

ORDINANCE NO. 90-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF RIDGECREST AMENDING THE RIDGECREST
MUNICIPAL CODE AS IT RELATES TO PUBLIC SAFETY

BE IT ORDAINED BY THE CITY COUNCIL OF THE City as follows:

Section 1. **Purpose and Scope**

The City has discovered that certain sections of its Municipal Code were inadvertently repealed. This Ordinance amends the Municipal Code by re-enacting and reorganizing those provisions.

Section 2. **Amendment: Anti-Litter Regulations**

Article 2 is hereby added to Chapter 4 of the Ridgecrest Municipal Code to read as follows:

"ARTICLE 2. ANTI-LITTER

4-2.101 **Short Title.** This article shall be known and may be cited as the 'Ridgecrest Anti-Litter Regulations'.

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 work '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 clipping, 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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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 10 days after receipt of written notice provided for above, or within 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 know 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.

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 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 300 feet. Failure to provide for regular emptying shall be cause for the permittee to cease and desist further construction on the site.

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.

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 1."

Section 3. Amendment: Loitering

Article 3 is hereby added to Chapter 4 of Ridgecrest Municipal Code to read as follows:

"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.

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.

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 (\$100.00) dollars, or imprisonment for not more than 30 days, or by both such fine and imprisonment."

Section 4. Amendment: Curfews

Article 4 is hereby added to Chapter 4 of the Ridgecrest Municipal Code to read as follows:

"ARTICLE 4. CURFEWS

4-4.101 Curfew Law Between the Hours of 10:00 p.m. and 5:00 a.m. the Following Day. Except as provided below it shall be unlawful for any minor under the age of 18 years to be upon the streets of the City or in places of amusement or entertainment or in other public places in said City, between the hours of 10:00 pm. and 5:00 a.m. of the following day, unless this person is:

(a) Accompanied by a parent, guardian or other adult person having custody or charge of said minor, or

(b) At a church or other religious function, or

(c) At a legitimate place of business, trade, profession or occupation at which the minor is employed, or

(d) On the streets going directly to or returning directly from any of the places mentioned in subsections (b) and (c) hereof.

4-4.102 Exception to Curfew Law Between the Hours of 10:00 p.m. and 12:00 Midnight. Notwithstanding the provisions of Section 4-4.101, and between the hours of 10:00 p.m. and 12:00 midnight of any day, it shall be permissible and it shall not be unlawful for any person under the age of 18 years to be at or on the streets going directly to or returning directly from a public library, night class, study hall, school activity or a place of amusement or entertainment, other than one at which intoxicating liquors are sold or distributed, if such place of amusement or entertainment is supervised or sponsored by an adult person or adult persons of good moral character, or a reputable firm or corporation or a public agency. These places of amusement or entertainment, as herein defined, shall include but shall not be limited to theaters, night games, recreation centers, dances and similar activities.

4-4.103 Exception to Curfew Law.

(a) Notwithstanding any provision contained in this article to the contrary, it shall be permissible and it shall not be unlawful for any minor of the ages of 16 years and 17 years to be upon the streets of the City or in places of amusement or entertainment or in other public place in said City between the hours of 10:00 p.m. and 12:00 midnight on Friday and Saturday nights.

(b) Notwithstanding any provision contained in this article to the contrary, it shall be permissible, and it shall not be

unlawful, for any person under the age of 18 years to be at or on the streets going directly from a place of amusement or entertainment, other than one at which intoxicating liquors are sold or distributed, between the hours of 10:00 p.m. on December 31st of each year and 2:00 a.m. of January 1st of each year or during the so-called 'New Years Eve,' if such place of amusement or entertainment is supervised or sponsored by an adult person or adult persons of good moral character, or a reputable firm, or corporation, or a public agency. The places of amusement or entertainment, as herein defined, shall include but not be limited to the theaters, night games, recreation centers, dances and similar activities.

4-4.104 Parent's Liability. It shall be unlawful for any parent or any adult person having the care or control or charge of any person under 18 years of age to permit, allow or let said person to be upon the streets of the City or in places of amusement or entertainment, or in other places of the City, in violation of this section.

4-4.105 Violation and penalty. A violation of this article shall be punishable for the first offense by a fine not exceeding ten (\$10.00) dollars or by imprisonment in the County Jail not exceeding five days. For each subsequent offense, by a fine of not less than ten (\$10.00) dollars or more than fifty (\$50.00) dollars or imprisonment in the County Jail of not less than five days or not more than 25 days or by both such fine and imprisonment."

Section 5. Amendment: Motorcycles, Mini-Bikes and Recreational Vehicles on Private Property

Article 5 is hereby added to Chapter 4 of the Ridgecrest Municipal Code to read as follows:

"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.

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, within 660 feet or one 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 miles per hour.

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.

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.

4-5.105 Penalty. Any person violating this section, or any person who causes or knowingly permits his child, ward or employee under 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."

Section 6. Amendment: Reckless Driving Upon Private Property

Article 6 is hereby added to Chapter 4 of the Ridgecrest Municipal Code to read as follows:

"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.

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 1."

Section 7. Amendment: Regulations for Public Parks

Article 7 is hereby added to Chapter 4 of the Ridgecrest Municipal Code to read as follows:

"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.

4-7.102 Alcoholic Beverages. No person shall possess an alcoholic beverage in a public park owned or operated by the City.

4-7.103 Penalty. Any violation of this section is an infraction punishable as set forth in Chapter 1."

Section 8. Amendment: Abandoned Vehicles

Article 8 is hereby added to Chapter 4 of the Ridgecrest Municipal Code to read as follows:

"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.

4-8.102 Unlawful Actions. It shall be unlawful for any person or firm 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 not including highways within the City for a period in excess of 72 hours 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 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.

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.

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 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.

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'.

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.

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.

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 remove or cause the removal of a vehicle or part thereof declared to be a nuisance pursuant to this article.

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.

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.

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 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.

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 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.

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 assess 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.

4-8.114 Removal. Five 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.

4-8.115 Notice of Removal. Within five 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.

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 subsection 4-8.113 are not paid within 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.

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.

4-8.118 **Violation and Penalty.** Any person violating sections 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 or 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 months, or by both such fine and imprisonment."

Section 9. Amendment: Firearms

Article 9 is hereby added to Chapter 4 of the Ridgecrest Municipal Code to read as follows:

"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 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.

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.

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 revolver, pistol, dagger, dirk, slug, or sling shot, billy or other deadly weapon or instrument without first having obtained a written permit from the Sheriff of the County of Kern.

4-9.104 **Concealed Weapons; Confiscation.** All concealed weapons found on persons violating the provisions of this section shall upon conviction of said person be confiscated upon order of the court in which the conviction has been had.

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 so to do to

protect life or property, or to destroy or kill any predatory or dangerous animal.

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, equipped and used as to adequately prevent any arrow, bullet, shot or missile from being projected beyond the confines of such range.

4-9.107 **Penalty.** Every person, firm or corporation violating any provision of this article is guilty of a misdemeanor and is liable to the penalty established in Chapter 1."

Section 10. **Amendment: Prohibiting the Use of Recording Devices to Report Emergencies**

Article 10 is hereby added to Chapter 4 of the Ridgecrest Municipal Code to read as follows:

"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 mechanical 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.

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 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."

Section 11. Amendment: Prohibition of Smoking

Article 11 is hereby added to Chapter 4 of the Ridgecrest Municipal Code to read as follows:

"ARTICLE 11. PROHIBITION OF SMOKING

4-11.101 The possession of lighted smoking materials 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.

4-11.102 Violation of this section is an infraction punishable as set forth in Chapter 1 of this Code."

Section 12. Amendment: Prohibition of Topless and Bottomless Acts

Article 12 is hereby added to Chapter 4 of the Ridgecrest Municipal Code to read as follows:

"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.

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 ordinance 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.

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.

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.

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.

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.

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 1."

Section 13. **Amendment: Unclaimed Property in the Possession of the Police Department or City.**

Article 13 is hereby added to Chapter 4 of the Ridgecrest Municipal Code to read as follows:

"ARTICLE 13. UNCLAIMED PROPERTY IN THE POSSESSION OF THE POLICE DEPARTMENT OR CITY

4-13.101 **Holding Period for Unclaimed Property.** 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 months. Unclaimed bicycles shall be held for a period of at least three months.

4-13.102 **Expiration of Holding Period.** Following the expiration of the time periods set forth in subsection 4-13.101, above, the property referred to in this article shall be sold at public auction to the highest bidder.

4-13.103 **Notice of Auction Sale.** Notice of any such auction sale shall be given by the Chief of Police at least five days before the time fixed for said auction sale by publication once in a newspaper of general circulation published in the County of Kern.

4-13.104 **Proceeds of Auction Sale.** The proceeds of any such auction sale, if any, shall be deposited in the general fund of the City."

Section 14. **Amendment: Regulations for the Operation of Fireworks Stands**

Article 14 is hereby added to Chapter 4 of the Ridgecrest Municipal Code to read as follows:

"ARTICLE 14. REGULATIONS FOR THE OPERATION OF FIREWORKS STANDS

4-14.101 **Preamble.** Rules and regulations are necessary for the operation of fireworks stands, and such rules and regulations directly protect the public health, safety, and general welfare of the citizens of the City. The City has adopted the Uniform Fire Code as amended to permit the sale of safe and sane fireworks within the City.

4-14.102 **Permit Required for Sale of Fireworks.** It shall be unlawful for any person to offer for sale any fireworks within the City without first obtaining a permit from the City Clerk.

4-14.103 **License from State Fire Marshal.** A permit shall not be issued unless the person applying for the permit has first obtained a license from the State Fire Marshal in accordance with the provisions of California Code of Regulations, Title 19, Article 14.

4-14.104 **Permits Limited; One Yearly.** No one organization may receive more than one permit for fireworks sales during any one calendar year.

4-14.105 **Sponsoring Organizations; Restrictions.** A permit for the sale of the 'Safe and Sane Fireworks' shall be issued only to a non-profit organization or corporation organized and existing primarily for veteran, patriotic, religious, welfare, charitable or civic betterment purposes having its principal and permanent meeting place in the City.

4-14.106 **Application for Permit.** Any application for a permit shall be filed with the City Clerk, between May 5 and June 18 of each year. Any permit issued shall be valid only for the premises or location for which issued, shall not be transferable, assignable or renewable, and shall be valid only for the times and dates specified in the permit. Each applicant shall, at the time of receipt of such permit, deliver to the City Clerk a \$50/100 public liability and ten thousand (\$10,000.00) dollars property damage insurance certificate and products' liability insurance in the amount of five hundred thousand (\$500,000.00) dollars, with riders attached to the certificate designating the City as an additional insured thereunder. Each applicant shall show the following:

(a) Name and address of the applicant.

(b) The purpose of the non-profit organization or corporation; its principal and permanent meeting place, and the names and addresses of its officers.

(c) The location where the applicant will sell safe and sane fireworks, together with a plot plan showing location of the temporary fireworks stand and all related structures, and written approval and consent to use such location for such purpose by the owner or lessee.

4-14.107 **Requirements for Temporary Stands.** All retail sales of safe and sane fireworks shall be permitted only from a

temporary fireworks stand and the sale from any other building of structure is hereby prohibited. Temporary stands shall be subject to the following provisions:

(a) The building official shall have authority to require that the stands be constructed in a manner which will reasonably insure the safety of attendants and patrons.

(b) All temporary stands for the display and sale of fireworks which use electrical power shall be inspected by a City building official, and must be certified as a safe structure by the official.

(c) All fireworks stands must be located on a paved lot, and shall not be located within 100 feet of any gasoline storage or gasoline pump or any garage or within 30 feet of any other building or within 300 feet of any other fireworks stand.

(d) Each stand up to ten feet in length must have one exit. Each stand ten feet to 40 feet in length must have at least two exits. Stands in excess of 40 feet in length must have at least three exits. Exits shall be a minimum width of 30 inches. An aisle with a minimum width of 30 inches shall lead to each exit. Exit doors shall be openable from the inside without the use of a key or any special knowledge or effort.

(e) Each stand shall be provided with two 2-A rated fire extinguishers, underwriter approved, properly serviced, tagged and easily accessible for use in the case of fire.

(f) No person shall light, or cause or permit to be lighted, any fireworks or any other article or material within any such stand, or within 50 feet thereof.

(g) No smoking shall be allowed in any stand nor within 50 feet thereof. 'No Smoking' signs shall be prominently displayed.

(h) No weeds and combustible material shall be cleared from the location of the stand, including a distance of at least 20 feet surrounding the stand.

(i) There shall be placed adjacent to each fireworks stand, trash containers of sufficient size to accommodate trash generated by the fireworks stand.

(j) There shall be at least one adult in attendance during the open or sale hours of the fireworks stand. No minor, age 16 or younger shall be permitted in a stand.

(k) There shall be at least one adult on the premises as night watchman for security during any hours of storage. Under no circumstances shall the watchman sleep within the fireworks stand. Accommodations for the watchman shall not be located within 25 feet of the fireworks stand. If all fireworks are safely stored as provided by Title 19 of the California Administrative Code, no night-watchman need be provided.

(l) All permits must be posted in a conspicuous place.

(m) The fireworks stand shall be removed from the temporary location by 12 noon on the 10th day of July, and all accompanying litter shall be cleared from said location on or before said time.

4-14.108 Sales to Persons Under 16 Years Prohibited. No person shall sell or transfer any safe and sane fireworks to a person who is under 16 years of age from any authorized fireworks stand in the City.

4-14.109 Penalties. Any violation of the article shall be an infraction and punishable by a fine of not more than fifty (\$50.00) dollars for a first offense. For a second violation within any 12 month period, a fine of not more than one hundred (\$100.00) dollars may be imposed, and for a third offense, a fine of not more than two hundred fifty (\$250.00) dollars may be imposed. Each day a violation exists is deemed to be a separate violation for which a citation may be issued.

4-14.110 Fee for Permit. The City Clerk is authorized to collect a fee for the issuance of a permit to sell fireworks, such amount as will reasonably compensate the City for the enforcement of these regulations as set by the City Council.

4-14.111 Minimum Standards Established. The City Council specifically finds that regulation of fireworks stands directly affects the health, welfare and safety of the citizens of the City in that the danger of fire and personal injury or property damage may result if reasonable regulations are not imposed.

The City Council further finds that the regulations contained herein shall be minimum standards, and shall be strictly enforced."

Section 15. Amendment: Property Maintenance; Removal of Weeds and Rubbish

Article 15 is hereby added to Chapter 4 of the Ridgecrest Municipal Code to read as follows:

**"ARTICLE 15. PROPERTY MAINTENANCE; REMOVAL
OF WEEDS AND RUBBISH**

4-15.101 Property Inspection. The Nuisance Abatement Officer shall inspect property within the City to determine whether an accumulation of refuse, rubbish, weeds or another condition of public nuisance exists. If the Nuisance Abatement Officer determines that such a condition exists, he/she shall notify the property owner and the person occupying the property and request voluntary removal of the refuse, rubbish or weeds or the voluntary abatement of the nuisance. The Nuisance Abatement Officer shall inform the City Administrator if he/she is unable to notify the property owner or person occupying the property or if such persons will not voluntarily remove the refuse, rubbish or weeds or abate the nuisance.

4-15.102 City Administrator Determinations.

(a) After the Nuisance Abatement Officer notifies the City Administrator that he/she is unable to contact the property owner or person occupying the property or that such persons will not voluntarily remove such refuse, rubbish, weeds or abate the nuisance, the City Administrator may declare the property to be a public nuisance. This action by the City Administrator shall refer to the location of the public nuisance by common street name and by official assessor map lot and block number.

(b) The City Administrator may also find and declare that weeds on specified parcels of property are seasonal and recurring nuisances and may order the preventive abatement of such nuisances by the use of chemical controls.

4-15.103 Notice of Abatement.

(a) The Nuisance Abatement Officer shall cause notice of the City Administrator's determination to be conspicuously posted on or in front of the property where the refuse, rubbish and weeds have accumulated or other public nuisance exists. One such notice shall be posted on each separately owned parcel property of not over 50 feet frontage; two such notices shall be posted on each parcel of property with frontage between 50 feet and 100 feet; and multiple notices shall be posted 100 feet apart if the frontage of the parcel is greater than 100 feet. The Nuisance Abatement Officer shall mail a notice of the City Administrator's determination to the person owning property whose ownership is shown on the latest equalized assessment roll and to the occupant of the property.

(b) The notices required by this article shall be in substantially the following form:

'NOTICE TO REMOVE REFUSE, RUBBISH OR WEEDS OR ABATE PUBLIC NUISANCE'

Notice is hereby given that the City Administrator has found and declared that the following condition on your property located at (property location) constitutes a public nuisance: (describe condition).

The City Administrator has also found and determined that this condition must be abated by its removal. It will be removed and the nuisance abated by the City and the cost of removal assessed on the land from or in front of which the condition is to be removed and such costs will constitute a lien on such land until paid. Reference is made to the enclosed order for all further particulars.

All property owners having any objection to the proposed removal or abatement of the above-described nuisance are hereby notified to attend a meeting of the City Council of the City to be held on (state time and place) when their objections will be heard and given due consideration.

DATED:

Nuisance Abatement Officer
City'

4-15.104 City Council Determination

(a) At the time stated in the notice presented by the Nuisance Abatement Officer, the City Council shall hear and consider all objections to the proposed abatement order. The Council may continue the hearing from time to time. The Council shall allow or overrule any objections by motion or resolution at the conclusion of the hearing.

(b) If objections have not been made, or after the Council has disposed of objections which have been made, the Council may order the Nuisance Abatement Officer to abate the Nuisance. The order shall be made by motion or resolution.

(c) Any property owner may abate the nuisance at his or her expense before the Nuisance Abatement Officer arrives to perform the work. The Council may order the abatement to be performed by contract awarded on the basis of competitive bids and let to the lowest responsible bidder. In such event, the contractor shall

keep an account and submit the report as required below for each separate parcel of land.

4-15.105 Accounts and Reports

(a) The Finance Director shall keep an account of the cost of abatement on each separate parcel of land where work is done. He shall submit an itemized written report showing such costs to the Council for confirmation.

(b) A notice of hearing and a copy of the Finance Director's report shall be posted for at least three days prior to its submission to the Council.

(c) At the time fixed for receiving and considering the report, the Council shall hear it with any objections by property owners liable to be assessed. The council may modify the report as necessary. The Council shall then confirm the report by motion or resolution.

(d) A copy of the Nuisance Abatement Officer's cost report shall be posted for at least three days prior to its submission to the Council, along with a notice of the time of submission.

(e) The time fixed for receiving and considering the report, the Council shall hear it with any objections of the property owners liable to be assessed for the abatement. The Council shall modify the report if it is deemed necessary. The Council shall then confirm the report by motion or resolution."

Section 16. Amendment: Massage Studios

Article 16 is hereby added to Chapter 4 of the Ridgcrest Municipal Code to read as follows:

"ARTICLE 16. MASSAGE STUDIOS

4-16.101 Purpose and Intent. It is the purpose and intent of the City Council that the operation of massage establishments and massage technicians as defined in this article should be regulated so as to further the public interest, safety, and welfare by providing minimum building, sanitation, and health standards for such establishments and providing minimum qualifications for massage technicians.

4-16.102 Definitions. For the purpose of this article, the following words and phrases shall mean or include:

(a) 'Massage' shall mean the method of treating the superficial parts of the human body for medical or hygienic purposes by rubbing, pressing, stroking, kneading, tapping, pounding, vibrating, or stimulating with the hands or any instrument.

(b) 'Massage establishment' shall mean any establishment wherein a principal function is such that massage is given, engaged in or carried on, or permitted to be given, engaged in, or carried on.

(c) 'Massage technician' shall mean any person who administers to another person, for any form of consideration, a bath, massage, manipulation of the body, electric vibration, magnetic stimulation, or similar procedure.

(d) 'Approved school' shall mean any school or institution of learning which has received final approval from the Bureau of School Approval, State Department of Education and which has for its purpose the teaching of a course consisting of two hundred (200) hours or more of the theory, ethics and practice, methods, profession or work of massage technicians, and which school or institution of learning requires a resident massage technician be furnished with a diploma or certificate of graduation from such school or institution of learning showing successful completion of such course of study already approved by the California State Department of Education.

Temporary, conditional or provisional approval by said Bureau will not qualify a school or institution of learning as acceptable under this section.

Schools offering correspondence courses not requiring actual attendance at class, or courses or a massage technician not approved by the California State Department of Education shall not be deemed 'approved schools'.

(e) 'Health Officer' shall mean Health Officer of the County of Kern or authorized representative.

4-16.103 **Massage Establishment, Permit Required.** It shall be unlawful for any person to engage in, conduct or carry on, or to permit to be engaged in, conducted or carried on, in or upon any premises within the City, as the owner or operator of a massage establishment as herein defined, unless a permit for the operation of said establishment has been issued by the Office of the City Clerk of the City and remains in effect in conformity with the provisions of this section and with section 4-16.101.

The application shall be upon a form provided by said Clerk and shall set forth the exact nature of the services to be provided, the proposed place of business and facilities therefor, and the name, including all names used, and the addresses of each applicant.

If applicant is a corporation, the names and residence addresses of each of the officers and directors of said corporation and of each stockholder owning more than ten percent of the stock of the corporation shall be set forth. If applicant is a partnership, the names and residence addresses of each of the partners including limited partners shall be set forth.

In addition to the foregoing, any applicant for such permit shall furnish the following information:

(a) The two previous addresses (if any) three years immediately prior to the present address of applicant.

(b) Written proof that the individual or partnership applicant is over the age of 18 years.

(c) Individual or partnership applicant's height, weight, color of eyes and hair, and sex.

(d) Two portrait photographs at least two inches by two inches.

(e) Business, occupation, or employment of the applicant for the three years immediately preceding the date of the application.

(f) The history of the applicant in operation of a massage establishment or similar business or occupation, including, but not limited to, whether or not such person, in previously operating in this or another city or state under permit, has had such permit revoked or suspended and the reason therefor, and the business activity or occupation subsequent to such action of suspension or revocation.

(g) All convictions of violations of Section 266i (Pandering), 315 (Keeping or residing in a house of ill fame), 316 (Keeping a house of prostitution), 318 (Prevailing upon a person to visit a place of prostitution), or subdivision (b) of Section 647 (Disorderly conduct by soliciting or engaging in prostitution) of the California Penal Code. All convictions of felony offenses involving the transfer, exchange, transportation or sale of a controlled substance specified in Section 11054, 11055, 11056, 11057, or 11058 of the California Health and Safety

Code. All convictions or attempt or conspiracy to commit any such offenses; of offenses committed in a jurisdiction outside of the State of California which are the equivalent of any of the aforesaid offenses. Whether the applicant is required to register under the provisions of Section 290 (Registration as a sex offender) of the California Penal Code. Whether the applicant, including a corporation or partnership, or a former employee of the applicant while so employed, or a building in which the applicant was so employed, or a building in which the applicant was so employed or a business conducted, was ever subjected to an abatement proceeding under Sections 11225 through 11235 (Red Light Abatement Act) of the California Penal Code or any similar provisions of law in a jurisdiction outside the State of California. All convictions of an offense involving the use of force and violence upon the person of another or of an offense involving the theft of property.

(h) The name and address of each massage technician who is or will be employed in said establishment.

(i) The name and address of the owner and lessor of the real property upon which the business is to be conducted, and a copy of the lease or rental agreement.

(j) Such other identification and information deemed necessary by the City Clerk to discovery the truth of the matters hereinbefore specified as required to be set forth in the application.

(k) Nothing herein contained shall be construed to deny to the investigation official the right to take the fingerprints and additional photographs of the applicant.

4-16.104 Exemptions. The permits required by this article shall not apply to hospitals, nursing homes, sanitarium, persons holding an unrevoked certificate to practice the healing arts under the laws of the State of California, or persons working under the direction of any such persons or in any of such establishments.

4-16.105 Permit Investigation and Fee. All applications for a massage establishment permit shall be accompanied by an investigation fee in the sum of a minimum of one hundred (\$100.00) dollars, no part of which shall be refundable. Additional fees may be required as determined by City Clerk if the investigation should require work exceeding three (3) hours. Upon receipt of the application, the City Clerk shall refer the application to the Building Department, the Fire Department, the Police Department, and the City Planning Department, each of

which within a period of 30 days from the date of application shall review records or make an inspection of the premises proposed to be devoted as a massage establishment and shall make a written recommendation to the City Clerk concerning compliance with the respective requirements. This fee is in addition to, or in lieu of the business license fee required in Chapter 3 of this Code.

4-16.106 **Issuance or Denial of Permit.** The City Clerk shall issue such permit if upon investigation and the reports filed it is found:

(a) That the operation, as proposed by the applicant, if permitted, would comply with all applicable laws, including, but not limited to, the City's building, zoning, and health regulations.

(b) The applicant has not been convicted in a court of competent jurisdiction of:

1. An offense involving theft of property; nor an offense involving the use of force and violence upon the person of another; or

2. Any violation of Section 266i (Pandering), 315 (Keeping or residing in a house of ill fame), 316 (Keeping a house of prostitution), 318 (Prevailing upon a person to visit a place of prostitution), or subdivision (b) of Section 647 (Disorderly conduct by soliciting or engaging in prostitution) of the California Penal Code, or conspiracy or attempt to commit any such offense, or any offense in a jurisdiction outside the State of California which is the equivalent of any of the aforesaid offense; or

3. Any felony offense involving the transfer, exchange, transportation or sale of a controlled substance specified in Section 11054, 11055, 11056, 11057, or 11058 of the California Health and Safety Code; or

(c) The applicant is not required to register under the provisions of Section 290 (Registration as a sex offender) of the California Penal Code; or

(d) The applicant has not had any massage establishment, operators, technician or trainee license or permit, which was issued within the State of California, revoked; or

(e) The applicant has not been subjected to a permanent injunction against the conducting or maintaining of a nuisance

pursuant to Sections 11225 through 11235 (Red Light Abatement Act) of the California Penal Code, or any similar provisions of law in a jurisdiction outside the State of California.

(f) That the applicant has not made any material false, misleading, or fraudulent statement of facts in the permit application or any other document required by the City in conjunction therewith.

Otherwise said permit shall be denied. In the event of denial, notifications and reasons for denial shall be set forth in writing and shall be sent to the applicant by means of registered or certified mail or hand delivery.

4-16.107 Renewal of Massage Establishment Permit. Every owner's permit heretofore issued shall expire one year after the effective date of this article. Every owner's permit issued hereafter shall expire one year after date of issuance, or renewal. Application for such renewal shall be made, at least 30 days before expiration, upon a form provided by the Tax and License Division, and shall be accompanied by an inspection fee of one hundred (\$100.00) dollars. No part of said fee shall be refundable. The Building Division, Fire Department, Police Department, Planning Department, and Tax and License Division shall inspect the massage establishment for the purpose of determining that the provisions of this section are being complied with prior to issuance of the renewal permit.

4-16.108 Sanitation and Safety Requirements. The Building Official shall examine massage establishments to determine compliance with building codes prior to the issuance of a permit to operate a massage establishment and periodically thereafter to determine continued compliance with such regulations. The Health Office shall also inspect massage establishments to determine compliance with health regulations prior to the issuance of a permit to operate a massage establishment, and periodically thereafter to determine continued compliance with such regulations. Each massage establishment and each massage technician shall comply with regulations adopted from time to time by the Health Officer deemed necessary to protect health, safety and welfare of massage technicians, employees and patrons of massage establishments.

4-16.109 Inspection by City Officials. The investigating officials of the City, including the Health Officer, shall have the right to enter the premises from time to time during regular business hours for the purpose of making reasonable inspections to enforce compliance with building, fire, electrical, plumbing, health, or penal regulations. In the event applicant for either

a massage establishment permit or a massage technician's permit has a communicable disease, or if the applicant is in violation of any Federal, State, or local health law or regulation, the application may be denied. In the event a permit has been issued, it may be revoked or suspended in the manner hereinafter set forth in this section.

4-16.110 **Transfer of Massage Establishment Permit.** No massage establishment permit shall be transferable except with the written approval of the City Clerk. An application for such a transfer shall be in writing and shall be accompanied by a filing and investigation fee of a minimum of one hundred (\$100.00) dollars, no part of which shall be refundable. Additional fees may be required as determined by City Clerk if the investigation should require work exceeding three (3) hours. The application for such transfer shall contain the same information as required herein for an initial application for such a permit. In the event of denial, notifications and reasons for denial shall be set forth in writing and shall be sent to the applicant by means of registered or certified mail or hand delivery.

4-16.111 **Massage Facilities Operation.** Every massage establishment shall comply with the following requirements:

(a) Each person employed or acting as a massage technician shall have a valid permit issued by the City and it shall be unlawful for any owner, operator, responsible managing employee, manager or permittee in charge of or in control of the establishment to employ or permit a person to act as a massage technician as defined herein who is not in possession of a valid massage technician's permit.

(b) Bath and massage operations shall be carried on only between the hours of 6:30 a.m. and 10:00 p.m.

(c) A list of services available and the cost of such services shall be posted in an open, public place on the premises and shall be described in readily understandable language. No owner, operator, responsible managing employee, manager, or permittee shall permit and no massage technician shall offer to perform any services other than those posted.

(d) To protect patrons from potential health and sanitary hazards, all employees and massage technicians 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 patron unless it has first been laundered and disinfected.

(e) No person shall enter, be or remain, in any part of massage establishment while in possession of, consuming, or using any alcoholic beverage or drugs except pursuant to a prescription for such drugs. The owner, operator, responsible managing employee, manager or permittee shall not permit any such person to enter or remain upon such premises.

4-16.112 Massage Technician Permit Required. It shall be unlawful for any person to practice massage as a principal, an employee, or otherwise within the City, unless such person has been issued a massage technician permit by the Clerk of the City and such permit remains in effect in conformity with the provisions of this article.

The application shall be upon a form provided by said Division and shall set forth the following information:

(a) The applicant's full name, including all names used by applicant, residential address, and residence telephone number.

(b) The name and address of the massage establishment where the applicant is to be employed and the name of the owner of same.

(c) The names and addresses of any and all previous establishments where applicant has been employed as a massage technician.

(d) All convictions of violations of Section 266i (Pandering), 315 (Keeping or residing in a house of ill fame), 316 (Keeping a house of prostitution), 318 (Prevailing upon a person to visit a place of prostitution), or subdivision (b) of Section 647 (Disorderly conduct by soliciting or engaging in prostitution) of the California Penal Code. All convictions of felony offenses involving the exchange, transfer, transportation or sale of a controlled substance specified in Sections 11054, 11055, 11056, 11057, or 11058 of the California Health and Safety Code. All convictions of attempt or conspiracy to commit any such offenses; of offenses committed in a jurisdiction outside of the State of California which are the equivalent of any of the aforesaid offenses. Whether the applicant is required to register under the provisions of Section 290 (Registration as a sex offender) of the California Penal Code. Whether the applicant, including a corporation or partnership, or a former employer of the applicant while so employed, was ever subjected to an abatement proceeding under Sections 11225 through 11235 (Red Light Abatement Act) of the California Penal Code or any similar provisions of law in a jurisdiction outside the State of California.

All convictions of an offense involving the use of force or violence upon the person of another or of an offense involving the theft of property.

(e) Whether any permit to engage in the practice of massage as a massage technician or otherwise has previously been denied applicant or revoked and, if so, the circumstances of such denial or revocation.

(f) The furnishing of a portrait photograph at least two inches by two inches, together with a complete set of such person's fingerprints which shall be taken by the Chief of Police or his agent.

(g) Written proof that applicant is over the age of 18 years.

(h) A certificate from a medical doctor stating that the applicant has, within 30 days immediately prior to filing his application herein, been examined and found to be free from any contagious and communicable disease.

(i) Applicant shall also furnish a diploma or certificate of graduation from an approved school wherein the method, profession, and work of massage techniques are taught.

(j) A letter from the owner or operator of a massage establishment stating his or her willingness to employ the applicant as a massage technician.

4-16.113 Technician Permit Investigation and Fee. All applications for a massage technician permit shall be accompanied by an investigation fee in the sum of a minimum of one hundred (\$100.00) dollars, no part of which shall be refundable. Additional fees may be required as determined by City Clerk if the investigation should require work exceeding three (3) hours. Upon receipt of said application, the City Clerk shall refer the application to the Police Department which, within a period of 30 days from the date of application shall make investigation and submit a written recommendation thereon to the City Clerk concerning compliance with the respective requirements.

4-16.114 Issuance or Denial of Permit. The Permits and License Division shall issue such permit if upon investigation and the report filed it is found:

(a) The applicant has not been convicted in a court of competent jurisdiction of:

1. An offense involving theft of property nor an offense involving the use of force and violence upon the person of another; or

2. Any violation of Sections 266i (Pandering), 315 (Keeping or residing in a house of ill fame), 316 (Keeping a house of prostitution), 318 (Prevailing upon a person to visit a place of prostitution), or subdivision (b) of Section 647 (Disorderly conduct by soliciting or engaging in prostitution) of The California Penal Code; felony offenses involving the sale of a controlled substance specified in Sections 11054, 11055, 11056, 11057, or 11058 of the California Health and Safety Code; attempt or conspiracy to commit any such offenses; or offenses committed in a jurisdiction outside of the State of California which are the equivalent of any of the aforesaid offenses; or

(b) The applicant is not required to register under the provisions of Section 290 (Registration as a sex offender) of the California Penal Code; or

(c) The applicant, including applicant as a member of a corporation or partnership, or a former employer of the applicant while so employed, has never been subjected to an abatement proceeding under Sections 11225 through 11235 (Red Light Abatement Act) of the California Penal Code or any similar provisions of law in a jurisdiction outside the State of California;

(d) The applicant has not had any massage establishment, massage technician license or permit, which was issued within the State of California, revoked;

(e) That the applicant has not made any material false, misleading, or fraudulent statement of facts in the permit application or in any other document required by the City in conjunction therewith.

(f) That the applicant possesses a diploma or certificate from an approved school as herein defined.

Otherwise said permit shall be denied. In the event of denial, notifications and reasons for denial shall be set forth in writing and shall be sent to the applicant by means of registered or certified mail or hand delivery.

4-16.115 Renewal of Massage Technician Permit. Every massage technician permit heretofore issued to an applicant possessing a diploma or certificate from an approved school teaching a course consisting of less than 200 hours shall expire

one year after the effective date of this section, and shall not be subject to renewal unless the applicant possesses a diploma or certificate from an approved school indicating applicant has completed the additional course time to qualify applicant for a renewal of the permit.

Every massage technician permit issued hereafter shall expire one year after date of issuance or renewal. Application for such renewal shall be made at least 30 days before expiration upon a form provided by the City Clerk, and shall be accompanied by a fee of thirty-five (\$35.00) dollars. The application must also be accompanied by a certificate from a medical doctor stating that the applicant has, within 30 days immediately prior to filing his/her application herein been examined and found to be free from any contagious and communicable disease.

4-16.116 Display of Permit. The owner or operator shall display the massage establishment permit issued and the permit of each and every massage technician who is on duty in the establishment in an open and conspicuous place on the premises. Each massage technician's permit shall bear his or her photograph.

The owner or operator shall maintain a register of all persons employed as massage technicians and their permit numbers. Such register shall be available for inspection at all times during regular business hours.

4-16.117 Notification of Changes. Every massage establishment owner or operator shall report immediately to the City Clerk any and all changes of address or ownership of the massage establishment, and any changes or transfers of massage technicians employed in the business or practice.

Massage technicians transferring from one establishment to another must secure a new permit and pay to the City Clerk a fee of five (\$5.00) dollars.

4-16.118 Out Call Massage Service Prohibited. The engaging in or carrying out of massage not at a fixed location in a licensed establishment but at a location designated by the permittee, massage technician, customer or client is prohibited. Violation of this subsection shall be a basis for revoking the permits of the massage technician who performs out call massage and/or the massage establishment owner or operator who authorized or knowingly allows an instance or instances of out call massage.

4-16.119 Massage Establishment Permittee's Responsible for Employee's Acts. The massage establishment permit issued under

this article to any owner or operator shall be subject to suspension for the first violation of any of the provisions of this section by said owner or operator's employees while acting as massage technicians. Upon the second or subsequent such violation, said permit shall be subject to revocation.

4-16.120 **Suspension or Revocation of Permits.** Any massage establishment or massage technician's permit issued under this section shall be subject to suspension or revocation by the City Administrator for violation of any provision of this section or for any grounds that would warrant the denial of the issuance of such permit(s) in the first instance.

4-16.121 **Denial of Permits, Appeal.** Any action denial taken by the City Administrator shall be subject to appeal to the City Council.

4-16.122 **Injunctive Relief.** In addition to the legal remedies provided for in this Code, the operation of any massage establishment in violation of the terms of this section shall be deemed a public nuisance and may be enjoined by the City."

Section 17. **Amendment: Burglary and Robbery Alarms**

Article 17 is hereby added to Chapter 4 of the Ridgecrest Municipal Code to read as follows:

"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.

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.

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 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 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 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.

4-17.104 Expiration of Alarm System Permit. All alarm system permits shall expire one year after the date issued. Applications for renewals shall be filed not earlier than 30 days before expiration and no later than 30 days after the expiration of the permit. Permits lawfully renewed prior to the effective date of this provision shall expire one year after the date of latest renewal.

4-17.105 Permits Nontransferable. All permits issued under this article shall be nontransferable.

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 year to come into compliance with the standards or to be disconnected from all such lines.

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.

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 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 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 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.

4-17.109 **Alarm Appeals Board.** The Board shall consist of three 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.

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 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 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 days nor more than 15 days thereafter, unless continued for good cause by the order of the Board.

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.

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.

4-17.113 Audible Alarm Requirement. An audible alarm shall terminate its operation or shall automatically reset within 15 minutes if located within a commercial or industrial zone.

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.

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 days of the date of request.

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 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 year and one hundred (\$100.00) dollars for a second violation within one year and two hundred (\$200.00) dollars for each additional violation within one 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 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 of 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 and 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.

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 public clearly outweighs the public interest that might be served by disclosure of the information.

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 ordinance becomes effective; provided, however, the permits required for such alarm systems not heretofore under any permit shall be obtained within 90 days from and after the date on which this ordinance becomes effective.

4-17.119 Revenue. The City Council shall from time-to-time by resolution establish rates, fees, and charges 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."

Section 18. Amendment: Parks and Recreation

Article 18 is hereby added to Chapter 4 of The Ridgecrest Municipal Code to read as follows:

"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 5:30 a.m. and 10:30 p.m.

(b) City regional parks shall be open for public use between the hours of 5:30 a.m. and 11:00 p.m.

(c) For special events which may require extending park hours in a regional park, a permit may be obtained upon approval of the Director of Parks and Recreation.

(d) Except for City employees, no person shall use City parks when not open for public use.

(e) The City Council shall, by resolution, designate all City parks as 'neighborhood' or 'regional' parks.

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 material not set by 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 20 days before the effective date of the fee. The fee shall not be effective if the City Council disapproves."

Section 19. Amendment: Waste of Water

Article 19 is hereby added to Chapter 4 of the Ridgecrest Municipal Code to read as follows:

"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 30 minutes per 24 hour period.

4-19.102 Penalties. Violation of subsection 3-18.1 is an infraction punishable for the first violation by a fine not exceeding one hundred (\$100.00) dollars, by a fine not exceeding two hundred (\$200.00) dollars for the second violation within one year, and by a fine not exceeding five hundred (\$500.00) dollars for each violation more than two within one year."

Section 20. Amendment: Spray Paint

Article 20 is hereby added to Chapter 4 of the Ridgecrest Municipal Code to read as follows:

"ARTICLE 20. SPRAY PAINT

4-20.101 Prohibited Acts

(a) No person shall sell, exchange, give or loan, or cause or permit to be sold, exchanged, given or loaned, any aerosol spray can containing any substance commonly known as paint, to any minor under the age of 18 years, unless that person provides for the supervision of the minor's use of such aerosol spray can so as to assure that the minor does not engage in vandalism or create a nuisance with the aerosol spray.

(b) No person under the age of 18 years shall have in his or her possession any aerosol spray can containing any substance commonly known as paint while upon public or private property without the consent of the owner of such property unless under the supervision of a parent, guardian or employer.

4-20.102 Penalties. Violation of this provision is an infraction."

Section 21. Amendment: Skateboards, Roller Skates and Bicycles

Article 21 is hereby added to Chapter 4 of the Ridgecrest Municipal Code to read as follows:

"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 parking lot open to the public or shopping area consisting of one 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.

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 17 by 22 inches, with white background with black lettering not less than one 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.

4-21.103 Penalties. Any violation of this provision is an infraction."

Section 22. Other

Except as provided herein, the Ridgecrest Municipal Code is hereby reaffirmed and readopted.

APPROVED AND ADOPTED this 3rd day of January, 1990, by the following vote:

AYES: Mayor Mower, Councilmembers Bergens, Condos, Corlett and Lilly.
NOES: None.
ABSTAIN: None.
ABSENT: None.



Michael R. Mower, Mayor

ATTEST:



Joyce M. Taft, City Clerk

(SEAL)

