

ORDINANCE NO. 87-12

AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF RIDGECREST AMENDING THE  
GENERAL PROVISIONS OF THE RIDGECREST  
MUNICIPAL CODE.

THE CITY COUNCIL OF THE CITY OF RIDGECREST ORDAINS as follows:

Section 1. Chapter 1 of the Ridgecrest Municipal Code is hereby amended and re-enacted to read as follows:

"CHAPTER 1. GENERAL PROVISIONS

Section 1-1.01 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.

Section 1-1.02. 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.

Section 1-1.03. Effective Date

The provisions of this code took effect upon the effective date of the ordinance adopting this code by reference.

Section 1-1.04. 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.

Section 1-1.05. 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.

Section 1-1.06. 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.

#### Section 1-1.07. Validity

If any section, sub-sections, 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, sub-section, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, sub-sections, sentences, clause or phrase be declared unconstitutional.

#### Section 1-1.08. 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.

#### Section 1-1.09. Code Maintenance

At least three 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.

### ARTICLE 2. PENALTIES

#### Section 1-2.01. 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 is 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 \$1,000 or by imprisonment in county jail for a period not to exceed 6 months, or by both

(c) Every violation of this code determined to be an infraction is punishable by: (1) A fine not exceeding \$100 for the first violation; (2) A fine not exceeding \$200 for the second violation of the same provision within one year; (3) A fine not exceeding \$500 for each additional violation of the same provision within one year.

#### Section 1-2.02. 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.

#### Section 1-2.03. 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.

#### Section 1-2.04. 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.

**Section 1-2.05. 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.

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**ARTICLE 3. CONSTRUCTION**

**Section 1-3.01. 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.

**Section 1-3.02. 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.

**Section 1-3.03. 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 held such offices in accordance with the tenure originally granted such persons.

**Section 1-3.04. 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.

**Section 1-3.05. 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 virtue of the constitution of the State or any law, or by reason of ownership or control of property.

**Section 1-3.06. 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.

**Section 1-3.07. 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.

Section 1-3.08. 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.

Section 1-3.09. 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.

Section 1-3.10. 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.

Section 1-3.11 Statute of Limitations

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.

Section 1-3.12. 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 of Ridgecrest.
- (c) 'Council' shall mean the City Council of the City of Ridgecrest.
- (d) 'County' shall mean the County of Kern.
- (e) 'Fiscal year' shall mean from July 1 of any given year through June 30 of the following year.
- (f) 'Gender.' The masculine gender shall include the feminine and neuter genders.
- (g) 'Goods' shall mean and include wares and merchandise.
- (h) 'May' shall be permissive.
- (i) 'Month' shall mean a calendar month unless otherwise expressed.
- (j) 'Number.' The singular number shall include the plural, and the plural number shall include the singular.
- (k) "Oath" shall include affirmation.
- (l) '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.

- (m) '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.
- (n) 'Operate' shall mean and include carrying on, keeping, conducting, or maintaining.
- (o) 'Owner' applies to a building or land, shall include any part owner, joint owner, tenant, tenant in common, or joint tenant of the whole or a part of such building or land.
- (p) '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 or agency or any thereof unless this code expressly provides otherwise.
- (q) 'Personal property' shall include money, goods, chattels, things in action, and evidences of debt.
- (r) 'Property' shall include real and personal property.
- (s) 'Quarterly,' where used to designate a period of time, shall mean the first three (3) calendar months of any given year or any succeeding period of three (3) calendar months.
- (t) 'Real property' shall include lands, tenements, and hereditaments.
- (u) 'Sale' shall include any sale, exchange, barter, or offer for sale.
- (v) 'Section' shall mean a section of this code unless some other source is specifically mentioned.
- (w) 'Shall' shall be mandatory.
- (x) 'State' shall mean the State of California.
- (y) '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.
- (z) 'Subsection' shall mean a subsection of the section in which the term occurs, unless some other section is expressly mentioned.
- (aa) 'Tenant or occupancy,' applied to a building or land shall include any person who occupies the whole or a part of such building or land, whether alone or with others."

Section 2. Except as provided herein the Ridgecrest Municipal Code is hereby re-affirmed and re-adopted.

APPROVED AND ADOPTED this 15th day of April, 1987, by the following vote:

AYES: Mayor Mower, Councilmembers Bergens, Corlett, and Wiknich.

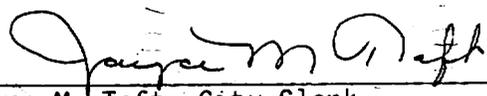
NOES: None.

ABSENT: Councilmember Pearson.

ABSTAIN: None.

  
Michael R. Mower, Mayor

ATTEST:

  
Joyce M. Taft, City Clerk