

ORDINANCE NO. 38

AN ORDINANCE OF THE CITY OF RIDGECREST
PROVIDING REGULATION AND CONTROL OF
BLOWING SAND

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

SECTION 1. The City Council does hereby find that there exists within the City of Ridgecrest a serious and hazardous wind erosion problem that affects the health, safety, welfare, and property of the residents of Ridgecrest.

SECTION 2. In light of this problem the following requirements are hereby created to provide reasonable measures and means to prevent and control such erosion of the sand and earth.

SECTION 3. 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, blading or by distributing or spreading soil on land, or by any other action likely to cause or contribute to wind erosion of land without first obtaining a permit from the City Clerk. Permits shall not be required for normal landscaping, or farming operations, cultivation of existing plantings, or improvement of landscaping or planting on single lots. However adequate protective measures must be provided in such cases.

SECTION 4. Permits for disturbing the soil will be good for six months and will be issued for development, construction and pipe laying or other reasonable cause. Projects for which permits are issued must have commenced and proceeded in a reasonable manner within 90 days after issuance. The fee for each permit shall be \$2.00. Permits may be renewable without additional cost. Applications for permits must state in writing the applicant's plans to control wind erosion:

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

The City Clerk may deny any permit where the plans are unacceptable to the City Engineer.

SECTION 5. Once a permit has been issued the following requirements will be complied with:

- a. Developers are to be encouraged to "tie into" already developed areas rather than to move into isolated areas.
- b. Developers and builders shall not disturb more than necessary the native vegetation within the proposed development.
- c. Such protection shall be sufficient to prevent undue deposit of soil, sand or dust on nearby property, and shall minimize the amount of dust eroded into the atmosphere. Protection must be provided both for the period during which soil disturbing operations are under way, and for any extended period following such operations if the natural protective vegetation is destroyed, or disturbed by the soil disturbing operations.
- d. Lots and areas within and without proposed developments that have had the soil disturbed during the development shall be treated by the developer to prevent them from creating a wind erosion problem. Methods to gain this protection can be by the use of the following materials applied in combination or singly to produce an effective wind erosion control.
 - (1) Complete cover of gravel or rock landscaping
 - (2) Organic mulches (sprinkler irrigated)
 - (3) Irrigated grasses
 - (4) Landscape vegetation
 - (5) Installation and proper maintenance of snow fences to a minimum height of three feet and set back six feet from the property line
 - (6) Water the soil in the development area and adjacent streets being used in connection with the development so as to eliminate blowing soil and dust nuisance during construction
 - (7) Resin base soil pallative
 - (8) Any other device acceptable to the City Engineer.

SECTION 6. a. The City Clerk may suspend any permit issued hereunder during any period when in his opinion, wind velocity is excessive and is likely to cause excessive wind erosion and dust conditions.

b. If, in the opinion of the City Clerk, it is necessary in the interest of public health and safety to permanently suspend any permit granted hereunder, the City Clerk shall mail a written notice to the permit holder, at the address shown on the permit. Said notice shall inform the permit holder of the time and place where a public hearing shall be held by the City Council to determine whether or not said permit should be permanently suspended or revoked. Said notice shall be mailed to the permit holder not less than five (5) calendar days prior to the date of said hearing. At the hearing the City Council may revoke or suspend said permit or may impose any additional conditions upon said permit which the City Council may deem advisable.

SECTION 7. 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 8. 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 9. The City Clerk is instructed to certify to the adoption of this ordinance and cause same to be published in the manner prescribed by law.

PASSED AND ADOPTED by the City Council of the City of Ridgecrest this 3rd day of June 1965 by the following vote:

AYES: MAYOR HUGO, COUNCILMEN GILMER, DRAUS AND JULES

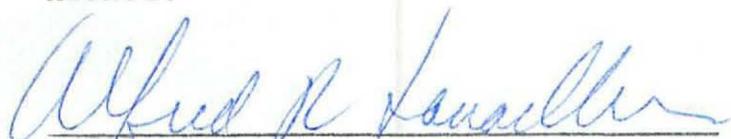
NOES: COUNCILMAN WEBB

ABSENT: None



Mayor

ATTEST:



City Clerk