

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA AMENDING CHAPTER 36, CONSUMPTION OF ALCOHOLIC BEVERAGES ON PUBLIC STREETS AND CERTAIN BEACHES”, SECTIONS 36-6, 36-7 AND 36-8 OF THE SANTA BARBARA COUNTY CODE PERTAINING TO PUBLIC NUISANCE PROHIBITIONS.**

The Board of Supervisors of the County of Santa Barbara ordains as follows:

**SECTION 1.** Chapter 36 of the Santa Barbara County Code, Section 36-6. Public nuisance declared, is hereby amended and shall read as follows:

**Sec. 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 or more of the following violations of local or state law or ordinance and which violations occur at the site of the social gathering, or on adjacent public property in connection to the social gathering or party within the area bounded by, and including, El Colegio Road, Camino Majorca to Stroke Road, Ocean Road to Stadium Road and the Pacific Ocean in the unincorporated area of Isla Vista:

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| Penal Code 242                  | Battery  |
| <del>Penal Code 243(b)</del>    | <del>Battery on Peace Officer/Firefighter/EMT</del>        |
| <del>Penal Code 243(d)</del>    | <del>Battery with Serious Bodily Injury</del>              |
| <del>Penal Code 243.4</del>     | <del>Sexual Battery</del>                                  |
| <del>Penal Code 245</del>       | <del>Assault with a Deadly Weapon</del>                    |
| Penal Code 602.5                | Unlawful Entry into Dwelling/Building                      |
| Penal Code 602(I)               | Trespass   |
| Penal Code 415(1)               | Fighting in Public   |
| Penal Code 415(2)               | Disturbing the Peace                                       |
| Penal Code 422                  | Criminal Threats   |
| Penal Code 594                  | Vandalism  |
| <del>Penal Code 451</del>       | <del>Arson</del>   |
| <del>Penal Code 455</del>       | <del>Attempted Arson</del>                                 |
| <del>Penal Code 148(a)(1)</del> | <del>Willfully Resisting/Obstructing a Peace Officer</del> |

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| <del>Penal Code 148.2(1)</del>           | <del>Willfully Resisting/Obstructing a Firefighter / Medic</del> |
| Business and Professions Code 25662(a)   | Minor in Possession of Alcohol                                   |
| Business and Professions Code 25659.5(a) | Keg Registration   |
| Vehicle Code 21954(a)                    | Obstructing Roadway  |
| Vehicle Code 10852                       | Vehicle Vandalism  |
| Health and Safety Code 12680(a)          | Unlawful Fireworks   |
| Health and Safety Code 41800             | Fires  |
| Santa Barbara County Code 24-15          | Public Nudity  |
| Santa Barbara County Code 24-34          | Urinating in Public  |

(b) 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 one or more of the following violations of local or state, or federal law or ordinance and which violations occur at the site of the social gathering or party, or adjacent public property in connection to the social gathering or party 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:

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|--|--|
| <u>Penal Code 243(b)</u>                   | <u>Battery on Peace Officer/Firefighter/EMT</u>              |
| <u>Penal Code 243(d)</u>                   | <u>Battery with Serious Bodily Injury</u>                    |
| <u>Penal Code 243.4</u>                    | <u>Sexual Battery</u>  |
| <u>Penal Code 245</u>                      | <u>Assault with a Deadly Weapon</u>                          |
| <u>Penal Code 272(a)(1)</u>                | <u>Contributing to the Delinquency of a Minor</u>            |
| <u>Penal Code 451</u>                      | <u>Arson</u>   |
| <u>Penal Code 455</u>                      | <u>Attempted Arson</u>                                       |
| <u>Penal Code 148(a)(1)</u>                | <u>Willfully Resisting/Obstructing a Peace Officer</u>       |
| <u>Penal Code 148.2(1)</u>                 | <u>Willfully Resisting/Obstructing a Firefighter / Medic</u> |
| <u>Penal Code 647(a)</u>                   | <u>Lewd &amp; Lascivious Acts</u>                            |
| <u>Penal Code 417</u>                      | <u>Brandishing a Weapon</u>                                  |
| <u>Business and Professions Code 25658</u> | <u>Furnishing Alcohol to Minors</u>                          |

(~~b~~ c) 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 one or more of 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 2) Individuals launching themselves from a stage or similar raised platform into a crowd.

(3) Climbing onto or remaining on any roof, rooftop or other exterior landing that is not specifically designed to accommodate or hold the weight of a person or persons for an extended period.

(4) Climbing over, onto, under, or around any fence, railing, wall, or similar device installed as a barrier and placed for the purposes of public or personal safety onto any exposed bluff or cliff.

(5) Any social gathering, concert, or party at which a ticket, fee, donation or other purchase is required as a condition for entry to the event on any property zoned or utilized for residential use 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.

(6) Any social gathering, concert, or party in violation of Business and Professions Code 25604.

(7) Any social gathering, concert, party or performance that utilizes or obstructs, or causes an obstruction to any public right-of-way to the extent that such use substantially prevents the free movement of pedestrians or vehicles.

(e d) 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, or in any other place, including private property, which is open to the public or to which the public has access or over which there is an express or implied license to enter or remain.

(e) A person shall be deemed to be in violation of this section if they are the property owner, tenant, or occupant of a property which is under their control, and they knowingly host, allow, promote, support, encourage or otherwise endorse or assist in hosting a social gathering or party that has been declared a public nuisance as defined herein.

**SECTION 2.** Chapter 36 of the Santa Barbara County Code, Section 36-7. Nuisance party participation prohibited, is hereby amended and shall read as follows:

**Sec. 36-7. - Nuisance party participation prohibited.**

All persons attending a party or social gathering declared to be a public nuisance under section 36-6 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 3.** Chapter 36 of the Santa Barbara County Code, Section 36-8. Violation - Penalty, is hereby amended and shall read as follows:

**Sec. 36-8. - Violation—Penalty.**

Any person violating section 36-6 is guilty of a misdemeanor. ~~and 36-7 are quality of an infraction and shall be punished by fine in the sum of one hundred dollars for a first violation; a fine in the sum of two hundred dollars for a second violation within one year after the first violation; and a fine in the sum of five hundred dollars for each additional violation within one year after a second violation and within one year after any subsequent violation thereafter.~~

A person violating section 36-7 is guilty of an infraction punishable pursuant to California Government Code Section 25132(b).

**SECTION 4.** Except as amended by this Ordinance the Santa Barbara County Code shall remain unchanged and shall continue in full force and effect.

**SECTION 5.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

**SECTION 6.** This Ordinance shall take effect and become operative 30 days from the date of its adoption by the Board of Supervisors. Before the expiration of 15 days after its passage a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the *Santa Barbara Independent* and *Santa Maria Times*, newspapers of general circulation published in the County of Santa Barbara.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this \_\_\_\_\_ day of \_\_\_\_\_, 2024, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
STEVE LAVAGNINO CHAIR  
BOARD OF SUPERVISORS  
COUNTY OF SANTA BARBARA

ATTEST:  
MONA MIYASATO, COUNTY EXECUTIVE OFFICER  
CLERK OF THE BOARD

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

APPROVED AS TO FORM:  
RACHEL VAN MULLEM  
COUNTY COUNSEL

By \_\_\_\_\_  
Deputy County Counsel