewalk or public thoroughfare (right-of-way).

3. Parking is permitted only for storage purposes and any camper, recreational vehicle, boat or boat trailer shall not be:

(a) Used as a dwelling unit.

(b) Permanently connected to sewer lines, water lines or electricity; the recreational vehicle may be connected to electricity temporarily for charging batteries and other purposes.

(c) Used for storage of goods, materials, or equipment other than those items considered to be part of the recreational vehicle, boat or boat trailer or essential for its immediate use.

4. Notwithstanding the provisions of this section, a recreational vehicle, boat or boat trailer may be parked anywhere on the premises for loading or unloading purposes only as long as it does not overhang the public right-of-way.

5. A recreational vehicle, boat or boat trailer shall be owned or rented by the resident or guest of the resident on whose property the recreational vehicle or boat trailer is parked or stored.

6. A recreational vehicle, boat or boat trailer which is stored for a period of 72 hours or more shall not obstruct the vision of an adjoining property owner in obtaining access to a public right-of-way. Upon a determination by the Planning Director that the obstruction creates a potential safety hazard, the recreational vehicle, boat or boat trailer may be required to be relocated or removed from the site. The action of the Director may be appealed to the Planning Commission.

7. No person shall stop, stand or park an oversized vehicle on any lot or parcel in a residential district unless it is necessary to carry out work or service which requires the presence of such a vehicle on the lot or parcel. For the purpose of this section, an oversized vehicle is defined as a vehicle used for commercial purposes containing three or more axles.

p. Mobilehomes shall not be parked or stored on any residential lot.

This shall not preclude the establishment of a mobilehome as a residence as provided for elsewhere in this Code.

q. When parking standards for a use not specified in this chapter become necessary, it shall be the responsibility of the Director of Planning to so determine in writing and to have same incorporated within this section.

(Ord. No. 84-08, A 20, § 2002; Ord. No. 86-06, § 34)

20-20.3 *Residential Parking Requirements.* Residential off-street parking requirements shall be as follows:

Single-family detached dwellings	Two open or enclosed spaces
Multi-family dwelling units:	
One-bedroom	One and one-half parking spaces per unit
Two-bedrooms	Two parking spaces per unit
Three or more bedrooms	Two and one-half parking spaces per unit. NOTE: In addition, one guest parking space shall be provided on site in a convenient and accessible location for each five residential units. Projects on sites with four or fewer units are exempt from this requirement.

Condominiums or townhouses:

One bedroom	One and one-half parking spaces/dwelling unit.
Two bedroom	Two parking spaces/dwelling unit.
Three bedrooms or more	Two and one-half spaces/dwelling unit. NOTE: In addition, one-third parking space shall be provided for each dwelling unit for guest parking and one space for each five units shall be provided for recreational vehicles.
Mobilehome park	Two parking spaces/dwelling unit plus one space for each five units for guests.
Housing for elderly (public or federally assisted)	One parking space/dwelling unit plus one parking space for each five units for guests.
Inclusionary housing for elderly	Residential parking requirements for developments providing at least 50% of the units exclusively for elderly persons may be reduced up to 50% upon site plan review and approval by the City.

(Ord. No. 84-08, A 20, § 2003; Ord. No. 86-06, § 35; Ord. No. 04-03, § 15; Ord. No. 04-04, §§ 3, 4)

20-20.4 *Parking.*

a. Hotels and motels shall have one parking space for each guest room and/or sleeping room and one parking space for each two full-time employees. Additional parking shall also be provided for ancillary uses in accordance with the provisions of this chapter.

b. Each bed and breakfast inn shall have two parking spaces for the owner or resident manager plus one on-site parking space for each guest room in excess of two.
(Ord. No. 84-08, A 20, § 2004; Ord. No. 91-12, § 8)

20-20.5 *Educational Uses.*

Public and parochial elementary and junior high schools	One space for each teacher, administrator and custodian, plus sufficient space for safe and convenient bus loading and unloading of students.
High schools	One space for each teacher, administrator and custodian, plus one space for each 15 students enrolled, plus sufficient space for loading and unloading students.
Churches	One space for every four seats or 72 inches of pew space.
Colleges	One space for each teacher, administrator and custodian, plus one space for each five students enrolled.
Nursery schools and day care centers	One space for each employee, plus sufficient space for safe and convenient loading and unloading of students.
Business, professional and trade schools, art, craft, music and dancing schools	One space for each teacher and administrator, plus one space for each student in a class.

(Ord. 84-08, A 20, § 2005)

20-20.6 *Transportation Terminals and Facilities.*

Airports, heliports, bus depots, railroad stations and yards, truck terminals	Spaces as required by the approval authority during the site plan review process.

(Ord. 84-08, A 20, § 2006)

20-20.7 *Medical Uses (Inpatient).*

Medical uses	One space for each two beds plus one space for each employee.

Convalescent homes	One space for each five beds plus one space for each staff member or visiting doctor.

(Ord. 84-08, A 20, § 2006)

20-20.8 *Commercial, Industrial and Special Office Uses.*

For any use permitted in the Professional Office (PO) District except as hereinafter specifically set forth.	One parking stall per 200 square feet of gross floor area.
For any use permitted in the Neighborhood Commercial (CN), Service Commercial (CS)	One parking stall per 300 square feet of gross floor area.

or General Commercial (CG) District but not permitted in the Professional Office (PO) District except as hereinafter set forth.	
For any use permitted only in the M1 or M2 Districts, except as hereinafter set forth.	One parking space for every 500 square feet of gross floor area or one parking space for each employee employed on the shift having the largest number of employees, whichever is the greater, and one parking space for each vehicle utilized in the use.
Automotive, boat and trailer	One parking space per 300 gross square feet sales or rental yards of building for customers and guests. In addition, all other areas used for display and storage of vehicles shall be paved to City standards.
Retail nurseries	One parking space for each 1,000 square feet lumber yards and of gross land area devoted to open display other permitted uses or sales, provided that where such area customarily conducted exceeds 10,000 square feet, only one parking in the open. Space need be provided for each 5,000 square feet of such gross land area in excess of 10,000 square feet. This is in addition to the parking required for the enclosed building and underlying use.
Bowling alleys	Four parking spaces for each alley. Additional parking shall be provided for ancillary uses in accordance with this chapter.

Cocktail lounges	One parking space for each 75 square feet of gross restaurants, bars floor area or one parking space for each four coffee shops, four fixed seats, whichever is greater.
Assembly buildings	One space for each three fixed including stadiums, seats; if there are no fixed seats, one sports arenas, for each 40 square feet of gross floor area theaters, dance halls, used for assembly purposes, clubs and fraternal lodges and other places of assembly
Mini-warehouses used for long-time open or enclosed storage of recreational vehicles, boats and household materials.	As required by the approval authority during site plan review

(Ord. No. 84-08, A 20, § 2008; Ord. No. 86-06, § 36)

20-20.9 *Medical and Dental Offices.* Three spaces for each doctor and practitioner plus one space per employee. (Ord. 84-08, A 20, § 2009)

20-20.10 *Public Buildings (Other Than Education).* One space for each 400 square feet and as may be further required by the approval authority. (Ord. 84-08, A 20, § 2010)

20-20.11 *Access.*

a. The minimum clear width of a residential driveway shall not be less than ten feet.

b. A residential access 100 feet or longer shall be a minimum of 20 feet wide or two ten-foot wide one-way drives shall be provided.

c. A residential driveway serving four or more units shall be a minimum of 20 feet wide.

d. Access shall be unobstructed by any portion of a building.

e. A commercial or industrial driveway shall be a minimum of 20 feet wide.

f. Any off-street parking area designed to accommodate four or more vehicles shall be provided with an appropriate turnaround so that all vehicles may enter the street by forward motion.

g. Where an accessory garage or carport is accessible to vehicles from an alley, the accessory structure shall be located not less than five feet from the property line. (Ord. 84-08, A 20, § 2011)

20-20.12 *Requirements in Case of Mixed Occupancy.* In the case of mixed uses in a building or on a lot, the total requirements for off-street parking facilities shall be the sum of the requirements of the various uses computed separately. Off-street parking facilities for one use shall not be considered as providing required parking facilities for any other use except as hereinafter specified for common facilities, or joint use. (Ord. 84-08, A 20, § 2012)

20-20.13 *Common Parking Facilities.* Common parking facilities may be provided in lieu of the individual requirements contained in this chapter, but such facilities shall be approved by the approval authority as to the size, shape, and relationship to business sites to be served, provided the total of such off-street parking spaces, when used together, shall not be less than the sum or the various uses computed separately. Such common parking area shall be adjacent to the building which it is intended to serve, and secured by a conjunctional parking agreement (if required) approved by the City.

Joint use of parking facilities as compared to common use shall be based upon hours of operation of mutual uses in which peak parking load requirements do not occur at the same time of day (i.e. daytime use vs. nighttime use). The applicant shall show in writing that there is no substantial conflict in the principal operating hours of the contributing uses for which the joint use of off-street parking facilities is proposed. (Ord. 84-08, A 20, § 2013)

20-20.14 *Storage and/or Parking of Commercial Vehicles in R Districts.* No commercial vehicle exceeding a manufacturer's gross weight of 10,000 pounds shall be parked or stored on a lot or parcel in any residential district. (Ord. 84-08, A 20, § 2014)

20-20.15 *Parking Lot Lighting.* Lighting shall be indirect, hooded and arranged to reflect light away from adjoining properties and streets. Light standards shall be a maximum of 16 feet in height. (Ord. 84-08, A 20, § 2015)

20-20.16 *Parking Lot Dimensions.* All parking for public or private uses shall be provided in accordance with City standards as established by the City Council. (Ord. 84-08, A 20, § 2016)

20-21 Conditional Use Permits.

20-21.1 *Purposes.* In certain districts, as specified in this chapter, conditional uses may be authorized by the granting of a use permit. Because of their special characteristics, conditional uses require extraordinary consideration to minimize possible adverse impact upon surrounding properties. In order to give the district flexible use regulations that are necessary to achieve the objectives of this chapter, the Planning Commission is empowered to grant and to deny applications for use permits and to impose reasonable conditions upon the granting of use permits. (Ord. 84-08, A 21, § 2101)

20-21.2 *Powers of City Planning Commission.* The Planning Commission may grant or deny Use Permits for conditional uses in such districts as are prescribed in the regulations for each district in this chapter with the procedures prescribed in this section. (Ord. 84-08, A 21, § 2102)

20-21.3 *Application and Fee.* Application for a Use Permit shall be made to the Secretary of the Planning Commission on a form prescribed by the Commission which shall include the following data:

a. Name, address and signature of the property owner.

b. Statement that the applicant is the owner of the property or is the authorized agent of the owner.

c. Address and legal description of the property.

d. A concise statement setting forth the precise circumstances or conditions applicable to the land, structure or use which makes the granting of a Use Permit necessary for the preservation and enjoyment of a substantial property right, together with all data pertinent to the findings prerequisite to the granting of a use permit.

e. The complete application, together with the information required in subsection 20-22.4d. that may be required by the Planning Commission to make the necessary findings, shall be accompanied by a fee set by resolution of the City Council sufficient to cover the cost of handling the application as prescribed in this section. If the application is incomplete, the application shall be returned to the applicant.

f. In the event that an application for a conditional use permit requires the concurrent approval of other development plans, the plans shall be processed in accordance with other requirements as set forth in this Code. (Ord. 84-08, A 21, § 2103)

20-21.4 *Public Hearing - Notice.* The Planning Commission shall hold a public hearing on each application for a conditional use permit. Notice of the public hearing shall be given by the Secretary of the Commission not less than ten days nor more than 20 days prior to the hearing as follows:

a. Notice shall be mailed or delivered to the owner of the property or the owner's duly authorized agent and to the project applicant;

b. Notice shall be mailed or delivered to each local agency expected to provide water, sewage, streets, roads, schools or other essential facilities or services to the project whose ability to provide those facilities and services may be significantly affected;

c. Notice shall be mailed or delivered to all owners of real property shown on the last equalized assessment rolls within 300 feet of the subject property; and

d. The notice shall either be published once in a newspaper of general circulation within the City or posted in at least three public places in the City including one public place in the area directly affected by the proceeding.

(Ord. No. 84-08, A 21, § 2104; Ord. No. 85-20, § 4)

20-21.5 *Public Hearing — Procedure.* At the public hearing, the Planning Commission shall review the application and the statement and drawings submitted therewith and shall receive pertinent evidence concerning the proposed use and the proposed conditions under which it would be operated or maintained, particularly with respect to the findings prescribed in subsection 20-21.7. (Ord. 84-08, A 21, § 2105)

20-21.6 *Investigation, Report and Notice.* The Secretary of the Planning Commission shall make an investigation of the application as to its compliance with subsection 20-21.3 and shall prepare a report thereon which shall be submitted to the Planning Commission. Such report shall include a recommendation as to the action to be taken by the Commission and a statement supporting such recommendation. The Secretary of the Planning Commission shall give written notice to the applicant of the time when the application will be considered by the Planning Commission. (Ord. 84-08, A 21, § 2106)

20-21.7 *Action by the Planning Commission.* The Planning Commission may approve an application for a conditional use permit as applied for or in modified form if, on the basis of the application and the evidence submitted the Commission makes all of the following findings:

a. That the proposed location of the use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to or inharmonious with properties or improvements in the vicinity.

b. That there are circumstances or conditions applicable to the land, structure or use which makes the granting of a use permit necessary for the preservation and enjoyment of a substantial property right.

c. That the proposed location of the conditional use is in accordance with the objectives of the zoning chapter and the purposes of the district in which the site is located. (Ord. 84-08, A 21, § 2107)

20-21.8 *Conditional Use Permit Revocable.* A use permit may either be revocable or be approved for a limited time period, or may be approved subject to such conditions as the Commission may prescribe.

The Commission also may deny an application for a use permit. (Ord. 84-08, A 21, § 2108)

20-21.9 *Effective Date.* A use permit shall be effective five working days following the date on which the use permit is granted. The approved Use Permit with any conditions shown thereon or attached thereto, shall be dated and signed by the

Secretary to the Planning Commission. One copy of the said use permit and conditions shall be mailed to the applicant. (Ord. 84-08, A 21, § 2109)

20-21.10 *Appeal of Planning Commission Decision.*

a. An applicant, the City, any concerned property owner or resident may appeal, in writing, a decision of the Planning Commission if the applicant, property owner or resident is of the opinion that the Commission's decision does not conform to City policies and standards. The appeal shall be accompanied by an appropriate fee as set by the City Council.

b. Such appeal of a Planning Commission decision must be filed within five working days following the Commission decision. The Secretary of the Commission shall then transmit to the City Clerk the use permit application and all other data filed therewith, the minutes of the public hearing, the staff report, the findings of the commission and its decision on the application.

c. The Council shall review the decision of the Planning Commission not sooner than 45 days nor later than 90 days after receipt of the written appeal. The record on appeal shall consist of the evidence presented to the Planning Commission and additional evidence the Council deems relevant. The Council shall affirm, reverse or modify the Commission's decision or remand the matter to Commission for further proceedings. Findings shall be prepared if the Council reverses or modifies the decision or affirms the decision on the grounds other than those stated by the Commission.
(Ord. No. 84-08, A 21, § 2110; Ord. No. 86-35, § 1)

20-21.11 *Building Permit.* Before a building permit may be issued for any building or structure proposed as part of the approved conditional use permit application, the Building Official shall determine that the proposed building location, facilities and improvements are in conformity with the site plan and conditions approved by the Planning Commission and/or City

Council. For this purpose the applicant shall stake the property lines deemed necessary by the Building Official. Before a building may be occupied, the Building Official shall certify to the planning agency that the site has been developed in conformity with the site plan and conditions approved by the Planning Commission or the City Council. (Ord. 84-08, A 21, § 2111)

20-21.12 *Lapse of Use Permit.* A use permit shall lapse and become void one year following the date on which the permit became effecive unless by conditions of the use permit a lesser or greater time is prescribed in accordance with subsection 20-21.13, or unless prior to the expiration of one year, a building permit is issued by the Building Official and construction is commenced and diligently pursued toward completion on the site which was the subject of the use permit application. A use permit may be renewed for an additional period of up to one year provided that, prior to the expiration of the time period granted, an application for renewal of the use permit is filed with the Planning Commission. The Commission may grant or deny an application for renewal of a use permit. (Ord. 84-08, A 21, § 2112)

20-21.13 *Time Limit for Development.* The Planning Commission may establish a lesser or greater time limit than that provided by subsection 20-21.12 within which the subject property and use or any stage of phase thereof shall be commenced and completed. The time limits set by the Planning Commission shall be reasonable, based on the size, nature and complexity of the proposed development. (Ord. 84-08, A 21, § 2113)

20-21.14 *Pre-Existing Conditional Uses and Use Permits.* A conditional use permanently and legally established prior to enactment of this chapter shall be permitted to continue and may be either a conforming use or a nonconforming use.

A conditional use permit granted under the provisions of the Kern County Zoning Ordinance and supplementary provisions thereto prior to the enactment of this chapter shall, upon the annexation of the property affected to the City, become null and void at the end of one year following the date of its original approval or extension thereof granted by the County prior to the annexation and shall thereafter be classified as a nonconforming use or be the subject of a new CUP application.

A use permit shall be required for the reconstruction of a structure housing a conditional use established prior to enactment of this chapter if the structure is destroyed by fire or other calamity or by an act of God or by the public enemy to the extent of 75 percent of more. The extent of such partial destruction shall be determined by the Building Official.

An accessory structure added to a conditional use may be administratively approved by the Planning Director. (Ord. 84-08, A 21, § 2114)

20-21.15 *Revocation.* Upon violation of any applicable provisions of this chapter, or failure to comply with the conditions of approval, a use permit shall be suspended. Notice of such suspension shall then be sent immediately by the Secretary of the Planning Commission to the holder of the use permit with a copy thereof to the City Council. Within 30 days of the suspension, the City Council shall consider the suspension. If not satisfied that the regulations, general provisions, conditions or conditions of approval are being substantively complied with, the City Council shall revoke the use permit and take such appropriate action as may be necessary to insure compliance with the regulations, general provisions and conditions of approval. The Secretary of the Planning Commission shall notify the applicant in writing of the City Council's decision. Upon notification of suspension, the holder of the use permit shall cease all activities on the property which are subject to the use permit. (Ord. 84-08, A 21, § 2115)

20-21.16 *Notation on Zoning Map.* A use permit shall be indicated on the appropriate zoning map by a number located on the site of the conditional use (e.g. CUP 81-5). (Ord. 84-08, A 21, § 2116)

20-21.17 *New Application.* Following the denial of a use permit application or the revocation of a use permit, no application for a use permit for the same or substantially the same conditional use on the same site shall be filed within one year from the date of denial or revocation of the use permit. (Ord. 84-08, A 21, § 2117)

20-21.18 *Use Permit to Run With the Land.* A use permit granted pursuant to the provisions of this section may run with the land and may continue to be valid upon a change of ownership of the site or structure which was the subject of the use permit application, or those which, by their terms, are not made permanent. (Ord. 84-08, A 21, § 2118)

20-21.19 *Density Limit or Intensity of Use.* No use for which a conditional use permit has been applied for shall exceed the residential density criteria as specified in the General Plan. For example, the Low-Density Residential criteria of the General Plan allows no more than six units per gross acre. The only exception to this section is when an applicant applies for and is granted a conditional use for a mobile home park as regulated by Section 20-12. (Ord. 84-08, A 21, § 2119)

20-22 Site Plan Review.

20-22.1 *Purpose.* The purpose of site plan review is:

a. To insure that the projects listed in subsection 20-22.2 conform to the General Plan and all applicable Code provisions of the City and State;

b. To maintain and encourage high standards of development; and

c. To provide the applicant with an informative review to assist in the efficient and coordinated processing of projects consistent with City standards and requirements.

(Ord. 84-08, A 22, § 2201; Ord. No. 86-29, § 1)

20-22.2 *Included Projects.* These projects shall not be considered for approval or permit until site plan review has been completed.

a. Conceptual development plans.

b. Preliminary development plans required by subsection 20-23.4.

c. Municipal reorganizations and annexations.

d. Specific plans.

e. Tentative tract maps.

f. Parcel maps.

g. Precise development plans required by subsection 20-23.5.

h. Conditional use permit applications where new buildings or substantial alterations are proposed.

i. Conversion of residential structures to commercial or industrial uses.

j. Any proposed new development, a building, or substantial alteration within a zoning district that requires site plan review.

(Ord. No. 86-29, § 2; Ord. No. 92-07, § 3)

20-22.3 *Application Content.* Site plans for staff review shall be submitted to the Director of Community Development in a number the Director determines necessary to facilitate staff review. All site plans shall be on folded sheets of a minimum eight and one-half by eleven inch (8 1/2" x 11") size to a maximum twenty-four by thirty-six inch (24" x 36") size, and shall be at an easily readable scale.

a. All submittals shall include the following information:

1. Name, address, and telephone number of the property owner.
2. Name, address, and telephone number of the property developer.
3. Name, address, and telephone number of person preparing plan.
4. North arrow oriented to top of plan sheet.
5. Scale.
6. Vicinity map showing site location.
7. Property lines of the entire legal parcel(s).
8. Delineations of any easements on the property.
9. Names of adjacent streets and intersections.
10. Width of adjacent streets and alleys.
11. Legal description of the subject property.
12. Street address of the subject property (if assigned).
13. Zoning designation of the subject property and surrounding properties.
14. Existing land uses of the site and surrounding properties.
15. Area of the subject property.

b. Projects described in subsection 20-22.2, paragraphs e. through i., shall also include the following:

1. Street and/or alley dedications, if applicable.

2. All existing and proposed public improvements within adjacent streets and alley rights-of-way (curb, gutter, sidewalk, street lights, parkways, fire hydrants, power poles, water lines, gas lines, sewer lines, telephone lines, etc.).

3. Existing and proposed public rights-of-way within the subject property.

4. Existing or proposed easements within or immediately outside the site.

5. Location of on-site and off-site drainage facilities.

6. Area of each parcel (gross and net).

7. Physical features on the property and immediately adjacent to property lines (fences, walls, power poles, buildings, slopes, etc.).

c. Projects described in subsection 20-22.2, paragraphs h. through j. shall also include the following:

1. Location of all buildings (main and accessory), fences and/or walls, paved areas and landscape areas, and all shall be labeled as either existing or proposed.

2. Percentage of area covered by buildings, landscaping and pavement on each parcel.

3. Location of existing and proposed on-site water lines, sewer lines, septic tanks and fire hydrants.

4. Type of construction per Uniform Building Code.

5. Height and number of stories of all buildings and structures.

6. Dimensions from building(s) to property lines and to other buildings or structures on the property.

7. Uses of all buildings (existing and proposed) and areas on the property.

8. Exterior building materials including materials of fences, walls and accessory structures.

9. Off-street parking including dimensions of individual parking spaces, internal circulation pattern for pedestrian and vehicular traffic, wheel stops and type of surfacing proposed.

10. Driveway widths.

11. Computation of total parking required per use on each parcel and indentification of total number of spaces provided (covered and uncovered indicated separately) on each parcel by type (e.g.: normal stall size, compact stall, handicap stall).

12. Computation of landscape areas required and the square footage of areas proposed for landscaping.

13. Location of landscaping including existing and proposed trees, shrub masses and ground cover area.

14. Loading spaces including dimensions.

15. Estimated quantities of earth to be moved.

16. Direction of drainage flow with slope in percentage.

17. Signs including area, location, height, illumination and mechanical movement.

18. On-site lighting.

19. Trash enclosures.

20. Location of outdoor storage areas.

21. Exterior architectural projections.

22. Location of all entrances.

23. Location of mechanical equipment and proposed screening.

24. Proposed swimming pools, patios and/or recreation areas.

d. The Director of Community Development may require additional information or materials when necessary to accurately and adequately review a specific project. The Director of Community Development may waive any information described above upon determination that it is not relevant to the review. Any decision made by the Director pursuant to this subsection shall include a written justification which shall become part of the project record and accompany the application before the Planning Commission.
(Ord. No. 86-29, § 3; Ord. No. 92-07, § 4)

20-22.4 *Procedure.*

a. The Director of Community Development, directed by City staff, and such utility service representatives as may be available shall, within 21 working days after completion of

filing, conduct a review of the submitted project. The applicant shall be invited to attend the review meeting.

b. The Director of community Development shall, within 15 working days after the review, prepare and mail to the applicant a site plan review letter summarizing the Code requirements and recommendations of staff.
(Ord. No. 86-29, § 4)

20-22.5 *Fees.* Fees, established by resolution of the City Council, shall be paid by the applicant at the time of filing or appeal, to defray costs incurred by the City related to the application or appeal. (Ord. No. 86-29, § 5)

20-22.6 *Appeal.* The applicant may appeal any of the conditions set forth in the Director's letter of determination by filing a written request for review with the Planning Commission within 30 calendar days of the date of the Director's letter. Such appeal must be made in writing, shall stipulate the points of disagreement, shall be accompanied by

a sufficient number of copies of the plan to facilitate Commission review. (Ord. No. 86-29, § 6)

20-22.7 *Subsequent Site Plan Review.* A subsequent site plan review application shall be required prior to issuance of building permits or Commission consideration if more than 18 months have lapsed since any prior site plan review for an uncompleted project or if the applicant revises the proposed project in such a way as to materially change the requirements as determined by the Director. (Ord. No. 86-29, § 7)

20-22.8 *Effect of Code Change.* Site plan review shall not be construed to vest or grant any development right. Should legal requirement changes occur subsequent to any site plan review, the changes will be incorporated into any building permits issued on the project or any Commission actions. (Ord. No. 86-29, § 8)

20-23 Planned Unit Development Zoning Overlay District.

20-23.1 *Purpose and Intent.* This section is intended to allow diversification in the relationship of various land uses, buildings, structures, lot sizes, setbacks, open space and subsequent design. The Planned Unit Development, hereinafter sometimes "PUD", provides an integrated development by offering the opportunity for cohesive design when flexible regulations are applied. It offers the opportunity to provide a more functional, aesthetically pleasing and harmonious living and working environment within the City which otherwise might not be possible by strict application and adherence to the other provisions of this Code. In all instances, however, the Planned Unit Development shall conform in all respects with the General Plan. A Planned Unit Development normally consists of individually-owned lots together with common areas (open space, recreation and sometimes street improvements), which are owned in common by the lot owners. (Ord. No. 88-12, § 3)

20-23.2 *Application and Fee.*

a. The following information shall be supplied by the applicant for a PUD.

1. A preliminary development plan, drawn to a reasonable scale on 24-inch by 36-inch standard sheets, which shall indicate:

(a) The proposed use or uses of all land within the subject area and the conceptual architectural design of all typical buildings and structures proposed in the development.

(b) A circulation plan for all vehicular or pedestrian ways.

(c) Landscaping, parking, recreation areas, and other proposed common or open space areas.

(d) General indication of drainage and utility provisions to serve the development.

(e) Location and type of all proposed and existing structures, and indicating the location of all known and proposed easements.

2. A statement of reasons for including, in part or whole, any commercial, office, or other nonresidential uses in the development.

3. A statement concerning any public or quasi-public, recreational and educational areas within the development, including anticipated financing, development and maintenance.

4. Approximate location and number of dwelling units.

5. A statement indicating how and why the proposed development conforms to the General Plan.

6. A statement requesting the overlay signed by the owner (in fee) of the subject land and the owner of any option to purchase the property or any portion thereof, if any.

7. Preliminary title report or other proof of ownership.

b. The City may initiate a PUD for a specific parcel or area without providing development plans when the purpose of such zone change is determined to serve the best interests of the City.

c. The application shall be accompanied by a fee set by a resolution of the City Council.

(Ord. No. 88-12, § 3)

20-23.3 *Procedure.*

a. The Community Development Director shall review the application with the applicant and appropriate City depart-

ments to determine whether the proposal meets the requirements of this section. When the proposal satisfies the general requirements of this section, the Community Development Director shall schedule the proposal for hearing by the Commission.

b. The Commission shall conduct a duly noticed public hearing to consider the proposal. The notice shall be given and the hearing shall be conducted in the same manner as notices are given and hearings are conducted for zone amendments.

c. If the Commission approves a proposal, the Council shall conduct a duly noticed public hearing to consider the proposal. The notice shall be given and the hearing shall be conducted in the same manner as notices are given and hearings are conducted for zone amendments. The decision of the Council shall be final. (Ord. No. 88-12, § 3)

20-23.4 *Required Findings.* In approving and adopting the PUD application the Commission and the Council shall find the following:

a. The applicant intends to start construction within two (2) years from the effective date of the PUD;

b. The proposed Planned Unit Development is in compliance with the General Plan;

c. In the case of residential, commercial, and/or office development, that such development will constitute an urban environment of sustained desirability and stability, and that it will be in harmony with the character of the surrounding neighborhood and community;

d. The development of a harmonious, integrated plan justifies exceptions from the normal application of this Code;

e. The conditions placed upon this development are necessary to achieve the purpose and intent of this Code.
(Ord. No. 88-12, § 3)

20-23.5 *PUD Standards.*

a. The final development plan for the PUD shall include the following minimum information:

1. A site plan showing location and general dimensions of all proposed streets, parking area, pedestrian ways, recreational and common use facilities, general landscaping features, and the locations, number of stories and number of dwelling units of proposed buildings.
2. Conceptual elevations or perspective drawings showing general architectural appearance of proposed buildings.
3. Preliminary plans of all proposed utilities including but not limited to water, sewer, communications, power and natural gas.
4. Preliminary drainage plan providing engineering information to determine adequacy.
5. A general statement indicating planned phases and timing of implementation.
6. A general statement of proposed provisions for maintenance and operation of common facilities.

b. There is no minimum site area for a PUD.

c. A PUD shall include only those uses allowed as either permitted or conditional uses in the zoning district which the PUD overlays, subject to the following:

1. The number of dwelling units or commercial sites within the development does not exceed the number of dwelling units or commercial sites permitted by the underlying zoning;
2. The uses permitted by the PUD overlay are not more intensive than those permitted by the underlying zoning: and
3. Gross area may be used in determining the number of units per acre allowed under the PUD.

d. The minimum common open space, not including streets or parking, in a PUD shall be ten percent of the net site area used for industrial or commercial development, this area to be used for landscaping and walkways or 20 percent of the net site area used

for multi-family residential or single-family condominium development, this area to be used for landscaping, walkways, and common recreational areas.

e. All roof-mounted heating and cooling equipment proposed for any commercial or industrial structure located within a PUD shall be screened from public view by a parapet or other structural feature designed to match other portions of the building.

f. Open area and density per dwelling unit shall be as shown on the final development plan for the PUD. The permitted number of dwelling units may be distributed without applying the regulations of the underlying zone or zones, provided the development shall conform with the requirements of the general plan.

g. All common areas, including open spaces, community recreation facilities, common walkways, parking areas, private streets, sidewalks, curbs and gutters and all improvements as required by Chapter 19 which are not dedicated and accepted, may be constructed only upon provision for preservation and future maintenance in a manner acceptable to the City.

h. All areas outside the property lines between sidewalks and the property lines shall be maintained through maintenance districts or deed restrictions to guarantee the perpetual maintenance of right-of-way landscaping. All documents must be referred to the City Attorney and the Planning Commission for approval of their sufficiency.
(Ord. No.88-12, § 3; Ord. No. 06-06, § 2)

20-23.6 *Latitude of Regulations.* The Commission may require in the development plan: standards, regulations, limitations, conditions and restrictions more restrictive than those specified elsewhere in this Code and which are designed to protect and maintain property values and community, including and relating to but not limited to the following:

a. Height limitations on buildings and structures;

b. Percent coverage of land by buildings and structures;

c. Parking ratios and areas so expressed in relation to use or various portions of the property and/or building floor area;

d. The location, width and improvement of vehicular and pedestrian access to various portions of the property including portions within abutting streets;

e. Planting and maintenance of trees, shrubs, plants and lawns in accordance with a landscaping plan;

f. Construction of fences, walls and floodlighting of an approved design;

g. Limitations upon the size, design, number, lighting and location of signs and advertising structures;

h. Arrangement and spacing of buildings and structures to provide appropriate open spaces around same;

i. Location and size of off-street loading areas and docks;

j. Uses of buildings and structure by general classification, and specific designation;

k. Architectural design of buildings and structures;

l. Schedule of time or phasing for construction and establishment of the proposed buildings, structures or land uses or any stage of development thereof;

m. Requiring of performance bonds to insure development as approved, if deemed necessary by the Commission;

n. Submit private deed restrictions, as approved by the Department of Real Estate, that are necessary to assure the continued viability and maintenance of the proposed development.

(Ord. No. 88-12, § 3)

20-23.7 *Development Plan Modification.* The final development plan may be modified only by submitting an application and following the same procedure as is required in the initial review.

The City Engineer and Director may authorize minor modifications to an approved PUD, provided the modification is in substantial compliance with the approved final development plan.
(Ord. No. 88-12, § 3)

20-23.8 *Termination of the PUD.* The applicant shall commence construction no later than one (1) year from the effective date of the PUD. If construction has not been commenced, the PUD shall become null and void and the land use classification shall revert to the designation in effect immediately before the PUD overlay. Extensions of time to commence construction may be granted by the Commission with the approval of the Council upon presentation of proof of substantial hardship that inhibits the commencement of the development. Any such extension shall not exceed two (2) years.
(Ord. No. 88-12, § 3)

[The next page is 2098.7]

20-24 Variances.

20-24.1 *Purpose.* The Planning Commission is hereby empowered to grant variances in order to lessen practical difficulties and unncesssary hardships inconsistent with the objectives of the zoning ordinance which would result from a strict or literal interpretation and enforcement of the regulations prescribed by this chapter. A practical difficulty or unnecessary physical hardship may result from the existing size, shape or dimensions of a site or the location of existing structures thereon from geographic, topographic or other physical conditions on the site or in the immediate vicinity, or from population densities, street locations or traffic conditions in the immediate vicinity. The power to grant variances shall not extend to use regulations. (Ord. 84-08, A 24, § 2401)

20-24.2 *Authority of City Planning Commission.* The Planning Commission may grant variances to the regulations prescribed by this chapter with respect to fences and walls, site area, width, frontage, depth, coverage, front yard, rear yard, side yards, height of structures, distances between structures, off-street parking facilities and off-street loading facilities, in accordance with the procedure prescribed in this section. (Ord. 84-08, A 24, § 2402)

20-24.3 *Application and Fee.* Application for a variance shall be made to the Planning Commission, accompanied by a fee as set by the City Council, on a form prescribed by the Planning Commission which shall include the following data:

a. Name and address of the applicant;

b. Signature of the owner and a statement that the applicant is the owner of the property or is the authorized agent of the owner;

c. Address and legal description of the property;

d. A concise statement of the precise nature of the variance requested, showing the practical difficulty or unnecessary physical hardship that is inconsistent with the objectives of the zoning ordinance, together with any other data pertinent to the findings prerequisite to the granting of a variance prescribed in subsection 20-24.7.

The application shall be accompanied by a site plan which shall comply with the provisions of subsection 20-22.4d.

The application shall be filed with the Secretary of the Planning Commission and shall be considered by the Planning Commission within 60 days following the filing date. The Secretary of the Planning Commission shall give notice to the applicant of the time when the application will be considered, and he may give notice of the time to any other interested party. (Ord. 84-08, A 24, § 2403)

20-24.4 *Hearing and Notice.* The Planning Commission shall hold a public hearing in accordance with the provisions of subsections 20-21.4 and 20-21.5. (Ord. 84-08, A 24, § 2404)

20-24.5 *Public Hearing — Procedure.* At a public hearing, the Planning Commission shall review the application and the statements and drawings submitted therewith and shall receive pertinent evidence concerning the variance, particularly with respect to the findings prescribed in subsection 20-24.7. (Ord. 84-08, A 24, § 2405)

20-24.6 *Investigation and Report.* The Secretary to the Planning Commission shall make an investigation and shall prepare a report thereon in accordance with the provisions of subsection 20-21.6. (Ord. 84-08, A 24, § 2406)

20-24.7 *Action of the Planning Commission.*

a. The Planning Commission may grant a variance to a regulation prescribed by this chapter as applied for or in a modified form, if, on the basis of the application, investigation and evidence submitted, the Commission makes all the following findings:

1. That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the zoning ordinance.

2. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties classified in the same zoning district.

3. That strict or literal interpretation and enforcement of the specified regulations would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district.

4. That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district.

5. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

b. The Planning Commission may grant a variance to a regulation prescribed by this chapter with respect to off-street parking facilities or off-street loading facilities as the variance was applied for or in modified form, if, on the basis of the application, investigation and the evidence submitted, the Commission makes the findings prescribed in paragraph a. of this subsection and the following additional findings:

1. That the granting of the variances will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic on the streets.

2. That the granting of the variance will not create a safety hazard or any other condition inconsistent with the objectives of the zoning ordinance.

A variance may be revocable, may be granted for a limited time period, or may be granted subject to such conditions as the Planning Commission may prescribe. The Planning Commission may deny a variance application.

A variance shall become effective upon the expiration of five working days following the date on which the variance was granted unless an appeal has been taken to the City Council in accordance with subsection 20-21.10.

(Ord. No. 84-85, A 24, § 2407; Ord. No. 86-06, § 38)

20-24.8 *Lapse of Variance.* A variance shall lapse and shall become void one year following the date on which the variance becomes effective unless by conditions of the variance a greater time is allowed, or unless prior to the expiration of one year, a building permit is issued by the Building Official and construction is commenced and diligently pursued toward completion on the site or the permit or entitlement is executed which was the subject of the variance application.

(Ord. 84-08, A 24, § 2408)

20-24.9 *New Application.* Following the denial of a variance application, no application for the same or substantially the same variance on the same or substantially the same site shall be filed within one year of the date of denial of the variance application or revocation of the variance. (Ord. 84-08, A 24, § 2409)

20-24.10 *Reserved.**

20-25 Amendments to Zone District Boundaries and Zoning Ordinance Text Changes.

20-25.1 *Purpose.* As the General Plan of Ridgecrest is put into effect over the years, there will be a need for changes in district boundaries and other regulations of this chapter so as to accomplish the purpose and intent of the Zoning Code. As the General Plan is reviewed and revised periodically, other changes in the regulations of this chapter may be warranted. Such amendments shall be made in accordance with the procedure prescribed in this section. (Ord. 84-08, A 25, § 2501)

20-25.2 *Initiation.* A change in the boundaries of any district may be initiated, if consistent with the General Plan, by the City of Ridgecrest, an owner of the property or a majority of the property owners within the area for which a change of district boundaries is proposed, or the authorized agent of the owner.

A change in boundaries of any district, or a change in district regulations, general provisions, exceptions, or other provisions of this chapter may also be initiated by action of the Planning Commission or City Council. (Ord. 84-08, A 25, § 2502)

20-25.3 *Application and Fee.* A property owner or his authorized agent desiring to change the zoning district bound-

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*Editor's Note: Former subsection 20-24.10, Appeal of Planning Commission Action, previously codified herein and containing portions of Ordinance No. 87-06, was repealed in its entirety by Ordinance No. 92-09.

aries in which his property is located shall file an application on a form prescribed by the Secretary, which shall include the following data:

a. Name and address of the applicant.

b. Signature of the owner and a statement that the applicant is the owner of the property for which the change in district boundaries is proposed, or the authorized agent of the owner.

c. Address and legal description of the property.

The application shall be accompanied by a drawing of the site and the surrounding area for a distance of at least 300 feet from each boundary of the site, showing the location of the streets and property lines which are the subject of the zone change request.

The application shall be accompanied by a fee set by a resolution of the City Council. (Ord. 84-08, A 25, § 2503)

20-25.4 *Public Hearing — Notice.* The Planning Commission shall hold a public hearing on each application for a change of district boundaries or district regulations, general provisions, exceptions or other provisions of this chapter within 60 days of the date when the application is filed and complete. Notice of Public Hearing shall be given by the Secretary of the Planning Commission as follows:

a. Notice shall be mailed or delivered to the owner of the property or the owner's duly authorized agent and to the project applicant;

b. Notice shall be mailed or delivered to each local agency expected to provide water, sewage, streets, roads, schools or other essential facilities or services to the project whose ability to provide those facilities and services may be significantly affected.

c. Notice shall be mailed or delivered to all owners of real property shown on the last equalized assessment rolls within 300 feet of the subject property; and

d. The notice shall either be published once in a newspaper of general circulation within the City or posted in at least three public places in the City including one public place in the area directly affected by the proceeding.

(Ord. No. 84-08, A 25, § 2504; Ord. No. 85-20, § 5)

20-25.5 *Investigation and Report.* The Secretary to the Planning Commission shall make an investigation of an application and shall prepare a report thereon which shall be submitted to the Planning Commission, including a recommendation as to the action to be taken by the Commission and a statement supporting such recommendation. (Ord. 84-08, A 25, § 2505)

20-25.6 *Hearing.* At the public hearing the Planning Commission shall review the application or the proposal and may receive pertinent evidence as to why and how the proposed change is necessary to achieve the objectives of the zoning chapter, and how or why the proposed change is consistent with the stated purposes and goals of the General Plan, and for the zone classification proposed.

The Commission may review proposals for the use of the property for which a change in district boundaries is proposed or plans or drawings showing proposed structures or other improvements, in light of the fact that under the provisions of this chapter a change in district boundaries can be made conditionally. (Ord. 84-08, A 25, § 2506)

20-25.7 *Action of the Planning Commission.* Within 30 days following the completion of the public hearing, the Planning Commission shall make a specific finding in writing as to whether the change in district boundaries is required to achieve the objectives of the zoning chapter and whether the change would be consistent with the purposes and intended application of the zone classification proposed. The Commission shall either approve and recommend the enactment of the proposed amendment, and where appropriate, require contractual commitment and surety bonding to satisfy specified conditions, disapprove it, or recommend an alternative zoning district more restrictive than that proposed. The recommendation for each alternative zoning district shall constitute a disapproval of the district amendment originally proposed.

If the zone change or text amendment is approved by the Planning Commission, the Commission shall transmit a report to the City Council recommending that the application be granted, including a written statement of the reasons for the recommendation together with one copy of the application, resolution of the Commission, all other data filed therewith, the minutes of the public hearing, and the report of the Secretary to the Planning Commission. If the Commission denies and recommends against the rezone application, the City Council shall not be required to take further action unless appealed by the applicant or aggrieved party. Any aggrieved party may appeal the decision of the Planning Commission in accordance with subsection 20-21.10. (Ord. 84-08, A 25, § 2507)

20-25.8 *Reserved.**

20-25.9 *Conditional Zoning Exception.*

a. 1. Whenever an application is filed with the Planning Commission for a change in district boundaries, the Planning Commission or City Council, in lieu of granting or denying said application, may grant to the applicant a conditional zoning exception which will permit said applicant (or his assignee) to develop or use said property in accordance with said application and the provisions of this subsection.

In filing an application, the applicant may request that the application be considered as a request for a conditional zoning exception.

2. If a change in zoning district boundaries is made conditional upon certain events taking place or conditions being fulfilled by the applicant, such events and conditions thus imposed upon the rezoning application must be made to fulfill public needs reasonably expected to result from the allowable uses and/or development of the property or to avoid circumstances adverse to the public health, safety, convenience or welfare. Such conditions shall relate to the special problems of the property if rezoned, such as vehicular or pedestrian access and traffic, grading or topography, drainage, water, sewer and other infrastructure utilities or the proposed physical developments affecting nearby properties.

b. Before a conditional zoning exception may be approved by the Planning Commission or granted by the City Council, the Commission or Council may require the applicant to submit additional information relative to his proposal in the manner required in the filing of an application for a Conditional Use Permit and Site Plan Review.

c. The Planning Commission may approve and the City Council may grant a conditional zoning exception subject to any of the conditions prescribed in Section 20-21 or 20-22.

***Editor's Note:** Former subsection 20-25.8, Appeal of Planning Commission, previously codified herein and containing portions of Ordinance Nos. 84-08, 86-06 and 87-06, was repealed in its entirety by Ordinance No. 92-09.

d. Upon being granted a conditional zoning exception by the City, the applicant shall develop his property in accordance with applicable approved plans and conditions imposed under the provisions of this subsection and within a time fixed by the City Council in granting said exception, or within one year from the date of the granting of the exception where another time is not fixed by the Council, or with any extension of said period that may be granted when requested by the applicant.

e. Upon the development and use of property in accordance with the provisions of paragraph d. of this subsection, the district or part thereof for which the conditional zoning exception was granted shall thereupon be considered rezoned and established in accordance with the original application, or as set forth in the order made by City Council at the time said zoning exception was granted.

f. In the event the applicant (or his assignee) fails to develop and use his property in accordance with the provisions of paragraph d. of this subsection, the application will be deemed to be in violation of the provisions of the zoning regulations. (Ord. 84-08, A 25, § 2509)

20-25.10 *Change of Zone Plan.* A change in a district boundary shall be indicated on the zone plan map with a notation of the date and number of the ordinance amending the plan. (Ord. 84-08, A 25, § 2510)

20-25.11 *New Application.* Following the denial of an application for a change in a district boundary, no application for the same or substantially the same change shall be filed within one year of the date of denial of the application. (Ord. 84-08, A 25, § 2511)

20-26 Signs.

20-26.1 *Purpose.* The purpose of this section is to establish the necessary criteria, standards, and limits on all forms of signing, to maximize the value of this medium for identification purposes and to enhance the physical appearance of the

City. The City of Ridgecrest recognizes the need for signs, but the right to use signs must be kept consistent with the businessman's right of identification, the public's right to identify the business and the community's interest in maintaining a good appearance. It is intended by the provisions of this chapter to accomplish the following:

City. The City of Ridgecrest recognizes the need for signs, but the right to use signs must be kept consistent with the businessman's right to identification, the public's right to identify the business and the community's interest in maintaining a good appearance. It is intended by the provisions of this chapter to accomplish the following:

a. To reduce the distraction and confusion caused motorists and pedestrians by inappropriate signing and the hazards which may be attributed to it.

b. To promote attractive industrial and commercial areas while allowing effective communication.

c. To provide assurance that such communications will be easily identified.

d. To increase and encourage the preservation of visual open space which constitutes a primary public resource of economic, social and aesthetic value.

e. To establish a workable application and review process to ensure conformance and resolve questions of interpretation and application.

(Ord. 84-08, A 26, § 2601)

20-26.2 *Definitions.*

"Accessory Sign" means a sign that is secondary in purpose and provides specific information concerning the business which is not indicated on the primary identification sign(s). Accessory signs indicate such services as store hours, accepted credit cards, quality ratings or affiliations, vacancies, etc.

"Aggregate Area" means the total area of all permanent signs on the premises.

"Architectural Features" means a prominent or characteristic part of a building. Examples of architectural features are windows, columns, awnings, marquee and fascia.

"Attention-getting Devices" means any flag, streamer, spinner, light, balloon or similar device or ornamentation used for purposes of attracting attention for promotion.

"Awning" means a temporary shelter supported entirely from the exterior wall of a building and composed of non-rigid materials except for the supporting framework.

"Billboard" means an off-premise sign which directs attention to a product, place, activity, person, institution, business or subject which is not related to the premises on which the sign is located.

"Building Frontage" means the single longest building length or sum of building lengths facing either the street or the business parking lots and used for public approach.

"Canopy (or Marquee)" means a permanent roof-like shelter, either freestanding or supported by a building.

"Changeable Copy Sign" means an announcement sign, bulletin board, or sign which makes provisions for frequent changing of individual letters and other copy.

"Conforming Sign." A sign conforms when it meets all the standards and regulations established by this chapter and the Uniform Building Code, as adopted by the City of Ridgecrest.

"Copy" means any graphic, letter, numeral, symbol, insignia, text, sample, model, device, or combination thereof which relates to advertising, identification or notification.

"Directional Sign" means an on-site incidental sign designed to guide or direct pedestrian or vehicular traffic.

"Ground Sign" means a freestanding sign which is supported by itself by one or more uprights, poles, or braces in or upon the ground or by a structure other than a building, also known as a pole sign or monument sign.

"Illumination" means a sign which is illuminated by an artificial light source provided for that function.

"Maintenance" means the upkeep of signs and their support structures in a condition of good repair. This shall include the replacement or repainting of sign faces which have been damaged or have otherwise lost their ability to convey the message intended. Maintenance does not include the changing of location, orientation, size or height of a sign.

"Marquee." See "canopy."

"Monument Sign" means a freestanding sign with a solid base connected solidly to and arising from the ground, eight feet high and flush with the ground.

"Nameplate" means a sign which displays only the name, address, and occupation of the occupant of the premises, is not illuminated and does not exceed four square feet in area.

"Nonconforming Sign" means any sign which was lawfully erected or maintained prior to time of adoption of this chapter or which does not conform to this chapter.

"Off-Premises Sign" means a sign that advertises goods, products, services, or facilities not found at the sign site; a sign that directs persons to a different location from where the sign is installed.

"On-site Temporary Real Estate Sign" means a sign offering real property, personal property or a business or any combination thereof, for sale, lease or exchange and includes signs pertinent to property management. It does not include merchandise sold in the usual course of business.

"Pole Sign" refers to "ground sign."

"Portable Sign" means a sign not permanently affixed to the ground or structure, whether it is on or off the premises it is intended to identify.

"Premises" means a defined contiguous area of real property occupied by a business, institution, use or group of uses.

"Projecting Sign" shall mean a sign which is attached to and projects twelve (12) inches or more from the structure or building face, and is not parallel to the structure to which it is attached.

"Roof Line" means the top edge of the roof or top of the parapet, whichever forms the top line of the building silhouette.

"Roof Sign" means a sign erected upon a roof or parapet wall of the building.

"Sign" means any structured name, identification, description, symbol, display, illustration, or device, including component parts

and paint in view of the general public and which directs attention to a product, place, activity, person, institution or business.

"Sign Area." In computing the maximum permissible sign area or display surface, all signs shall be included in computing background area in square feet. Standard mathematical formulas for known or common shapes will be used. In the case of irregular shapes, straight lines drawn closest to the extremities of the shape will be used. The structure or structure covers supporting a sign are not included in determining the sign area, unless the structure or structure covers contain advertising copy. The area of multi-faced signs shall be the total sum of all display surfaces.

"Sign Height" means the vertical distance measured from the grade of the nearest street curb, or street grade other than on elevated roadway, to the uppermost point of the sign or structure.

"Statuary Sign" means any sign which is the modeled, outlined, or sculptured likeness of a living creature or inanimate object. Embossing which projects more than four inches beyond a sign face shall be considered modeling.

"Street Front" means the portion of a parcel facing a public street other than the side of a corner lot.

"Temporary Sign" shall mean any sign or advertising display intended to be displayed, unless otherwise specified by the Community Development Director, for a period of less than thirty (30) days.

"Temporary Directional" means a sign which directs persons to an event, business location, or offering, which is not permanent in nature, such as a new housing development, and placed on-site or off-site.

"Time and Temperature Sign" means a sign which provides information about time and temperature in the public interest without transmitting any advertising message.

"Useful Life" means the useful life of a permanent sign shall be 15 years. The useful life of a temporary sign shall be for the duration of the event for which a sign is placed, but in no case shall be considered more than one year.

"Wall Sign" means any sign painted on or attached parallel to the wall facing of a building and projecting not more than twelve inches (12"). This shall include permanent window signs.

"Window Sign" means any sign affixed to or within three feet (3') of the inside of a window in view of the general public.
(Ord. No. 84-08, A 26, § 26-02; Ord. No. 86-06, § 40; Ord. No. 87-16, § 3; Ord. No. 03-02, § 2; Ord. No. 04-03, § 15; Ord. No. 04-04, §§ 3, 4)

20-26.3 *General Regulations.*

a. *Basic Design.*

1. A sign shall not aesthetically obstruct or interrupt a major unique architectural feature of the building to which it is attached.

2. Signs shall not be attached to trees or utility poles.

3. Signs may be attached to a fence or freestanding wall only when a ground sign is not present in the development. Exempted signs, as specified in paragraph b. of this subsection, may be attached in any case when no larger than six square feet.

4. Product or trade names are permitted as a part of a permanent sign only when that product identified is integral to the use on the premises.

5. Lighting, if provided, shall be contained within or pointed at the sign and shall not reflect into surrounding property, public streets, alleys, or highways. Gas discharge tube lighting may be used for advertising messages but not for outlining architectural features. Exposed bulbs are prohibited except when used for security purposes and time and temperature signs.

6. Signs shall be of such structural design that all framework of the sign shall be contained within the body of the sign in such a manner as to not be visible. Visible guy wires are prohibited.

7. Time and temperature signs may be permitted subject to the issuance of a conditional use permit. Such signs shall not bear any advertising message within the area used to display the time and temperature and shall not be considered part of the

aggregate sign area of the premises. Advertising display may be placed on the frame or body of the sign and, if an advertising message is contained in the text, it shall be considered as part of the aggregate sign area of the premises.

8. No permit for any sign shall be issued and no sign shall be constructed or maintained which has less horizontal or vertical clearance from communications lines and energized electrical power lines than that prescribed by the laws of the State of California or rules and regulations duly promulgated by agencies thereof.

9. No sign or its supports shall be erected in such a manner or location that will physically impede or cause hazardous obstruction or distraction to the visibility of vehicles or person traveling on regularly established public or private ways.

No signs, materials or structural features except poles or pilasters shall extend into the cross-visibility area between three feet six inches and seven feet above the grade of the nearest street curb. The cross-visibility area for the intersection of driveways and public rights-of-way or two public rights-of-way is defined as a triangle having two sides ten feet long and running along the driveway and public right-of-way, said length beginning at their intersection and the third side formed by a line connecting the two ends.

10. Regulations regarding permitted aggregate sign area, maximum height and minimum setback outlined in Table 1 for each zone:

(a) Sign area, in square feet, is determined where applicable by multiplying the length of one building frontage or street front as noted by the factor in parentheses, in Table 1.

(b) Businesses with frontage and primary auto access on parallel streets are permitted to consider each frontage separately when determining maximum sign area. The area for each frontage is not transferable to the opposite frontage.

(c) Additional regulations affecting sign area, height, and setback are specified in subsection 20-26.4.

(d) Businesses with direct alley access are permitted additional wall sign area equal to one-half (1/2) square foot multiplied by the length of the building facade facing that alley. The sign area for the alley frontage is not transferable to any other street frontage or building side and shall not be used for either a monument or ground sign.

11. Conditional uses shall meet the sign requirements of the zone in which the use is permitted.

b. *Exempted Signs.* The following types of signs are permitted in all districts unless otherwise noted, and shall neither require a building permit nor be considered part of the allowable aggregate area. Such signs shall be erected and maintained in accordance with the provisions of this chapter unless otherwise provided.

1. Nameplate.

2. One "Open" and "Closed" sign not to exceed two square feet in area per frontage.

3. Private information signs not exceeding one square foot, such as "Beware of Dog" or "No Soliciting," that contain no advertising message.

4. Traffic and other municipal signs, signals, and notices which relate to the public welfare and safety which are erected by the City, County or State. Such signs shall be exempt from this Chapter's restrictions.

5. Signs directing on-premise traffic and parking when less than six square feet each, subject to Planning 'Department approval. Such signs are exempt from setback restrictions, when not exceeding three and one-half feet (3 1/2') in height, as measured from top of nearest curb, but are not permitted within the public right-of-way.

6. Memorial signs or tablets erected by governmental or historical agencies or names and dates carved in or affixed to buildings upon construction, or any sign of obvious historical value.

7. The flag of any country, state, school, corporation or non-profit corporation.

8. Signs showing the location of public telephones and signs placed by public utilities to show the locations of underground facilities.

9. Signs of a public, noncommercial nature used to indicate danger or to serve as an aid to public safety relating to road work or other construction activities.

10. Accessory signs not exceeding six square feet in total aggregate area.

11. Temporary holiday graphics.

12. Directional, warning or information signs authorized by Federal, State or Municipal authority.

13. Signs in or on public buses or other public conveyances as permitted by City Council.

c. *Prohibited Signs.*

1. Signs, except window signs four square feet or less, which move or simulate motion are prohibited. This shall include: flashing, blinking, animated, rotating signs, or signs whose illumination or surface change with time, but shall not include time and temperature signs, or wall-mounted barber poles which project less than one foot.

2. Signs which emit audible sounds, odor or visible matter.

3. Attention-getting devices, except as provided for in subsection 20-26.4.f.

4. Portable signs, unless they are displayed for a special event by a religious, charitable, or civic organization, and are limited to a time period not to exceed ten days. Not more than four such events shall be permitted in a calendar year. Portable price signs are permitted on a permanent basis for gasoline service stations as regulated in subsection 20-26.4.b.1.(b).

5. Signs which constitute a traffic hazard are prohibited. A sign shall be considered a traffic hazard:

   (a) When its location is such as to interfere with traffic sight distances, traffic flow or the visual access to name or address of a nearby business or residence or a street or traffic sign.

   (b) When its color, configuration, text, or location are such that they could be mistaken for or otherwise imitate a traffic sign or signal.

   (c) If it is in the public right-of-way unless the sign conforms to subsection 20-26.4.c.3.

6. Signs which bear or contain statements, words, or pictures of an obscene, untruthful, or misleading character.

7. Signs which are attached or otherwise portable or set on a motorized or non-motorized vehicle for the basic purpose of directing people to a business or activity located on that or any other premises. This section is not intended to prohibit typical reasonable business identification lettered on a motor vehicle.

8. Roof signs that project above a roof line.

9. No sign shall exceed twenty feet in height and no monument sign shall exceed eight feet in height.

(Ord. No. 84-08, A 26, § 2603; Ord. No. 86-06, § 41; Ord. No. 03-02, § 3)

TABLE I

Regulations Regarding Permitted Aggregate Sign Area, Maximum Height, and Minimum Setback

Zone	*Maximum Height*			*Minimum setback all except wall, projecting and monument signs****	*Aggregate Sign Area Total for All Permanent Signs*
	*Monument****	*Pole Signs***	*Wall, Roof & Win. Signs*		
Single-Family Residential	N/A	N/A	N/A	N/A	N/A
Uses such as Conditional Use Permits					(.33) × length of street frontage
Multi-Family	5'	N/A	20'	None	*(.33) × length of street frontage
Neighborhood Commercial	5'	20	30	5'	(1.5) × length of building frontage
Professional Office	5'	20'**	30'*****	5'	(1.5) × length of building frontage
General Commercial, Recreation, Schools, & Public Use	5'	20'**	60'	5'	(2.0) × length of building frontage
Service Commercial	6'**	20'	60'	5'	(2.0) × length of building frontage
Light Industrial	8'	20'	40'	5'	(2.0) × length of building frontage
Heavy Industrial	8'**	20'	40'	5'	(2.0) × length of building frontage

* The Planning Commission may by use permit allow an increase in maximum aggregate area for conditional uses in this district and for lots wider than 60 feet.
** Plus one additional foot for every five feet of additional setback from the front and corner side yard but not exceeding 25 feet.
*** Not over three feet six inches in cross-visibility area.
**** The Planning Commission may by use permit allow maximum height to vary depending on building height.
The Planning Commission may by use permit allow an increase in maximum aggregate area for lots with less than 100 feet of allowable sign frontage.

20-26.4 *Specific Regulations.*

a. *Wall and Permanent Window Signs.*

1. Wall and permanent window signs shall not be placed above the window sill of the second floor of the building unless the business is conducted above the first floor, in which case the sign shall not be placed above the window sill of the third floor nor above the maximum height allowed for the zone.

2. Murals and wall graphics shall be approved by the Planning Commission. Any written message shall be counted as part of the allowable aggregate sign area. In granting or denying approval, the Planning Commission shall consider the extent to which the proposal fulfills the following standards:

   (a) The mural or graphic shall demonstrate artistic quality or theme as opposed to direct or indirect illustrative advertising.

   (b) The colors and materials used shall be reasonably harmonious with those in the area and shall not be used for the exclusive purpose of calling attention to the mural or graphic.

   (c) The subject matter shall not be calculated to deride any person, group of persons, or activity.

b. *Ground Signs.*

1. Each parcel or group of contiguous parcels developed as a unit is permitted one ground sign structure. Additional ground signs are permitted only under the following conditions:

   (a) Where a single business or development unit has frontage and primary public access on parallel streets, one ground sign is permitted for each separate street frontage.

   (b) Gasoline service stations are permitted one separate non-illuminated price sign not to exceed 40 square feet in area or six feet in height. The price sign shall be permitted even when pricing information is in-

corporated into the primary ground sign and can take the form of a permanent ground sign or portable sign.

(c) Fast-food restaurants with drive-up windows are permitted one separate menu board adjacent to the drive-up lane not to exceed 25 square feet in area.

(d) Unique signage structures, as related to increased sign area, over height limitations, and/or other parameters not specifically listed within this chapter. Commercial shopping centers, multiple tenants of a single parcel, automobile dealers, and other uses in excess of 15,000 square feet of leased gross floor or sale area, may make application for a Conditional Use Permit for unique signage structures required for the site, under the definition of a use permit.

2. Accessory signs shall not be attached to ground sign structures.

3. Each premise in any commercial or industrial zone shall not place more than one-half their permitted aggregate sign area on a ground sign.

4. Ground signs that display nameplates shall be considered single signs regardless of the number of nameplates attached.

c. *Projecting Signs.*

1. An activity is allowed one projecting sign only when neither a ground sign or a roof sign is present in the development.

2. Projecting signs are subject to the limitations specified in the Uniform Sign Code.

3. Projecting signs may project into the public right-of-way, not to include alleys, if they conform to all other provisions of this Code and as may be further provided by the Uniform Sign Code.

4. Signs may not project within two feet of the curb lines.

5. Projecting signs may not exceed the maximum height limits permitted for the zone. Further, they may not extend vertically above the second floor window sill or, when there is no second floor, they may not extend above the parapet, eave, or roof line.

d. *Canopy Signs.*

1. Awnings, canopies, and marquees that project into the public right-of-way may have only individual cutout letters and/or symbols attached, painted, stenciled or otherwise placed on their faces.

2. Awnings, canopies and marquees may have a nameplate suspended beneath without being considered a projecting sign. The bottom of nameplates must be at least eight feet above the sidewalk and cannot extend beyond the canopy or within two feet of the curb line.

3. Signs attached above awnings, canopies, and marquees that are connected to buildings shall not extend beyond the maximum projections specified in the Uniform Sign Code. No projecting sign shall be permitted when signing is placed directly on canopies.

4. Signs shall not be attached above freestanding canopies.

e. *Roof Signs.*

1. One roof sign is permitted for each business below the lowest roof peak for each building in the CN, CG, CS, M-1, and M-2 zones.

2. Signs are not permitted above the roof peak or parapet wall nor above the maximum height allowed for the zone.

3. The bottom of roof signs shall be mounted flush with the surface of the roof and shall not interrupt roof lines or other major architectural features.

f. *Temporary Signs.*

1. Unless specified, do not require a permit but must conform to all restrictions of this chapter.

2. Temporary signs are not counted as part of the allowed aggregate area for permanent signs. However, the total area of temporary signs shall not exceed the total permitted for permanent signs.

3. No single temporary sign shall exceed 100 square feet in area.

4. Temporary signs shall not be attached to ground, projecting, or roof signs.

5. Attention-getting devices are permitted for special events subject to Planning Department approval, when limited to a period of no more than ten (10) days. No more than three special events shall be permitted in one calendar year.

6. One non-illuminated sign denoting the intended use of the building, architect, engineer, contractor, builder, realtor, and financial backer may be permitted upon premises during construction, provided that such sign does not exceed 64 square feet in area and is no more than ten feet in height. Such signs shall be removed prior to the final inspection of the project.

7. One temporary real estate sign for a subdivision may be permitted on each arterial or collector street within that subdivision. When there are no arterial or collector streets within that subdivision, one such sign may be permitted on a local street within the subdivision. It shall not exceed 32 square feet on a side nor more than 64 square feet aggregate, nor be more than ten feet in height. Such signs shall be non-illuminated. Such signs shall be removed after completion of sales activities on the property or subdivision by the builder or within 18 months, whichever occurs first.

8. One onsite temporary real estate sign for each parallel street frontage of a lot pertaining to the lease, sale, financing or construction of a building or property, provided it shall not exceed the following size and height limitations and is not illuminated.

TABLE II

Temporary Directional Signs

Zone	*Aggregate Maximum Area*	*Ground Sign Maximum Height*
Single-Family Residential	16 sq. ft. per side; 32 sq. ft. total	
	32 sq. ft. total	8 ft.
Multi-Family Residential	32 sq. ft.	8 ft.
Office and Commercial	64 sq. ft.	10 ft.
Industrial	100 sq. ft.	10 ft.

9. A noncommercial sign expressing the opinion of the owner or occupant of the appurtenant property regarding political, religious, social, or economic topics of public interest shall be permitted so long as the message remains noncommercial in nature. Such signs shall not be placed on fences, trees, utility poles, street furniture, or in the public right-of-way. Only one such sign, not exceeding an aggregate of 32 square feet may be displayed per premises until it is no longer pertinent. Signs advocating a position regarding a specific candidate or proposition shall be removed no later than five days after the election.

10. Temporary directional signs subject to approval by the Planning Director. (See subsection 20-26.4g.2.)

11. Banners, flags, and streamers except when attached to an object that is attached to the building above the roof line.

g. *Off-Premises Signs.*

1. Billboards are allowed by Conditional Use Permit in the Service Commercial (CS) District and as provided in paragraph (b) below if the Planning Commission finds the following conditions to be present:

   (a) The location of a billboard applied for is consistent with the purposes of the sign regulations of this chapter as set forth in the Statement of Purpose.

(b) The sign may be placed only along and facing the following major highways in the General and Service Commercial Districts: State Route 178 and South China Lake Boulevard.

(c) Billboards shall not exceed 20 feet in height or ten feet by 20 feet in display area per sign side.

(d) No other billboard shall be closer than 300 feet of another billboard along the same side of a street.

(e) All lighting (if provided) shall be indirect (i.e., not internally lighted).

(f) The sign shall be freestanding with the lowest point no less than seven feet off the ground.

(g) The sign shall meet all other provisions of this chapter.

(h) The findings of subsection 20-21.7 can otherwise be made.

2. Temporary directional signs are permitted for periods not exceeding 60 days. No more than four temporary directional signs shall be permitted in a one-year period. Where signs are to be displayed for longer periods of time, a Use Permit is required. In every case, such signs must meet the following conditions:

(a) The location of the directional sign applied for is consistent with the purposes of the sign regulations of this chapter as set forth in subsection 20.26.1.

(b) The sign shall display only the name and directions to the event, location, or offering.

(c) The sign shall be non-illuminated.

(d) The sign shall not exceed the size and height limitations in Table II.

(e) The sign is to be placed only at points where a turning movement is to be made.

(f) The sign shall not impair the visibility of another sign.

(g) The sign shall be removed after completion of activities on the property or subdivision or as specified in the conditions of the Use Permit.

(h) A cash deposit to cover the removal of the sign is required before the sign is erected, which is refundable upon proof that the sign has been removed. Fees required shall be as established by Council resolution.

3. Guide Signs.

(a) Guide signs are intended to direct individuals to locations which are difficult to locate and are placed as a public service, not for promotional purposes.

(b) The Planning Commission shall approve the erection and maintenance of all guide signs when special circumstances warrant such construction.
(Ord. No. 84-08, A 26, § 2604; Ord. No. 86-06, § 42; Ord. No. 87-16, § 3; Ord. No. 03-02, § 4)

20-26.5 *Special Regulations.*

a. Business without direct public access to the street parking, such as when one building is developed into several shops or offices, shall be permitted to display one nameplate per building entrance only.

b. *Development Identification.* Where several businesses are developed as a unit, such as a shopping center, that development is permitted one sign which identifies the development. The area of this sign shall not exceed the maximum allowable area for the largest business sign permitted in the development but in no case shall it exceed 100 square feet. Where the development identification is placed on a ground sign, subsection 20-26.4 is applicable.

c. *Comprehensive Sign Plans.* At the option of the owner and/or developer, a comprehensive sign plan may be provided for a specific use of groups of businesses or for the whole of a shopping center development. Such a plan may regulate the location, size, height, color, lighting, orientation, and types of

signs in the included area. Provided that such a comprehensive plan is presented and approved as outlined in subsection 20-26.8g., exceptions to this Section may be permitted.
(Ord. No. 84-08, A 26, § 2605; Ord. No. 04-03, § 15; Ord. No. 04-04, §§ 3, 4)

20-26.6 *Permit Procedure.*

a. All signs except exempt signs and most temporary signs require Planning Department approval prior to being erected, placed, altered, or moved, to insure compliance with the provisions of this chapter.

b. Where a use permit is required, it must be obtained from the Planning Commission prior to issuance of a building permit.

c. When an encroachment permit is required from the State Department of Transportation, it must be obtained prior to issuance of a building permit.

d. Three sets of sign plans shall be submitted to the Planning and Building Departments for approval. The sign plan shall contain:

1. Address of sign location.

2. Name and phone number of owner.

3. Name, address and phone number of contractor or erector.

4. Site plan showing location of signs.

5. Elecation showing locations on a building or other structure including height of sign and any projection from building.

6. Elevation of sign showing dimensions and material.

7. Construction details of typical sections for all applicable signs.

8. Sign evaluation and, for electric signs, the number of transformers.

9. Lighting details.

10. Any other information necessary to determine compliance with this chapter.

(Ord. No. 84-08, A 26, § 2606; Ord. No. 86-06, § 3)

20-26.7 *Nonconforming Signs.*

a. Nonconforming Signs - Termination Date.

1. All legal nonconforming signs, billboards, and other sign structures which were erected and in existence prior to the effective date of this chapter, which were, at the time of such erection or establishment, in compliance with all then applicable statutes and ordinances, but which do not meet the requirements of this chapter, shall be removed and/or made conforming by January 2007.

2. All legally constructed existing signs on property annexed to the City after the effective date of this chapter shall be permitted to continue as nonconforming signs for the period stated in paragraph b. of this subsection, effective starting as of the date of the annexation. Any changes to the signs or their structures in terms of location, orientation, size or height will require that all signs and their structures on the property, business, and/or development be brought into conformance with this chapter.

3. Zone Changes: Signs that are made nonconforming with the provisions of this chapter, due to a change in zoning affecting the premises on which the sign is located, shall be permitted to remain in existence, notwithstanding their nonconforming character, for the period stated in paragraph b. of this subsection, starting with the effective date of the zone change.

b. Removal.

1. The Planning Director or Public Works Director may order the removal without compensation of any nonconforming sign, billboard or sign structure meeting any of the following criteria:

(a) Any advertising display erected without first complying with all ordinances and regulations in effect at the time of its construction and erection or use.

(b) Any advertising display which was lawfully erected but whose use has ceased, or the structure upon which the display has been abandoned by its owner, for a period of not less than 90 days. Temporary signs shall be deemed to be abandoned after the sale, event or campaign which they advertise has been completed.

(c) Any advertising display which has been more than 50 percent destroyed, and the destruction is other than facial copy replacement and the display cannot be repaired within 30 days of the date of its destruction.

(d) Any advertising display which is temporary.

(e) Any advertising display whish is or may become a danger to the public or is unsafe.

(f) Any advertising display which constitutes a traffic hazard not created by relocation of streets or highways or by acts of any City or County.

(g) Any advertising display which has been altered or maintained in violation of any ordinance or regulation.

Except as provided elsewhere, the Planning Director or Public Works Director shall give 30 days written notice to the owner of the building, structure or lot on which the sign is located to remove the sign or bring it into full compliance. The Planning Director or Public Works Director may order the immediate removal of any sign billboard or sign structure if in his opinion the condition of the sign is such as to constitute an immediate threat to the safety of the public.

2. Any nonconforming onsite advertising structure for which there has been a prior agreement between the City and the owner of the sign calling for the removal of such structure, shall be removed as of the date set out in the agreement, and no compensation shall be provided.

3. Nonconforming onsite advertising structures not meeting paragraphs 1. and 2. above, which were located within an area shown as residential on the General Plan and zoned

for residential use on the date on which the advertising structure was erected shall be abated and removed within 15 years of the date of adoption of this chapter. Removal prior to said 15-year period may be required by the City Council pursuant to paragraph c. of this subsection; however, except as provided elsewhere, compensation for such prior removal shall be paid on the basis of one-fifteenth of the duplication cost of construction of the display being removed, multiplied by the number of years remaining before the expiration of said 15-year period.

4. Removal of all other nonconforming onsite advertising structures may be required at any time by the Planning Director, the Public Works Director, Planning Commission or the City Council. Except as provided elsewhere, compensation for such removal shall be paid on the basis of the greater of "fair market value" or "fair and just compensation" as defined herein.

5. Removal of any nonconforming off-site advertising structure not located in a residential area which was in existence on November 6, 1978, or was erected after that date and which complied with all regulations in effect at the time it was erected may be required at any time by Council. Compensation for such removal shall be paid as defined in the Eminent Domain Law (Title 3 of Part 3 of the Civil Procedure).

6. Removal without compensation of any nonconforming off-site advertising structure located in a residential zone district may be required by Council pursuant to paragraph c. of this subsection. In such cases, the subject off-site advertising structure shall be allowed to remain in existence and amortized for the time periods represented in the following chart. Following the expiration of said time periods, the structure shall be removed.

Fair Market Value on Date of Notice Of Removal Requirement	Minimum Years Allowed
Under $1,999.00	2
$2,000.00 to $3,999.00	3
$4,000.00 to $5,999.00	4
$6,000.00 to $7,999.00	5
$8,000.00 to $9,999.00	6
$10,000.00 and over	7

c. At the conclusion of the hearing, the Council may deny the appeal and application or grant such extension of time for the continuation of nonconforming use as the Council finds justified by the evidence.

d. General. Any nonconforming sign, billboard or advertising structure which is remodeled, enlarged, relocated or otherwise reoriented, outside of a change of copy, shall only be remodeled, enlarged, relocated or otherwise reoriented in a manner which brings the sign, billboard or advertising structure into full conformance with this Code.

Any nonconforming sign, billboard or advertising structure which is located on a site or structure which is subject to remodeling, enlargement or construction, outside of a change of copy, where such display is affected by the remodeling, enlargement, or construction shall be brought into full conformance with this Code or removed from the site or structure.
(Ord. No. 84-08, A 26, § 2607; Ord. No. 86-06, § 44; Ord. No. 03-02, § 5)

20-26.8 *Administration and Enforcement.*

a. *Administration.* This section shall be administered by the Planning Director, who is authorized and directed to enforce all provisions of this section. The Planning Director is authorized to promulgate procedures consistent with the purpose of this chapter and is further empowered to delegate the duties and powers granted to and imposed upon him under this chapter.

b. *Inspection.* Construction of all signs and their attachment is governed by the regulations of the Uniform Building Code, the Uniform Sign Code, and this chapter as adopted by the City of Ridgecrest, and shall be inspected and approved by the Building Department.

c. *Maintenance.* All signs and supporting structures shall be kept in repair and in proper state of preservation. The display surfaces of all signs shall be kept neatly painted and clean. The immediate surrounding premises shall be maintained free of weeds and rubbish. The Planning Director is authorized to order the painting, cleaning or repair of signs which become dilapidated and the cleaning of the immediate premises. Such maintenance shall be completed within 30 days of receiving written notice.

d. Any Conditional Use Permit granted for a sign or signs shall become void if the sign is altered or relocated in any way which makes the sign in violation of the requirements of this section or the conditions imposed upon the Use Permit when it was authorized.

e. *Penalties.* Failure to comply with the provisions of this section shall subject the owner to the penalties provided for in infractions as otherwise provided in this Code.

f. *Appeals.* Any person aggrieved by any decision or order of the Planning Director or Public Works Director may appeal to the Planning Commission unless such denial is based on violations of the Uniform Building Code, the Uniform Sin Code or the National Electric Code. Denial for these reasons must be appealed to the Board of Building Appeals. Appeals shall be in writing and must be filed in the Planning Department within ten days of the date of the decision or order which is being appealed.

g. *Comprehensive Sign Plans.* Such plans, as described in subsection 20-26.5c., shall be administered by the Planning Director. The plans shall contain the signature of the owner and/or developer and that written and graphic information required to fully describe what shall and shall not be permitted in the development. Those plans that do not violate this chapter's regulations shall be approved by the Planning Director. Those plans that would violate this chapter's regulations may be ap-

proved by the Planning Commission if the plans conform with the intent of this chapter and result in an improved relationship between the various parts of the development. Actions by the Planning Commission for comprehensive sign plans shall be governed by Section 20-21 (Conditional Use Permits).
(Ord. No. 84-08, A 26, § 2608; Ord. No. 86-06, § 45)

20-27 Zero Lot Line.

20-27.1 *Purpose and Intent.* The purpose and intent of the zero lot line provisions of this Code are to utilize new or existing subdivided lots in a manner not otherwise provided in the Code by providing zero lot line setback on one or both side yards in

R-1, R-2, R-3 and R-4 districts. It is also intended that the use provide more efficient use of land, reduce housing unit prices, provide better relation and utilization of outdoor space to its optimum benefit and use internal and external areas more efficiently by placing dwelling units on a side yard property line.

Where regulations provided in this chapter conflict with others of the Code, the regulations specified herein shall apply. (Ord. 84-08, A 27, § 2701)

20-27.2 *District Use.* Zero lot line uses may be located in the single-family or multi-family residential districts as conditional uses. It shall be required that any such use be processed in accordance with Sections 20-21 and 20-22 (Conditional Use Permit, Site Plan Review). (Ord. 84-08, A 27, § 2702)

20-27.3 *Minimum Site Area; Lot Dimensions and Density.* The minimum site area, lot dimensions and density shall be the same as those listed in the underlying zoning district, except the area and lot dimension of lots legally subdivided prior to the adoption of this chapter shall suffice as the minimum.

The Planning Commission may, in approving a Conditional Use Permit for a zero lot line development, impose such conditions as are reasonable and waive one or all of the required side yard setback requirements in the underlying district provided that the Commission can make all of the required findings not related to side yard setbacks as specified in subsections 20-21.7 and 20-22.7.

This provision would allow row housing provided that the end units have at least ten feet of unobstructed side yard on the two ends of a row. All provisions for off-site parking requirements, front and rear yard setbacks, height and coverage shall be governed by the underlying district. (Ord. 84-08, A 27, § 2703)

20-27.4 *Provisions for Maintenance Easements.* A perpetual five-foot minimum maintenance easement shall be provided on the lot adjacent to the zero lot line property line except that where two separate homes share a common zero line, no

easement shall be required provided the construction of all common walls meets the requirements of the Uniform Building Code and that there are adequate provisions recorded relating to the maintenance of the common area on and around the common wall and property line. This provision can be provided by the recording of appropriate conditions, covenants and restrictions (CC&Rs) as approved by the City. (Ord. 84-08, A 27, § 2704)

20-28 Enforcement and Appeal.

20-28.1 *Permits, Certificates and Licenses.* All officials, departments and employees of the City of Ridgecrest vested with the authority or duty to issue permits, certificates or licenses shall comply with the provisions of this chapter and shall issue no permit, certificate or license which conflicts with the provisions of this chapter. Any permits, certificate or license issued in conflict with the provisions of this chapter shall be void. (Ord. 84-08, A 28, § 2801)

20-28.2 *Enforcement and Penalties.*

a. It shall be the duty of the Planning Director or his authorized representative, and any other officers of the City charged by law with the enforcement of the provisions of this chapter to enforce this chapter and all of its provisions.

b. All departments, officials and public employees of the City who are vested with the duty and authority to issue licenses and permits when required by law shall conform to the provisions of this chapter.

(Ord. 84-08, A 28, § 2802)

20-28.3 *Violations; Penalties.* Any person, firm, corporation or organization violating any provision of this chapter shall be guilty of an infraction as provided by this Code and, upon conviction thereof, shall be punishable by a fine of not more than fifty ($50.00) dollars on a first conviction, a fine of not more than one hundred ($100.00) dollars on a second conviction within one year, and a fine of not more than two hundred fifty ($250.00) dollars on a third conviction within one

year. A person, firm, corporation or organization shall be deemed guilty of a separate offense for each day during any portion of which a violation of this chapter is committed, continued or permitted by the person, firm, corporation or organization and shall be punishable as herein provided.

Any structure erected, moved, altered, enlarged or maintained and any use of a site contrary to the provisions of this chapter, or as otherwise unlawfully created prior to the effective date of this chapter, shall be and is hereby declared to be unlawful and a public nuisance, and the City Attorney shall immediately institute necessary legal proceedings for the abatement, removal and enjoinment thereof in the manner provided by law and shall take such other steps as may be necessary to accomplish these ends, and shall apply to a court of competent jurisdiction to grant such relief as will remove or abate the structure or use and restrain or enjoin the person, firm, corporation or organization from erecting, moving, altering, or enlarging the structure or using the site contrary to the provisions of this chapter. (Ord. 84-08, A 28, § 2803)

20-28.4 *Appeals: General.* Except as otherwise provided in Chapters XIX or XX or required by State law, appeals may be taken only by: (1) citizens affected by such decision; (2) property owners or a group of property owners affected by such decision; (3) any governmental agency or other entity owning property which may be affected by such decision; or (4) the City Council. (Ord. No. 92-09, § 7)

20-28.5 *Appeal to Planning Commission.*

a. Whenever the provisions of Chapters XIX or XX delegate the authority to carry out any of the provisions of this chapter to any City officer or employee, the decision of such person shall be final subject to appeal to the Planning Commission. A written appeal must be filed with the Community Development Director within ten calendar days of the date that the notice of the decision from the authorized individual was given to the applicant.

b. The appeal shall state why the decision appealed from is not in accord with the purposes of this chapter, and shall de-

scribe error or an abuse of discretion. The appeal shall also set forth the requested relief.

c. The Planning Commission shall consider the appeal at a public hearing and approve, conditionally approve, or deny the appeal. Notice of the time and place of said hearing shall be given at least ten calendar days before the hearing.
(Ord. No. 92-09, § 8)

20-28.6 *Appeal to City Council.*

a. The decisions of the Planning Commission may be appealed to the City Council. The appeal shall be filed with the City Clerk within ten calendar days of the date of the Planning Commission's decision. No appeals to the City Council may be taken by any person or entity not appearing either in person or in writing before the Planning Commission.

b. The appeal shall state why the decision appealed from is not in accord with the purposes of this chapter, and shall describe error or an abuse of discretion. The appeal shall also set forth the requested relief.

c. Except as required by California Government Code Section 65856, the City Council may, without public hearing, approve the action of the Planning Commission and deny the appeal. If the City Council decides to accept the appeal and review the action taken by the Planning Commission, the City Council shall affirm, reverse, or modify the decision of the Commission at a regular meeting. Notice of the time and place of said hearing shall be given at least ten calendar days before the hearing in the same form as that required for appeals to the Planning Commission.
(Ord. No. 92-09, § 9)

20-29 Fees.

a. The City Council shall, from time to time, establish fees for the cost of reviewing each application for a permit or entitlement to use as set forth in this chapter including all costs incurred by staff, the Planning Commission and Council to review applications, and appeals and to provide legally required notices and other necessary reports and recommendations. Such fees shall also be adequate to recover the cost, if any, of conducting the environmental review associated with the permit or entitlement for use.

b. Director of Community Development may establish fees for miscellaneous services and materials not set by Council action provided the Director 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 Director 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 City Council disapproves. (Ord. No. 87-08, § 2)

20-30 Development Agreements.

20-30.1 *Application.* Any person, or his authorized agent, who has legal or equitable interest in the real property which is the subject of the development agreement by submitting a proposed agreement to the Director of Community Development. (Ord. No. 87-45, § 3)

20-30.2 *Initial Review of Application.* After receiving the required application, the Director shall prepare a report and recommendation which shall be presented to the Planning Commission for review at a duly noticed public hearing as set forth below. (Ord. No. 87-45, § 3)

20-30.3 *Notices.*

a. The City Clerk shall give notice of intention to consider adoption of development agreement prior to consideration of the proposed agreement by the Commission.

b. The notice of intention to consider adoption of development agreement shall contain:

1. The time and place of the hearing;

2. A general explanation of the matter to be considered including a general description of the area affected; and

3. Other information required by specific provision of these regulations or which the Director considers necessary or desirable.

c. The notice shall be given by:

1. Publication at least once in a newspaper of general circulation, published and circulated in the City or if there is none, posting in at least three public places in the City.

2. Mailing of the notice to all persons shown on the last equalized assessment roll as owning real property within 300 feet of the property which is the subject of the proposed development agreement. If the number of owners to whom notice is to be mailed is greater than 1,000, the Director may as an alternative provide notice in the manner set forth in § 65854.5(b) of the Government Code.

d. The failure of any person entitled to receive or respond to such notice required by law or these regulations does not affect the authority of the City to enter into a development agreement. (Ord. No. 87-45, § 3)

20-30.4 *Conduct of Hearing.*

a. The public hearing shall be conducted as nearly as may be in accordance with the procedural standards adopted under Government Code § 65804 for the conduct of zoning hearings. Each person interested in the matter shall be given

an opportunity to be heard. The applicant has the burden of proof at the public hearing on the proposed development agreement.

b. No action, inaction or recommendation regarding the proposed development agreement shall be held void or invalid or be set aside by a court by reason of any error, irregularity, informality, neglect or omission ("error") as to any matter pertaining to petition, application, notice, finding, record, hearing, report, recommendation, or any matters of procedure whatever unless after an examination of the entire case, including the evidence, the court is of the opinion that the error complained of was prejudicial and that by reason of the error the complaining party sustained and suffered substantial injury, and that a different result would have been probable if the error had not occurred or existed. There is not presumption that error is prejudicial or that injury was done if error is shown.

(Ord. No. 87-45, § 3)

20-30.5 *Contents of Development Agreements.* A development agreement shall specify the duration of the agreement, the permitted uses of the property, the density or intensity of use, the maximum height and size of proposed buildings, and provisions for reservation or dedication of land for public purposes. The development agreement may include conditions, terms, restrictions, and requirements for subsequent discretionary actions, provided that such conditions, terms, restrictions, and requirements for subsequent discretionary actions shall not prevent development of the land for the uses and to the density or intensity of development set forth in the agreement. The agreement may provide that construction shall be commenced within a specified time and that the project or any phase thereof be completed within a specified time. (Ord. No. 87-45, § 3)

20-30.6 *Other Land Use Regulations.* Unless otherwise provided by the development agreement, rules, regulations and official policies governing permitted uses of the land, governing density, and governing design, improvement, and construction standards and specifications, applicable to development of the

property subject to a development agreement, shall be those rules, regulations, and official policies in force at the time of execution of the agreement. A development agreement shall not prevent a city, county, or city and county, in subsequent actions applicable to the property, from applying new rules, regulations, and policies which do not conflict with those rules, regulations, and policies applicable to the property as set forth herein, nor shall a development agreement prevent a city, county, or city and county from denying or conditionally approving any subsequent development project application on the basis of such existing or new rules, regulations, and policies. (Ord. No. 87-45, § 3)

20-30.7 *Determination by Planning Commission.* At the conclusion of the hearing the Planning Commission shall make its recommendation in writing to the City Council. The recommendation shall include the Planning Commission's determination whether or not the development agreement proposed is:

a. Consistent with the objectives, policies, general land uses and programs specified in the general plan and any applicable specific plan;

b. Compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located;

c. In conformity with public convenience, general welfare and good land use practice;

d. Detrimental to the health, safety and general welfare; and

e. Adversely affecting the orderly development of property or the preservation of property values.

(Ord. No. 87-45, § 3)

20-30.8 *Decision by City Council.*

a. The Council shall conduct a duly noticed public hearing to consider the Planning Commission's recommendations. The hearing shall be called and conducted in the same manner as the Commission hearing is called and conducted.

b. After the hearing, the Council may accept, modify or disapprove the recommendation of the Planning Commission.

The Council may, but need not, refer matters not previously considered by the Planning Commission during its hearing back to the Planning Commission for report and recommendation. The Planning Commission may, but need not, hold a public hearing on matters referred back to it by the Council.

c. The Council may not approve the development agreement unless it finds that the provisions of the agreement are consistent with the general plan and any applicable specific plan.

d. If the Council approves the development agreement, it shall do so by the adoption of an ordinance. After the ordinance approving the development agreement takes effect, the City may enter into the agreement.
(Ord. No. 87-45, § 3)

20-30.9 *Recordation of Development Agreement, Amendment of Cancellation.*

a. Within ten days after the City enters into the development agreement, the City Clerk shall have the agreement recorded with the County Recorder.

b. If the parties to the agreement of their successors in interest amend or cancel the agreement as provided in Government Code § 65868, or if the City terminates or modifies the agreement as provided in Government Code § 65868, or if the City terminates or modifies the agreement as provided in Government Code 65865.1 for failure of the applicant to comply in good faith with the terms or conditions of the agreement, the City Clerk shall have notice of such action recorded with the County Recorder.
(Ord. No. 87-45, § 3)

20-30.10 *Periodic Review.*

a. The City shall review the development agreeement at least every 12 months from the date of the agreement. The time for review may be modified either by agreement between the parties or by initiation in one or more of the following ways:

1. Recommendation of the planning staff;
2. Affirmative vote of at least three members of the Planning Commission; and

3. Affirmative vote of at least three members of the Council.

b. The City Clerk shall begin the review proceeding by giving notice that the City intends to undertake a periodic review of the development agreement to the property owner. The Clerk shall give the notice at least 30 days in advance of the time at which the matter will be considered by the Commission.

c. The Commission shall conduct a duly noticed public hearing at which the property owner must demonstrate good faith compliance with the terms of the agreement. The burden of proof on this issue is upon the property owner. The Commission shall determine upon the basis of substantial evidence whether or not the property owner has, for the period under review, complied in good faith with the terms and conditions of the agreement.

d. If the City finds and determines on the basis of substantial evidence that the property owner has complied in good faith with the terms and conditions of the agreement during the period under review, the review for that period is concluded. If the City finds and determines on the basis of substantial evidence that the property owner has not complied in good faith with the terms and conditions of the agreement during the period under review, the City may modify or terminate the agreement.

e. The property owner may appeal a determination pursuant to this section to the Council in accordance with the City's rules for consideration of appeals.

(Ord. No. 87-45, § 3)

20-30.11 *Modification or Termination.*

a. If the City determines to proceed with modification or termination of the agreement, the City shall give notice to the property owner of its intention so to do. The notice shall contain:

1. The time and place of the hearing;

2. A statement as to whether or not the City proposes to terminate or to modify the development agreement; and

3. Other information which the City considers necessary to inform the property owner of the nature of the proceeding.

b. At the time and place set for hearing on modification or termination, the property owner shall be given an opportunity to be heard. The Council may refer the matter back to the Planning Commission for further proceedings or for report and recommendation. The Council may impose those conditions to the action it takes as it considers necessary to protect the interests of the City. The decision of the Council is final.
(Ord. No. 87-45, § 3)

20-31 Off-Site Automobile Sales.

20-31.1 *General.* No person shall conduct an off-site automobile sale or permit off-site automobile sales to be conducted without first securing a permit pursuant to this chapter.
(Ord. No. 03-01, § 3)

20-31.2 *Definitions.* For the purposes of this Section, the following definitions shall apply:

"Automobile" shall mean cars, light trucks, motorcycles, mopeds, and other forms of motorized vehicular transport.

"Director" shall mean the Director of Community Development.

"Off-site sales" shall mean sale of three (3) or more automobiles at a location not open for automobile sales business during regular business hours on a year-round basis.

"Temporary use" shall mean use of property for off-site automobile sales for three (3) or fewer consecutive days.
(Ord. No. 03-01, § 3)

20-31.3 *Application for Permit.* Applications for a permit to conduct off-site automobile sales shall be filed with the director of community development. The applicant must be a licensed California car dealer. The director shall prepare an application form which requests information from the applicant needed by the director to make a decision consistent with this chapter.

The applicant shall file a completed application no fewer than 40 calendar days and no more than 180 calendar days in advance of the proposed sale. The Director shall prepare a written decision

within ten (10) calendar days of the date a completed application is filed. The decision shall contain the findings of fact upon which the decision is made.
(Ord. No. 03-01, § 3)

20-31.4 *Findings.* The following findings must be made by the director prior to approving a permit:

A. The proposed use will be located, operated, and maintained in a manner consistent with each of the applicable Sections of the Municipal Code, including the provisions of this Chapter.

B. The proposed site shall be improved and shall be located within a commercial or industrial zone.

C. The proposed use will not be detrimental to property or improvements in the surrounding area or to the public health, safety, or welfare.

D. The proposed use will have no significant adverse environmental effects.

E. The proposed site is adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that the temporary use will or reasonably might generate.

F. Adequate temporary parking to accommodate vehicular traffic to be generated by the use will be available on-site or at alternate locations acceptable to the Director.

G. The applicant has paid fees and deposits owed to the City, both related to the applied-for permit and to any other matter, in a timely manner, including any past-due payments for other permits if applicable.

(Ord. No. 03-01, § 3)

20-31.5 *Permit Decision.* Decisions on the permit application shall be made by the Director in accordance with the criteria of this chapter. The Director shall not issue more than four (4) permits during each calendar year in the entire City. A permit for

off-site automobile sales shall be effective for the dates specified by the Director, not to exceed three (3) days plus such time as the Director approves for setting up and dismantling the site. (Ord. No. 03-01, § 3)

20-31.6. *Permit Conditions.* The Director may impose permit conditions necessary to ensure the permit will be in accordance with the findings required above. These conditions may include, but are not limited to:

A. Provision of temporary parking facilities, including vehicular ingress and egress.

B. Regulation of nuisance factors such as prevention of glare or direct illumination of adjacent properties, noise, vibration, smoke, dust, dirt, odors, gases, and heat.

C. Regulation of temporary structures and facilities, including placement, height, size, and location of equipment, tents, or open spaces, including buffer areas and other yards.

D. Provision of sanitary facilities, solid waste collection, and disposal.

E. Provision of security or safety measures, including adequate lighting.

F. Regulation of size and location of signs.

G. Regulation of operating hours and days, including limitation of the duration of the temporary use to a shorter time period than that requested.

H. Submission of a performance bond or other security to assure that any temporary facilities or structures used for the proposed temporary use will be removed from the site following the event and that the property will be restored to its former condition.

I. Any other conditions which will ensure the operation of the proposed temporary use in an orderly and efficient manner and in accordance with the intent and purpose of this Chapter.

20-31.7 *Revocation and Amendment.* A permit may be revoked by the Director upon violation of the terms of the permit.

The Director may amend the terms or conditions of a permit to ensure the use is consistent with the required conditions.
(Ord. No. 03-01, § 3)

20-31.8. *Appeal.* The Director's decision to approve or deny an application for permit or to revoke or modify an approved permit may be appealed to the City Council in accordance with the procedures set forth in this Code.
(Ord. No. 03-01, § 3)

20-32 Density Bonuses.

20-32.1 *Purpose.* Density Bonuses (incentives and concessions) shall be granted by the City consistent with the provisions of Government Code Section 65915, as amended, when an applicant for housing development agrees or proposes to construct at least any one of the following:

a. Twenty (20) percent of the total units of a housing development for lower income households, as identified in Section 50079.5 of the Health and Safety Code,

b. Ten (10) percent of the total number of dwelling units of a housing development for very low income households, as defined in Section 50105 of the Health and Safety Code,

c. Fifty (50) percent of the total dwelling units of a housing development for qualifying residents, as defined in Section 51.3 of the Civil Code,

d. Twenty (20) percent of the total dwelling units in a condominium project as defined in subsection (f) of Section 1351 of the Civil Code, for persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code.
(Ord. No. 04-03, § 15; Ord. No. 04-04, §§ 3, 4)

20-32.2 *Application.* Density Bonuses shall be granted in a ministerial manner consistent with State Density Bonus Law (Government Code Section 65915) upon site plan review and summarized as follows:

a. A twenty-five (25) percent density bonus shall be granted for housing that includes at least fifty (50) percent of all units for seniors and elderly persons plus one additional incentive, or financially equivalent incentive(s). (California Government Code Section 65915).

b. All handicap units shall be exempt from maximum residential density requirements.

c. Incentives shall be provided for the development of Planned Unit Developments (PUD) that include amenities and the preservation of common open space, accommodate seniors and lower income (low and very low) projects with a twenty-five (25) percent density bonus pursuant to Government Code Section 65915.

d. A twenty-five (25) percent density bonus shall be granted for market rate residential developments that set-aside twenty (20) percent of the total number of units, with restrictions, for low and very low income persons.

e. The City shall provide a ten (10) percent density bonus to accommodate large family dwelling units.

f. The City shall grant a density bonus equal to the number of lots or units lost as a result of providing additional, useable recreational space for very low, low and special needs housing in Planned Unit Developments.

g. Density Bonuses shall be granted in a ministerial manner, and be approved as a part of site plan review.
(Ord. No. 04-03, § 15; Ord. No. 04-04, §§ 3, 4)

20-32.3 *Exceptions.* The City shall grant the additional concession or incentive, unless the City makes a written finding and determination, based on substantial evidence, that the additional concession or incentive is not required in order to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code.
(Ord. No. 04-03, § 15; Ord. No. 04-04, §§ 3, 4)

Editor's note—Ord. No. 04-03, § 15, adopted May 5, 2004, and Ord. No. 04-04, §§ 3, 4, adopted May 5, 2004, added provisions intended for use as § 20-31. Because there are already provisions so designated, and at the discretion of the editor, said provisions have been redesignated as § 20-32.

CHAPTER XXI

FLOOD DAMAGE PREVENTION

21-1 Findings of Fact.

a. The flood hazard areas of the City of Ridgecrest are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

b. These flood losses may be caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.
(Ord. No. 81-5, § 1.1)

21-2 Purpose and Scope.

This chapter is enacted to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

a. Protect human life and health;

b. Minimize expenditure of public money for costly flood control projects;

c. Minimize the need for rescue and relief efforts associated with flooding;

d. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;

e. Help maintain a stable tax base by providing for the second use and development of areas of special flood hazards so as to minimize future flood slide areas;

f. Insure that potential buyers are notified that property is in the area of special flood hazard; and

g. Insure that those who occupy areas of special flood hazard assume responsibility for their actions.
(Ord. No. 87-25, § 2)

21-3 Methods of Reducing Flood Losses.

In order to accomplish its purposes, this chapter includes methods and provisions for:

a. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

b. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

c. Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

d. Controlling filling, grading, and other development which may increase flood damage; and

e. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.
(Ord. No. 81-5, § 1.2)

21-4 Definitions.

For purposes of this chapter, unless otherwise apparent from context, certain words and phrases are defined as follows:

a. "*Appeal*" shall mean a request for a review of the Flood Planning Administrator's interpretation of any provision of this chapter or a request for a variance.

b. "*Area of shallow flooding*" shall mean a designated AO, AH or VO Zone on the Flood Insurance Rate Map (FIRM). The flood plains depth range from one (1) to three (3) feet; a

clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and the velocity flow may be evident.

c. "*Area of special flood-related erosion hazard*" shall mean an area subject to severe flood-related erosion losses. This area is designated Zone E on the FIRM.

d. "*Area of special flood hazard*" or "*Special flood hazard area (SFHA)*" shall mean an area having special flood or flood related erosion hazards and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, AH, VO, V1-V30, VE or V.

e. "*Area of special mud slide hazard*" is the area subject to severe mud slides. The area is designated as Zone M on the FIRM.

f. "*Base flood*" shall mean the flood having a one (1) percent chance of being equaled or exceeded in any given year.

g. "*Basement*" shall mean any area of a building having its floor subgrade below ground level on all sides.

h. "*Breakaway walls*" are any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material which is not part of a structure of this structural support of the building and which is designed to break away under abnormally high tides or wave action without causing any damage to the structural integrity of the building on which they are used or any buildings to which they might be carried by flood waters. A breakaway wall shall have a safe design loading resistance of not less than ten (10) and no more than twenty (20) lbs. per square foot. The use of breakaway walls must be certified by a registered engineer or architect and shall meet the following conditions:

1. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and

2. The elevated portion of the building shall not incur any structural damage due to the effects of wind and water loads acting simultaneously in the event of a base flood.

i. "*Development*" shall mean any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

j. "*Existing manufactured home or subdivision*" shall mean a manufactured home park for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) are completed before the effective date of flood plain management regulations adopted by the City.

k. "*Expansion to an existing manufactured home park or subdivision*" shall mean the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).

l. "*Flood*" or "*Flooding*" shall mean a general or temporary condition of partial or complete inundation of normally dry land areas from the overflow of flood waters, the unusual and rapid accumulation of runoff surface waters from any source, and or the collapse or subsidence of land along the shore of the lake or other body of water as a result of erosion or undermining caused by wave or currents of water exceeding anticipated cyclical levels or suddenly caused by unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated tidal force of nature, such as flash floods or abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in this definition.

m. "*Flood boundary and floodway map*" shall mean the areas of special flood hazard identified by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS) dated June 1976 and accompanying Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), dated January 6, 1982 and all subsequent amendments and/or revisions are hereby adopted by reference and declared to be a part of this ordinance. This FIS and attendant mapping is the minimum area of appli-

cability of this ordinance and may be supplemented by studies for other areas which allow implementation of this ordinance and which are recommended to the City Council of City of Ridgecrest by the Floodplain Administrator. The study, FIRMs and FBFMs are on file at 100 West California, Ridgecrest, California, City Building Department.

n. "*Flood Insurance Rate Map (FIRM)*" shall mean the official map on which the federal insurance administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

o. "*Flood insurance study*" shall mean the official report provided by the flood insurance administration and includes flood profiles, the FIRM, the flood boundary and floodway map, and the water service elevation of the base flood.

p. "*Flood plain*" or "*Flood-prone area*" shall mean any land susceptible to being inundated by water from any source.

q. "*Flood plain management*" shall mean the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and flood plain management regulations.

r. "*Flood plain management regulations*" shall mean zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances and other applications of police power. The term describes such State or local regulations in combination thereof which provide standards for the purpose of flood damage, prevention and reduction.

s. "*Flood proofing*" shall mean any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damaged real estate or improved real property, water and sanitary facilities, structures and their contents.

t. "*Floodway*" shall mean the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. The floodway is delineated on the flood boundary floodway map.

u. "*Functionally dependent use*" shall mean a use which cannot be performed in its intended purpose unless it is located or carried out in close proximity to water. Then the term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers and ship building and ship repair facilities but does not include long term storage or related manufacturing facilities.

v. "*Highest adjacent grade*" shall mean the natural elevation of the ground surface prior to construction next to the proposed walls of the structure.

w. "*Lowest floor*" shall mean the lowest floor of the lowest enclosed area (including basement). Any unfinished or floor resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a buildings lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

x. "*Manufactured home*" shall have the meaning as set forth in Chapter XX of this Municipal Code provided, "Manufactured" includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days.

y. "*Manufactured home park or subdivision*" shall have the meaning set forth in Chapter XX of this Municipal Code.

z. "*Mean sea level*" shall mean the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which flood base elevations shown on the City's FIRM are referenced.

aa. "*New construction*" shall mean structures for which the start of construction commenced on or after the effective date of a flood plain management plan adopted by the City.

bb. "*100-year flood*" shall mean a flood which has one percent probability of being equaled or exceeded. This term is identical to the term base flood.

cc. "*Remedy of violation*" shall mean to bring a structure or other development into compliance with State or local flood plain management regulations or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected devel-

opment from flood damages, implementing the enforcement provisions of this chapter or otherwise deterring similar future violations or reducing federal financial exposure with regard to the structure or other development.

dd. "*Riverline*" shall mean relating to, formed by, or resembling a river, including tributaries, streams, brooks and so forth.

ee. "*Sand dune*" shall mean naturally occurring accumulation of sand in ridges or mounds landward of a beach.

ff. "*Start of construction*" shall mean the date a building permit is issued, provided the actual construction, repair, reconstruction, placement or other improvement is within 180 days of the permit date. The actual start means either the first placement of permanent construction of a slab on a site, such as the pouring of a slab or footings, the installation of pilings, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling nor does it include the installation of streets and walkways; nor does it include excavation for a basement, footings, pilings, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structures.

gg. "*Structure*" shall mean a walled and roofed building including the gas or liquid storage tank, that is principally above ground as well as a manufactured home.

hh. "*Substantial improvement*" shall mean any repair, reconstruction or improvement of a structure the cost of which equals or exceeds 50 percent of the market value of the structure either:

1. Before the improvement or repair is started; or

2. If the structure has been damaged and is being restored before the damage occurred.

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building com-

mences, whether or not that alteration affects the external dimensions of the structure. The term does not include either:

(a) Any project for the improvement of the structure to comply with the existing State or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or

(b) Any alteration of a structure listed on the National Register of Historic Places or a California Inventory of Historic Places.

ii. "*Variance*" shall mean a grant of relief from the requirements of this chapter which permits construction in a manner which would otherwise be prohibited by this chapter.

jj. "*Violation*" shall mean the failure of a structure or other development to fully comply with this chapter. A structure or other development without the elevation certificate or other certifications or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.
(Ord. No. 81-5, § 2; Ord. No. 87-3, § 1; Ord. No. 87-25, § 3; Ord. No. 88-20, § 2; Ord. No. 04-02, § 2)

21-5 Permit Required.

21-5.1 *Compliance.* No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the provisions of this chapter and other applicable regulations. Violations of the provisions of this chapter by failure to comply with any of its requirements shall constitute a misdemeanor. Nothing herein shall prevent the Council from taking such lawful action as is necessary to prevent or remedy any violation.
(Ord. No. 81-5, § 3; Ord. No. 87-03, § 2; Ord. No. 88-20, § 4)

21-5.2 *Development Permits.*

a. A development permit shall be obtained before construction or development begins within any area of special flood hazards, areas of flood related erosion hazards or areas of mud slides as established in conformance with the chapter.

b. The Director of Public Works is hereby appointed to administer and implement this chapter by granting or denying development permits in accordance with its provisions.

c. Application for a development shall be made on forms furnished by the Director of Public Works and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage and materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

1. Proposed elevation in relation to mean sea level of the lowest habitable floor (including basement) of all structures; in Zone AO, the elevation of existing grade and proposed elevation of lowest floor of all structures;

2. Proposed elevation in relation to mean sea level to which any structure will be flood proofed;

3. Certification by a registered professional engineer or architect that the floodproofing methods for any non-residential structure meet the floodproofing criteria of the Federal Emergency Management Agency; and

4. Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.

(Ord. No. 81-5, § 3; Ord. No. 87-03, § 2; Ord. No. 87-25, § 5)

21-6 Administration.

a. The Director of Public Works shall review all applications for development permits under this chapter to determine whether:

1. Whether the requirements of this chapter have been satisfied;

2. All other required State and Federal permits have been obtained;

3. The site is reasonably safe from flooding; and

4. The proposed development does not adversely affect the carrying capacity of the floodway. For the purposes of this chapter, "adversely affects" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water service elevation of the base flood by more than one foot at any point.

b. If base flood elevation data has not been provided in accordance with this chapter, the Director of Public Works shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source in order to insure that adequate provision is made for flood hazard reduction. Any such information shall be submitted to the Council for adoption.

c. If the watercourse is to be altered or relocated, the Director of Public Works shall notify adjacent communities and the California Department of Water Resources prior to such alteration or relocation of a watercourse and submit evidence of such notification to the Federal Insurance Administrator and the Director of Public Works shall require that the flood carrying capacity of the altered or relocated portion of the watercourse is maintained.

d. The Director of Public Works shall obtain and maintain for public inspection and make available as needed:

1. Certification;

2. Certification of elevations in areas of shallow flooding;

3. Certification of elevation or floodproofing of non-residential structures;

4. Certification of wet floodproofing standard;

5. Certified elevation to comply with subdivision standards;

6. Certification required for floodway encroachments;
7. The information required for coastal construction; and
8. The reports required for mud flow standards.

e. The Director of Public Works shall make interpretations where needed as to the exact location of the boundaries of special flood hazards, areas of flood related erosion hazards or areas of mud slide. Persons contesting the location of the boundary shall be given reasonable opportunity to appeal the interpretation.

f. The Director of Public Works shall take action to remedy violations of this chapter.

(Ord. No. 81-5, § 4; Ord. No. 86-24, § 1; Ord. No. 87-03, § 3; Ord. No. 87-25, § 6)

21-7 Standards.

In all areas of flood hazard, the following standards are required.

a. *Anchoring.*

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

2. All manufactured homes placed within Zone A shall be installed using methods and practices which minimize flooding damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over the top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

3. All new construction and substantial improvements in Zones V1-30 and VE, and Zone V, if base flood elevation data are available, shall be elevated on pilings and columns so that:

(a) The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level;

(b) The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the affects of wind and

water loads acting simultaneously on all building components. Wind and water loading values shall each have one percent chance of being equaled or exceeded in any given year (100 year mean year mean reoccurrence interval). A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction and shall certify that the design and methods of construction to be used are in accordance with the accepted standards of practice for meeting the provisions of this paragraph.

b. *Construction Materials and Methods.*

1. All new construction with materials and utility equipment resistant to flood damage.

2. All new construction and substantial improvements shall use methods and practices that minimize flood damage.

3. All elements that function as a part of the structure, such as furnace, hot water heater, air conditioner, and so forth, shall be elevated to or above the base flood elevation or depth number specified on the FIRM.

4. Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and located so as to prevent water from entering or accumulating within the components during conditions of flooding.

c. *Elevation and Floodproofing.*

1. New construction and substantial improvement of any structure shall have the lowest floor, including basement, elevated to or above the base flood elevation. Nonresidential structures may meet the standards set forth in the next subsection. Upon completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor or verified by the Chief Building Inspector that elevation requirements have been met.

2. Nonresidential construction shall either be elevated in conformity with the preceding subsection or together with attendant utility and sanitary facilities:

(a) Be floodproofed so that below the base flood level the structure is water tight with walls substantially impermeable to the passage of water;

(b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy, and;

(c) Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied.

3. Where a nonresidential structure is intended to be made watertight below the base flood level:

(a) A registered professional engineer or architect shall develop and review structural design, specifications, and plans for construction, and shall certify that the design and methods of the construction are in accordance with the acceptance standards of practice for meeting the applicable provisions of this section.

(b) A record of such certificates which shall include the specific elevation (in relation to the mean sea level) to which structures are floodproofed shall be maintained with the Chief Building Inspector.

4. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior wall by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of the enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

d. Replacement water supply and sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from systems into flood waters. On site disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

e. Various subdivision proposals shall identify the flood hazard area and the elevation of the base flood. All final sub-

division plans shall provide the elevation of proposed structures and pads. If the site is filled above the base line, the final pad elevation shall be certified by a registered professional engineer or surveyor and such certification shall be provided to the Director of Public Works. All subdivision proposals shall be consistent with the need to minimize flood damage. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage and certificaiton of compliance shall be provided by the developer.

f. All manufactured homes to be placed or substantially improved within Zones A1-30, AH, AE shall be elevated on a permanent foundation such that the lower floor of the manufactured home is at or above the base flood elevation and is securely anchored to an adequately anchored foundation system in accordance with the provisions of this Municipal Code.

This paragraph applies to manufactured homes to be placed or substantially improved in an expansion to an existing manufactured home park or subdivision. This paragraph does not apply to manufactured homes to be placed or substantially improved in an existing manufactured home park or subdivision except where the repair, reconstruction, or improvement of the streets, utilities or pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced.

g. No encroachments, including fill, new construction, substantial improvements and other developments shall occur within a floodway unless certification by a registered professional engineer or architect is provided demonstrating that the encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(Ord. No. 81-5, § 5; Ord. No. 86-24, § 2; Ord. No. 87-03, § 4; Ord. No. 87-25, §§ 7-9; Ord. No. 88-20, § 3)

21-8 Variance Procedure.

21-8.1 *Appeals.*

a. The Planning Commission shall hear and decide appeals and requests for variances from the requirements of this chapter.

b. The Planning Commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Public Works Director in the enforcement or administration of this chapter.

c. In reviewing an appeal, the Commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter; and

1. The danger that materials may be swept unto other lands to the injury of others;

2. The danger to life and property due to flooding or erosion damage;

3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

4. The importance of services provided by the proposed facility to the community;

5. The necessity to the facility of a waterfront location, where applicable;

6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

7. The compatibility of the proposed use with existing and anticipated developments;

8. The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;

9. The safety of access to property in time of flood for ordinary and emergency vehicles;

10. The expected heights, velocity, duration, rate of rise and sediment transportation of the flood waters expected at the site; and

11. The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical

and water systems and streets and bridges.

d. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to it surrounded by lots with existing structures constructed below the base flood level, provided the ongoing items have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

e. Upon consideration of the factors listed above and the purposes of this chapter, the Commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

f. The Director of Public Works shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administrator upon request.

(Ord. No. 87-25, § 10)

21-8.2 *Conditions for Variances.*

a. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the California Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

b. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

c. Variance shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

d. Variances shall only be issued upon:

1. A showing of good and sufficient cause;

2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing City laws or ordinances.

e. Variances my be issued for new construction and substantial improvements and for other development neces-

sary for the conduct of a functionally dependent use provided that the factors listed above in this section are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

f. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest flood elevation below the regulatory flood elevation and at the cost of flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation. A copy of the notice shall be recorded by the Commission in the office of the Kern County Recorder and shall be recorded in a manner so that it appears in the chain title of the affected parcel of land.

(Ord. No. 81-5, § 6.2; Ord. No. 87-25, § 11)

CHAPTER XXII*

RESERVED

*Editor's Note: Chapter XXII, Community Development, previously contained herein has been repealed in entirety by Ord. No. 88-02, § 8, adopted 1-20-88.

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APPENDIX

Appendix A — Ordinance Disposition Table

APPENDIX A

ORDINANCE DISPOSITION TABLE

Ordinance Number	Adoption Date	Description
81-1	3-23-81	Amends Subdivisions, repeals Ord. 78-12. (Ch. XIX)
81-2	7-1-81	Amends zoning-mobile homes. (Not codified)
81-3	9-2-81	Amends Zone Map Plan. (Special)
81-4	12-2-81	Amends Zone Map Plan. (Special)
81-5	12-16-81	Add Chapter XXI, Flood Damage Prevention. (Ch. XXI)
81-6	12-16-81	Notice of Special Election. (Special)
82-1	1-6-82	Adopting Ordinance.
82-2	1-19-81	Amends Zone Plan Map. (Special)
82-3	2-17-82	Amends subsection 19-5.6, Termination of Tentative Map Approval. (Ch. XIX)
82-4	3-17-82	Amends Zone Plan Map. (Special)
82-5	3-17-82	Amends Zone Plan Map. (Special)
82-6	3-17-82	Repeals subsections 8-9.1; amends subsections 8-1.1—8-1.14 and sections 8-4—8-6, 8-10—8-12, Traffic. (Ch. VIII)

Ordinance Number	Adoption Date	Description
82-7	4-7-82	Amends Zone Plan Map. (Special)
82-8	5-4-82	Amends Zone Plan Map. (Special)
82-9	6-2-82	Add subsection 12-7.5d, Sewer Main Capacity Charges. (Ch. XII)
82-10	6-16-82	Amends Zone Plan Map. (Special)
82-11	7-7-82	Amends Zone Plan Map. (Special)
82-12	7-21-82	Amends Zone Plan Map. (Special)
82-13	8-4-82	Amends Zone Plan Map. (Special)
82-14	8-18-82	Amends Zone Plan Map. (Special)
82-15	9-1-82	Amends Zone Plan Map. (Special)
82-16	9-15-82	Amends Zone Plan Map. (Special)
82-17	10-6-82	Amends Zone Plan Map. (Special)
82-18	10-20-82	Amends Zone Plan Map. (Special)
83-1	2-8-83	Amends Land Use. (Not codified)
83-2	2-8-83	Bond Ordinance. (Special)

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Ordinance Number	Adoption Date	Description
83-3	1-5-83	Amends Zone Plan Map. (Special)
83-4	2-2-83	Amends Zone Plan Map. (Special)
83-5	2-2-83	Amends Zone Plan Map. (Special)
83-6	2-2-83	Amends Zone Plan Map. (Special)
83-7	2-2-83	Amends Zone Plan Map. (Special)
83-8	2-16-83	Amends Zoning. (Not codified)
83-9	2-16-83	Amends Zone Plan Map. (Special)
83-10	3-2-83	Amends Zoning. (Not codified)
83-11	3-2-83	Amends Zoning. (Not codified)
83-12	6-6-83	Amends Zone Plan Map. (Special)
83-13	6-20-83	Amends Zone Plan Map. (Special)
83-14	7-5-83	Amends Zone Plan Map. (Special)
83-15	7-18-83	Amends Zone Plan Map. (Special)
83-16	9-6-83	Amends Zone Plan Map. (Special)
83-17	10-3-83	Amends Zone Plan Map. (Special)

Ordinance Number	Adoption Date	Description
83-18	10-3-83	Amends Zone Plan Map. (Special)
83-19	11-7-83	Amends subsection 14-2.32, Curbs, Gutters and Sidewalks, Required Locations. (Ch. XIV)
83-20	11-21-83	Amends Planned Unit Developments. (Not codified)
83-21	12-5-83	Amends subsection 7-1.13, Sales and Use Tax, Exclusions and Exemptions. (Ch. VII)
84-01	1-16-84	Amends Zone Plan Map. (Special)
84-02	1-16-84	Amends Zone Plan Map. (Special)
84-03	1-16-84	Amends subsections 2-2.1—2-2.5 and 2-6.1—2-6.9, Establishes Certain City Offices and Duties. (Ch. II)
84-04	2-21-84	Adds Section 2-8, Purchasing System. (Ch. II)
84-05	3-5-84	Amends Zone Plan Map. (Special)
84-06	3-19-84	Amends Zone Plan Map. (Special)
84-07	4-16-84	Amends Zone Plan Map. (Special)
84-08	4-16-84	Adds Chapter XX, Zoning. (Ch. XX)
84-09	5-21-84	Amends Zone Plan Map. (Special)

APPENDIX A

Ordinance Number	Adoption Date	Description
84-10	7-2-84	Amends Zone Plan Map. (Special)
84-11	7-16-84	Amends Zone Plan Map. (Special)
84-12	10-1-84	Amends subsection 19-5.6, Termination of Tentative Map Approval. (Ch. XIX)
84-13	11-5-84	Amends Zone Plan Map. (Special)
84-14	11-5-84	Add Section 3-15, Regulations for Massage Studios. (Ch. III)
84-15	2-4-84	Add subsection 2-5.1, City Administrator. (Ch. II)
84-16	12-18-84	Amends Zone Plan Map. (Special)
84-17	12-18-84	Amends Zone Plan Map. (Special)
85-01	3-6-85	Amends Zone Plan Map. (Special)
85-02	3-6-85	Amends Zone Plan Map. (Special)
85-03	3-6-85	Amends Section 9-1, Uniform Codes and subsection 17-2.1, Uniform Fire Codes. (Ch. IX, XVII)
85-04	4-3-85	Amends subsection 19-1.9, Minor Lot Line Adjustments. (Ch. XIX)

Ordinance Number	Adoption Date	Description
85-05	4-17-85	Adds subsection 2-1.2, Councilmanic Salaries and Expense Reimbursement. (Ch. II)
85-06	5-1-85	Amends subsection 17-2.1, Fire Flow Requirements. (Ch. XVII)
85-07	5-1-85	Adds Chapter XXII, Community Development. (Ch. XXII)
85-08	5-15-85	Amends Zone Plan Map. (Special)
85-09	5-15-85	Amends Zone Plan Map. (Special)
85-10	6-19-85	Amends Zone Plan Map. (Special)
85-11	7-17-85	Amends Zone Plan Map. (Special)
85-12	7-17-85	Amends Zone Plan Map. (Special)
85-13	8-7-85	Amends Zone Plan Map. (Special)
85-14	8-21-85	Amends Zone Plan Map. (Special)
85-15	9-18-85	Amends Zone Plan Map. (Special)
85-16	9-18-85	Amends Zone Plan Map. (Special)
85-17	10-16-85	Amends Zone Plan Map. (Special)
85-18	11-20-85	Amends Zone Plan Map. (Special)

Ordinance Number	Adoption Date	Description
85-19	11-20-85	Amends Zone Plan Map. (Special)
85-20	12-4-85	Amends subsections 19-5.5, 19-5-5.1, Tentative Map Notices; 19-10.13, Condominium Project Review; 20-21.4, 20-25.4, Public Hearing Notice. (Ch. XIX, XX)
85-21	12-18-85	Amends subsection 9-3.1, Import of Building Without a Permit Prohibited. (Ch. IX)
86-01	1-15-86	Amends subsections 20-23.1, 20-23.11, Planned Unit Developments. (Ch. XX)
86-02	2-5-86	Amends Zone Plan Map. (Special)
86-03	2-5-86	Amends Zone Plan Map. (Special)
86-04	2-5-86	Amends Section 22-3, Redevelopment Agency Meetings. (Ch. XXII)
86-05	2-5-86	Amends Section 12-5, Collection and Treatment of Sewage. (Ch. XII)

Ordinance Number	Adoption Date	Description
86-06	4-2-86	Amends subsection 20-2.7, 20-3.7, 20-3.8, 20-3.12, 20-3.19, 20-3.22, 20-5.3, 20-7.2, 20-8.2, 20-8.3, 20-8.11, 20-9.2, 20-9.3, 20-9.11, 20-10.2, 20-10.3, 20-10.11, 20-11.2, 20-11.3, 20-11.11, 20-14.3, 20-14.8, 20-15.7, 20-16.1, 20-16.3, 20-16.7, 20-17.1, 20-17.3, 20-17.7, 20-18.10, 20-19.10, 20-20.2, 20-20.3, 20-20.8, 20-22.4, 20-24.7, 20-25.8, 20-26.2, 20-26.3, 20-26.4, 20-26.6, 20-26.7, 20-26.8, adds Sections 20-4A and 20-7A, Zoning. (Ch. XX)
86-07	3-19-86	Amends Zone Plan Map. (Special)
86-08	4-16-86	Adds Section 3-16, Burglar and Robbery Alarms. (Ch. III)
86-09	4-16-86	Amends subsection 7-3.7, Reports and Remittance; Allowance for Collection Costs. (Ch. VII)
86-10	5-7-86	Adds Section 19-11, Waiver of Tentative Parcel Maps. (Ch. XIX)
86-11	5-7-86	Amends subsection 19-1.9, Definitions. (Ch. XIX)
86-12	5-7-86	Amends Zone Plan Map. (Special)
86-13	5-7-86	Amends subsection 20-3.24, Lot Widths. (Ch. XX)

APPENDIX A

Ordinance Number	Adoption Date	Description
86-14	5-7-86	Amends Zone Plan Map. (Special)
86-15	5-21-86	Amends Zone Plan Map. (Special)
86-16	5-21-86	Amends Zone Plan Map. (Special)
86-17	5-21-86	Amends Cable Television Franchise. (Ch. XV)
86-18	6-4-86	Amends Section 8-7, Traffic Stops. (Ch. VIII)
86-19	6-4-86	Amends Section 8-9, Speed Limits. (Ch. VIII)
86-20	6-18-86	Amends Zone Plan Map. (Special)
86-21		Amends Zone Plan Map. (Special)
86-22	6-18-86	Amends Zone Plan Map. (Special)
86-23	6-18-86	Amends Zone Plan Map. (Special)
86-24	6-18-86	Amends subsection 21-6.3, 21-7.5, Flood Damage Prevention. (Ch. XXI)
86-25	7-2-86	Amends Zone Plan Map. (Special)
86-26	7-16-86	Amends subsection 20-5.3, Conditional Uses in Urban Reserve Zone. (Ch. XX)

Ordinance Number	Adoption Date	Description
86-27	7-16-86	Amends Zone Plan Map. (Special)
86-28	8-6-86	Amends Zone Plan Map. (Special)
86-29	8-20-86	Amends subsections 20-22.1—20-22.8; repeals subsections 20-22.9—20-22.14, Site Plan Review. (Ch. XX)
86-30	8-20-86	Amends Cable Television Franchise. (Ch. XV)
86-31	9-3-86	Amends subsection 12-6.8, Existing Collectors or Trunk Sewers. (Ch. XII)
86-32	9-3-86	Amends subsections 12-1.1—12-1.9; repeals Sections 12-2—12-4, Water Wells and Supply Systems. (Ch. XII)
86-33	10-1-86	Amends Zone Plan Map. (Special)
86-34	10-15-86	Amends subsection 7-3.3, Transient Occupancy Tax. (Ch. VII)
86-35	11-19-86	Amends subsection 20-21.10, Appeal Planning Commission Hearing. (Ch. XX)
86-36	11-19-86	Amends subsection 20-14.3, Conditional uses. (Ch. XX)
86-37	11-19-86	Adopt Ridgecrest Redevelopment Plan. (Special)
86-38	12-17-86	Amends subsections 2-1.3, 2-1.4, Council Meetings. (Ch. II)

APPENDIX A

Ordinance Number	Adoption Date	Description
87-01	1-7-87	Amends and re-enacts Ch. XIX, Subdivision. (Ch. XIX)
87-02	1-21-87	Amends Zone Plan Map. (Special)
87-03	2-4-87	Amends Sections 21-4 through 21-7, Flood Damage Prevention. (Ch. XXI)
87-04	3-4-87	Amends Zone Plan Map. (Special)
87-05	3-3-87	Amends Zone Plan Map. (Special)
87-06	3-18-87	Amends subsections 20-24.10 and 20-25.8 of Zoning, Appeals from Planning Commission Action. (Ch. XX)
87-07	4-1-87	Amends subsection 6-24.3, Classification of Business Licenses. (Ch. VI)
87-08	4-1-87	Adds Section 20-29, Fees, to Zoning. (Ch. XX)
87-09	4-1-87	Amends subsection 20-16.4, minimum parcel sizes in common parking areas in the General Commercial Zone, and amends subsection 20-17.4, minimum parcel sizes in common parking areas in the Service Commercial Zone. (Ch. XX)
87-10	4-1-87	Amends Section 9-1, Uniform Codes, Section 9-2, Fees, Section 9-5, Electrical Code and subsection 17-2.1, Uniform Fire Code. (Chs. IX and XVII)

Ordinance Number	Adoption Date	Description
87-11	4-15-87	Amends Section 6-8, Business License Exemptions. (Ch. VI)
87-12	4-15-87	Amends Ch. I, General Provisions of the Municipal Code. (Not codified)
87-13	4-15-87	Adds subsection 19-11.4, Fees for Services Relating to Subdivisions. (Ch. XIX)
87-14	4-15-87	Amends Zone Plan Map. (Special)
87-15	5-6-87	Adds subsection 20-3.25 to Zoning, Permanent Structures Required for Commercial Uses. (Ch. XX)
87-16	5-6-87	Amends subsection 20-26.2, Definitions and subsection 20-26.4, Specific Regulations, pertaining to signs. (Ch. XX)
87-17	6-3-87	Amends subsection 3-16.19, Emergency Alarm Fees and Revenues, and adds Section 3-17, Parks and Recreation Fees. (Ch. III)
87-18	6-17-87	Amends Zone Plan Map. (Special)
87-19	6-17-87	Adds Section 20-5A to Zoning, A-5 Primary Agriculture District, (Ch. XX)
87-20	6-17-87	Adds Section 3-18, Waste of Water. (Ch. III)
87-21	7-1-87	Amends Zone Plan Map. (Special)
87-22	7-1-87	Amends Zone Plan Map. (Special)
87-23	7-1-87	Amends Zone Plan Map. (Special)

Ordinance Number	Adoption Date	Description
87-24	7-1-87	Amends Zone Plan Map. (Special)
87-25	7-1-87	Amends Ch. XXI, Flood Damage Prevention (Ch. XXI)
87-26	7-1-87	Amends Zone Plan Map. (Special)
87-27	7-15-87	Amends Section 3-18, Waste of Water. (Ch.III)
87-28	7-15-87	Amends Zone Plan Map. (Special)
87-29	6-15-87	Adds subsection 9-1.10, Prerequisites to Issuance of Building Permit, Adds subsection 9-1.11, Substandard Development Fees.
87-30	9-2-87	Amends Zone Plan Map. (Special)
87-31		Amends Ch. I, General Provisions, subsection 1-3.11, Statutes of Limitations. (Not codified)
87-32	9-2-87	Adds Section 12-3, Large Volume Discharges. (Ch. XII)
87-33	10-7-87	Amends Section 12-3, Large Volume Discharges. (Ch. XII)
87-34	10-7-87	Amends Zone Plan Map. (Special)
87-35	10-7-87	Amends Zone Plan Map. (Special)
87-36	10-7-87	Amends Zone Plan Map. (Special)
87-37	11-18-87	Amends Zone Plan Map. (Special)
87-38	11-18-87	Amends Zone Plan Map. (Special)
87-39	11-18-87	Amends Zone Plan Map. (Special)
87-40	11-18-87	Amends Zone Plan Map. (Special)
87-41	12-2-87	Amends Zone Plan Map. (Special)

Ordinance Number	Adoption Date	Description
87-42	12-2-87	Amends Zone Plan Map. (Special)
87-43	12-2-87	Amends Zone Plan Map. (Special)
87-44	12-2-87	Amends Zone Plan Map. (Special)
87-45	12-2-87	Adds Section 20-30, Development Agreements, to Zoning. (Ch. XX)
87-46	12-16-87	Amends subsections 3-14.1, Property Inspection, 3-14.2, City Administrator Determinations, 3-14.3, Notice of Abatement, 3-14.4, City Council Determination, 3-14.5, Accounts and Reports, Repeals subsections 3-14.6, 3-14.7, 3-14.8, 3-14.9, 3-14.10. (Ch. III)
87-12	4-15-87	Amends Ch. 1, General Provisions, in its entirety. (Ch. 1)
87-31	9-2-87	Amends Subsection 1-3.111, Statutes of Limitations. (Ch. 1)
88-01	1-20-88	Amends subsection 7-3.9, Transient Occupancy Taxes. (Ch. VII)
88-02	1-20-88	Amends Ch. II, Administration, Repeals Sections 1-3, 1-4, 1-6, 2-1, 2-2, 2-3, 2-4, 2-5, 2-6, 2-7 and 2-9, Repeals Ch. IV in entirety, Repeals Section 9-7 and Repeals Ch. XXII in entirety. (Chs. I, II, IV, IX and XXII)
88-03	3-2-88	Amends subsections 20-16.3 and 20-17.3, Conditional Uses. (Ch. XX)
88-05	3-16-88	Amends Zone Plan Map. (Special)
88-06	4-6-88	Amends Zone Plan Map. (Special)

Ordinance Number	Adoption Date	Description
88-07	4-6-88	Amends Zone Plan Map. (Special)
88-08	4-6-88	Amends Zone Plan Map. (Special)
88-09	4-6-88	Transfer of controlling interest in Three Palms, Ltd. to a limited partnership. (Special)
88-10	4-20-88	Amends Zone Plan Map. (Special)
88-11	6-1-88	Amends Zone Plan Map. (Special)
88-12	6-1-88	Amends Section 20-23, Planned Unit Development Zoning Overlay District. (Ch. XX)
88-13	6-15-88	Amends Zone Plan Map. (Special)
88-14	6-15-88	Amends Zone Plan Map. (Special)
88-15	7-6-88	Amends subsection 19-6.4, Lot Line Adjustment. (Ch. XIX)
88-16	7-6-88	Adds Section 12-9, Water Conservation Methods. (Ch. XII)
88-17	7-20-88	Amends Zone Plan Map. (Special)
88-18	7-20-88	Amends Zone Plan Map. (Special)
88-19	8-3-88	Amends subsections 7-3.8, 7-3.9 and 7-3.14, Transient Occupancy Taxes. (Ch. VII)
88-20	8-17-88	Amends Section 21-4 and 21-7 in entirety, Flood Damage Prevention (Ch. XXI)
88-21	8-17-88	Adds Section 3-19, Spray Paint. (Ch. III)
88-22	8-17-88	Amends Zone Plan Map. (Special)
88-23	8-17-88	Amends Zone Plan Map. (Special)

Ordinance Number	Adoption Date	Description
88-24	9-21-88	Amends Chapter XX, Planned Unit Developments. (Ch. XX)
88-25	10-5-88	Adds Section 3-20, Skateboards, Roller Skates and Bicycles. (Ch. III)
88-26	10-5-88	Amends subsection 19-2.5, Franchised Public Utilities. (Ch. XIX)
88-27	10-19-88	Amends Section 3-6 in entirety, Regulations for Public Parks. (Ch. III)
88-28	11-16-88	Amends subsection 3-15.8, Massage Parlors. (Ch. III)
88-29	11-16-88	Amends Zone Plan Map. (Special)
88-30	11-16-88	Amends subsection 7-3.3, Transient Occupancy Tax. (Ch. VII)
88-31	1-4-89	Amends Zone Plan Map. (Special)
89-01	1-4-89	Amends Zone Plan Map. (Special)
89-02	1-25-89	Amends subsection 20-3.24, Lot Width Requirements. (Ch. XX)
89-03	2-1-89	Amends subsection 9-5.1, National Electrical Code. (Ch. IX)
89-04	3-1-89	Amends subsection 2-6.104, Pension Benefits. (Ch. II)
89-05	3-1-89	Amends subsection 2-6.104, Pension Benefits. (Ch. II)
89-06		Amends subsection 2-6.104, Pension Benefits. (Ch. II)
89-07	4-5-89	Amends Zone Plan Map. (Special)
89-08	5-3-89	Amends Section 3-10, Prohibition of Smoking. (Ch. III)

Ordinance Number	Adoption Date	Description
89-09	5-17-89	Amends Zone Plan Map. (Special)
89-10	5-17-89	Adds Ch. IV, Public Safety. (Ch. IV)
89-11	6-21-89	Amend Section 12-3, Large Volume Discharges. (Ch. XII)
89-12	7-5-89	Amends Section 3-17, Parks and Recreation. (Ch. III)
89-13	7-19-89	Amends Ch. III, (previously Police Regulations) Revenue and Finance, Repeals Sections 2-8, 3-1, 3-2, 3-3, 3-4, 3-5, 3-6, 3-7, 3-8, 3-9, 3-10, 3-11, 3-12, 3-13, 3-14, 3-15, 3-16, 7-1, 7-2, 7-3 and Chapter XV in entirety. (Chs. II, III, VII and XV)
89-14	9-6-89	Selection and Training of Public Safety Dispatchers. (Not Codified)
89-15	9-6-89	Adds subsection 20-3.36, Family Day Care Homes. (Ch. XX)
89-16	9-6-89	Amends subsections 20-1.2, Definitions, 20-14.3, PO Professional Office, 20-15.3, CN Neighborhood Commercial, and 20-16.3, CG General Commercial. (Ch. XX)
89-17	9-6-89	Amends Zone Plan Map. (Special)

Ordinance Number	Adoption Date	Description
89-18	9-20-89	Amends subsection 2-2.102, Planning Commission Salary. (Ch. II)
89-19	11-15-89	Amends subsections 3-5.103, Franchises Required, 3-5.404, Fees, Repeals subsections 3-5.201—3-5.204, Ambulance Franchise, 3-5.301—3-5.304, Towing Franchise. (Ch. III)
89-20	11-15-89	Adds Articles 2 through 21 to Ch. IV, Public Safety. (Ch. IV)
89-21	12-13-89	Amends Zone Plan Map. (Special)
90-01	1-3-90	Amends Articles 2 through 21 to Ch. IV, Public Safety. (Ch. IV)
90-02	1-3-90	Development agreement for property owned by Cote, Campos, Miller and Hess. (Special)
90-03	2-7-90	Amends subsection 2-1.01, Meetings: General. (Ch. II)
90-04	2-7.90	Amends subsection 3-7.110, Compromise of Certain Claims. (Ch. III)
90-05		
90-06	4-18-90	Development agreement for property owned by Parlet, Campbell, Ferguson and Ferguson. (Special)

Ordinance Number	Adoption Date	Description
90-07	6-20-90	Repeals Sections 3-6.3, 3-17, 3-18, 3-19, 3-20, 4-13.101, 4-13.102, 4-13.103, 4-13.104, 8-1, 8-1.1, 8-1.2, 8-1.3, 8-1.4, 8-1.5, 8-1.6, 8-1.7, 8-1.8, 8-1.9, 8-1.9.1, 8-1.10, 8-1.11, 8-1.12, 8-1.13, 8-1.14, 8-2, 8-2.2, 8-2.4, 8-3.1, 8-3.2, 8-3.3, 8-3.4, 8-3.5, 8-3.6, 8-3.7, 8-3.8, 8-3.9, 8-4, 8-5, 8-6, 8-7, 8-8, 8-8.1, 8-9, 8-10, 8-11, 8-12. (Ch. III, IV, VIII)
90-08	11-7-90	Amends subsection 2-5.402, Posting of Notices and Documents. (Ch. II)
90-09	11-7-90	Amends subsection 2-2.105, Construction Board of Appeals. (Ch. II)
90-10	12-5-90	Amends subsections 4-15.101—4-15.105, Property Maintenance, Removal of Weeds and Rubbish. (Ch. IV)
90-11	12-5-90	Amends Zone Plan Map. (Special)
91-01	1-2-91	Amends subsection 2-3.303, Chief of Police: Powers and Duties. (Ch. II)
91-02	1-16-91	Amends subsections 6-24.2, 6-24.3, Business License Classifications. (Ch. VI)

Ordinance Number	Adoption Date	Description
91-03	2-6-91	Amends subsections 3-5.402 and 3-5.405; adds subsections 3-5.406—3-5.409, Taxi Franchises. (Ch. III)
91-04	3-20-91	Amends subsection 17-2.2, "Safe and Sane Fireworks" amendment to Fire Code; Repeals Article 14 of Chapter IV, 4-14.101—4-14.111, Regulations for the Operation of Fireworks Stands. (Ch. IV, XVII)
91-05	4-17-91	First amendment to Ridgecrest Redevelopment Plan. (Special)
91-06	6-19-91	Amends subsections 6-24.2 and 6-24.3, Business License Classifications. (Ch. VI)
91-07	6-19-91	Amends subsection 16-1.2, Grading Permit Required. (Ch. XVI)
91-08	7-2-91	Amends subsection 2-6.103, Conflict of Interest. (Ch. II)
91-09	7-2-91	Amends subsection 9-5.1, National Electrical Code. (Ch. IX)
91-10	7-17-91	Amends subsection 4-1.1705, Blue Curb Spaces. (Ch. IV)
91-11	9-4-91	Amends subsection 2-1.105, Mayor and Council: Compensation and Expense Reimbursement. (Ch.II)

Ordinance Number	Adoption Date	Description
91-12	10-9-91	Amends subsections 20-1.2, Definitions, 20-1.11, Director of Community Development, 20-9.9, Conditional Uses in R-2 Zone; 20-10.3, Conditional Uses in R-3 Zone, 20-11.3, Conditional Uses in R-4 Zone, 20-14.3, Conditional Uses in PO Zone and 20-20.4, Parking; add subsection 20-3.27, Bed and Breakfast Inns. (Ch. XX)
91-13	11-6-91	Amends Zone Plan Map. (Special)
91-14	11-6-91	Amends Zone Plan Map. (Special)
91-15	11-6-91	Approves Development Agreement (GPA 91-01 and ZC (91-01). (Special)
91-16	12-11-91	Amends Zone Plan Map. (Special)
91-17	12-11-91	Amends Zone Plan Map. (Special)
91-18	12-11-91	Amends subsections 3-4.103 and 3-4.107, Transient Occupancy Tax. (Ch. III)
92-01	1-15-92	Amends subsection 4-11.101, Smoking Prohibited in City Owned Vehicles and Buildings. (Ch. IV)

Ordinance Number	Adoption Date	Description
92-02	2-5-92	Amends Sections 6-6—6-9, 6-11—6-17, 6-19—6-26, subsections 6-30.3, 6-30.5, 6-30.6, 6-30.7, 6-31.7, 6-31.9, 6-32.2—6-32.4, 6-32.7, 6-34.2, 6-34.4, 6-34.8, Business License Laws. (Ch. VI)
92-03	2-5-92	Amends subsection 20-16.3, Conditional Uses. (Ch. XX)
92-04	2-19-92	Amends subsection 2-6.103, Conflicts of Interest. (Ch. II)
92-05	5-6-92	Grants Taxi Franchise. (Special)
92-06	5-20-92	Amends Zone Plan Map. (Special)
92-07	5-20-92	Amends subsection 19-2.2, Tentative Map - Form and Content, subsections 20-22.2, 20-22.3, Included Projects and Application Content for Site Plans. (Ch. XIX, XX)
92-08	5-20-92	Amends subsection 19-6.4, Lot Line Adjustments. (Ch. XIX)
92-09	5-20-92	Adds subsections 20-28.4—20-28.6, Appeals; amends Titles of Section 19-10, Administration and Enforcement, and Section 20-28, Enforcement and Appeal; repeals subsections 19-10.5—19-10.10, variances, and subsections 20-24.10, 20-25.8, Appeal of Planning Commission. (Ch. XIX, XX)

Ordinance Number	Adoption Date	Description
92-10	5-20-92	Adds Section 20-13A, Dwellings, All Residential Zones; amends subsection 20-1.2, Definitions; repeals subsections 20-5A.3(v), 20-6.3(g), 20-7.3(g), 20-7A.3(g) and 20-8.3(i), Mobile Homes. (Ch. XX)
92-11	6- 3-92	Approves Development Agreement. (Special)
92-12	6- 3-92	Approves Zone Change. (Special)
92-13	7-15-92	Adds Section 6-35, Display of Certain Merchandise. (Ch. VI)
92-14	9- 2-92	Amends subsection 2-6.104, Pension Benefits (Ch. II)
92-15	9- 2-92	Amends subsections 9-1.1, Uniform Building Code; 9-1.2, Uniform Mechanical Code; 9-1.3, Uniform Housing Code; 9-1.4, Uniform Code for the Abatement of Dangerous Buildings; 9-1.5, Uniform Sign Code; 9-1.6, Uniform Plumbing Code; 9-1.7, Uniform Solar Energy Code; 9-1.10, Prerequisites to Issuance of Building Permit. (Ch. IX)
92-16	10-21-92	Repeals subsection 2-6.102, Gas Tax Improvement Fund. (Ch. II)
92-17	11-18-92	Adds subsections 4-1.1313, 4-1.1314, Parking; amends subsection 4-8.102, Abandoned Vehicles—Unlawful Actions. (Ch. IV)

CITY OF RIDGECREST ORDINANCES

Ordinance Number	Adoption Date	Description
92-18	12- 2-92	Implements Water Conservation in Landscaping Act of 1992. (Not codified)
93-01	1- 6-93	Repeals subsections 4-20.102, Penalties for Spray Paint, 9-6.1—9-6.6, Contractors Board of Appeals and 9-7.3—9-7.5, Handicapped Board of Appeals (Ch. IV, Ch. IX)
93-02	6- 2-93	Amends Zone Plan Map (Special)
93-04	7-21-93	Adds subsection 2-1.106, General Municipal Elections (Ch. II)
93-05	7-21-93	Amends subsections 4-20.101—4-20.105, Graffiti Abatement (Ch. IV)
93-06	7-21-93	Amends subsection 6-24.2, Rates (Ch. VI)
93-07	7-21-93	Amends subsection 3-5.6.209(a), Franchise Fee (Ch. III)
93-08	9- 1-93	Amends subsection 4-4.101, Curfew Between the Hours of 11:00 p.m. and 5:00 a.m. the Following Day; repeals subsections 4-4.102, 4-4.103, Curfew Law Between the Hours of 10:00 p.m. and 12:00 Midnight, Exception to Curfew Law (Ch. IV)
93-09	10- 6-93	Approves Zone Change 93-017.
93-10	10-20-93	Urgency ordinance, amends subsection 12-6.12. (Not codified)

Ordinance Number	Adoption Date	Description
93-11	11-17-93	Amends subsections 12-6.6, Existing Lateral Connection; 12-6.7, New Trunk or Collector Sewer Required; 12-6.9, Sewage Connection Fees; Sewage Units; and 12-6.11, Sewage Connection Fees; Added Fees; adds subsection 12-6.13, Sewage Capacity Fees, and 12-6.14, Fees: Deposits, Accounts, Expenditures, Reports and Refunds. (Ch. XII)
94-01	3- 2-94	Amends 6-31(tit.), Itinerant Vendors; subsections 6-31.1, Purpose and Scope; 6-31.2, Requirements; and 6-31.10, Penalties. (Ch. VI)
94-02	3- 2-94	Amends subsection 20-3.24, Lot Width: Certain Areas. (Ch. XX)
94-03	3-16-94	Added subsections 6-37.1, Purpose; 6-37.2, Definitions; and 6-37.3, Posting or Distribution of Commercial Handbills. (Ch. VI)
94-04	6- 1-94	Amends subsection 2-6.103, Conflicts of Interest. (Ch. II)
94-05	6-15-94	Added Sections 2-5B, Residential Agriculture District; 2-5C, Country Estate District-2½ Acre Minimum and 2-5D, Country Estate District-1 Acre Minimum (Ch. XX)
94-06	6-15-94	Amends subsection 2-2.101, General (Boards and Commissions). (Ch. II)

Ordinance Number	Adoption Date	Description
94-07	6-15-94	Added subsection 2-1A.101, Filing Fee for Processing Nomination Papers. (Ch. II)
94-08	7-20-94	Added subsections 3-10.101—3-10.105, Fee and Service Charge Revenue/Cost Comparison System. (Ch. III)
94-09	8- 3-94	Superseded subsections 4-16.101—4-16.122, Massage Studios; Added new subsections 4-16.101—4-16.108, Massage Offices. (Ch. IV)
94-10	8- 3-94	Added subsections 4-1.1901, 4-1.1902, Civil Penalties for Parking Violations. (Ch. IV)
94-11	8-17-94	Retitled, amended and reenacted subsections 2-1.101—2-1.106, Meetings; Added subsections 2-1A.101—2-1A.103, City Council. (Ch. II)
94-12	11- 2-94	Added subsections 4-1.1202, Angle Parking: Obedience to Signs and Markings; 4-1.1504, Violations: Time Limits; 4-1.1706, Violation: Blue Curb Spaces (Handicapped Parking). (Ch. IV)
95-01	1-18-95	Granted taxi franchise (Special)
95-02	1-18-95	Added subsection 3-5.112, Temporary operating permits. (Ch. III)
95-03	1-18-95	Amended subsection 2-1A.101 Mayor and City Council (Ch. II)

Ordinance Number	Adoption Date	Description
95-04	3-15-95	Amended Redevelopment Plan. (Special)
95-05	6- 7-95	Added subsection 2-3.1303, Procurement for Emergency Repairs. (Ch. II)
95-06	6-21-95	Approved zoning change. (Special)
95-07	7- 5-95	Granted taxi franchise. (Special)
95-08	11-15-95	Amended subsection 3-5.704, Fees. (Ch. III)
96-01	2- 7-96	Amended subsection 3-5.110, Reserved Rights. (Ch. III)
96-02	10- 2-96	Amended subsections 4-4.101—4-4.107, Minors and Parental Responsibility. (Ch. IV)
96-03	10-16-96	Amended subsections 2-1.101—2-1.106, 2-2.101—2-2.104, 2-3.101—2-3.109, 2-4.101—2-4.107, 2-5.101—2-5.108, 2-6.101—2-6.104, 2-7.101, 2-7.102, 2-7.201—2-7.204, 2-7.301—2-7.304, 2-7.401, 2-8.101—2-8.103, Administration. (Ch. II)
96-04	11- 6-96	Amended subsection 5-10, Disposition of Dead Animals at Owner's Request. (Ch. V)
96-05	11-20-96	Added subsections 4-22.101—5-22.107, 4-22.109—4-22.113, Special Events Permit. (Ch. IV)
97-01	5- 7-97	Amended contract between City Council and Board of Administration of California Public Employees' Retirement System. (Special)

Ordinance Number	Adoption Date	Description
97-02	7-16-97	Retitled and amended Article 15, subsections 4-15.101—4-15.109, Nuisance Abatement. (Ch. IV)
97-03	10- 1-97	Granted taxi franchise. (Special)
97-04	10- 1-97	Amended subsection 4-4.102, Curfew. (Ch. IV)
97-05	10- 1-97	Added subsection 4-22.144, Interference With Filming and Other Permitted Activities. (Ch. IV)
98-01	12-16-98	Teminated a development agreement for the Bowman Road/College Heights Project. (Special)
99-01	8-4-99	Amended subsections 2-3.103, Planning Commission and 2-3.107, Council Committees. (Ch. II)
99-02	8-4-99	Amended subsections 6-32—6-32.8, repealed 6-32.9, Controlled Games (Ch. VI)
99-03	8- 4-99	Amended subsections 4-15.104, Nuisance: Abatement Hearing and 4-15.105, Nuisance: Appeal of Abatement Order. (Ch. IV)
99-04	9-15-99	Amended subsection 3-5.406, Taxicabs. (Ch. III)
99-05	12- 1-99	Amended subsection 3-4.105, Duties of Operators. (Ch. III)
00-01	6- 7-00	Amended subsection 3-4.105, Duties of Operators. (Ch. III)

Ordinance Number	Adoption Date	Description
00-02	12- 6-00	Added subsections 4-7.103—4-7.105:Skate Park Designated, Required Riding Equipment in Skate Park, Hazardous Recreational Activity, respectively. (Ch. IV)
01-01	1-17-01	Amended subsections 2-5.101—2-5.108, Departments Established. (Ch. II); Added subsection 2-5.109.
01-03	3-21-01	Amended subsection 2-1.102, Regular and Special Meetings. (Ch. II)
01-05	4- 4-01	Amended subsections 2-1.102, Regular and Special Meetings, and 2-2.101, Mayor, Vice-Mayor, and Mayor Pro Tempore. (Ch. II)
01-06	4-18-01	Amended subsection 12-6.13, Sewage Capacity Fees. (Ch. XII)
01-07	6- 6-01	Amended subsections 1-3.112, Definitions; 2-4.101—2-4.107, City Manager; 2-6.101—2-6.104, Promotion, Discipline and Termination of City Officers and Employees. (Chs. I, II)
01-10	9- 5-01	Amended subsections 4-20.101—4-20.105, Graffiti Abatement; Added subsection 4-20.106. (Ch. IV)
01-12	10-17-01	Added section 9-8, subsections 9-8.1—9-8.4, Monitoring Fee on Certain Vacant or Boarded Buildings. (Ch. IX)
01-13	10-17-01	Amended subsection 12-6.13, Sewage Capacity Fees. (Ch. XII)

Ordinance Number	Adoption Date	Description
01-14	12-19-01	Amended subsection 2-2.102, Mayor and Council: Compensation and Expense Reimbursement. (Ch. II)
02-01	1-16-01	Repeals and reenacts subsection 5-4.2, Barking, Howling, or Other Unreasonable Animal Noise. (Ch. V)
02-02	2-16-02	Added editor's note, subsection 2-8.103, Pension Benefits. (Ch. II)
02-03	5- 1-02	Amended subsection 12-6.13, Sewage Capacity Fees. (Ch. XII)
02-04	10-16-02	Amended subsection 17-2.1, Uniform Fire Code. (Ch. XVII)
02-05	11- 6-02	Amended subsection 12-6.13, Sewage Capacity Fees. (Ch. XII)
02-06	12-18-02	Amended subsection 12-6.13, Sewage Capacity Fees. (Ch. XII)
03-01	3-19-03	Added section 20-31, subsections 20-31.1—20-31.8, Off-Site Automobile Sales (Ch. XX)
03-02	3-19-03	Amended subsections 20-26.2—20-26.4, 20-26.7, Signs (Ch. XX)
04-01	2- 4-04	Amended subsection 4-11.101, Public Safety (Ch. IV)
04-02	4-21-04	Amended section 21-4, Definitions (Ch. XXI)

Ordinance Number	Adoption Date	Description
04-03	5- 5-04	Amended subsection 20-1.2, Definitions; Amended subsection 20-3.26, Family Day Care Homes; Amended subsection 20-5.3, Conditional Uses; Amended subsection 20-5B.2, Permitted Uses; Amended subsection 20-5C.2, Permitted Uses; Amended subsection 20-5C.3, Permitted Uses with a Conditional Use Permit; Amended subsection 20-5D.2, Permitted Uses; Amended subsection 20-5D.3, Permitted Uses with a Conditional Use Permit; Amended subsection 20-6.2, Permitted Uses; Amended subsection 20-6.3, Conditional Uses; Amended subsection 20-7.2, Permitted Uses; Amended subsection 20-7.3, Conditional Uses; Amended subsection 20-7A.2, Permitted Uses; Amended subsection 20-7A.3, Conditional Uses; Amended subsection 20-8.2, Permitted Uses; Amended subsection 20-8.3, Conditional Uses; Amended subsection 20-8.12, Second Units; Amended subsection 20-9.2, Permitted Uses; Amended subsection 20-10.2, Permitted Uses; Amended subsection 20-10.3, Conditional Uses; Amended subsection 20-11.2, Permitted Uses; Amended subsection 20-13.2, Permitted Uses; Amended subsection 20-13.3, Conditional Uses; Amended subsection 20-16.1, Purpose; Amended subsection 20-16.2, Permitted Use; Amended subsection 20-16.3, Conditional Uses; Amended subsection 20-16.9, Devel-

Ordinance Number	Adoption Date	Description
		opment Guidelines for Live/Work or Manager/Caretaker Units; Amended subsection 20-20.3, Residential Parking Requirements; Amended section 20-26, Definitions; Amended subsection 20-26.3, Table 1; Amended subsection 20-26.5, Special Regulations; Added section 20-32, Density Bonuses. (Ch. XX)

Ordinance Number	Adoption Date	Description
04-04	5- 5-04	Amended subsection 20-1.2, Definitions; Amended subsection 20-3.26, Family Day Care Homes; Amended subsection 20-5.3, Conditional Uses; Amended subsection 20-5B.2, Permitted Uses; Amended subsection 20-5C.2, Permitted Uses; Amended subsection 20-5C.3, Permitted Uses with a Conditional Use Permit; Amended subsection 20-5D.2, Permitted Uses; Amended subsection 20-5D.3, Permitted Uses with a Conditional Use Permit; Amended subsection 20-6.2, Permitted Uses; Amended subsection 20-6.3, Conditional Uses; Amended subsection 20-7.2, Permitted Uses; Amended subsection 20-7.3, Conditional Uses; Amended subsection 20-7A.2, Permitted Uses; Amended subsection 20-7A.3, Conditional Uses; Amended subsection 20-8.2, Permitted Uses; Amended subsection 20-8.3, Conditional Uses; Amended subsection 20-8.12, Second Units; Amended subsection 20-9.2, Permitted Uses; Amended subsection 20-10.2, Permitted Uses; Amended subsection 20-10.3, Conditional Uses; Amended subsection 20-11.2, Permitted Uses; Amended subsection 20-13.2, Permitted Uses; Amended subsection 20-13.3, Condi-

Ordinance Number	Adoption Date	Description
		tional Uses; Amended subsection 20-16.1, Purpose; Amended subsection 20-16.2, Permitted Use; Amended subsection 20-16.3, Conditional Uses; Amended subsection 20-16.9, Development Guidelines for Live/Work or Manager/Caretaker Units; Amended subsection 20-20.3, Residential Parking Requirements; Amended section 20-26, Definitions; Amended subsection 20-26.3, Table 1; Amended subsection 20-26.5, Special Regulations; Added section 20-32, Density Bonuses. (Ch. XX)
05-01	1-19-05	Amended subsection 4-8.102, Unlawful Actions; Added subsection 4-8.102.1, Abandoned Vehicles: Public Highways (Ch. IV)
05-02	6- 1-05	Added subsection 4-15.110, Notices; Added subsection 4-15.111, Cost Recovery (Ch. IV)
05-03	7-20-05	Amended subsection 4-18.101, Hours of operation and use (Ch. IV)
05-05	9- 7-05	Added subsections 1-4.101—1-4.110, Administrative Citations (Ch. I)
05-06	12- 7-05	Added subsection 12-7.6 d., Design and Construction Standards; Lateral Connection to a Trunk Sewer (Ch. XII)
06-01	4-19-06	Added subsections 3-11.101—3-11.105, Development Impact Fees (Ch. III)

APPENDIX A

Ordinance Number	Adoption Date	Description
06-03	4- 5-06	Amended section 2-2.102, Compensation and Expense Reimbursement (Ch. II)
06-06	7- 5-06	Amended subsection 20-23.5, PUD Standards (Ch. XX)
06-07	7-19-06	Repealed subsection 19-9.1, Intent; Repealed subsection 19-9.2, Applicability; Repealed subsection 19-9.3, Fee Schedule; Repealed subsection 19-9.4, Park and Recreation Facilities Fund; Repealed subsection 19-9.5, Distribution of Funds; Renumbered subsection 19-9.6 as 19-9.1, Fund Credits; Renumbered subsection 19-9.7 as 19-9.2, Land Dedication in Lieu of Fees (Ch. XIX)
06-18	12-20-06	Amended subsection 6-32.5, Permit Conditions (Ch. VI)
06-19	12-20-06	Added subsections 4-23.101—4-23.108, Food Establishment Grading (Ch. IV)
06-20	12-20-06	Added subsections 1-5.101—1-5.103, Eminent Domain (Ch. I)
07-01	2- 7-07	Amended subsections 4-9.103, Permit Required for Concealed Weapons (Ch. IV)
07-03	3-21-07	Amended section 6-10, Unlawful Business Not Authorized (Ch. VI)
07-04	4-18-07	Added subsections 4-24.101—4-24.103, Prohibition of Medical Marijuana Dispensaries (Ch. IV)