

## **AN ORDINANCE OF THE BOARD OF SUPERVISORS AMENDING SECTIONS 24-28, 24-29 AND 24-30 OF CHAPTER 24**

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

### **SECTION 1. Sections 24-28, 24-29 and 24-30 are hereby amended to read as follows:**

#### **Sec. 24-28. Motor vehicle nuisance on unimproved property – Findings and intent.**

The board of supervisors hereby finds and determines as follows:

- (a) In several locations in the unincorporated territory of the County of Santa Barbara unimproved areas of land exist in close proximity to lands developed to residential uses.
- (b) Persons lawfully occupying lands for residential purpose have the right to quiet and peaceful enjoyment of their homes and grounds. Persons lawfully on unimproved lands have the right not to have their lives, limbs and properties endangered by operation of motor vehicles on such lands.
- (c) Many persons drive motor vehicles of many kinds, including passenger cars, vans, trucks, dune buggies, motorcycles and off-road vehicles onto such unimproved lands and operate such motor vehicles on such lands so as to create substantial nuisances to nearby residents including, but not limited to large amounts of dust and excessive exhaust noise. Such persons, furthermore, often operate such motor vehicles so that they endanger the lives, limbs and property of other persons on such lands.
- (d) The climatic and geographic conditions in the County of Santa Barbara tend to increase the secondary effects of such motor vehicles operated in and around unimproved property and near sensitive habitats. These climatic and geographic conditions and sensitive habitats in the County of Santa Barbara include dry inland areas, pristine forests, wildlife refuges, critical chaparral areas with long recovery times following surface damage, sensitive watersheds, watercourses, wetlands and coastal environments.
- (e) Local, state and federal agencies have designated and set-aside specific areas, trails and routes for the express purpose of allowing the safe and non-offensive recreational use of off-road vehicles.
- (f) State laws making trespassing on private property breaches of the peace, and other activities which occur on such lands misdemeanors, have not proved effective in controlling and terminating such motor vehicle activities on unimproved lands, whether public or privately owned.
- (g) It is the intent of the board of supervisors to prohibit activities of motor vehicles on unimproved lands, whether public or privately owned, which create dust and noise nuisances to nearby residents, which endanger lives, limbs and property of persons lawfully on such unimproved lands, and which endanger sensitive habitats located on such unimproved lands, in order to protect and preserve the public peace, safety and welfare. (Ord. No. 2989, § 1)

### **Sec. 24-29. Use of motor vehicles on unimproved real property.**

(a) It is unlawful for any person willfully to drive any motor vehicle as that term is defined in the Vehicle Code upon unimproved portions of real property in the unincorporated areas of Santa Barbara County, whether public property, or property belonging to or lawfully occupied by another, without the express permission of the owner, the owner's agent or the person in lawful possession of said real property.

(b) "Unimproved" for the purposes of this section means real property upon which there exists no structures occupied by any public agency, the owner of the real property, the owner's agent, persons in lawful possession of said real property or persons who have the permission of the owner, the owner's agent or the person in lawful possession of said real property.

(c) These provisions affecting motor vehicle use on unimproved portions of real property shall not apply to any areas in the unincorporated territory of the County of Santa Barbara which are directly authorized by a conditional use permit, or otherwise, under county zoning ordinances to permit motorcycle, off-road vehicle or motor vehicle racing use or uses.

(d) These provisions affecting motor vehicle use on unimproved portions of real property shall not apply to the use of motor vehicles for agricultural purposes, as defined by Civil Code § 3482.5 and section 3-23 of this code, vehicles being used for governmental purposes, or the direct crossing of unimproved property from a roadway or trail designated for motor vehicle use in order to remain on said roadway or trail. (Ord. No. 2989, § 2)

### **Sec. 24-30. Violations; penalties.**

It is unlawful for any person to violate any provision of this chapter. Any person violating any provision of this chapter shall be deemed guilty of an infraction or misdemeanor as hereinafter specified.

Any person so convicted shall be:

- (1) guilty of an infraction offense and punished by a fine of one hundred dollars (\$100.00) for a first violation;
- (2) guilty of an infraction offense and punished by a fine of two hundred dollars (\$200.00) for a second violation within one year;
- (3) the third and any additional violations within one year shall constitute a misdemeanor offense and shall be punishable by a fine of one thousand dollars (\$1,000.00) or six months in jail, or both.

### **Section 2. 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 3. 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 \_\_\_\_\_, 2008, by the following vote:

AYES:

NOES:

ABSENT:

ATTEST:

MICHAEL BROWN  
CLERK OF THE BOARD

By \_\_\_\_\_  
Deputy Clerk

\_\_\_\_\_  
Chair of the Board of Supervisors  
Supervisor Salud Carbajal

APPROVED AS TO FORM:

DANIEL J. WALLACE  
Interim County Counsel

By \_\_\_\_\_  
Kelly Scott, Deputy County Counsel