

ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS ADDING SECTIONS 36-6 to 36-8 to CHAPTER 36, ESTABLISHING COMMUNITY SAFETY MEASURES BY PROHIBITING NUISANCE PARTIES IN ISLA VISTA

The Board of Supervisors of the County of Santa Barbara does hereby ordain as follows:

Section 1. Findings.

The Board of Supervisors hereby finds, determines, and declares that:

1. Alcohol related arrests predominate in Isla Vista, particularly on weekends, including violations such as minors in possession of alcohol, open container violations and public intoxication. In 2001, there were over 3900 arrests made or criminal citations issued in Isla Vista. Of these, over 2400 were for alcohol-related crimes: 796 for Public Intoxication, 1210 for Minor in Possession of Alcohol, and 396 for Open Container of Alcohol in Public. Most of these offenses were associated with private parties and gatherings along Del Playa and Sabado Tarde Roads. Another 161 individuals were arrested or issued citations for possession of drugs or marijuana. As a result of these alcohol-related activities, other violations of state law and County ordinance occur.
2. Violent crimes causing injury to both the public and to law enforcement officers, as well as vandalism and public and private property damage, regularly occur in Isla Vista. In 2001, there were over 260 reported incidents of felony and misdemeanor battery, fighting in public, and assault with a deadly weapon. Eighteen sexual assaults and two attempted sexual assaults in Isla Vista were reported to law enforcement. An additional nine sexual assaults and one attempted sexual assault were reported to the UCSB Women's Center, but were not reported to law enforcement. Eighty-six couch/furniture fires were documented, resulting in 30 arrests. The cost to the County to repair the roadway after such a fire averages \$175 per occurrence.
3. Live bands, keg parties, and loud music draw persons to Isla Vista, causing extremely crowded conditions, excessive and disturbing noise, and uncontrollable litter and waste. The situation hampers law enforcement and public safety efforts and creates a hostile environment and diminished quality of life for the public and law enforcement officers. In 2001, Isla Vista Foot Patrol Officers issued 343 citations for violations of the nighttime amplified noise ordinance. In addition, there were more than 900 reports of loud parties that required a response by officers. 250 citations were issued for urinating or defecating in public.
4. Crowded conditions in Isla Vista prevent law enforcement, fire and public safety personnel, members of the public, residents and others from having access to public streets, creating hazardous and unsafe conditions. On most Friday and Saturday nights, fire and medical personnel are not able to access Del Playa with their emergency vehicles, and victims must be walked or carried to Sabado Tarde for treatment.
5. Overtime costs for extra law enforcement personnel in Isla Vista to respond to these public safety issues exceeds \$70,000 annually.

6. Isla Vista presents unique public health and safety problems for law enforcement due to the crowded conditions, loud music, and “party” atmosphere, and prohibiting nuisance parties is necessary to control the crowded conditions, reduce the costs associated with law enforcement in Isla Vista, prevent injuries to the public, law enforcement officers, and other public safety personnel, and limit vandalism and damage to public and private property.

Section 2. Sections Added.

Sections 36-6 to 36-8 are hereby added to the Santa Barbara County Code to read as follows:

Section 36-6. Public Nuisance Declared.

(a) A social gathering or party shall be deemed to constitute a public nuisance when, by reason of the conduct of persons in attendance, it results in at least three (3) or more of the following violations of local or state law or ordinances and which violations occur at the site of the social gathering, or on adjacent public property within the area bounded by, and including, El Colegio Road, Camino Majorca to Storke Road, Ocean Road to Stadium Road and the Pacific Ocean in the unincorporated area of Isla Vista:

Penal Code 242	-	Battery
Penal Code 243 (b)	-	Battery on Peace Officer/Firefighter/EMT
Penal Code 243 (d)	-	Battery with Serious Injury
Penal Code 243.4	-	Sexual Battery
Penal Code 245	-	Assault with a Deadly Weapon
Penal Code 602.5	-	Unlawful Entry into Dwelling/Building
Penal Code 602(l)	-	Trespass
Penal Code 415(1)	-	Fighting in Public
Penal Code 415 (2)	-	Disturbing the Peace
Penal Code 422	-	Criminal Threats
Penal Code 594	-	Vandalism
Penal Code 451	-	Arson
Penal Code 455	-	Attempted Arson
Penal Code 148(a)(1) -		Willfully Resisting/Obstructing a Peace Officer
Penal Code 148.2(1) -		Willfully Resisting/Obstructing Fire Fighter/Medic
Business & Professions Code 25662(a)		Minor in Possession on Alcohol
Business & Professions Code 25659.5(a)		Keg Registration
Vehicle Code 21954(a)	-	Obstructing roadway
Vehicle Code 10852	-	Vandalism to Vehicle
Health & Safety Code 12680(a)	-	Unlawful Fireworks

(b) A social gathering or party shall also be deemed to constitute a public nuisance when, by reason of the conduct of persons in attendance, it results in the following unsafe behaviors that are likely to cause injury to persons and property and/or provoke a violent reaction from another person:

1. Throwing objects that may inflict injury or damage, including but not limited to, rocks, bottles, cans and other objects, missiles and projectiles.
2. Rough body contact or “slamming” in which participants collide their bodies into each other.
3. Individuals launching themselves from a stage or similar raised platform into a crowd.

(c) A social gathering shall also be deemed to constitute a public nuisance when an open keg of beer is situated so that it is visible to members of the public standing on public streets or sidewalks.

Section 36-7. Nuisance Party Participation Prohibited.

All persons attending a party or social gathering declared to be a public nuisance by a Deputy Sheriff, Police Officer, or other Peace Officer shall immediately disperse upon the order of a peace officer, and all persons not domiciled at the site of such party or social gathering shall immediately leave the premises. No person shall fail or refuse to obey and abide by such an order.

Section 36-8. Violation—Penalty.

Any person violating sections 36-6 and 36-7 are guilty of an infraction and shall be punished by a fine in the sum of one hundred (\$100.00) dollars for a first violation; a fine in the sum of two hundred (\$200.00) dollars for a second violation within one year after the first violation; and a fine in the sum of five hundred dollars (\$500.00) for each additional violation within one year after a second violation and within one year after any subsequent violation thereafter.

Section 3. Severability.

If any section, subsection, 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, such decision shall not affect the validity of the remaining portions of this Ordinance. The Santa Barbara County Board of Supervisors hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsection, sentence, clause, phrase or portion may be declared invalid or unconstitutional.

Section 4. Effective Date.

This ordinance, within fifteen (15) days after its passage and adoption, shall be published once in the Santa Barbara News Press and shall be in full force and effect thirty (30) days after its passage and adoption.

PASSED AND ADOPTED this _____ day of _____, 2002, by the following vote:

AYES:

NOES:

ABSENT:

Chair, Board of Supervisors

ATTEST:

MICHAEL BROWN
CLERK OF THE BOARD

By _____
Deputy

[DO NOT PUBLISH APPROVAL]

APPROVED AS TO FORM:

STEPHEN SHANE STARK
COUNTY COUNSEL

By _____
Chief Assistant

APPROVED AS TO
ACCOUNTING FORM:

ROBERT W. GEIS, CPA
AUDITOR-CONTROLLER

By _____

ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS ADDING SECTION 24-34 to CHAPTER 24, PROHIBITING URINATING AND DEFECATING IN PUBLIC.

The Board of Supervisors of the County of Santa Barbara does hereby ordain as follows:

Section 1. Sections Added.

Section 24-34 is hereby added to Chapter 24 of the Santa Barbara County Code to read as follows:

Section 24-34 Urinating or Defecating in Public Prohibited.

It shall be unlawful and a misdemeanor for any person to urinate or defecate in or upon any street, sidewalk, alley, plaza, park, beach, public building or public maintained facility, or any place open to the public or exposed to public view. This section shall not be construed so as to prohibit the use for urination or defecation the lawfully constructed restroom facilities designed for the sanitary disposal of human waste.

Section 2. Effective Date.

This ordinance, within fifteen (15) days after its passage and adoption, shall be published once in the Santa Barbara News Press and shall be in full force and effect thirty (30) days after its passage and adoption.

PASSED AND ADOPTED this _____ day of _____, 2002, by the following vote:

- AYES:
- NOES:
- ABSENT:

Chair, Board of Supervisors

ATTEST:

MICHAEL BROWN
CLERK OF THE BOARD

By_____

Deputy
[DO NOT PUBLISH APPROVAL]

APPROVED AS TO FORM:

FORM:

STEPHEN SHANE STARK
COUNTY COUNSEL

By _____
Chief Assistant

APPROVED AS TO
ACCOUNTING

ROBERT W. GEIS, CPA
AUDITOR-CONTROLLER

By _____