ORDINANCE NO. 1359

BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF IMPERIAL

AN ORDINANCE REGARDING THE IMPERIAL SAND DUNES RECREATION AREA)

The Board of Supervisors of the County of Imperial does hereby ordain as follows:

SECTION 1: Chapter 1 (Sections36100 through 36105) of Division 6 of Title 3 of the Codified Ordinances of the County of Imperial is hereby enacted to read as follows:

CHAPTER 1

Section 36100 Purpose
Section 36101 Prohibitions
Section 36102 Exceptions
Section 36103 Posting
Section 36104 Enforcement
Section 36105 Penalty

Section 36100 Purpose

Whereas the Imperial Sand Dunes Recreation Area (IMPERIAL SAND DUNES) has become a year-round recreation area for off highway vehicle enthusiasts. And, whereas, during certain times of the year, including Thanksgiving, New Years, Halloween and other three (3) day weekends, the IMPERIAL SAND DUNES is visited by more than 60,000 recreationists. Unfortunately, the area within the IMPERIAL SAND DUNES generally known as Competition Hill has been designated by local law enforcement as an area of lawlessness at times beyond their control, particularly during nighttime, creating serious concern for their safety as well as the safety of the public in general. For example, while attempting to enforce federal and state laws at Competition Hill, law enforcement has been surrounded by thousands of unruly recreationists threatening physical harm.

In an effort to mitigate this situation, it has been recommended by the Imperial County Sheriff's Department, in cooperation with the Bureau of Land Management that Competition Hill be closed to any

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and all recreationists during nighttime hours. It is their belief that the closing of Competition Hill during nighttime hours is essential to maintaining a safe area for recreationists.

Section 36101 Prohibitions

It shall be unlawful for any person to enter the area generally known as Competition Hill within the IMPERIAL SAND DUNES one half hour before sunset until one half hour after sunrise.

Section 36102 Exceptions

Notwithstanding the provisions of section 36101, the provisions of this Chapter shall not apply to persons using Competition Hill in an emergency.

Section 36103 Posting

The Imperial County Sheriff's Department, in cooperation with the Bureau of Land Management and/or such other agency, as designated by the County or the Bureau of Land Management, shall erect such signs and/or other notices stating the prohibitions contained herein, at such places as deem appropriate.

36104 Enforcement

Violations of this Chapter may be enforced by any federal, state or local peace officer or ranger with peace officer status, or by any officer or employee of the County who has peace officer training as may be assigned to such duty.

36105 Penalty

(a) A violation of this Chapter is a misdemeanor and shall be punishable by a fine of not more than five hundred dollars or by imprisonment in the County jail for not more than six months or both.

(b) The continuance or reoccurrence of a violation more than twenty-four hours after a previous citation shall be considered a separate violation and shall be cited as such.

SECTION 2: This ordinance is declared to be an urgency measure for preservation of the public health and safety and shall take effect immediately upon adoption. Conditions that constitute the urgency are as follows:

> That conditions beyond the control of law enforcement and of extreme peril to the safety of persons and property have arisen within Imperial County, caused by the influx of large numbers of recreational enthusiasts to the Imperial Sand Dunes Recreation Area, particularly that area commonly known as Competition Hill, presenting a serious and tangible threat of lawlessness resulting in physical harm and property damage, not only to the citizens of Imperial County but to all out-of-county visitors

SECTION 3: Prior to the expiration of fifteen (15) days from the passage thereof, this ordinance shall be published at least once in the Holtville Tribune, a newspaper of general circulation, printed and published in the County of Imperial, State of California, together with the names of the members of the Board of Supervisors voting for and against the same.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Imperial this 19th day of November, 2002.

ATTEST:

Albert Espinoza,
Clerk of the Board of Supervisors
County of Imperial, State of California

COUNTY OF IMPERIAL

Hank Kuiper, Chairman
Board of Supervisors

The Foregoing Instrument is a Correct Copy
Of the Original on File in this Office

ATTEST: November 19, 2002

Clerk of the Board of Supervisors
County of Imperial, State of California

BOARD OF SUPERVISORS
IMPERIAL COUNTY
CALIFORNIA
1907