

ORDINANCE NO. 05-105

AN ORDINANCE OF THE CAPISTRANO BAY COMMUNITY SERVICES DISTRICT ESTABLISHING PENALTIES FOR FAILURE OR REFUSAL TO COMPLY WITH ANY LAWFUL ORDER, SIGNAL OR DIRECTION OF THE DISTRICT'S PEACE OFFICERS AND CONTRACT SECURITY OFFICERS.

THE BOARD OF DIRECTORS HEREBY ORDAINS AS FOLLOWS:

1. Replacing Old Ordinance.

Ordinance No. 105 is hereby repealed.

2. Purpose and Need.

From time to time, attempted enforcement of District Ordinances have been willfully and unlawfully ignored and disregarded.

3. Resisting A District Peace Officer or Contract Security Officer in the Discharge of His or Her Duties.

It is unlawful to willfully delay, resist or obstruct a District Peace Officer or Contract Security Officer in the discharge or attempted discharge of his or her duties.

4. Obedience to a District Peace Officer or Contract Security Officer Enforcing District Ordinances.

It is unlawful to willfully fail or refuse to comply with any lawful order, signal or direction from a District Peace Officer or Contract Security Officer.

5. Flight From A District Peace Officer or Contract Security Officer Enforcing District Ordinances.

It is unlawful for any person operating a motor vehicle, upon hearing a horn and seeing at least one lighted lamp exhibiting any overhead, bumper or dash-mounted flashing light from a vehicle carrying a District Peace Officer or Contract Security Officer wearing the District Peace Officer uniform or Contract Security Officer uniform emblazoned with a District emblem with appropriate badges, to flee and otherwise attempt to elude the pursuing District Peace Officer or Contract Security Officer's motor vehicle.

6. Penalties.

Any person found violating this ordinance is guilty of an infraction or a misdemeanor and shall be punished as follows:

(1) For a first offense, punished as an infraction by a fine of fifty dollars (\$50).

(2) For a second offense, punished as an infraction by a fine of not less than one hundred dollars (\$100) nor more than two hundred and fifty dollars (\$250).

(3) For a third or subsequent offense, by imprisonment in the county jail not exceeding six months, or by a fine not exceeding one thousand dollars (\$1000), or both.

7. Notice.

The Capistrano Bay Community Services District shall post a written notice for 30 days on the community entrance bulletin board and a public notice in the legal section under the classified ads of the local Orange County Register newspaper.

Passed, approved and adopted this 31st day of May, 2005 by the following vote:

AYES: Martinez, Jahnke, Dunn, Southwick, Brady
NOES:
ABSENT:
ABSTAIN:

Alex J. Martinez, President
Capistrano Bay Community Services District

ATTEST:

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS
CAPISTRANO BAY DISTRICT)

(DISTRICT SEAL)

I, DONAL S. RUSSELL, hereby certify that the above foregoing is a true and correct copy of Ordinance No. 05-105 adopted by the Board of Directors of the Capistrano Bay Community Services District at a regular meeting held on May 31, 2005.

Donal S. Russell, Manager
Capistrano Bay Community Services District