

Chapter 13.20
SOIL EROSION

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13.20.010 Findings.

The Governing Body finds that there exists within the City lots or tracts of land which are not maintained so as to prevent soil, mud, rocks, debris or other materials from being washed, eroded or deposited on City streets, rights-of-way, alleys, or public or private parking lots, or other conditions which are unsafe or pose a hazard to the motoring public.

(History: Ord. SE-1150 ' 1, 82; SE-440)

13.20.020 Presumption.

For purposes of this chapter, the phrase "conditions which are unsafe or pose a hazard to the motoring public" shall include, but not be limited to, each of the following conditions:

- A. obstructions which would force a motor vehicle to leave its lane or other normal path of travel in order to avoid contact with the obstruction;
- B. obstructions which would cause substantial damage upon contact with a motor vehicle;
- C. conditions which obscure lane or other road markings;
- D. conditions which obscure curbs or, on facilities without curbs, would prevent a motorist from distinguishing between travel areas and road shoulders, ditches, or other non-travel areas;
- E. conditions which make travel areas slick or otherwise prevent a motor vehicle from maintaining traction with the travel area.

(History: Ord. SE-1150 ' 2, 82; SE-440)

13.20.030 Notice of Conditions.

In the event that there exists conditions which are unsafe or pose a hazard to the motoring public on any street, right-of-way, alley, or public or private parking lot, which conditions exist as a result of the failure of any person as owner or agent of the owner of any lot or tract of land to maintain the same so as to prevent such conditions, the City shall immediately notify such person of such condition and request such person to abate such conditions.

(History: Ord. SE-1150 ' 3, 82; SE-440)

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13.20.040 Abatement of Conditions.

If upon the exercise of due diligence, the City is unable to immediately notify any person pursuant to 13.20.030, or if, upon notification, such person is unable or unwilling to abate or mark with signs and signals such conditions within two hours of notification, or if such person agrees to abate the conditions but fails to do so, the City may proceed to abate such conditions. (History: Ord. SE-1150 ' 4, 82)

13.20.050 Assessment of Costs.

Whenever conditions which are unsafe or pose a hazard to the motoring public are abated by the City pursuant to 13.20.040, the City shall keep a record of the costs thereof and assess the same against the land causing the conditions. If the assessment for such costs is unpaid by the next time the City Clerk annually certifies City taxes to the County Clerk, the assessment shall be certified with such other taxes to the County Clerk to be collected and paid as other City taxes are collected and paid. (History: Ord. SE-1150 ' 5, 82)

13.20.060 Failure to Abate Conditions.

Any person who agrees, upon notification pursuant to 13.20.030, to abate any conditions within two hours of such notification, shall be required to abate such conditions, or mark with signs and signals, within two hours of such notification, or within a reasonable period of time thereafter if abatement is commenced within two hours. Failure to satisfy the provisions of this section shall constitute a public offense and any person convicted thereof shall be punished as provided in 13.20.080. (History: Ord. SE-1150 ' 6, 82)

13.20.070 Remedial Action Required.

Any person who, as owner or agent of the owner of any lot or tract of land, has failed to maintain said land so as to prevent conditions which are unsafe or pose a hazard to the motoring public on any street, right-of-way, alley, or public or private parking lot, shall be required, after service of notice as hereinafter provided, to take remedial action on such person's land to prevent the recurrence of such conditions. The City shall give notice in writing to such person specifying the applicable conditions to be remedied. Such notice shall be served personally or by certified mail, return receipt requested. Failure to take action to remedy the conditions specified in the notice within 10 days of service of the notice shall constitute a public offense and any person convicted thereof shall be punished as provided in 13.20.080. Each day that any violation of the foregoing provisions shall continue shall constitute a separate offense. (History: Ord. SE-1150 ' 7, 82)

13.20.080 Penalty.

Each violation of a public offense provided by this chapter shall be punishable by a fine of not less than \$250 nor more than \$500, or by imprisonment for not less than five days nor more than six months, or by both such fine and imprisonment. (History: Ord. SE-1150 ' 8, 82)

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