

**ORDINANCE NO. 2021-06**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, AMENDING TITLE 12, CHAPTER 12.12 OF THE HESPERIA MUNICIPAL CODE, 12.12.180 RELATED TO ENCROACHMENT PERMITS**

**WHEREAS**, currently the City is responsible for maintaining over 600 miles of paved roads within its jurisdictional boundaries; and

**WHEREAS**, the City maintains a Capital Improvement Program, to rehabilitate, construct, and reconstruct roadways; and

**WHEREAS**, the City has limited funding sources for road repairs, rehabilitation, construction of and reconstruction of roadways; and

**WHEREAS**, utility trenches, street cuts and potholing degrade previously installed improvements and reduces the longevity of the City's investment; and

**WHEREAS**, street cutting, trenching and potholing undermines the integrity of the street section and can lead to trench failures; and

**WHEREAS**, the City does not currently have regulations in place to monitor or mitigate street cuts, trenching and potholing; and

**WHEREAS**, limiting the ability to trench, street cut, and pothole newly installed improvements will preserve the City's investment; and

**WHEREAS**, Title 12, Chapter 12 of the Hesperia Municipal Code contains regulations pertaining to rules of laying, constructing, or reconstructing in any street, highway, public place or other City right-of-way; and

**WHEREAS**, the amendment to Title 12, Chapter 12 adds Section 12.12.180 related to a Trench Moratorium; and

**WHEREAS**, all legal prerequisites to the adoption of this Ordinance have occurred.

**NOW THEREFORE**, THE CITY COUNCIL OF THE CITY OF HESPERIA DOES ORDAIN AS FOLLOWS:

Section 1. All of the facts set forth in this Ordinance are true, correct and are adopted as findings.

Section 2. Title 12, Chapter 12.12 of the Hesperia Municipal Code is hereby amended as set forth in Exhibit "A", attached hereto, adding Section 12.12.180 related to a Trench Moratorium.

Section 3. This Ordinance shall take effect thirty (30) days from the date of adoption.

Section 4. The City Council of the City of Hesperia hereby declares that should any provision, section, paragraph, sentence, or word of this Ordinance hereby adopted be

rendered or declared invalid by any final court action in a court of competent jurisdiction, or by any reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences, and words shall remain in full force and effect.

Section 5. The City Clerk shall certify to the adoption of the Ordinance and shall cause the same to be posted in three (3) public places within the City of Hesperia pursuant to the provisions of Resolution No. 2007-101.

**ADOPTED AND APPROVED** this 3rd day of August 2021.

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Cameron Gregg, Mayor

ATTEST:

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Melinda Sayre  
City Clerk