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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
9 _____
10 CURT HAGMAN, Chairman
11 Board of Supervisors
12 San Bernardino County Flood Control District

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

16 LYNNA MONELL, Clerk of the
17 Board of Supervisors
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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,
held on the _____ day of _____, 2022, at which meeting were present
Supervisors: _____

7 _____,
8 and the Clerk, the foregoing ordinance was passed and adopted by the following vote,
to wit:

9 AYES: SUPERVISORS:
10 NOES: SUPERVISORS:
11 ABSENT: SUPERVISORS:
12

13 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official
14 seal of the Board of Supervisors this _____ day of _____, 2022.

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

20 _____
Deputy

21 Approved as to Form:

22 TOM BUNTON
23 County Counsel

24
25 By: _____
26 JOLENA E. GRIDER
27 Deputy County Counsel

28 Date: _____