

ORDINANCE NO. 05-201

AN ORDINANCE OF THE CAPISTRANO BAY COMMUNITY SERVICES DISTRICT DEFINING TRESPASSES CONSTITUTING MISDEMEANORS AND PROVIDING FOR THE ENFORCEMENT THEREOF.

THE BOARD OF DIRECTORS HEREBY ORDAINS AS FOLLOWS:

1. REPLACING OLD ORDINANCE

Ordinance No. 201 is hereby repealed.

2. DEFINITION OF TRESPASS

Any person who willfully enters upon lands that are enclosed by fence, walls, gates or where signs forbidding trespass are displayed along the exterior boundaries of such lands without the permission of the owner of such land, or his agent, shall be deemed trespassing.

A person shall be deemed trespassing if an unpermitted entry is made by foot by bicycle, or by vehicle as described in the California Vehicle Code, or by any other means.

Any person who (a) refuses or fails to leave such lands immediately upon being requested to do so by a public officer, the owner of such land, or his agent, or (b) tears down, mutilates or destroys any sign or notice forbidding trespass on such lands, or (c) removes, injures or tampers with any fence, gate or lock on any gate leading into such lands shall be guilty of an infraction or a misdemeanor.

3. PENALTY

Any person found violating any provision of 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 twenty five dollars (\$25).

(2) For a second offense on any contiguous land of the same owner, 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 on any contiguous land of the same owner, by imprisonment in the county jail not exceeding six months, or by a fine not exceeding one thousand dollars (\$1000), or both.

4. 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 on the 31st day of May, 2005, by the following roll call vote:

AYES:
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 and foregoing is a true and correct copy of Ordinance No. 05-201 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