



City of Ojai

Public Works Department

408 South Signal Street

Ojai, CA 93023

Office: (805) 646-5581 ext. 200

Street Pavement Moratorium List

The City of Ojai establishes a five-year street pavement moratorium list to better manage the pavement degradation from the effects of utility cuts. This five-year street pavement moratorium list covers all pavement resurfacing but is not limited to slurry seals, conventional and rubberized cape seals, rubberized emulsion asphalt slurry seals, asphalt pavement overlays, reconstruction and new construction. Through research of local and national municipalities, it has been shown that trench cuts significantly alter and degrade pavement surfaces adjacent to the actual trench line. The City of Ojai requires all trench cuts to be T-cuts, to reduce the negative impacts of the trench cut.

The street pavement moratorium list was created in an effort to protect our capital investment in streets, the street pavement integrity, ride quality and appearances of new street surfaces. At times, it becomes necessary to cut into moratorium streets that have been resurfaced in the last five years. The Public Works Department establishes pavement restoration guidelines for this work to protect the integrity of the pavement surface.

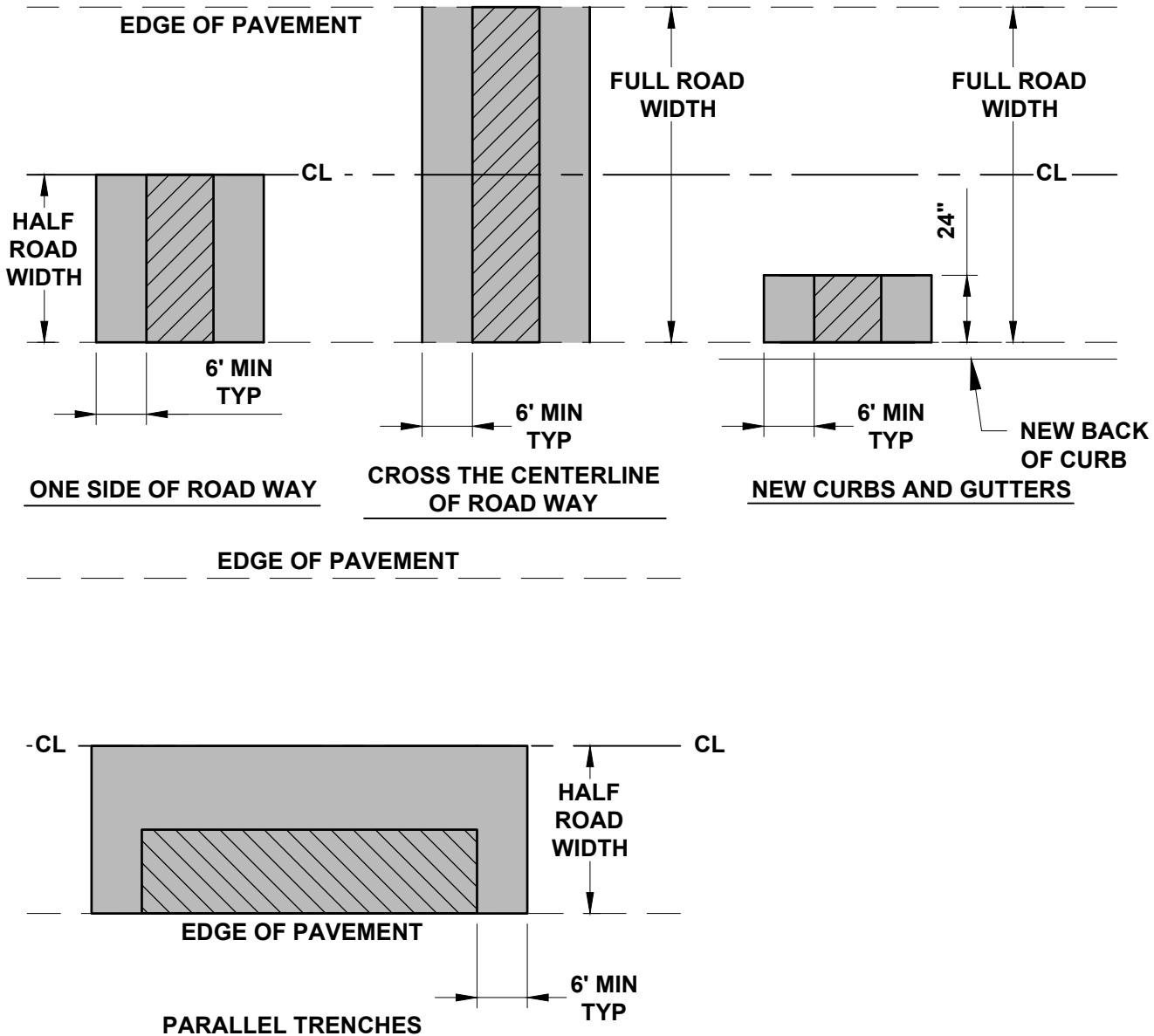
Exemption:

The City Engineer may grant exemptions to the moratorium for emergencies which endanger life or property or interrupt essential utility service, for work that is mandated by City, State or Federal legislation, for where no other reasonable means of providing service exists to a building, or for other situations deemed by the City Engineer to be in the best interest of the City. When granting exceptions to this regulation, the City Engineer may impose conditions determined appropriate to insure the rapid and complete restoration of the street and street paving. Repaving may include street grinding, base and sub-base repairs, restoration of pavement markings, and other related work as determined by the City Engineer, and may include up to full-width street paving of the roadway.

See Attached Table for Moratorium and Related Expiration Dates

CITY OF OJAI
STREET MORATORIUM

Notice of Completion Filed: January 2024		
Treatment Type: Overlay		
Expiration	Street	Limits
2029	Church Rd	Between Cuyama Rd. and Maricopa Hwy
2029	Oakmore St.	From Church Rd to End of Street
2029	Emily St.	Between West Summer St. and Raymond St.
2029	Eucalyptus	From the cul-de-sac to Canada St.
2029	Robin Ct.	From the dead end to Golden West Ave.
2029	Crestview	Entire Street
2029	Topa Topa St.	Between Blanche St. and Signal St.
2029	Santa Ana St.	Between Blanche St. and Signal St.
2029	Summer St	Between Signal St. and Lion St.
2029	Lion St.	Between Grand Ave. and Alico St.
2029	Daly Rd.	Between N. Montgomery Rd and Pleasant Ave.
2029	Pleasant Ave.	Between Daly Rd. and Drown Ave.
2029	Cuyama Rd.	Between Sierra Rd. and El Paseo Rd.
2029	Fairview Rd.	Foothill Rd to City Limits
2029	Grand Ave.	Between Mercer Ave. and Gridley Ave.
2029	West Summer	From cul-da-sac to Canada St.
2029	Drown Ave.	Between Redhill Rd. and Pleasant Ave.
2029	White Oak Circle	Entire Street
2029	Meadowbrook Rd.	Between Pleasant Rd and Red Hill Rd



MORATORIUM ROAD: A CITY ROADWAY THAT HAS RECEIVED A PAVEMENT TREATMENT AS FOLLOWS:

- GREATER THAN ONE HALF INCH ($\frac{1}{2}$ "") IN THICKNESS WITHIN THE LAST FIVE YEARS
- HALF INCH ($\frac{1}{2}$ "") OR LESS IN THICKNESS, WITHIN THE LAST 3 YEARS, EXCLUDING SLURRY SEAL

LEGEND:



TRENCH AREA



AREA TO BE COLD MILLED AND PAVED WITH 1 $\frac{1}{2}$ " MIN THICKNESS



REVISIONS

BY

DATE

PAVEMENT REPAIR FOR TRENCHING ON
MORATORIUM ROADS

APPROVED:

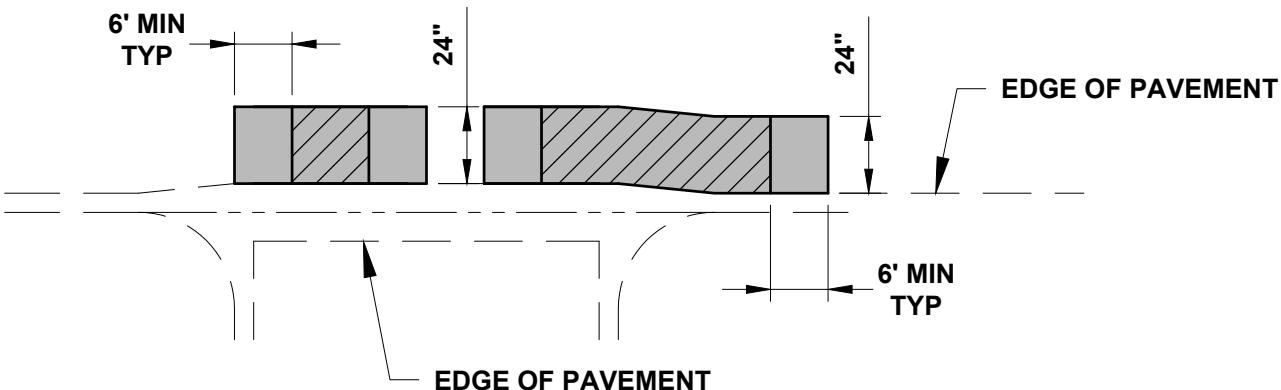
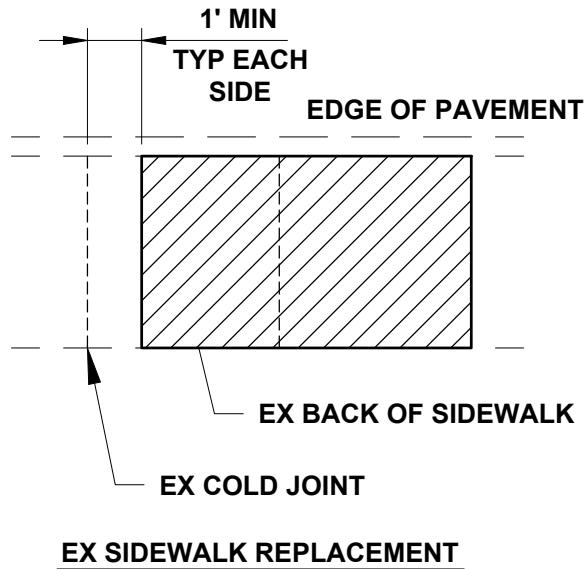
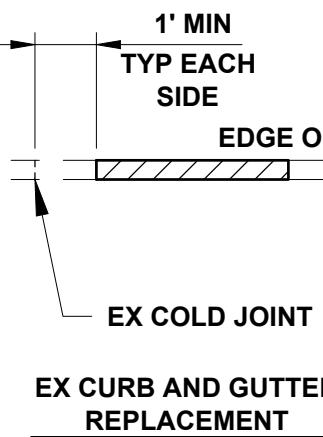
Lindy Palmer
PUBLIC WORKS DIRECTOR

3/11/2025
DATE

NO SCALE

PLATE X

SHEET 1 OF 1



PERPENDICULAR AND PARALLEL ALONG EX CROSS GUTTER

MORATORIUM ROAD: A CITY ROADWAY THAT HAS RECEIVED A PAVEMENT TREATMENT AS FOLLOWS:

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REVISIONS	BY	DATE

PAVEMENT REPAIR FOR TRENCHING ON
MORATORIUM ROADS

APPROVED:

Lindy Palmer
PUBLIC WORKS DIRECTOR

3/11/2025
DATE

NO SCALE

PLATE X

SHEET 1 OF 1

CITY OF OJAI

ORDINANCE NO. 964

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF OJAI, CALIFORNIA, AMENDING SECTION 7-1.102(d) AND
ADOPTING TITLE 7, CHAPTER 1, ARTICLE 5 (MORATORIUM ON
ROADWAY PAVEMENT CUTS) OF THE OJAI MUNICIPAL CODE**

WHEREAS, Ojai Municipal Code, Title 7, Chapter 1 operates as an Encroachment Law for all encroachments on City streets and highways (the “Encroachment Law”), and

WHEREAS, Ojai Municipal Code section 7-1.103 requires a permit from the Director of Public Works for certain activities that impact City streets, highways, and the right-of-way; and

WHEREAS, Article 4 of the Encroachment Law (Special Provisions for Excavation and Encroachment Permits) provides additional provisions to permits for the making, or causing to be made, of excavations in any public right-of-way and for the placing, constructing, repairing, changing, or removing of encroachments, and

WHEREAS, Ojai Municipal Code Section 7-1.212 (Denial of Permits) states that “[t]he Director may refuse to issue a permit under the following conditions:

- (a) When he or she finds that it is not in the best interests of the general public to do so; and
- (b) When he or she finds that it will be detrimental to the public health, safety or welfare”; and

WHEREAS, the City Council of the City of Ojai desires to adopt a moratorium restricting roadway pavement cuts or trenches in City streets within a reasonable time after the pavement is resurfaced or reconstructed.

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

SECTION 1. Recitals. The above set forth recitals and findings are true and correct and incorporated herein by reference, as if set forth herein in full.

SECTION 2. Code Amendment. Section 7-1.102(d) of the Ojai Municipal Code (“Construction: Definition”) is hereby amended and restated to read as follows, with additions denoted by underlined text and deletions denoted by struck-through text:

(d) Definitions

“Actual cost” shall mean the amount determined by applying the provisions of the encroachment fee resolution as adopted by the Council.

“Applicant” shall mean any person who proposes to encroach upon a right-of-way and has applied for a permit for the proposed encroachment pursuant to the provisions of this chapter.

"Base course" shall mean that portion of the highway structural section located between the pavement and native soil.

"City" shall mean the City of Ojai.

"Completion date" means the date the notice of completion was adopted by the City Council for completing public works projects that include roadway construction, resurfacing operations, or maintenance. For roadways paved as public improvements for a private development, this date shall be the date the notice of completion for the development was adopted by the City Council; for public improvements for which a notice of completion was not adopted by the City Council, this date shall be the actual date of completion of the work.

"Director" shall mean the Director of Public Works of the City

"Driveway" shall mean that portion of the road right-of-way between the property line and curb, or between the property line and the pavement if no curb exists, where vehicles enter or leave the highway onto adjacent property.

"Encroachment" shall mean and include any obstruction, tower, pole, pole line, pipe, fence, wire, cable, conduit, stand or building, or any structure or object of any kind or character not particularly mentioned in this subsection which is placed on, in, along, under, over or across a highway. This subsection shall not apply to the temporary use of a highway for the ordinary maintenance of any existing authorized or permitted encroachment, nor the suspension or stringing on existing pole lines of additional cables, wires, transmission lines, conduits, or service connections solely for telephone or electric power purposes.

"Encroachment work" shall mean the work of constructing, placing or installing an encroachment in a right-of-way.

"Excavate" or "excavation" means any cutting, digging, potholing or otherwise disturbing the street surface within a roadway which requires an encroachment permit under this Article.

"Inquiry identification number" shall mean the number which is provided by Underground Service Alert (USA) to every person who requests underground location. (Reference **Government Code** Section 4216.2)

"Native soil" shall mean compacted native material.

"Pavement" shall mean the surfaced portion of the highway structural section which is composed of various size aggregates mixed with Portland cement and/or asphaltic compounds.

"Permittee" shall mean any person who proposes to encroach upon a right-of-way and has been issued a permit for the proposed encroachment by the Director pursuant to

the provisions of this chapter.

"Person," as used in this chapter, includes any individual, firm, partnership, joint venture, association, corporation, estate, trust, the State of California, incorporated cities, all public districts and other political subdivisions of the State of California, except the City, and any group or combination acting as a unit.

"Public" shall mean any person as defined in this chapter, other than the Department of Public Works of the City, and shall include the United States and the State.

"Right-of-way" shall mean any land or interest therein which, by deed, conveyance, agreement, dedication, usage, or other process of law, has been reserved for or dedicated to the City for the use of the general public for public road purposes vehicular or pedestrian travel, including, but not limited to, public roads, public alleys, parkways, bikeways, public transportation paths, sidewalks, plazas, parking lots, medians, streets, and highways.

"Roadway" means a street, highway, and/or the right-of way.

"Section" shall mean a section of this chapter, unless some other ordinance, division, or statute is expressly cited.

"Special vehicle" shall mean a vehicle or combination of vehicles, as described in the **Vehicle Code** of the State, which:

- (1) Whether laden or unladen, is required by the **Vehicle Code** to have a special permit to be on any highway; or
- (2) Is so laden that it is required to have such special permit.

"Street" and "highway" shall include all or part of, or any right in, a City highway or other public highway, road, street, avenue, alley, lane, driveway, place, court, trail, or other public right-of-way or easement, or purported public street or highway, and rights connected therewith, including, but not limited to, restrictions of access or abutters' rights, sloping easements, or other incidents to a street or highway, whether or not such entire area is actually used for highway purposes.

"Utility" or "Utilities" means any person or entity providing electricity, gas, telephone, telecommunications, water, sanitary sewer or other services to customers, and which pursuant to State law or local franchise is entitled to install its facilities in the public right-of-way.

SECTION 3. Code Amendment. Section 7-1.425 of the Ojai Municipal Code (“Moratorium on Roadway Pavement Cuts”) is hereby added to read as follows:

§ 7-1.425 - Moratorium on Roadway Pavement Cuts.

(a) Purpose.

- (1) It is in the best interest of the general public to preserve the surface of the City's roadway pavement for a reasonable period after new pavement or resurfacing is installed.
- (2) The purpose of the pavement cut moratorium in this section is to protect the City's investment in its infrastructure; and to preserve the life of roadways ensuring an improved, safer traveling surface and an aesthetic appearance consistent with the Ojai General Plan for roadway surfaces that have undergone trench excavation for utilities.
- (3) No entity or organization shall be exempt from the requirements of this section, including, but not limited to, utility companies, State agencies, Federal agencies, school districts, and private developers.

(b) Moratorium.

Except as set forth in subsection (c), permission to excavate in a roadway shall not be granted for five (5) years after the completion date of roadway construction, reconstruction, or maintenance, including asphalt overlays (exceeding $\frac{1}{2}$ -inch in thickness), and for three (3) years after the completion date of asphalt overlays (1/2-inch or less in thickness), chip seal, slurry seal coatings, micro paving of the roadway's surface. Utilities shall plan sufficiently in advance to determine alternate methods for making necessary repairs to avoid excavating newly resurfaced roadways.

(c) Moratorium exceptions.

- (1) Exceptions to the moratorium in subsection (b) may be allowed at the discretion of the Director for:
 - (i.) Emergencies which endanger life, property, or public health and safety.
 - (ii.) Interruption of essential utility service.
 - (iii.) Work mandated by City, State, or Federal legislation.
 - (iv.) Other situations deemed by the Director to be in the best interest of the general public.
- (2) Where an exception is granted pursuant to this subsection, pavement restoration shall conform to these requirements:

- (i.) *Excavations on one side of a roadway.* Permittee shall grind existing asphalt down one-half (1.5) inches beyond the edge of trench or excavation, extending from the centerline of roadway to the edge of pavement or edge of gutter, and extending 6-feet each way beyond the trench or excavation along the roadway. Any affected shoulder area shall be ground down one and one-half (1.5) inches. All ground areas shall be paved with one and one-half (1.5) inches of the same material as the previous treatment, to the satisfaction of the Director.
- (ii.) *Excavations that cross the centerline of roadway.* Permittee shall grind existing asphalt down one-half (1.5) inches beyond the edge of trench or excavation for the entire street width from the edge of pavement to the edge of pavement, extending from the centerline of roadway to the edge of pavement, or edge of gutter, on both sides of the roadway. Any affected shoulder area shall be ground down one and one-half (1.5) inches. All ground areas shall be paved with one and one-half (1.5) inches of the same material as the previous treatment, to the satisfaction of the Director.
- (iii.) *New curbs and gutters.* Full-lane width restoration shall not be required during a curb and gutter improvement or restoration in which the Director exempted the contractor from removing and replacing no more than twenty-four (24) inches of asphalt paving from the edge of gutter. City staff will provide the waiver following an inspection determining the pavement cut is smooth and straight along the gutter lip and existing asphalt.
- (iv.) *Curb and gutter replacement.* Permittee shall replace existing curb and gutter in-kind extending from existing “cold joint” to existing “cold joint”, and no less than 1-foot beyond the edge of a trench or excavation, on all sides of said trench or excavation.
- (v.) *Sidewalk replacement.* Permittee shall replace existing sidewalk in-kind extending from existing “cold joint” to existing “cold joint” and no less than 1 foot beyond the edge of a trench or excavation, on all sides of said trench or excavation.

(d) Excavation waiver.

- (1) If a project does not qualify for an exception, a permittee may request a waiver to excavate within a roadway within five (5) years of the completion date of roadway construction, reconstruction, or maintenance), or for three (3) years after the completion date of asphalt overlays (1/2-inch or less in thickness), chip seal, slurry seal coatings, micro paving of the roadway’s

surface described in subsection (b). To request a waiver, the applicant must submit a written request to the Director. The request must include:

- (i.) The location of the excavation.
- (ii.) Description of the work to be performed.
- (iii.) A statement from the applicant setting forth good cause for why the work was not performed before the roadway was resurfaced.
- (iv.) A statement from the applicant setting forth good cause for why the work cannot be deferred until after the seven (7) year period.
- (v.) A statement from the applicant setting forth good cause for why the work cannot be performed at another location.

(2) If a waiver is granted under subsection (d)(1), any excavation in the roadway shall be repaired with full-lane paving on the street as follows:

- (i.) *Overlaid or reconstructed roadway.* All lanes that are affected shall be ground down one and one-half (1.5) inches and paved with one and one-half (1.5) inches of similar asphalt concrete material as the previous treatment to the satisfaction of the Director. Some roadways may require rubberized asphalt or other materials.
- (ii.) *Slurry sealed, chip sealed, or micro-surfaced streets.* All lanes that are affected shall be resurfaced to the satisfaction of the Director with a treatment similar to what existed.
- (iii.) *Trenches.* For trenches perpendicular to the curb face or edge of pavement, the trench shall be resurfaced for the entire trench width plus six (6) feet on each side of the trench (i.e. twelve (12) feet plus the width of the trench) along the entire length of the impacted lane or lanes. For trenches parallel to the curb face, the entire lane shall be resurfaced from road centerline to edge of pavement or edge of gutter along the entire length of the trench plus six (6) feet on each end (i.e., twelve (12) feet plus the length of the trench).

(3) Exceptions to the requirements subsection (d)(2) may be granted at the discretion of the Director to repair existing utilities not associated with a construction project in these cases:

- (i.) Emergencies which endanger life, property, or public health and safety.
- (ii.) Interruption of essential utility service.
- (iii.) Other situations deemed by the Director to be in the best interest of the general public.

SECTION 4. Environmental Determination. The City Council determines this Ordinance is exempt from review under the California Environmental Quality Act (CEQA). Under section 15061(b)(3) of the CEQA Guidelines, CEQA applies only to projects which have the

potential for causing a significant effect on the environment. Adopting this ordinance amending Ojai Municipal Code Sections 7-1.102(d) and 7-1.425 of the Ojai Municipal Code are not projects within the meaning of CEQA Guidelines in California Code of Regulations, title 14, section 15378, subsection (b)(3). It can be seen with certainty that the proposed Municipal Code text amendments will have no significant negative effect on the environment. To the extent this Ordinance is determined to be a project within the meaning of CEQA, it is also categorically exempt under CEQA Guidelines section 15301 (Existing Facilities).

SECTION 5. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance, and each section, subsection, sentence, clause, phrase or portion thereof, despite the fact that any one or more sections, subsections, phrases or portions might be declared invalid or unconstitutional.

SECTION 6. Certification. The City Clerk shall cause this Ordinance to be published once, within fifteen (15) calendar days after its passage, in the *Ojai Valley News*, a newspaper of general circulation, printed, published and circulated in the City, and shall cause a copy of this Ordinance and its certification, together with proof of publication, to be entered in the Book of Ordinances of the City.

SECTION 7. Effective Date. This Ordinance shall take effect 30 days after its passage and adoption under California Government Code Section 36937.

PASSED, APPROVED AND ADOPTED this 11 day of March, 2025 by the following vote:

AYES: **Gilman, Lang, Rule, Whitman, Mang**

NOES:

ABSTAIN:

ABSENT:



Andy Gilman, Mayor


3/11/25
Date signed

ATTEST:


Weston Montgomery
Chief Deputy City Clerk

APPROVED AS TO FORM:

Matthew T. Summers
Matthew T. Summers
City Attorney

STATE OF CALIFORNIA)
COUNTY OF VENTURA)
CITY OF OJAI)

I, Weston Montgomery, Chief Deputy City Clerk of the City of Ojai do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Ojai held on February 25, 2025 and adopted at a regular meeting held on March 11, 2025 by the following vote:

AYES: **Gilman, Lang, Rule, Whitman, Mang**

NOES:

ABSTAIN:

ABSENT:


Weston Montgomery
Chief Deputy City Clerk
City of Ojai

