

ORDINANCE NO. 149

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF RIDGECREST, CALIFORNIA, REGULATING
SOIL SURFACE DISTURBANCE AND REQUIRING
EROSION CONTROL MEASURES

THE CITY COUNCIL OF THE CITY OF RIDGECREST, CALIFORNIA, DOES
ORDAIN AS FOLLOWS:

Section 1. Ordinance No. 38 of this City Council is hereby
repealed.

Section 2. 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 it is necessary to regulate the
disturbance of soil surfaces and to require measures to control wind
erosion of soil.

Section 3. It shall be unlawful for any person, firm, or cor-
poration, 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 grading of single lots in recorded and de-
veloped subdivisions, 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.

Section 4. An applicant for a permit, hereinafter called "grad-
ing 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 ordinances
for land development. An applicant for a grading permit must also state
in writing applicant's proposed method to control wind erosion:

- (1) During the grading operation, and
- (2) For any period thereafter during which the land may be
exposed with natural protective vegetation removed.

Section 5. Applicant for a grading permit shall pay a fee of five
dollars (\$5.00) upon application.

Section 6. The City Engineer shall check applicant's plans to de-
termine compliance with City ordinances and state law prior to issuing
a grading permit. He shall also submit said 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 ordinance provisions.

Section 7. 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:

(1) Watering the soil of the site and the adjacent streets being used in connection with soil disturbance operations on the site.

(2) Installation and property maintenance of snow fences to a minimum height of three feet and set back six feet from the property line.

(3) Resin base or other suitable soil palliative.

(4) Complete cover of gravel or rock landscaping.

(5) Organic mulches, sprinkler irrigated.

(6) Irrigated grasses.

(7) Landscape vegetation.

(8) Other methods proposed by applicant and found acceptable by the Engineer.

Section 8. The City Engineer shall, in granting a grading permit, require:

(1) 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.

(2) That the permit state that the City Engineer may suspend said permit for permittee's failure to comply with its terms and conditions.

(3) Such additional conditions as he may determine are required in order to insure permittee's compliance with this ordinance and other applicable City ordinances and State law.

(4) 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:

1 acre or less	\$50.00
2 to 9 acres	\$50.00 plus \$10.00 per acre or portion thereof, over 1 acre
10 acres or more	\$150 plus \$5 per acre, or portion thereof, over 10 acres

Section 9. The cash deposit referred to in the previous section 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.

Section 10. 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 said costs from permittee's deposit.

If said costs exceed the amount of the deposit, the difference shall be billed to permittee. Any said costs remaining unpaid thirty (30) days after billing shall be filed as a lien upon the property under permit.

Section 11. The City Engineer may, if in his opinion the permittee failed to comply with the terms and conditons 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 said permit. Said notice shall be mailed to permittee not less than five (5) calendar days prior to the date of the hearing.

Section 12. 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 said 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 thirty (30) days after billing shall be filed as a lien on the property under permit.

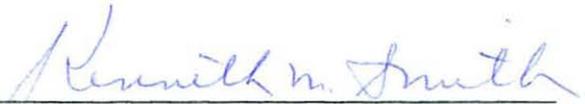
Section 13. Every person, firm or corporation violating any provision of this ordinance is guilty of a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00), or by imprisonment in the County Jail for a period not to exceed six (6) months, or by both such fine and imprisonment.

Section 14. This ordinance shall take effect immediately pursuant to Government Code Section 36937. The facts giving rise to the urgency are as follows: Severe winds can be expected to cause extensive property damage and other inconvenience to the City prior to the date on which this ordinance would take effect.

Section 15. The City Clerk shall cause this ordinance to be published as required by law.

APPROVED AND ADOPTED this 21 day of October, 1971, by the following vote:

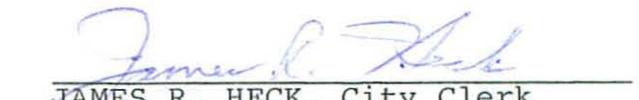
- AYES: Mayor Smith, Councilmen Edwards, Fox, Kessler and Shacklett.
- NOES: None
- ABSENT: None


KENNETH M. SMITH, Mayor

ATTEST:


JAMES R. HECK, City Clerk

I certify that the foregoing ordinance was approved and adopted by the City Council of the City of Ridgecrest, California, at a regular meeting thereof held on October 21, 1971.


JAMES R. HECK, City Clerk