

ORDINANCE NO. 484
(AS AMENDED THROUGH 484.2)
AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING ORDINANCE NO.
484 FOR THE CONTROL OF BLOWING SAND

The Board of Supervisors of the County of Riverside, State of California, do ordain as follows:

Section 1. No person, firm or corporation who owns or is in possession or control of land the soil of which is sand or sandy loam and which, by virtue of its character and the presence in the area of strong prevailing winds, seasonal or otherwise, is likely, if the surface thereof is disturbed, to be eroded by wind and blown in substantial quantity onto a public road or roads or other public or private property in the vicinity of said land, shall substantially disturb the surface of said land by excavating, leveling, cultivating, plowing, removing natural or planted vegetation or root crops, or by depositing or spreading a substantial quantity of similar soil on said land, or by any other act likely to cause or contribute to wind erosion of said land, or to aggravate an existing wind erosion condition thereon, without providing sufficient protection at or prior to the time of so disturbing the surface of said land or without thereafter continuously maintaining the same or equivalent protection, so as to prevent the soil on said land from being eroded by wind and blown onto a public road or roads or other public or private property. Such protection shall be provided by means of wind-breaks, walls, fences, planting and maintaining vegetation, covering the land, applying water or other material, or other effective method or combination of methods of holding the soil in place.

Section 2.

- A.** Any person violating any of the provisions or failing to comply with any of the mandatory requirements of the ordinances of the county shall be guilty of an infraction unless the violation is made a misdemeanor by ordinance.
- B.** Except in cases where a different punishment is prescribed by any ordinance of the county, any person convicted of a misdemeanor for violation of an ordinance of the county is punishable by a fine of not more than one thousand dollars (\$1,000) or by imprisonment not to exceed six months, or both such fine and imprisonment.
- C.** Any person convicted of an infraction for violation of an ordinance of the county is punishable by a penalty of not more than two hundred fifty dollars (\$250.00).
- D.** Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the ordinances of the county is committed. Continued or permitted by any such person, and such person shall be punishment accordingly.

Section 2.1. It shall be a defense to any prosecution hereunder for the defendant to establish, as to any agricultural operation which might otherwise violate Section 1 of this ordinance, that the act or omission complained of was necessarily incidental to and consistent with the conduct of such agricultural operation in a manner usual and customary for such agricultural operations in the area.

Section 3. Nothing herein shall deprive any person or agency or any civil or other

remedy that he or it would otherwise have for any act or omission prohibited by this ordinance, nor shall any building permit or subdivision approval or other permit or authorization issued by the County of Riverside or any of its officers or employees be deemed to authorize a violation of this ordinance or be a defense to any prosecution under this ordinance.

Section 3.1. Any person in doubt as to whether any proposed operation or activity would cause him to be subject to prosecution for a substantial violation of Section 1 of this ordinance may submit in writing to the Director of Building and Safety of the county, a detailed plan for the conduct thereof, including such information, plot plans, time schedules and details of surrounding circumstances as may be required by said Director. Said Director or his designated employee may approve the plan, or require its modification and approve it, if in his opinion such plan when carried out will reasonably protect public roads and other public and private property from sand blown from the property where such operation may be carried on, and he may impose reasonable conditions in connection with the performance of such plan. Any person may appeal to the Board of Supervisors from a disapproval of such a plan, or from conditions of approval or required modifications imposed by the Building Director, and their decision, after hearing on not less than 5 days' notice to the applicant and the Building Director, shall be final. Conduct of the operation in strict conformity with such an approved plan shall be a defense to any prosecution under this ordinance.

Section 4. The following described portions of the county are found to be subject to seasonal winds and to have such soil conditions as to require special measures to minimize soil erosion from wind and to prevent large quantities of sand from being blown into adjacent areas, and are hereby designated Agricultural Dust Control Areas:

- a. Agricultural Dust Control Area No. 1. In the Mira Loma community, bounded on the east and southeast by Bain Street, Bellegrave Avenue, and Etiwanda Avenue, on the southeast and south by Limonite Street, on the west by Adams Avenue and the west county line, and on the north by the north county line.
- b. Agricultural Dust Control Area No. 2. In the Beaumont Cherry Valley community bounded on the north by a line 1/4 mile south of Brookside Avenue and its easterly extension, on the east by the foothills and Sunset Avenue, on the south by the north boundary of the City of Banning and by 8th Street, and on the west by Cherry Avenue.
- c. Agricultural Dust Control Area No. 3. In the San Jacinto community, bounded on the southwest by Ramona Avenue, on the west by Sanderson Avenue, on the northeast by Gilman Road and Soboba Road, and on the south by Main Street and the boundary of the City of San Jacinto.

Section 5. No person owning, leasing or controlling land in an Agricultural Dust Control Area shall disturb the surface or subsurface of any portion or portions thereof containing 3 acres or more, by excavating, leveling, plowing, cultivating or discing or by removing crops or residues from within the ground, or by other action likely to cause, contribute to, or aggravate wind erosion of said land, without first having obtained a valid permit therefor or without complying with the terms and conditions of such permit.

Section 6. Application for the permit required by Section 4 shall be made in writing to the County Agricultural Commissioner, in such form and containing such information as he may require and as will in his judgment enable him to fix and prescribe appropriate conditions which will prevent or minimize wind erosion on said land and adjacent lands.

The Agricultural Commissioner shall make such investigation, including consultation with other agencies, as in his judgment may be necessary, and within 60 days shall issue the permit for such period as he may determine to be appropriate and necessary, and shall fix appropriate conditions in the permit for the performance of the activity proposed, with due regard for the economic feasibility of such conditions as related to their purpose of controlling wind erosion. Such conditions may include, but shall not be limited to, cultural measures, time of planting and method of soil preparation, use of cover crops, application of water, planting or construction of wind breaks, and other protective methods. Such permit may be modified or replaced at any time on similar application, or may be modified or revoked as to any unperformed activity by the Agricultural Commissioner on 30 days' prior notice.

Section 7. An applicant may appeal in writing to the Board of Supervisors from the action of the Agricultural Commissioner in denying, or revoking a permit, or from the conditions of approval imposed by him in issuing a permit. The Board shall promptly fix a date for public hearing and cause at least 5 days' written notice thereof to be given to the applicant and the Agricultural Commissioner. The decision of the Board of Supervisors shall be final.

Adopted: 484 06/11/1962 (Eff: 07/11/1962)
Amended: 484.1 07/09/1962 (Eff: 08/09/1962)
484.2 06/27/1972 (Eff: 07/27/1972)
Amended by Ordinance 802 03/14/2000 (Eff: 04/13/2000)