

**ORDINANCE NO. 03-01**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIDGECREST AMENDING THE RIDGECREST MUNICIPAL CODE RELATING TO TEMPORARY USE PERMITS FOR OFF-SITE AUTOMOBILE SALES**

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

**1. PURPOSE:**

This ordinance controls the temporary use of land for conducting off-site automobile sales.

**2. FINDINGS:**

When left unregulated, off-site automobile sales have an adverse impact on public health, safety, and welfare. This ordinance protects the public health, safety, and welfare by ensuring such temporary automobile sales are compatible with surrounding land uses, protecting the rights of adjacent residences and land owners, and minimizing any adverse effects on surrounding properties and the environment.

**3. AMENDMENT:**

Section 20-31. "Off-site Automobile Sales" is added to Chapter 20. "Zoning" of the Ridgecrest Municipal Code to read:

"Section 20-31. Off-Site Automobile Sales.

Section 20-31.1 General.

No person shall conduct an off-site automobile sale or permit off-site automobile sales to be conducted without first securing a permit pursuant to this chapter.

Section 20-31.2. Definitions.

For the purposes of this Section, the following definitions shall apply:

"Automobile" shall mean cars, light trucks, motorcycles, mopeds, and other forms of motorized vehicular transport.

"Director" shall mean the Director of Community Development.

"Off-site sales" shall mean sale of three (3) or more automobiles at a location not open for automobile sales business during regular business hours on a year-round basis.

"Temporary use" shall mean use of property for off-site automobile sales for three (3) or fewer consecutive days.

**Section 20-31.3. Application for Permit.**

Applications for a permit to conduct off-site automobile sales shall be filed with the director of community development. The applicant must be a licensed California car dealer. The director shall prepare an application form which requests information from the applicant needed by the director to make a decision consistent with this chapter.

The applicant shall file a completed application no fewer than 40 calendar days and no more than 180 calendar days in advance of the proposed sale. The Director shall prepare a written decision within ten (10) calendar days of the date a completed application is filed. The decision shall contain the findings of fact upon which the decision is made.

**Section 20-31.4. Findings.**

The following findings must be made by the director prior to approving a permit:

A. The proposed use will be located, operated, and maintained in a manner consistent with each of the applicable Sections of the Municipal Code, including the provisions of this Chapter.

B. The proposed site shall be improved and shall be located within a commercial or industrial zone.

C. The proposed use will not be detrimental to property or improvements in the surrounding area or to the public health, safety, or welfare.

D. The proposed use will have no significant adverse environmental effects.

E. The proposed site is adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that the temporary use will or reasonably might generate.

F. Adequate temporary parking to accommodate vehicular traffic to be generated by the use will be available on-site or at alternate locations acceptable to the Director.

G. The applicant has paid fees and deposits owed to the City, both related to the applied-for permit and to any other matter, in a timely manner, including any past-due payments for other permits if applicable.

**Section 20-31.5 Permit Decision.**

Decisions on the permit application shall be made by the Director in accordance with the criteria of this chapter. The Director shall not issue more than four (4) permits during each calendar year in the entire City. A permit for off-site automobile sales shall be effective for the dates specified by the Director, not to exceed three (3)

days plus such time as the Director approves for setting up and dismantling the site.

**Section 20-31.6. Permit Conditions.**

The Director may impose permit conditions necessary to ensure the permit will be in accordance with the findings required above. These conditions may include, but are not limited to:

A. Provision of temporary parking facilities, including vehicular ingress and egress.

B. Regulation of nuisance factors such as prevention of glare or direct illumination of adjacent properties, noise, vibration, smoke, dust, dirt, odors, gases, and heat.

C. Regulation of temporary structures and facilities, including placement, height, size, and location of equipment, tents, or open spaces, including buffer areas and other yards.

D. Provision of sanitary facilities, solid waste collection, and disposal.

E. Provision of security or safety measures, including adequate lighting.

F. Regulation of size and location of signs.

G. Regulation of operating hours and days, including limitation of the duration of the temporary use to a shorter time period than that requested.

H. Submission of a performance bond or other security to assure that any temporary facilities or structures used for the proposed temporary use will be removed from the site following the event and that the property will be restored to its former condition.

I. Any other conditions which will ensure the operation of the proposed temporary use in an orderly and efficient manner and in accordance with the intent and purpose of this Chapter.

**Section 20-31.7. Revocation and Amendment.**

A permit may be revoked by the Director upon violation of the terms of the permit.

The Director may amend the terms or conditions of a permit to ensure the use is consistent with the required conditions.

**Section 20-31.8. Appeal.**

The Director's decision to approve or deny an application for permit or to revoke or modify an approved permit may be appealed to the City Council in

accordance with the procedures set forth in this Code.”

**4. EFFECTIVE DATE:**

This ordinance shall take effect 30 days from the date of adoption.

**5. OTHER:**

The City Clerk shall certify to the passage and adoption of this ordinance and shall cause this ordinance to be published in the manner required by law.

**APPROVED AND ADOPTED** this 19th day of March 2003, by the following vote:

AYES: Mayor Carter, Council Members Clark, Holloway, Martin, and Morgan

NOES: None

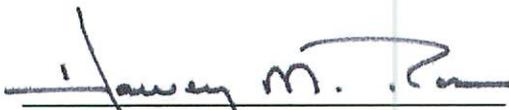
ABSENT: None

ABSTAIN: None



Ronald H. Carter, Mayor

ATTEST:



Harvey M. Rose  
City Clerk