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AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO CALIFORNIA AMENDING SECTION 11.04.145 (MORATORIUM ON TRENCH CUTS IN NEWLY PAVED STREETS) OF CHAPTER 11.04 (IMPROVEMENTS) OF TITLE 11 (STREETS AND SIDEWALKS) OF THE RIALTO MUNICIPAL CODE, TO ADD EXCEPTIONS TO THE STREET CUT MORATORIUM

WHEREAS, the City of Rialto (“City”) is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, on May 9, 2017, the City Council of the City of Rialto adopted Ordinance No. 1589, enacting Section 11.04.145 (Moratorium on trench cuts in newly paved streets). The moratorium applies to newly paved streets, alleys, and public places, to minimize pavement degradation, maintain structural integrity and smooth surfaces, and limit negative visual impacts.

WHEREAS, the City Council finds that additional exceptions to the moratorium are necessary for the efficient application of the moratorium, and to make construction of single family homes

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF RIALTO ORDAINS AS
FOLLOWS:

SECTION 1. FINDINGS

The City Council hereby finds that all of the foregoing recitals and the staff report presented herewith are true and correct and are hereby incorporated and adopted as findings of the City Council as if fully set forth herein.

SECTION 2. SECTION 11.04.145 (MORATORIUM ON TRENCH CUTS IN NEWLY PAVED STREETS) OF CHAPTER 11.04 (IMPROVEMENTS) OF TITLE 11 (STREETS AND SIDEWALKS) OF THE RIALTO MUNICIPAL CODE is amended to read as provided in Exhibit A, incorporated herein and by reference.

SECTION 3. SEVERABILITY

If any section, subsection, subdivision, sentence, clause, phrase or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, then such decision shall not affect the validity of the remaining portions of this

ordinance. The City Council hereby declares it would have adopted this Ordinance and each section, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that one or more section, subsection, subdivision, sentence, clause, phrase, or portion thereof be declared invalid or unconstitutional.

SECTION 4. CERTIFICATION, PUBLICATION, AND EFFECTIVE DATE

The City Clerk shall certify to the adoption of this ordinance and publish and post the ordinance in accordance with Government Code Section 36933. This ordinance shall take effect thirty (30) days after its date of adoption.

PASSED, APPROVED AND ADOPTED this 22nd day of July, 2025.

JOE BACA, Mayor

ATTEST:

BARBARA A. McGEE, City Clerk

APPROVED AS TO FORM:

ERIC S. VAIL, City Attorney

1 STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss
2 CITY OF RIALTO)

3 I, Barbara A. McGee, City Clerk of the City of Rialto, do hereby certify that the foregoing
4 Ordinance No. 1701 was duly passed and adopted at a regular meeting of the City Council of the
5 City of Rialto held on the 22nd day of July, 2025.

6 Upon motion of Council Member Scott, seconded by Council Member Perez, the foregoing
7 Ordinance No. 170 was duly passed and adopted.

8 Vote on the Motion:

9 AYES: Mayor Baca, Mayor Pro Tem Scott. Council Members Carrizales, Montoya & Perez

10 NOES: None

11 ABSENT: None

12
13 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of
14 Rialto, this 22nd day of July, 2025.

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16 _____
17 BARBARA A. McGEE, City Clerk
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Exhibit A

11.04.145 Moratorium on trench cuts in newly paved streets.

For streets, alleys, and public places that were constructed, reconstructed, overlaid, or sealed, the following shall apply:

- A. Non-emergency street cuts will not be permitted for a period of five years from the date 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 completion of slurry seal.
- B. Emergencies (exceptions) are defined as follows, as determined by the director of public works/city engineer:
 - 1. Imminent endangerment of life or property.
 - 2. Interruption of essential utility service.
 - 3. Work that is mandated by the city, state, or federal law.
 - 4. Service for new development or new customers where no other reasonable means of providing service exists.
 - 5. **Service for existing Single Family Residential units pursuing septic-to-sewer conversion.**
 - 6. **Replacement or repair of an existing water or sewer service lateral for Single Family Residential units.**
 - 7. **Utility repairs resulting from homeowner improvements or emergency needs.**
- C. In the case of an emergency or where street cuts have been authorized by the director of public works/city engineer, within five years following the notice of completion of construction, reconstruction, or overlay; and three years following the notice of completion for a slurry seal the following shall apply:

Construction, Reconstruction, Overlay:

- 1. 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 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 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, 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 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.~~
- 2. 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

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

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

12 Slurry Seal:

13 **3.4.** For street cuts/trenches, on a moratorium street, perpendicular to traffic lanes (a
14 transverse street cut): The permittee will be required to slurry seal, match existing
15 slurry seal, twenty feet on both sides of the trench line and for the full width of all
16 impacted traffic lane(s) cut; but not less than five feet from the end(s) of the trench.
17 If the trench end(s) is less than or equal to five feet from a lane line the adjacent
18 lane shall be included. All work requires a properly licensed contractor. All other
19 criteria from City of Rialto Standard Drawing No. SC-231 is applicable.

20 **5.4.** For street cuts/trenches, on a moratorium street, parallel to traffic lanes (a
21 longitudinal street cut): The permittee will be required to slurry seal, match existing
22 slurry seal, one-half street width minimum, for the full length of the cut/trench plus
23 ten feet on both ends, but not less than or equal to five feet from trench edge both
24 sides of trench, if this limit encroaches into adjacent lane, the other half of the
25 street, then the full lane width shall be included. All work requires a properly
26 licensed contractor. All other criteria from City of Rialto Standard Drawing No.
27 SC-231 is applicable.

28 **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.**