



1 of Supervisors of the District hereby designates the San Bernardino County Sheriff's  
2 Department; the San Bernardino County Land Use Services Department, Code  
3 Enforcement Division; any other division or department of San Bernardino County as  
4 designated by the Chief Executive Officer of San Bernardino County (including the  
5 authorized deputies thereof); and the law enforcement and code enforcement officers of  
6 adjoining jurisdictions, the territorial limits of which include real property owned,  
7 operated, and/or maintained by the District or for which the District has easements, and  
8 upon the effective date of a Memorandum of Understanding between the District and  
9 the applicable government agencies for such jurisdictions.

10  
11 SECTION 4. Definitions.

12 For the purposes of this ordinance, the following words shall be  
13 defined as set forth herein:

14 "Equestrian" shall mean any person riding or walking with a horse  
15 or any other animal reasonably suitable for riding as the terms "horse" and "animal" are  
16 commonly understood.

17 "Pedestrian" shall have the same meaning as set forth in Vehicle  
18 Code ("VC") Section 467, as may be amended by the California Legislature and any  
19 person using, in any manner, a "bicycle," as defined at VC Section 231, as may be  
20 amended by the California Legislature.

21 "Private vehicle" shall mean, without limitation, any vehicle, as  
22 defined at VC Section 670, as may be amended by the California Legislature; any motor  
23 vehicle, as defined at VC Section 415, as may be amended by the California  
24 Legislature; any off-highway motor vehicle as defined at VC Section 38006, as may be  
25 amended by the California Legislature; any other specific classification of vehicle or  
26 motor vehicle as defined at VC Sections 100-680, as may be amended by the California  
27 Legislature, inclusive; any form of aircraft (as that term is commonly understood and  
28 shall include without limitation, airplane, glider, hang-glider, ultra-light, gyrocopter, and

1 helicopter); any form of watercraft (as that term is commonly understood and which  
2 shall include without limitation boat, canoe, kayak, body board, and surfboard); that is  
3 not owned or operated by any local, state, or federal government agency.

4 "Trespass" shall mean 1) any entry by any unauthorized person,  
5 without District consent, onto District property for which entry is prohibited and notice of  
6 the prohibition is posted by reasonably conspicuous signage or communicated in any  
7 manner by a District employee or representative; 2) a refusal to leave after any such  
8 entry and the failure or refusal to comply with such notice, including any demand or  
9 direction made by the District employee or representative to the person refusing to  
10 leave.

11 "Unauthorized person" shall mean any person who is not subject to  
12 the exemptions or exceptions provide in Section 7 of this ordinance.

#### 13 14 SECTION 5. Applicability.

15 This ordinance applies to all property owned, operated and/or  
16 maintained by the District, including property over which the District holds easement  
17 rights.

#### 18 19 SECTION 6. Trespass Prohibited.

20 It shall be unlawful at all times for any person, who is not otherwise  
21 subject to the exemptions or exceptions provided in Section 7 of this ordinance, to  
22 trespass on District property where access and entry is prohibited; whether or not the  
23 person so doing is an equestrian, pedestrian, or operator of a private vehicle.

#### 24 25 SECTION 7. Exemptions and Exceptions.

26 A. All law enforcement, fire, state, and federal government agencies  
27 are exempt from this ordinance.

28 B. All persons operating private vehicles pursuant to a valid permit

1 issued by the District for conducting activities on District property shall be granted an  
2 exception to the enforcement of Section 6 of this ordinance, subject to the limitations of  
3 the permit issued and only for the period of time the permit remains valid.

4 C. All persons possessing a valid permit issued by the District allowing  
5 access and entry onto District property shall be granted an exception to the  
6 enforcement of Section 6 of this ordinance, subject to the limitations of the permit issued  
7 and only for the period of time the permit remains valid.

8 D. All persons who are lawfully and properly using the designated  
9 recreation trails and who, while so doing, remain at all times within the designated trail  
10 area and within trail boundaries as identified in or referenced to in the applicable  
11 agreements between the District and applicable government entities, in compliance with  
12 the applicable trail regulations, shall be granted an exception to the enforcement of  
13 Section 6 of this ordinance, subject to the extent of their compliance with the applicable  
14 trail regulations and this subsection.

15 E. All fee owners of property for which the District has been granted  
16 an easement are exempt from this ordinance.

17 F. All persons to whom the District has granted an easement are  
18 exempt from this ordinance.

19 G. All persons authorized access and entry pursuant to a written  
20 agreement with the District are exempt from this ordinance.

21  
22 SECTION 8. Enforcement; Criminal Actions.

23 A. Criminal Penalties for Violations. It is unlawful for any person to  
24 violate any provision of this ordinance. Any person committing such violation shall be  
25 deemed guilty of a public offense punishable as either a misdemeanor or an infraction.

26 B. Misdemeanor Violations. Upon conviction of a misdemeanor,  
27 including upon a plea of nolo contendere (commonly called "no contest"), the penalty  
28 shall be a base fine up to and not more than \$2,000, or by imprisonment in the County

1 jail for a period of not more than six months, or by both base fine and imprisonment.  
2 Any costs that the court may otherwise be required to impose pursuant to applicable  
3 State law or local ordinance shall be imposed in addition to the base fine. The court, or  
4 judge thereof, in the order granting probation, may suspend the imposing or the  
5 execution of the sentence and may direct that the suspension may continue for a period  
6 of time not exceeding three years, and upon those terms and conditions as it shall  
7 determine. The court, or judge thereof, in the order granting probation and as a  
8 condition thereof, may imprison the defendant in a county jail for a period not exceeding  
9 the maximum time fixed by law in the case.

10 C. Infraction Violations. Notwithstanding the foregoing, a violation  
11 may be cited, charged and prosecuted as an infraction at the discretion of the enforcing  
12 officer and/or the prosecuting attorney. Where so prosecuted as an infraction, each  
13 such violation shall be punishable, except as otherwise provided herein, upon conviction  
14 including a plea of nolo contendere (commonly called "no contest"), by a base fine not  
15 exceeding \$100 for a first violation; a base fine not exceeding \$200 for a second  
16 violation of this ordinance within one year; and a base fine not exceeding \$500 for each  
17 additional violation of this ordinance within one year of the first violation. Any costs that  
18 the court may otherwise be required to impose pursuant to applicable State law or local  
19 ordinance shall be imposed in addition to the base fine.

20 D. The maximum fines for infraction violations of this ordinance  
21 imposed pursuant to this Section are based upon the provisions of Government Code  
22 Section 25132 and will be increased automatically and without amendment to this  
23 Section upon any amendment to Government Code Section 25132 increasing the  
24 amount of fines permitted.

25 E. If any person is arrested by a peace officer or any other officer  
26 authorized to enforce this ordinance for a violation of this ordinance (hereinafter  
27 "arresting officer"), whether punishable as a misdemeanor or as an infraction, the  
28 arresting officer shall issue a notice to appear (the "citation") to such person, pursuant to

1 Penal Code Sections 853.5 and 853.6, and request that the person sign the notice to  
2 appear, which shall constitute the person's written promise to appear in court. After  
3 obtaining the written promise to appear, the arresting officer must immediately release  
4 the person.

5 If the person cited refuses to sign the notice to appear, the arresting  
6 officer, unless the arresting officer is a sworn peace officer, must immediately release  
7 the person and refer the matter to the Office of County Counsel or other appropriate  
8 agency for appropriate action.

9  
10 SECTION 9. Enforcement; Civil Actions.

11 All violations of this ordinance may be subject to enforcement through the  
12 initiation of a civil action in accordance with this section and in the same manner as  
13 provided by the San Bernardino County Code Title 1: Government and Administration;  
14 Division 1: General Provisions; Chapter 2: Violations and Enforcement; Section 11.0207  
15 Civil Actions, the terms of which, are incorporated herein by this reference as though  
16 fully set forth herein and which are hereby deemed adopted by the District for the  
17 purpose of this ordinance.

18  
19 SECTION 10. Enforcement; Administrative Citation Actions.

20 A. All violations of this ordinance may be subject to enforcement  
21 through the initiation of an administrative citation action in accordance with this section,  
22 Government Code Section 53069.4, and in the same manner as provided by the San  
23 Bernardino County Code Title 1: Government and Administration; Division 1: General  
24 Provisions; Chapter 2: Violations and Enforcement; Section 11.0208 Administrative  
25 Citation Actions, the terms of which, and any amendments thereto, are incorporated  
26 herein by this reference as though fully set forth herein and which are hereby deemed  
27 adopted by the District for the purpose of this ordinance.

28 B. For purposes of this ordinance, the amount of penalty imposed for

1 a violation of this ordinance and assessed by means of an administrative citation shall  
2 be: \$500 for the first violation, \$1,000 for the second violation within one year of the first  
3 violation, and \$2,000 for the third and each subsequent violation within one year of the  
4 first violation.

5  
6 SECTION 11. Enforcement Remedies and Penalties are Cumulative and  
7 Discretionary; Not Exclusive; Declaration of Public Nuisance.

8 All remedies and penalties provided for by this ordinance shall be  
9 cumulative and discretionary and not exclusive of other applicable provisions of this  
10 ordinance, any other ordinance of the District or other applicable State or Federal law.  
11 Each and every violation of this ordinance is hereby declared unlawful and a public  
12 nuisance. The use of the enforcement remedies provided by this ordinance shall be at  
13 the sole discretion of the District. In the exercise of such discretion in selecting an  
14 appropriate enforcement remedy, the District shall not be required to institute available  
15 enforcement remedies in any particular order, or to prefer the application of one remedy  
16 to another.

17  
18 SECTION 12. Declaration of San Bernardino County Flood Control District  
19 Property As Not Constituting A Public Forum.

20 All District property that is the site of District-operated and maintained  
21 facilities, infrastructure or equipment and which is directly related to its operations in  
22 controlling, managing, directing, conserving, spreading, retaining, or storing flood and  
23 storm waters and run-off, is hereby declared to not constitute a public forum for any  
24 First Amendment purpose.

25  
26 SECTION 13. Severability.

27 The Board of Supervisors of the San Bernardino County Flood Control  
28 District declare that it would have adopted this ordinance and each section, sentence,

1 clause, phrase, or portion of it irrespective of the fact that any one or more sections,  
2 subsections, clauses, phrases or portions of it be declared invalid or unconstitutional. If  
3 for any reason any portion of this ordinance is declared invalid or unconstitutional, then  
4 all other provisions of it shall remain valid and enforceable.

5

6 SECTION 14. This ordinance shall take effect thirty (30) days from the date of  
7 adoption.

8



CURT HAGMAN, Chairman  
Board of Supervisors  
San Bernardino County Flood Control District

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11

12 SIGNED AND CERTIFIED THAT A COPY  
13 OF THIS DOCUMENT HAS BEEN DELIVERED  
14 TO THE CHAIRMAN OF THE BOARD

15 LYNNA MONELL, Clerk of the  
16 Board of Supervisors

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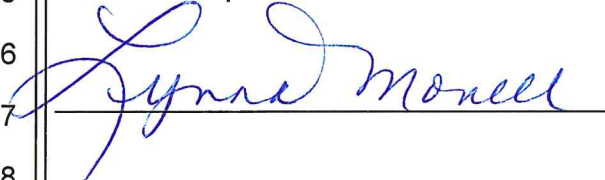
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1 STATE OF CALIFORNIA )  
2 ) ss.  
3 SAN BERNARDINO COUNTY )

4 I, LYNNA MONELL, Clerk of the Board of Supervisors of the San Bernardino  
5 County Flood Control District of San Bernardino County, State of California, hereby  
6 certify that at a regular meeting of the Board of Supervisors of said County and State,  
7 held on the 28<sup>th</sup> day of June, 2022, at which meeting were present Supervisors: Col.  
8 Paul Cook (Ret.), Janice Rutherford, Dawn Rowe, Joe Baca, Jr., and the Clerk, the  
9 foregoing ordinance was passed and adopted by the following vote, to wit:

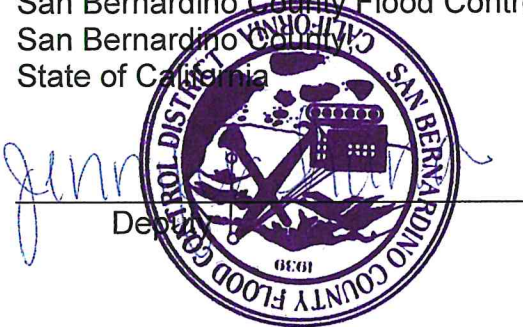
10 AYES: SUPERVISORS: Col. Paul Cook (Ret.), Janice Rutherford,  
11 Dawn Rowe, Joe Baca, Jr.

12 NOES: SUPERVISORS: None

13 ABSENT: SUPERVISORS: Curt Hagman

14 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official  
15 seal of the Board of Supervisors this 28<sup>th</sup> day of June, 2022.

16 LYNNA MONELL, Clerk of the  
17 Board of Supervisors of the  
18 San Bernardino County Flood Control District of  
19 San Bernardino County,  
20 State of California



21 Approved as to Form:

22 TOM BUNTON  
23 County Counsel

24 By: Jolena E. Grider  
25 JOLENA E. GRIDER  
26 Deputy County Counsel

27 Date: 6/29/22

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