

**ORDINANCE NO. 2002-003**

**AN ORDINANCE OF THE ISLA VISTA RECREATION AND PARK DISTRICT PROHIBITING STORAGE OR DUMPING ON PARK DISTRICT PROPERTY**

Be it Ordained by the Board of Directors of the Isla Vista Recreation and Park District (called the "Park District") as follows:

**Section 1. Statement of Purpose.**

The property of the Park District should be clean, sanitary, and readily accessible to residents and the public at large. The use of these areas for dumping or storage of refuse or personal property interferes with the rights of others to use these areas for park and recreation purposes and creates health and safety hazards for Park District staff and the public. The purpose of this Ordinance is to maintain Park District property in a clean, sanitary, and accessible condition for the benefit of the public at large and to protect the health and safety of Park District staff and the public.

**Section 2. Definitions.**

Unless the particular provisions or the context otherwise requires, the definitions contained in this section shall govern the construction, meaning and application of words and phrases used in this Ordinance.

- (a) "Refuse" means all types of solid wastes, including garbage, rubbish, litter and any other solid waste matter.
- (b) "Personal Property" means tangible personal property of any kind, including material designated as recyclable by the County of Santa Barbara or a collector under contract with the County to regularly collect recyclable materials.
- (c) "Public Property" means any real property owned or controlled by the Park District.

**Section 3. Storage or Dumping Prohibited**

No person shall dump, deposit, keep, maintain, or tend refuse or personal property on any Public Property without a permit from the Park District.

**Section 4. Removal of Refuse or Personal Property.**

When refuse or personal property has remained on any Public Property for more than 12 hours in violation of this Ordinance, it may be removed and disposed of by the Park District in accordance with this Ordinance (referred to herein as "Removal").

**Section 5. Procedure for Removal.**

The General Manager may authorize Removal of refuse or personal property valued at an amount less than fifty dollars (\$50) without posting or hearing provided for hereafter.

In a case of refuse or personal property valued at fifty dollars (\$50) or more, the Grounds Manager of the Park District, or a person designated by the Grounds Manager will post conspicuously, on or near any refuse or personal property that he or she believes is subject to Removal, a written notice in substantially the following form, at least 48 hours before the hearing time set in the notice:

NOTICE OF INTENTION  
TO REMOVE AND DISPOSE OF  
REFUSE OR PERSONAL PROPERTY

Notice is hereby given that the refuse or personal property described on the reverse side of this Notice, in the opinion of the Grounds Manager of the Isla Vista Recreation and Park District, or his or her authorized representative, is subject to removal and disposal under Ordinance 2002-003. . On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at XX:00 (A.M). (P.M.), or as soon thereafter as possible, the General Manager or his or her authorized representative, shall convene a public hearing at or near the place where this notice is posted to hear the report of the Grounds Manager regarding proposed removal and disposal of this refuse or personal property.

Any person may attend such meeting, and his or her objection, if any, to such report will be heard and given due consideration.

**WARNING:** If, at such hearing, the General Manager or his representative finds that the property is subject to removal and disposal, he or she may direct the Grounds Manager or his or her representative to remove or abate such nuisance by collecting and removing such refuse or personal property as is present in violation of this Ordinance and disposing of it. **ANY OWNER INTENDING TO REMOVE SAID REFUSE OR PERSONAL PROPERTY AT HIS OR HER OWN EXPENSE SHOULD DO SO ON OR BEFORE THE DATE OF THE HEARING.**

Dated: \_\_\_\_\_

ISLA VISTA RECREATION & PARK DISTRICT GROUNDS MANAGER

By \_\_\_\_\_

Authorized Agent

The hearing will be held as provided in the Notice, and may be continued from time to time. At the conclusion of the hearing, if the General Manager determines that all or any

part of the refuse or personal property is subject to Removal, the General Manager shall take whatever action is necessary to do so. Notwithstanding any language to the contrary in this section, if the General Manager determines the refuse or personal property is an immediate danger to the public, health, safety, or welfare he or she may order immediate Removal without notice or hearing.

**Section 6. Punishment.**

Violation of this ordinance is a misdemeanor punishable by a fine not to exceed one hundred dollars (\$100), however any citation issued for violation of this Ordinance may be processed as an infraction.

**Section 7. Enforcement.**

This ordinance shall be enforced by any peace officer, including but not limited to, members of the Isla Vista Foot Patrol, the Santa Barbara County Sheriff's Department, the California Highway Patrol, and the University of California Campus Police.

**Section 8. Effective Date.**

This ordinance will be effective immediately.

The Board of Directors of the Isla Vista Recreation and Park District adopted the foregoing Ordinance No. 2002-003 at a meeting held on XXXXX, 2002 by the following vote:

Ayes

Noes

Abstain

Absent

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Chairperson