

ORDINANCE NO. 05-115

AN ORDINANCE OF THE CAPISTRANO BAY COMMUNITY SERVICES DISTRICT PROHIBITING THE USE OF OFF-HIGHWAY VEHICLES ON BEACH ROAD.

THE BOARD OF DIRECTORS HEREBY ORDAINS AS FOLLOWS:

1. REPLACING OLD ORDINANCE

Ordinance No. 115 is hereby repealed.

2. STATEMENT OF POLICY AND NECESSITY

A. The operation of off-highway vehicles is properly regulated pursuant to Section 38000 of the California Vehicle Code

B. The use of off-highway vehicles on Beach Road has been determined to be hazardous to the public health and safety of residents of the Capistrano Bay District.

3. DEFINITION

Pursuant to Section 38012 of the California Vehicle code, off-highway vehicles includes, but is not limited to, motorcycles, snowmobiles, sand buggies, dune buggies, all-terrain vehicles and jeeps that are not licensed to operate on a street or highway.

4. OFF-HIGHWAY VEHICLES PROHIBITED

The use and operation of off-highway vehicles as defined in Section 38012 of the California Vehicle Code is hereby prohibited on Beach Road and within the Capistrano Bay District.

5. PENALTY

Any person found violating this ordinance is guilty of an infraction or a misdemeanor and shall be fined 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.

6. NOTICE

The Capistrano Bay Community Services District shall post a written notice for 30 days on the community entrance bulletin board and a 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. 05-115 adopted by the Board of Directors of the Capistrano Bay District at a regular meeting held on May 31, 2005.

Donal S. Russell, Manager
Capistrano Bay Community Services District