

ORDINANCE NO. 1-81

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE  
LAKE SHASTINA COMMUNITY SERVICES DISTRICT  
ENACTING RULES AND REGULATIONS FOR PUBLIC SAFETY

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE LAKE SHASTINA  
COMMUNITY SERVICES DISTRICT as follows:

ARTICLE I. GENERAL

Section 1.0 Purpose, Scope and Short Title

This Ordinance is enacted for the purpose of providing for the  
public safety of persons and property within the District and is  
complimentary of Ordinance #6-80. This Ordinance may be cited as  
the District's "Public Safety Ordinance."

Section 1.1 Definitions

Whenever any words or phrases used in this Ordinance are not  
defined herein but are defined in the Penal Code of the State, such  
definitions are incorporated herein and are deemed to apply. For the  
purposes of this Ordinance, unless otherwise apparent from context,  
certain words and phrases used in this Ordinance are defined in this  
section as follows:

(a) "District" shall mean the Lake Shastina Community Services  
District.

(b) "Police Officer" shall mean a police officer employed by  
the District and shall be constituted as a peace officer as defined in  
Section 830.1 of the Penal Code of the State of California.

ARTICLE 2. ENFORCEMENT OF LAWS

Section 2.0 State and Siskiyou County Laws

Police officers of the District Police Department shall enforce  
all State and Siskiyou County laws of a penal nature within the boundaries  
of the District and shall assist and cooperate with other law enforcement  
agencies in the enforcement of such laws.

Section 2.1 District Laws

Police officers of the District Police Department shall enforce all District laws of a penal nature within the boundaries of the District.

Section 2.2 Emergency Services

In addition to the foregoing, the Police Department may provide emergency first aid services as required and coordinate its activities with the Siskiyou County Sheriff's Department and such ambulance services that may be available to serve the District.

Section 2.3 Police Standards

The Police Department shall adhere to the standards for recruiting and training established by the California Commission on Peace Officer Standards and Training.

The Chief of Police shall formulate regulations governing the operation of the Police Department and the duties of its members. Such regulations, when approved by the Board of Directors, shall govern the operation of the Department and its personnel.

Peace Officers, in the lawful exercise of their duties, shall have all powers, privileges and immunities which are or may hereinafter be conferred upon Peace Officers by the laws of this State.

ARTICLE 3. FACILITIES

Section 3.0 Facility's Use: General

The use of District recreational or other community facilities shall be limited to persons who own property within the District and their families, invitees, guest tenants, employees and agents.

Provided however and subject to the provisions of Section 1008 of the Civil Code of the State of California:

(a) The Lake Shastina Golf Course complex including but not limited to thirty-four townhouses, Juniper Realty, clubhouse, restaurant

and recreational facilities are open to the general public when permission is granted by owners thereof and with direct access to said property directly from Big Springs Road without encroachment on the remaining private property of the Lake Shastina Development.

(b) Lake Shastina proper from the surface of the lake to the high water level of 2809 feet shall be open to the general public with access thereto limited to two locations as follows:

- (1) Public Fishing Access directly from Airport Road to the South Campground owned by the County of Siskiyou.
- (2) Main entrance to Lake Shastina at Lake Shastina Drive thence to intersection of Lake Shastina Drive and Lake Shore Drive thence right on Lake Shore Drive to intersection of Lake Shore Drive and Juniper Peak Road, thence left on Juniper Peak Road to <sup>County parking lot, etc.</sup> ~~launching ramp at marina.~~

*See Amendment attached 6/2/81 / J*

~~NOTE: Access through the main entrance of the Lake Shastina Development to the private campgrounds, commercial chalet rentals, swimming lagoon, marina, marina boat ramp, marina store, tennis courts and marina Frosty shall be open to the general public only to the extent that they are guests of the private commercial owners or their agents, and said access may be revoked by the District unless those requesting admittance through main entrance are identified as bonafide guests of the owners or private commercial operators.~~

#### ARTICLE 4. FIREARMS

##### Section 4.0 Discharge Prohibited

No person shall discharge a firearm within the District except as provided in this Article.

Section 4.1 Discharge of Firearms: Exceptions

Firearms may be discharged within the District's boundaries under the following circumstances:

(a) By members of the Police Department or other law enforcement agencies in the performance of their duties.

(b) On private property within the District by the owner of the property or by a person with permission of the owner of the property in such a manner as to otherwise be in compliance with the laws of the State of California.

(c) Within the boundaries of Lake Shastina from the 2809 foot elevation mark, in accordance with State, County and Montague Water District rules and regulations.

ARTICLE 5. MISCELLANEOUS

Section 5.0 Arrest Records

The Chief of Police shall maintain a record of all arrests and of all property taken at the time of arrest. Such arrest book and property book shall be maintained in accordance with generally acceptable police practices as more particularly described in the Department's regulations which are approved by the Board of Directors.

Section 5.1 Abandoned Property

The Police Department shall maintain an unclaimed property unit. All abandoned, unclaimed or unidentified personal property in possession of the Department, including bicycles, shall be disposed of in accordance with Civil Code.

Section 5.2 Dogs

No person owning or maintaining a dog shall allow such animal to be unrestrained within the District, including recreational facilities and the so-called common areas. A dog which is not restrained by an appropriate leash by its owner or handler or under the immediate control thereof shall be considered unrestrained.

The Police Department shall, upon complaint received, attempt to determine the owner or the persons maintaining the offending dog; have the owner or persons maintaining the offending dog correct the problem; and if not corrected in a reasonable time said owner may be cited for violation of this section. If the owner cannot be discovered with reasonable diligence and the dog does not appear to have appropriate license, the Police Department shall notify the Siskiyou County Animal Control officer for assistance and appropriate action.

The Police Department shall, upon complaint received, investigate source of barking dogs and will request the owner or persons maintaining to take appropriate action to preclude disturbance and if after a reasonable time a second complaint is received and the police officer personally witnesses continual noise pollution, the owner of the offending animal may be cited.

#### ARTICLE 6. VIOLATIONS AND SEVERABILITY

##### Section 6.0 Violation: Specified

Violation of the Ordinance shall constitute an infraction.

##### Section 6.1 Violations: General

(a) Any person convicted of an infraction under the provisions of this Ordinance shall be punishable for a first conviction by a fine of not more than \$50.00, for a second conviction within a period of one year by a fine of not more than \$100.00, and for a third or subsequent conviction within a period of one year by a fine of not more than \$250.00.

(b) Notwithstanding the foregoing, any person convicted of violation of the penal laws of the State shall be punishable pursuant to such laws.

Section 6.2 Severability

It is hereby found, determined and declared that should any portion of this Ordinance be declared unconstitutional, illegal or unenforceable, the remaining portion would nonetheless have been adopted and is thereby severable from the portion declared unconstitutional, illegal or unenforceable.

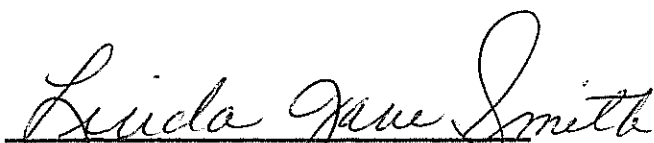
Section 6.3 Effective Date

This Ordinance shall be effective February 6, 1981.

ORDAINED, ENACTED AND ADOPTED this 6th day of January, 1981.

  
\_\_\_\_\_  
President, Community Services  
District *ls*

ATTEST:

  
\_\_\_\_\_  
Secretary, Community Services  
District

typed 1/3/81 - ls

I hereby certify that the foregoing is a full, true and correct copy of an Ordinance duly passed and adopted by the Board of Directors of the Lake Shastina Community Services District, Siskiyou County, California, at a meeting thereof duly held on the 6th day of January, 1981 by the following vote:

AYES, and in favor thereof, Directors: Carter, Erickson, Miralles and Storey.

NOES, Directors: None

ABSENT: Directors: Applegate

*Linda Ann Smith*  
Secretary

APPROVED:  
*Tom Carter*  
President



Lake Shastina  
Community Services District  
Route 1, Box 2152, Weed, CA 96094

(916) 938-XXXX 3580

January 26, 1981

TO: CSD Board of Directors

RE: CSD Ordinance # 1-81; Rules and Regulations for  
Public Safety

At the regular meeting of January 6, 1981 the Board of Directors approved Ordinance #1-81 with the exception of note for Article 3, Section 3.0, subparagraph (b)(2) which makes reference to the general public and their access to Lake Shastina for the purpose of launching a fishing boat. This office was to meet with CSD Counsel to come up with appropriate wording.

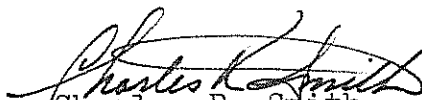
Prior to contacting the CSD Counsel, Mr. Jamie Lea was contacted for clarification of deeds made reference to by Mrs. Lea at the CSD Meeting of January 6, 1981. Mr. Lea was most cooperative and provided background information and copies of deeds in such detail that it is not now considered necessary to contact the CSD Counsel.

Please be advised that these deeds and documents indicate beyond any reasonable doubt that the public has access, without reservations, to the County Parking Lot via the main entrance to the Lake Shastina development. Furthermore, this access is extended to the Marina Frosty. The original reference to "the launching of fishing boats only" pertains to the easement between the County Parking Lot and the Lake which may be challenged by any owner of the Marina in a Court of Law. If found to exclude the passage of vehicles from the parking lot to the Lake by court action, the deed still allows foot traffic from the public parking lot to the Lake.

To repeat myself, the public has free access over a floating 60 foot wide easement from Big Springs Road to the County Parking Lot. This easement can be moved by grantor at grantor's expense.

Therefore in summary, the action of the Board to remove the "Note" is proper and should include the remaining 'Note.' Also, the last sentence of aforementioned subparagraph (b)(2) should be changed to read: (b)(1) Public Fishing Access directly from Airport Road to the South Campground owned by the County of Siskiyou.

- (b)(2) Main entrance to Lake Shastina at Lake Shastina Drive thence to intersection of Lake Shastina Drive and Lake Shore Drive thence right on Lake Shore Drive to intersection of Lake Shore Drive and Juniper Peak Road, thence left on Juniper Peak Road to County Parking Lot.

  
Charles R. Smith  
General Manager, CSD

CRS/lrs



LAKE SHASTINA COMMUNITY SERVICES DISTRICT

AMENDMENTS TO ORDINANCE # 1-81

June 2, 1981

ARTICLE 3. FACILITIES, Section 3.0 (b) (2)

a. Delete entire 'NOTE' beginning on line 6 of (b) (2).

b. Delete last four words of subsection (b) (2) and amend to read: county parking lot. From said parking lot the public has unrestricted access to the commercial property called "lea's Marina Frosty" and limited access to the lake by vehicle for the sole purpose of launching a boat or unrestricted access to the lake by foot traffic from said County parking lot. NOTE: Since the County has yet to develop a public parking lot, vehicle parking adjacent to privately owned commercial property is with permission of the owner unless otherwise informed by said owner.

Director Erickson reported that CSD had received the balance of the Special Augmentation Fund from the County and moved that the Board authorize its Financial Officer to put \$10,000. into "T" bills for six months.

Director Storey seconded.

In the discussion that followed, Director Miralles suggested and Director Storey supported the idea that Finance Officer Erickson investigate changing the CSD checking account into a savings-checking account.

Director Erickson called attention to the fact that any account change could involve purchasing new checks, etc.

AYES, and therefore in favor of previous motion, Directors Erickson, Miralles and Storey.

President Carter opposed the motion preferring to defer the decision until Director Erickson could report on the details of the newly available UCB saving-checking account.

D.4. PUBLIC HEARING - Board

President Carter opened the Public Hearing regarding Ordinance # 1-81, "An Ordinance of the Board of Directors of the Lake Shastina Community Services District Enacting Rules and Regulations for Public Safety."

President Carter advised the audience that the Ordinance establishes rules and regulations that must be obeyed by the general public and then the Board members alternately read each Article of the Ordinance aloud for the benefit of the audience and received public discussion on each Article.

CSD Counsel Sherman suggested certain changes be incorporated into the Ordinance.

On Page 3 of aforementioned Ordinance, Director Miralles suggested that Counsel and CSD General Manager work out the paragraph beginning "NOTE" and bring it back to the Board for further discussion.

After discussion it was the consensus of the Board that the paragraph beginning "NOTE" be struck from the Ordinance until Counsel Sherman and CSD General Manager could come up with better wording.

Director Miralles cautioned the Board to carefully watch the zoning that takes place in the marina area.

Attorney Sherman counseled that the Board can't prevent the County from rezoning their own property. The County would be governed only by the deed restrictions.

Following some further small discussion by the audience and the Board, President Carter closed the Public Hearing and then asked the pleasure of the Board regarding adoption of Ordinance #1-81.

Director Miralles pointed out that Counsel is to work on Page 3 beginning at "NOTE" and bring back a recommendation.

Director Erickson moved CSD adopt Ordinance # 1-81 excluding "NOTE" on page 3 which is to be rewritten.

Director Miralles seconded.

Director Storey stated he was not satisfied with the "Dog" Section but will vote for the Ordinance.

AYES, and therefore in favor of, Directors Carter, Erickson, Miralles and Storey.

CERTIFICATE OF POSTING

ORDINANCE NO. 1-81

LAKE SHASTINA COMMUNITY SERVICES DISTRICT

LINDA JANE SMITH, under penalty of perjury, certifies as follows:

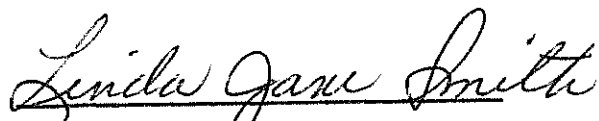
That she is, and during all times herein mentioned was, the duly appointed and qualified Secretary of the Lake Shastina Community Services District, Siskiyou County, California:

That on the 6th day of January, 1981 she caused to be posted full, true and correct copies of Ordinance No. 1-81, An Ordinance of the Board of Directors of the Lake Shastina Community Services District Enacting Rules and Regulations for Public Safety, a copy of which is attached hereto and incorporated herein by reference, in three public places in the District, as follows:

1. Bulletin Board, Lakeshore Drive
2. Bulletin Board, Rancho Hills
3. JSC Office, lower-level Lodge

and that said Ordinance was posted within fifteen days after adoption thereof.

Executed on the 6th day of January, 1981.

  
Secretary of the Lake  
Shastina Community Services  
District