

AN ORDINANCE OF THE BOARD OF SUPERVISORS AMENDING SECTIONS 6-70.01 AND 6.107 AND ADDING SECTION 6-108 AND 6-109 OF CHAPTER 6

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

SECTION 1. Sections 6-70.01 and 6-107 are hereby amended to read as follows:

Sec. 6-70.01. "Outdoor festival" and other musical activity prohibited.

(a) "Outdoor festivals" as defined in section 6-70 and any musical festival, dance festival, "rock" festival or similar musical activity, at which music is provided by paid or professional, or amateur performers or by prerecorded means, which is held at any place other than in a permanent building or permanent installation which permanent installation has been constructed for the purpose of conducting such activities, to which members of the public are invited or admitted or which otherwise are open to view for a charge or free of cost are prohibited the evening and the following morning of October 26th, 27th, 28th, 29th, 30th, and 31st and November 1st, 2nd, 3rd and 4th between the hours of 6:00 P.M. of such date and 7:00 A.M. of the following date, 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.

(b) Any person violating subdivision (a) shall be issued a citation informing the person of the fine to be imposed.

(c) A violation of subdivision (a) shall subject the person cited to the fines and appeal procedures set forth in section 6-107.

Sec. 6-107. Penalties for violation of article and Administrative Appeal.

a). Except for a violation of section 6-70.01, every person violating any provision of this article shall be guilty of a misdemeanor, punishable by a fine not exceeding five hundred dollars or by imprisonment in the County Jail for not exceeding six months, or by both such fine and imprisonment. A separate offense shall be deemed to have been committed for each day that such violation continues.

b) A violation of section 6-70.01 shall be subject an administrative fine in the amounts set forth in Government Code section 25132 and shall also be subject to the administrative appeal procedures set forth below.

(c) Any person upon whom an administrative fine is imposed pursuant to 6-70.01 and 6-107 (b) may appeal such fine pursuant to the procedures set forth in this section. The appellant must file a written appeal with the Sheriff's Department within ten (10) working days of service of the citation or any other date of mailing of a notice of determination of fine. The written appeal shall contain:

(1) A brief statement setting forth the interest the appealing party has in the matter relating to the imposition of the fine;

(2) A brief statement of the material facts which the appellant claims supports his or her contention that no administrative fine should be imposed or that an administrative fine of a different amount is warranted;

(d) An appeal of an administrative fine imposed for violations of chapter 6-70.01 shall be heard by a person appointed by the County to act as the hearing examiner. The administrative fine appeal hearing shall be set no sooner than twenty (20) days and no later than forty-five (45) days following a request for an appeal hearing. Notice of the appeal hearing shall be mailed at least twelve (12) calendar days before the date set for the hearing. Failure to appear timely will cause the administrative fine to become a final order or decision.

(e) In reviewing the fine, the hearing examiner shall consider all facts relating to the issuance of the citation and the reasons therefore and shall uphold the fine imposed, eliminate the fine, or modify it. The decision of the hearing examiner shall constitute the final administrative order or decision of the local agency within the meaning of Government Code section 53069.4(b)(1).

(f). The hearing examiner shall serve a copy of his or her written decision on the appellant by first class mail to the address provided by appellant in the written notice of appeal. The hearing examiner's decision shall be deemed served within two days after the date it was mailed to the address provided by the appellant.

SECTION 2. Sections 6-108 and 6-109 are hereby added as follows:

Sec. 6-108. Enforcement and collection.

When an administrative fine becomes a final order under section 6-107 or Government Code section 53069.4, the county may proceed to collect the fine as set forth in Article 24A -8.

Sec. 6-109. Judicial review.

Any person aggrieved by a final administrative order or decision imposing an administrative fine may seek review with the superior court in Santa Barbara County pursuant to Government Code section 53069.4.

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 _____, 2007, by the following vote:

AYES:

NOES:

ABSENT:

Chair, Board of Supervisors

ATTEST:

MICHAEL BROWN
CLERK OF THE BOARD

By _____
Deputy

