1	ORDINANCE NO
2	AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO CALIFORNIA AMENDING SECTION 11.04.145
3	(MORATORIUM ON TRENCH CUTS IN NEWLY PAVED STREETS) OF CHAPTER 11.04 (IMPROVEMENTS) OF
4 5	TITLE 11 (STREETS AND SIDEWALKS) OF THE RIALTO MUNICIPAL CODE, TO ADD EXCEPTIONS TO THE STREET CUT MORATORIUM
6	WHEREAS, the City of Rialto ("City") is a municipal corporation, duly organized under the
7	constitution and laws of the State of California; and
8	WHEREAS, on May 9, 2017, the City Council of the City of Rialto adopted Ordinance No.
9	1589, enacting Section 11.04.145 (Moratorium on trench cuts in newly paved streets). The
10	moratorium applies to newly paved streets, alleys, and public places, to minimize pavement
11	degradation, maintain structural integrity and smooth surfaces, and limit negative visual impacts.
12	WHEREAS, the City Council finds that additional exceptions to the moratorium are
13	necessary for the efficient application of the moratorium, and to make construction of single family
14	homes
15	NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF RIALTO ORDAINS AS
16	FOLLOWS:
17	SECTION 1. FINDINGS
18	The City Council hereby finds that all of the foregoing recitals and the staff report presented
19	herewith are true and correct and are hereby incorporated and adopted as findings of the City Council
20	as if fully set forth herein.
21	SECTION 2. SECTION 11.04.145 (MORATORIUM ON TRENCH CUTS IN NEWLY
22	PAVED STREETS) OF CHAPTER 11.04 (IMPROVEMENTS) OF TITLE 11 (STREETS AND
23	SIDEWALKS) OF THE RIALTO MUNICIPAL CODE is amended to read as provided in Exhibit
24	A, incorporated herein and by reference.
25	SECTION 3. SEVERABILITY
26	If any section, subsection, subdivision, sentence, clause, phrase or portion of this ordinance
27	is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent
28	jurisdiction, then such decision shall not affect the validity of the remaining portions of this

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1	ordinance. The City Council hereby declares it would have adopted this Ordinance and each section,			
2	subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that one or more			
3	section, subsection, subdivision, sentence, clause, phrase, or portion thereof be declared invalid or			
4	unconstitutional.			
5	SECTION 4. CERTIFICATION, PUBLICATION, AND EFFECTIVE DATE			
6	The City Clerk shall certify to the adoption of this ordinance and publish and post the			
7	ordinance in accordance with Government Code Section 36933. This ordinance shall take effect			
8	thirty (30) days after its date of adoption.			
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10	PASSED, APPROVED AND ADOPTED this day of, 2025.			
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12	JOE BACA, Mayor			
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14	ATTEST:			
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16	BARBARA A. McGEE, City Clerk			
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18	APPROVED AS TO FORM:			
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21	ERIC S. VAIL, City Attorney			
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1 2 3	STATE OF CALIFORNIA) COUNTY OF SAN BERNARDINO) ss CITY OF RIALTO) I, Barbara McGee, City Clerk of the City of Rialto, do hereby certify that the foregoing				
4	Ordinance No was duly passed and adopted at a regular meeting of the City Council				
5	of the City of Rialto held on the day of, 2025.				
6	Upon motion of Councilmember, seconded by Councilmember				
7	, the foregoing Ordinance No was duly passed and adopted.				
8	Vote on the Motion:				
9	AYES:				
10	NOES:				
11	ABSENT:				
12	IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of				
13	Rialto, this day of, 2025.				
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16	Barbara A. McGee, City Clerk				
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1 Exhibit A 2 3 11.04.145 Moratorium on trench cuts in newly paved streets. For streets, alleys, and public places that were constructed, reconstructed, overlaid, or sealed, 4 the following shall apply: 5 A. Non-emergency street cuts will not be permitted for a period of five years from the date 6 of notice of completion of construction, reconstruction, or overlay. Non-emergency street cuts will not be permitted for a period of three years from the date of notice of 7 completion of slurry seal. 8 Emergencies (exceptions) are defined as follows, as determined by the director of public works/city engineer: 9 1. Imminent endangerment of life or property. 10 2. Interruption of essential utility service. 11 3. Work that is mandated by the city, state, or federal law. 12 4. Service for new development or new customers where no other reasonable means of providing service exists. 13 5. Service for existing Single Family Residential units pursuing septic-to-sewer 14 conversion. 15 6. Replacement or repair of an existing water or sewer service lateral for Single Family Residential units. 16 7. Utility repairs resulting from homeowner improvements or emergency needs. 17 In the case of an emergency or where street cuts have been authorized by the director of 18 public works/city engineer, within five years following the notice of completion of construction, reconstruction, or overlay; and three years following the notice of 19 completion for a slurry seal the following shall apply: 20 Construction, Reconstruction, Overlay: 21 For street cuts/trenches, on a moratorium street, perpendicular to traffic lanes (a transverse street cut): The permittee will be required to grind and overlay, two 22 inches of asphalt concrete (AC), twenty feet on both sides of the trench line and for the full width of all impacted traffic lane(s) cut; but not less than five feet from the 23 end(s) of the trench. If the trench end(s) is less than or equal to five feet from a lane 24 line the adjacent lane shall be included, or as directed by the city engineer. The full width of street shall be slurry sealed within the limits of the grind and overlay, or as 25 directed by the city engineer. All work requires a properly licensed contractor. All other criteria shall be in accordance with the current edition of the from-City of 26 Rialto Standard Drawings. No. SC-231 is applicable. 27 For street cuts/trenches, on a moratorium street, parallel to traffic lanes (a longitudinal street cut): The permittee will be required to grind and overlay two 28

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inches of AC, one-half street width minimum, for the full length of the cut/trench plus ten feet on both ends, but not less than or equal to five feet from trench edge both sides of trench, if this limit encroaches into adjacent lane, the other half of the street, then the full lane width shall be included, or as directed by the city engineer. The full width of the street shall be slurry sealed, within the limits of the grind and overlay, or as directed by the city engineer. All work requires a properly licensed contractor. All other criteria **shall be in accordance with the current edition of the from-**City of Rialto Standard Drawings. No. SC-231 is applicable

3. For street cuts/trenches authorized under Section B.5 and B.6, all trench work shall be in accordance with the current edition of the City of Rialto Standard Drawings.

Slurry Seal:

- 34. For street cuts/trenches, on a moratorium street, perpendicular to traffic lanes (a transverse street cut): The permittee will be required to slurry seal, match existing slurry seal, twenty feet on both sides of the trench line and for the full width of all impacted traffic lane(s) cut; but not less than five feet from the end(s) of the trench. If the trench end(s) is less than or equal to five feet from a lane line the adjacent lane shall be included. All work requires a properly licensed contractor. All other criteria from City of Rialto Standard Drawing No. SC-231 is applicable.
- **5.4.** For street cuts/trenches, on a moratorium street, parallel to traffic lanes (a longitudinal street cut): The permittee will be required to slurry seal, match existing slurry seal, one-half street width minimum, for the full length of the cut/trench plus ten feet on both ends, but not less than or equal to five feet from trench edge both sides of trench, if this limit encroaches into adjacent lane, the other half of the street, then the full lane width shall be included. All work requires a properly licensed contractor. All other criteria from City of Rialto Standard Drawing No. SC-231 is applicable.
- 6.5. For street cuts/trenches authorized under Section B.5 and B.6, all trench work shall be in accordance with the current edition of the City of Rialto Standard Drawings.
- D. Single Family Residential units may appeal the requirements or denial of a street cut permit under this ordinance. Appeals must be submitted in writing to the director of public works/city engineer within ten (10) business days of the permit decision. The appeal shall be reviewed, and a determination shall be made within thirty (30) business days. The decision of the director of public works/city engineer shall be final unless further appeal is submitted to the City Council within ten (10) business days of the decision.