



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Sheriff
Department No.: 032
For Agenda Of: 3/4/08, 3/11/08, 3/18/08
Placement: Set Hearing
Estimated Tme: 15 minutes on 3/11/08
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Bill Brown, Sheriff
Director(s)
Contact Info: Kelly Scott, Deputy County Counsel, 681-4325
SUBJECT: Amend Ordinances 24-28, 24-29, 24-30

County Counsel Concurrence

As to form: Yes

Other Concurrence: District Attorney

As to form: Yes

Recommended Actions:

That the Board of Supervisors set a hearing on March 4, 2008 to:

- (A) Consider adopting an ordinance to amend Sections 24-28, 24-29 and 24-30 to extend the prohibition on use of motor vehicles on private property to public property and adding additional penalties on March 11, 2008 (First Reading), estimated 15 minutes.
- (B) Consider adopting an ordinance to amend Sections 24-28, 24-29 and 24-30 on March 18, 2008 (Second Reading), to become effective 30 days after its passage and adoption, estimated 5 minutes.

Summary Text:

While existing ordinances prohibit motor vehicle use on unimproved private property, there is no such prohibition on unimproved public property. Throughout the unincorporated areas of Santa Barbara County there exist sensitive habitats, wildlife refuges, watersheds, and other environments which may be compromised or even destroyed if off-road vehicles disturb the areas. The Sheriff's Department has received a number of complaints by adjacent property owners regarding off-road vehicles in riverbeds and other public properties, as well as a number of calls to respond to injuries and even deaths to off-road vehicle riders in similar locations. Currently the Sheriff's Department has no tool to deter the operation of motor vehicles on public unimproved property, thus the nuisance continues unchecked. A proposal to amend existing ordinances prohibiting the use of motor vehicles on private property to include the prohibition on public property is a necessary means for law enforcement to prevent these destructive and dangerous activities.

Auditor-Controller Concurrence

As to form: N/A

1. Santa Barbara County Code, Chapter 24, Sec. 24-28 (Motor vehicle nuisance on unimproved property – Findings and intent.)

The proposed revisions to 24-28 would add a description of unimproved public property and the unique habitats in these locations. The proposed revisions would also add the intent to prohibit motor vehicle nuisances on unimproved public property.

2. Santa Barbara County Code, Chapter 24, Sec. 24-29 (Use of motor vehicles on unimproved real property.)

The proposed revisions to 24-29 would add public property to the list of locations where motor vehicle nuisances are prohibited.

3. Santa Barbara County Code, Chapter 24, Sec. 24-30 (Violations; penalties.)

The proposed revisions to 24-30 would add the option for the District Attorney's Office to charge a violation of 24-29 as a misdemeanor in exceptional circumstances such as multiple violations or violation resulting in great bodily injury. In most cases a violation of 24-29 would result in the issuance of a citation in accordance with Government Code section 25132.

Background:

This item is before the Board to adopt amendments to ordinances pertaining to motor vehicle nuisances on unimproved property. The present ordinance deals only with the operation of motor vehicles on unimproved private property. The Sheriff's Department has received a large number of calls relating to the operation of motor vehicles on public property adjacent to private property. But law enforcement has no tool to deter the nuisance activity in areas such as riverbeds and other public property. There exist dedicated trails and other areas for the operation of motor vehicles and other off-road vehicles so that this prohibition will not limit all recreational use of motor vehicles. The amended ordinance will, however, limit the operation to those areas where sensitive habitats, refuges, and the quiet enjoyment of private property is not compromised or even destroyed.

Fiscal and Facilities Impacts:

Budgeted: No

Fiscal Analysis:

Narrative:

If the violation of the amended ordinance is charged as a misdemeanor there will be some additional associated costs such as the defendant's right to a public defender and a trial. However, it is not anticipated that many of these citations will be charged as a misdemeanor, but rather will continue to be charged as an infraction only. In order to deter this destructive and potentially dangerous activity, it is important for law enforcement to have the ability to charge a violation as a misdemeanor if the circumstances warrant the charge.

Staffing Impacts:

Legal Positions:

N/A

FTEs:

Special Instructions:

Direct the Clerk of the Board to publish these ordinances in a newspaper of general circulation within 15 days after to Board adopts the ordinances (scheduled for March 18, 2008.)

Attachments:

Attachment 1: An Ordinance of the Board of Supervisors Amending Sections 24-28, 24-29 and 24-30 of Chapter 24.

Authored by:

Kelly Scott, Deputy County Counsel

cc:

Christie Stanley, District Attorney

Stephen Underwood, Chief Assistant County Counsel