



Midpeninsula Regional
Open Space District

R-20-100
Meeting 20-20
September 9, 2020

AGENDA ITEM 5

AGENDA ITEM

First reading of the revised “Ordinance for Use of Midpeninsula Regional Open Space District Lands”

GENERAL MANAGER’S RECOMMENDATIONS

1. Waive reading, read by title only, and introduce the proposed amendments to the Ordinance regulating use of Midpeninsula Regional Open Space District Lands for adoption at the next regular meeting of September 23, 2020.
2. Recommend proposed updates to the Bail Schedule for adoption at the next regular Board meeting of September 23, 2020.

SUMMARY

The Midpeninsula Regional Open Space District (District) Ordinance establishing *Regulations for use of Midpeninsula Regional Open Space District Lands* was last reviewed by the Board of Directors in 2014. Staff recently performed a comprehensive review of the Ordinance, and the General Manager proposes revisions to address new issues in the field, changes in state law, and changes in visitor behavior that have emerged in the last six years. Proposed bail amounts for the new ordinance sections are identified in the staff report, as well as increases to current bail amounts for sections that have been elevated to a misdemeanor status because of the severity of the violation.

DISCUSSION

The Board of Directors is empowered by State law to enact ordinances, rules, and regulations that apply to the property, improvements, and facilities belonging to the District or under its control [Public Resources Code section 5558(a)]. The District Ordinance provides regulations to implement the Basic Policy, provide a framework for educating the public about acceptable and prohibited uses of District lands, and support proper administration, governance, protection and use of District lands. The proposed revisions to the Ordinance are shown with strikeouts and redline in Attachment 1. A line-by-line explanation for each change to the Ordinance is included in Attachment 2 - Summary of Proposed 2020 Revisions to the Regulations for use of Midpeninsula Regional Open Space District Lands.

The Ordinance was last revised by the Board in February 2014 (R-14-09). Since then, there have been several changes to state law that can be better enforced by the District if incorporated into the Ordinance. For example, the definition of “Smoking” in state law has been modified to

include electronic smoking devices or “vaping.” The proposed revisions incorporate this new definition.

The first proposed change is to the title of the document. Currently the title is *Regulations for Use of Midpeninsula Regional Open Space Lands*. The recommended change would be to title the document *Ordinance for Use of Midpeninsula Regional Open Space Lands*. This change reinforces the District’s ability to pursue the option of enacting an administrative enforcement program if the District chooses to do so in the future, instead of having all violations go through the courts. There is no intent to move to an administrative system at this time because the court system has effective penalties for failure to appear or failure to pay fines, but it allows the flexibility to do so in the future should the District decide to make this change at a later date with Board of Directors approval.

Two new sections have been added to properly manage interactions between preserve visitors and District activities, specifically scientific data collection and cattle grazing. Livestock section 701.8 is added to regulate visitor interference with cattle operations of District grazing tenants. In addition, “or domesticated” animal was added to section 700.1 to prohibit pursuing, molesting, disturbing, injuring and other harm of domestic animals, including livestock. This addition prohibits the harassment of livestock. The title of 700.1 was also changed from Hunting to Hunting/Harassing for added clarification. Scientific equipment section 703.6 is added to protect field studies conducted by the District and partners.

Proposed changes also incorporate recommendations from District Rangers based on their direct knowledge of field issues. One example is the inclusion of the word “possess” in the section that prevents the flying of drones. Most often, by the time a ranger finds a person who was flying a drone, it is no longer in flight yet still in the possession of the person while in the preserve.

Proposed changes to permit requirements, section 408.1, simplify the section to describe situations when a permit is required. The proposed Ordinance also eliminates the requirement for permits when a no-fee activity is publicly posted (e.g. via social media) and kept to no larger than 20 people. Small groups would still need a permit if a fee is paid for participation.

The proposed changes have been reviewed by special legal counsel experienced in public agency law enforcement procedures, and by the District’s legal department.

Finally, an updated bail schedule is provided as Attachment 3. The actual fines assessed by the courts include fees that increase the fine totals to an estimated \$197 for a \$25 bail (688% of base bail) and to an estimated \$1,105 for a misdemeanor \$250 bail (342% of base bail). The total fine for lower bail amounts is a higher percentage of the bail amount because the fees include both flat fees per citation and fees based on the bail amount. The bail amounts proposed for new regulations are based on staff’s review of the amount set for similar District violations. Staff also compared the updated bail schedule with that of Santa Clara County Parks to ensure a level of parity, taking into consideration that some issues and priorities are different between the two agencies. The proposed bail schedule also includes increases for certain sections of the Ordinance where the level of offense will change from an infraction to a misdemeanor. It also takes into account recent changes in bail schedule policies within the Santa Clara County court system where a small number of infractions that were previously heard in criminal court will now be heard in traffic court.

FISCAL IMPACT

The District receives minimal revenue from the court fines. The newly added regulations are not anticipated to have any notable fiscal impact.

BOARD COMMITTEE REVIEW

The proposed amendments to the Ordinance and proposed updates to the Bail Schedule were reviewed by the Legislative Finance, and Public Affairs Committee (LFPAC) on August 25, 2020 (R-20-69). LFPAC recommended forwarding the proposed amendments to the Ordinance and Bail Schedule to the full Board for consideration with a minor typo correction and staff confirmation of the proper protection of livestock from harassment. Staff has reviewed and confirmed that the proposed Ordinance changes indeed prohibit harassment of livestock as detailed in this report.

PUBLIC NOTICE

Public notice was provided as required by the Brown Act.

CEQA COMPLIANCE

No compliance is required as this action is not a project under CEQA.

NEXT STEPS

After Board initial review and the incorporation of any changes requested by the Board, the ordinances will return to the Board on September 23, 2020 for consideration of adoption. The ordinances will be published in a newspaper of general circulation 30 days after adoption.

Once the Ordinance is enacted, staff will submit the requested Bail Schedule for new Ordinances to the San Mateo and Santa Clara County courts for their review and approval.

Attachments:

1. Proposed Amendments to the Ordinance, "Regulations for Use of Midpeninsula Regional Open Space District Lands."
2. Summary of Ordinance Review Changes
3. Proposed Updates to the District's Bail Schedule

Responsible Department Head:

Matthew Anderson, Chief Ranger/Visitor Services Manager

Prepared by / Contact person:

Brad Pennington, Area Superintendent, Visitor Services

**REGULATIONS ORDINANCE FOR USE OF
MIDPENINSULA REGIONAL OPEN SPACE DISTRICT LANDS**

*Adopted by Ordinance No. 93-1, July 28, 1993
Revised and Adopted by Ordinance No. 96-1, February 28, 1996
Revised and Adopted by Ordinance No. 03-01, June 6, 2003
Revised and Adopted by Ordinance No. 03-02, August 13, 2003
Revised and Adopted by Ordinance No. 04-01, August 25 2004
Revised and Adopted by Ordinance No. 14-01, January 22, 2014
Revised and Adopted by Ordinance No. 20-01, September xx, 2020*

**CHAPTER I.
DEFINITIONS**

- SECTION 100. **TITLE.** The following regulations shall be known as “~~Regulations~~ **Ordinance** for Use of MIDPENINSULA REGIONAL OPEN SPACE DISTRICT Lands” and may be referred to as “land use regulations.”
- SECTION 101. **PURPOSE.** ~~These regulations~~ **This Ordinance is** are adopted to provide responsible stewardship for District Lands, to establish orderly use, and to maintain a natural and quiet environment for persons on the lands. ~~They are~~ **It is** established according to the Basic Policy of the Board of Directors of **MIDPENINSULA REGIONAL OPEN SPACE DISTRICT**, adopted March 27, 1974, and as amended March 10, 1999, that “The District follows management policies that ensure proper care of the land, that provide public access appropriate to the nature of the land, and that are consistent with ecological values and public safety.”
- SECTION 102. HEADINGS AND DIVISIONS.** Headings and divisions are for convenience only and shall not be considered in the interpretation of this Ordinance and shall not in any way affect the conduct or activities covered by other sections of this Ordinance. (Moved from prior Section 114)
- SECTION 10~~3~~**2.** **DEFINITIONS.** Unless the context otherwise requires, the following definitions shall govern the construction and interpretation of these regulations.
- SECTION 10~~4~~**3.** **DISTRICT, DISTRICT LANDS DEFINED.** “District” means MIDPENINSULA REGIONAL OPEN SPACE DISTRICT. The term “District Lands” includes all lands, interests in lands, structures, improvements, and waters owned, controlled, leased, licensed or managed by MIDPENINSULA REGIONAL OPEN SPACE DISTRICT.
- SECTION 10~~5~~**4.** **PERSON DEFINED.** “Person” means any individual, firm, corporation, club, municipality, district, or public agency, and all associations or combinations of persons whenever acting for themselves or by any agent, servant, or employee.

SECTION 1065. JUVENILE DEFINED. A juvenile is defined as any person under the age of 18 years.

SECTION 1076. SADDLE OR PACK ANIMAL DEFINED. A saddle or pack animal is defined as any horse, pony, mule, donkey, other member of the equine family, alpaca or llama whether used for riding or packing or neither. It does not include any other animal that may be used for saddle or packing purposes.

SECTION 1087. DESIGNATED TRAIL DEFINED. A “Designated Trail,” is a trail maintained by the District which is shown on the District’s official preserve maps or is identified as a designated trail in the District’s Use and Management Plan for the preserve. The area of the trail is defined as the graded trail surface. It does not include the uphill embankment, downhill embankment, or any area or corridor adjacent to the trail surface.

SECTION 1098. DESIGNATED AREA DEFINED. A “Designated Area,” is any ~~area~~ location or trail on District lands where this Ordinance or a District rule, regulation, sign, or permit either specifically designated for allows a specific use or activity or prohibits or restricts a specific use or activity, ~~where a specific use or activity is prohibited or restricted by a District rule, regulation, Ordinance, sign, notice or permit.~~

SECTION 1109. WATER AREAS OF THE DISTRICT DEFINED. “Water Areas of the District,” are defined as all water areas on District Lands, including, but not limited to, natural and artificial swimming pools, reservoirs, ponds, lakes, creeks, streams, bays, tidal areas, flood control channels, and other structures designed or able to hold water.

SECTION 111. WATER-CONTACT ACTIVITY DEFINED. “Water-contact activity” is defined as any activity in which the body of a person comes into physical contact with water areas by swimming, washing, wading, paddle boarding, or similar activity. (Revised and moved from Section 401.2)

SECTION 1120. PERMIT OR PERMISSION DEFINED. Unless otherwise expressly provided herein, “permit” or “permission” means permission, granted in writing by the General Manager or his/her designee or an authorized representative of MIDPENINSULA REGIONAL OPEN SPACE DISTRICT.

SECTION 113. POSTED DEFINED. Posted is defined as a sign displayed in a conspicuous place at the primary entrance to District Lands or other location on District Lands and giving notice of a rule, regulation, or special condition. (ADD)

SECTION 1144. CLIMBING DEFINED. Climbing is defined as suspending oneself by hands and or feet or with a rope or other support, such that one could not stand up unsupported on his/her feet or progress up or down without the use of their hands or other support without jumping or falling.

SECTION 11~~5~~2. DISTRICT EMPLOYEE DEFINED. A “District Employee,” is any full or part time paid employee of Midpeninsula Regional Open Space District. This definition does not include volunteers.

SECTION 11~~6~~3. BOARD DEFINED. “Board” means the Board of Directors of MIDPENINSULA REGIONAL OPEN SPACE DISTRICT.

~~SECTION 114. HEADINGS AND DIVISIONS. Headings and divisions are for convenience only, and shall not be considered in the interpretation of this Ordinance, and shall not in any way affect the conduct or activities covered by other sections of this Ordinance. (*Moved to section 102*)~~

SECTION 11~~7~~5. PUBLIC VIEW DEFINED. “Public View” is defined as a location which can be seen from a road, trail, staging area, parking lot, campground or picnic area, or other District structure or facility.

SECTION 118. SMOKING DEFINED. “Smoking” means inhaling, exhaling, burning or carrying any lighted pipe, cigar, cigarette, weed, plant, or other combustible organic or chemical substance, the smoke from which is specifically designed or intended to be inhaled or drawn into the nose or mouth. In addition “smoking” for the purpose of this Ordinance includes the use of any vapor device, of any product name or descriptor, which releases gases, particles, or vapors into the air as a result of combustion, electrical ignition, or vaporization intended to be drawn into the nose or mouth (excluding any United States Food and Drug Administration approved nebulized medication). (**ADD*)

SECTION 119. LIVESTOCK DEFINED. “Livestock” are horses, cattle, sheep, pigs, or other animals kept or raised for profit, agricultural, or educational purposes. (**ADD*)

SECTION 120. PERMIT DEFINED. A permit is an entitlement for use issued by the General Manager or the General Manager’s designee, including written letters of authorization.

SECTION 121. Organized Group Special Events and Activities Defined.
~~An Organized Group Special Event or Activity is any event or activity which~~
A permit is required in order to hold, conduct, organize, or take part in any of the following:

~~is advertised or noticed in any publication, poster, electronic posting, social media, or flyer~~ Any use or activity for which a permit is specifically required by this Ordinance or a District rule, or regulation; or
~~requests or requires a fee be paid for participation~~ Any use or activity that would restrict the use of any part of District Lands by members of the public; or
~~may be attended by twenty (20) or more people.~~ Any use or activity by an organized group of twenty or more people; or

- a) Any use or activity that charges a fee for admission or participation.

CHAPTER II. REGULATIONS

SECTION 200. GENERAL REGULATIONS. District Lands shall be open and accessible to all persons, except as otherwise provided by resolution, regulation, or rule of the Board, by administrative action of the General Manager or ~~his/her~~ the General Manager's designee under this Ordinance, or by individual Site Use and Management Plans adopted by the Board.

- 200.1 The Board may, by resolution, regulation, or rule, provide for a system of permits and the issuance thereof. It may by such system require permits for the use of certain lands, exempt certain lands or classifications of permits therefrom, and establish a system of fees and other policies in connection with the administration of a permit system.
- 200.2 Any person entering upon District Lands shall abide by the rules and regulations of the District, the regulations or provisions of any sign or posted notice, the terms and conditions of any permit, the lawful order or other instruction of any District ranger appointed by the Board or any peace officer, the laws of the State of California, any Federal law, and all applicable county and other local ordinances.
- 200.3 The provisions of this Ordinance shall not apply to employees and officials of the District acting within the scope of their authorized duties. However, District employees and officials shall abide by the laws of the State of California, any Federal law and all applicable county, city and other local ordinances.
- 200.4 All District lessees, contractors, consultants, agents and representatives shall abide by all provisions of this Ordinance unless the provision(s) conflicts with a written contract or agreement with the District. When a conflict occurs, the conditions of the written contract or agreement shall take precedence. However, lessees, contractors, and consultants shall abide by the laws of the State of California, any Federal law, and all applicable county, city and other local ordinances.
- ~~200.5 Failure to comply with a permit. No person issued a permit shall violate the terms or conditions of the permit.~~
- 200.5 The District may deny a request for a permit when the General Manager or ~~his/her~~ the General Manager's designee finds that the requested Special Event or Activity or similar event will disrupt or unreasonably interfere with the normal use, operation, enjoyment or management of the site or facility, or have an adverse impact on the ecological or historical characteristics of any District Lands. The General Manager or the General Manager's designee may revoke

permits at their discretion and without reimbursement if they determine that any provision of the permit has been violated. (Moved from section 408.4)

~~SECTION 201. SPECIAL REGULATIONS. Special regulations or requirements do not preclude the application of general regulations unless expressly indicated.~~

CHAPTER III. GENERAL RULES

SECTION 300. AUTHORITY. All sections of this Ordinance are adopted pursuant to Sections 5541, 5558, and 5559 of the Public Resources Code of the State of California and apply to all District Lands. A title, where used, does not limit the language of a section.

SECTION 301. VIOLATIONS OF ORDINANCE, A MISDEMEANOR, OR INFRACTION. Unless otherwise stated, any violation of this Ordinance or of any rule or regulation adopted by the District is punishable as an infraction.

—When any violation of this Ordinance or of any rule or regulation adopted by the District is punishable as a misdemeanor, the prosecutor may file a complaint or make a motion to amend an accusatory pleading specifying that the offense is an infraction.

—When any violation of this Ordinance or of any rule or regulation adopted by the District is punishable as an infraction, the prosecutor may file a complaint or make a motion to amend an accusatory pleading specifying that the offense is a misdemeanor.

Whenever in this Ordinance any act or omission is made unlawful it shall include causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission.

SECTION 302. SEVERABILITY. If any chapter, section, subsection, paragraph, subparagraph, sentence, or clause of this Ordinance is, for any reason, held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Directors declares that this Ordinance, and each chapter, section, subsection, paragraph, sentence, and clause thereof, would have been adopted regardless of such possible finding of invalidity or unconstitutionality and, to that end, the provisions of this Ordinance are hereby declared to be severable.

SECTION 303. AMENDMENT OR REPEAL. When a section, rule, or regulation is amended or repealed, acts and commissions occurring before the amendment or repeal may be prosecuted as though such section, rule, or regulation had not been amended or repealed.

~~SECTION 304. CITATIONS FOR MISDEMEANORS. If any person is arrested for a violation of an ordinance, and such person is not immediately taken before a magistrate, the arresting officer shall prepare in duplicate a written notice to appear in court, containing the name and address of such person, the offense charged, and the time and place where and when such person shall appear in court.~~

- ~~a) The time specified in the notice to appear must be at least five days after such arrest.~~
- ~~b) The place specified in the notice to appear shall be the court of the magistrate before whom the person would be taken if the requirement of taking an arrested person before a magistrate were complied with, or shall be an officer authorized by such court to receive a deposit of bail.~~
- ~~c) The officer shall deliver one copy of the notice to appear to the arrested person, and the arrested person in order to secure release must give his/her written promise so to appear in court by signing the duplicate notice which shall be retained by the officer. Thereupon the arresting officer shall forthwith release the person arrested from custody.~~
- ~~d) The officer shall, as soon as practicable thereafter, file the duplicate notice with the magistrate specified therein. Thereupon the magistrate shall fix the amount of bail which in his/her judgment, in accordance with the provisions of Section 1275 of the Penal Code, will be reasonable and sufficient for the appearance of the defendant and shall indorse upon the notice a statement signed by him in the form set forth in Section 815a of the Penal Code. The defendant may, prior to the date upon which he/she promised to appear in court, deposit with the magistrate the amount of bail thus set. Thereafter, at the time when the case is called for arraignment before the magistrate, if the defendant shall not appear, either in person or by counsel, the magistrate may declare the bail forfeited, and may in his/her discretion order that no further proceedings shall be had in such case. Upon the making of such order that no further proceedings be had, all sums deposited as bail shall forthwith be paid into the county treasury for distribution pursuant to Section 1463 of the Penal Code.~~
- ~~e) No warrant shall issue on such charge for the arrest of a person who has given such written promise to appear in court, unless and until he/she has violated such promise or has failed to deposit bail, to appear for arraignment, trial or judgment, or to comply with the terms and provisions of the judgment, as required by law.~~

~~SECTION 304.5. WILLFULLY VIOLATING WRITTEN PROMISE TO APPEAR. Any person who willfully violates his/her or her a written promise to appear or a lawfully granted continuance of his/her a promise to appear in court is guilty of a misdemeanor, regardless of the disposition of the charge upon which he/she was originally arrested.~~

~~SECTION 306. ARREST WARRANT FOLLOWING FAILURE TO APPEAR. When a person signs a written promise to appear at the time and place specified in the written promise to appear and has not posted bail as provided in Section~~

~~5560.5 of the Public Resources Code, the magistrate shall issue and have delivered for execution a warrant for his/her arrest within 20 days after his/her failure to appear as promised, or if such person promises to appear before an officer authorized to accept bail other than a magistrate and fails to do so on or before the date which he/she promised to appear, then, within 20 days after the delivery of such written promise to appear by the officer to a magistrate having jurisdiction over the offense. When such person violates his/her promise to appear before an officer authorized to receive bail other than a magistrate, the officer shall immediately deliver to the magistrate having jurisdiction over the offense charged the written promise to appear and the complaint, if any, filed by the arresting officer.~~

CHAPTER IV. PRESERVE USES – GENERAL

SECTION 400. CAMPING.

400.1 General. No person shall erect or use a tent or shelter of any kind, arrange bedding, or prepare food in such a way that will enable a person to remain after official closing hours on District Lands, except by written permit in Designated Areas. Any person receiving a written permit to camp in a designated area shall abide by the terms and conditions of the permit.

400.2 Juvenile. No juvenile shall camp on any District Lands, except by written permit and when:
accompanied by a parent or guardian; or as part of a group supervised by at least one adult responsible for each ten or fewer juveniles; or when the juvenile is an emancipated minor.

- ~~a) accompanied by a parent or guardian; or~~
- ~~b) part of a group supervised by at least one adult responsible for each ten or fewer juveniles; or~~
- ~~c) the juvenile is an emancipated minor.~~

SECTION 401. SWIMMING.

401.1 General. No person shall swim, wade, or engage in any water-contact activity in any Water Areas of the District except in Designated Areas.

~~401.2 Definition. “Water-contact activity” is defined as any activity in which the body of a person comes into physical contact with water areas by swimming, washing, wading, aqua planing, paddle boarding, skin diving, water skiing or similar activity. It does not include boating, fishing, or when using a Designated Trail.~~ Moved to definitions

SECTION 402. BOATING.

- 402.1 General. No person shall place, or attempt to place, a boat, kayak, rubber raft, or other vessel of any description in the Water Areas of the District, except as expressly allowed by permit or rule or regulation of the District.

SECTION 403. FIREARMS, TRAPS, WEAPONS, AND DANGEROUS DEVICES.

403.1 General.

- a) No person shall carry, possess, use, set, leave or deposit, fire or discharge, or cause to be fired or discharged, across, in, on, or into any portion of District Lands any gun or firearm, spear, missile, bow and arrow, cross bow, sling shot, trap, snare or hunting device, ammunition, throwing knife, hatchet, axe, sword, machete, martial arts throwing device, any device capable of firing or launching a projectile, or any other weapon or device not otherwise specified, capable of injuring or killing any person or animal. Violation of this sub-section is punishable as a misdemeanor.
- b) No person shall carry, possess, set, leave or deposit, fire or discharge, or cause to be fired or discharged, across, in, on, or into any portion of District Lands any paint ball gun, BB gun, air gun or similar device.

403.2 Exceptions. This section shall not apply to:

- a) the possession of otherwise lawful unloaded firearms or dangerous weapons on public roads solely for the purpose of transporting such firearms or dangerous weapons through District Lands for lawful purposes;
- b) the possession of otherwise lawful firearms or other dangerous weapons at a place of residence or business located on District Lands by a person in lawful possession of the residence or business;
- c) the possession and use of such firearms or weapons granted by written permit for resource management or educational purposes;~~or~~
- e)d) the lawful possession of any firearm or ammunition by a peace officer authorized by their agency to carry a firearm or honorably retired peace officer authorized by their agency to carry a firearm.

SECTION 404. FIRES.

- 404.1 General. No person shall light, build, maintain, ~~cause~~, or attempt to light, build, ~~or~~ maintain, or cause a fire of any nature on District Lands, except in permanent fixed barbecues, camp stoves or fireplaces established and authorized by the District. A fire shall include, but not be limited to any campfire, ground fire, warming fire, signal fire, charcoal fire, stove, gas lantern, punk, candle, smudge stick, flare, fusee, or any other incendiary device. This shall not apply to the permitted use of gas camp stoves or gas lanterns when used in Designated Area specified for camping. Violation of this sub-section is punishable as a misdemeanor.

- 404.2 Smoking. No person shall smoke on District Lands, except in Designated Areas.

SECTION 405. SANITATION.

- 405.1 Disposal of Effluent. No person shall deposit ~~waste-water~~wastewater, sewage or effluent from vehicles, trailers, sinks, portable toilets, or other fixtures upon or into the ground or water. Violation of this sub-section is punishable as a misdemeanor.
- 405.2 Use of Facilities. No person shall deposit any waste in or on any portion of any restroom or other structure except into fixtures provided for that purpose.
- 405.3 Protection of Facilities. No person shall place any bottle, can, cloth, rag, metal, wood, paper, stone, or other substances in any ~~fixture~~toilet or sink in such a manner as would interfere with the normal operation of such toilet or sink~~fixture~~.
- 405.4 Defecation. No person shall defecate in Public View or within twenty-five (25) feet of a Designated Trail.
- 405.5 Urination. No person shall urinate in Public View.

SECTION 406. METAL DETECTORS.

- 406.1 General. No person shall possess or use a metal detector, magnet, or similar device on District Lands, except as provided in subsection 702.5.

SECTION 407. DISTURBING THE PEACE.

- 407.1 Obstructing Free Passage. No person shall by force, threat, intimidation, or by any unlawful signing, fencing or enclosing, or any other unlawful means, prevent or obstruct any person from peacefully entering any District Lands, or prevent or obstruct free passage or transit over or through any District Lands. Violation of this sub-section is punishable as a misdemeanor.
- 407.2 Interference With Use of District Lands. No person shall engage in behavior that unreasonably interferes with others in the normal, free and safe use of District Lands. Violation of this sub-section is punishable as a misdemeanor.
- 407.3 Noise. No person shall play or operate any sound amplification devices, including radios, television sets, public address systems, musical instruments, or similar devices in such a way as to be audible beyond 100 feet of such device or musical instrument, or in such a manner as to disturb the quiet of District Lands, without prior written permission: from the General Manager or the General Manager's designee.
- 407.4 Lawful Order. It is unlawful to willfully fail or refuse to comply with any lawful order, ~~signal~~, or direction of any District or other peace officer when that peace officer is performing his/her duties under any of the provisions of

this Ordinance, or other statute, code, Federal, State or local law, ordinance or regulation which the District or other peace officer is authorized to enforce. Violation of this sub-section is punishable as a misdemeanor.

- 407.5 Order to Vacate. Any person who has committed a public offense ~~in a District preserve or within the District's boundaries~~ on District Lands shall leave District Lands upon request made by any ~~p~~Peace ~~o~~fficer. No person who has left such lands after such a request may reenter any District Lands prior to ~~official sunrise~~ opening on the following day. Violation of this sub-section is punishable as a misdemeanor.

SECTION 408. ~~ORGANIZED GROUP SPECIAL EVENTS AND PERMITTED ACTIVITIES~~ **REQUIRING A PERMIT.**

- ~~408.1 Organized Group Special Events and Activities Defined.~~
~~An Organized Group Special Event or Activity is any event or activity which:~~

- ~~b) is advertised or noticed in any publication, poster, electronic posting, social media, or flyer; or~~
- ~~c) requests or requires a fee be paid for participation; or may be attended by twenty (20) or more people.~~

- ~~408.12~~ Permits **Violations.** No person shall hold, conduct, ~~or~~ organize, ~~or take part in~~ any Special Event or Activity as defined in section ~~408.1~~ a use or activity on District Lands without written permission. Violation of this sub-section is ~~punishable as an infraction.~~ requiring a permit without previously having obtained a permit. Violation of this sub-section is punishable as an infraction, except that any unpermitted use or activity that causes direct physical harm to District Lands, or which is attended by forty or more people, or which is conducted after official hours is punishable as a misdemeanor.

- ~~a) Where such unpermitted Special Event or Activity causes direct physical harm to District Lands, or which is attended by forty (40) or more people, or which is conducted after official hours, then violation of this sub-section is punishable as a misdemeanor.~~

- 408.2 Failure to comply with a permit. No person issued a permit shall violate the terms or conditions of the permit. (*MOVED FROM 200).

- 408.3 Individual Participation. No person shall participate in any Activity or Special Event on District Lands without written permission when the Activity or Special Event requires a written permit pursuant to this Ordinance.

- ~~408.4 The District may deny a request for a permit when the General Manager or his/her designee finds that the requested Special Event or Activity or similar event will disrupt or unreasonably interfere with the normal use, operation, enjoyment or management of the site or facility, or have an adverse impact on the ecological or historical characteristics of any District Lands.~~ Moved to section 200.5

SECTION 409. MISCELLANEOUS ACTIVITIES.

- 409.1 Fireworks. No person shall possess, ~~deposit~~place, give, sell, discharge, set off, or cause to be discharged, on or into any portion of District Lands any firecrackers, missiles, rockets, fireworks, explosives, or explosive devices. Violation of this sub-section is punishable as a misdemeanor.
- 409.2 Harmful Substances. No person shall possess, place, or apply any noxious or toxic substance on District Lands harmful to any person, property, wildlife, or vegetation. Violation of this sub-section is punishable as a misdemeanor.
- 409.3 Golf. No person shall drive, chip, or in any other manner play or practice golf, or hit golf balls on, over, or into District Lands.
- 409.4 Model Craft. No person shall operate, or possess any self-propelled or remote controlled drones, model airplanes, boats, automobiles, or other model craft of any kind or description on, over, or into any portion of District Lands or Water Areas of the District, except in Designated Areas, or by written permit. When allowed, model craft shall be operated in compliance with posted or adopted rules and regulations.
- 409.5 Human Flight. No person shall hang-glide, parachute, parasail or engage in any human flight on, over, or into District Lands, except by written permit in Designated Areas. Violation of this sub-section is punishable as a misdemeanor.
- 409.6 Skating, Scooters, ~~Skate Boards~~Skateboards and Other Coasting, Sledding or Sliding Devices. No person shall roller skate, in-line skate, grass skate, grass ski, grass sled or operate a go cart, ~~self-propelled~~self-propelled or motorized scooter, a self-propelled or motorized skate board, or similar device on District Lands including off road versions of all the listed devices, except on trails or locations specifically designated for such use.
- 409.7 Reckless or Negligent Activity. No person shall engage in any ~~recreational pursuit or~~ activity, or operate any device that recklessly or negligently endangers the safety of any: person, property, wildlife, natural features or which interferes with visitor activities. Violation of this sub-section is punishable as a misdemeanor.
- 409.8 Possession of a District Lock or Key. ~~No~~Any person ~~shall~~who possesses, makes, duplicates, causes to be duplicated, ~~or~~ uses, or attempts to make, duplicate, cause to be duplicated, or use, or has in ~~their~~his possession any key to a building or other area owned, operated, or controlled by the District without authorization from the person in charge of such building or area or his designated representative, is guilty of a misdemeanor.

- 409.9 Segways and Electric Bicycles. No person shall possess or use a Segway, electric powered bicycle, or similar device on District Lands including off road versions of all the listed devices, except on trails or locations specifically designated for such use.

SECTION 410. ALCOHOLIC BEVERAGES.

- 410.1 General. No person shall possess or consume alcoholic beverages except beer and wine, and only as part of a picnic meal.
- 410.2 Designated Area. No person shall possess or consume alcoholic beverages in an area that has been declared by the General Manager or the General Manager's his/her designee or an authorized representative to be an area where alcohol use is prohibited.

SECTION 411. SIGNS.

- 411.1 Defacement. No person shall remove, deface, change, mark, or otherwise alter any sign duly erected or posted on District Lands. Violation of this subsection is punishable as a misdemeanor.
- 411.2 Unauthorized Signs. No person shall post or fasten any notice, including but not limited to, any bill, advertisement, directional or informational sign, or inscription whatsoever on any tree, fence, building, monument, sign, bulletin board, utility pole, lighting fixture, or other property on District Lands, without written permission.
- 411.3 Obeying Signs. No person shall fail to obey the directions of a posted regulatory sign.

SECTION 412. NUDITY. No person shall expose any part of the pubic or anal region or genitalia while on District Lands in Public View.

CHAPTER V.
PRESERVE USES - RIDING/HIKING TRAILS

SECTION 500. RIDING / HIKING TRAILS.

- 500.1 Trail Use Speed Limit. All users of District Lands shall comply with all established trail use speed limits. The maximum speed for all trail uses is 15 miles per hour, unless otherwise posted. Bicyclists and equestrians are required to slow to 5 miles per hour when passing others or approaching blind turns.
- 500.2 One-way Trails. No person shall hike, run, or operate a bicycle or unicycle or similar device, or ride or lead a saddle horse, pony, mule, or other such animal on a one-way trail except in the a direction of f travel designated or signed to prohibit such use.
- 500.3 Gates. Any person opening a gate shall close the gate.

- 500.4 Dangerous Trail Use. No person shall run or jog in such a way as to endanger hikers, equestrians, bicyclists or others using District Lands.

SECTION 501. SADDLE ANIMALS.

- 501.1 Closed Areas. No person shall ride, drive, or lead a Saddle or Pack Animal on any trail, roadway or established firebreak designated or signed to restrict horse use. Saddle or pack animals must stay on Designated Trails, roadways which are Designated Areas for such use, and established firebreaks.
- 501.2 Unsafe Use. No person shall ride, drive, or lead any saddle or pack animal in a reckless or negligent manner so as to endanger public property, or the life, limb, or property of any person or animal, including the rider. No person shall allow his/her saddle or pack animal to stand unattended or insecurely tied. Violation of this sub-section is punishable as a misdemeanor.
- 501.3 Carts and Wagons. No person shall possess or operate a cart, wagon, or similar device attached to any animal on District Lands without a written permit.

SECTION 502. BICYCLES.

- 502.1 ~~Closed Areas~~ Operation of Bicycles. No person shall ~~possess or~~ operate a bicycle, unicycle or similar device on District Lands except in parking areas for the purpose of ingress or egress or on trails, or roadways designated by the District for such use.
- 502.2 Closed Areas. No person shall possess a bicycle, unicycle or similar device on trails, or roadways on District Lands unless designated by the District for such use.
- 502.3 Unsafe Operation. No person shall operate a bicycle or unicycle or similar device in a reckless or negligent manner so as to endanger public property, or the life, limb, or property of any person or animal including the rider. Violation of this sub-section is punishable as a misdemeanor.

502.4 Helmet Violations.

- a) No person eighteen years or older shall operate a bicycle or unicycle or similar device upon District Lands unless that person is wearing a properly fitted and fastened bicycle helmet. Such bicycle helmets must meet the standards of either the American Society for Testing and Materials (ASTM) or the United States Consumer Product Safety Commission (CPSC), or standards subsequently established by those entities.
- b) Except in designated parking areas, no person shall possess a bicycle or unicycle or similar device on District Lands without also possessing a bicycle helmet. Such bicycle helmets must meet the standards of either the

American Society for Testing and Materials (ASTM) or the United States Consumer Product Safety Commission (CPSC), or standards subsequently established by those entities

- 502.54 Walk-Only Zones. No person shall ride a bicycle or unicycle or similar device on a section of trail designated or signed as a walk-only zone. Any person may dismount and walk a bicycle through a walk-only zone.
- 502.65 Mechanical Operation. No person shall operate a bicycle, unicycle or similar device on District Lands that does not have properly functioning brakes, drive train, seat and steering.
- 502.76 Headsets and Earplugs. A person operating a bicycle, unicycle or similar device on District lands may not wear a headset covering, or earplugs in, both ears. This prohibition does not apply to any person using a prosthetic device that aids the hard of hearing or any other medical device required to be worn for medical purposes.

SECTION 503. CLIMBING

- 503.1 Climb ~~In~~ Designated Areas Only. No person shall climb or rappel on any rocks, boulders, caves, cliffs, any other geologic formations, facilities, structures, or trees on District Lands except in Designated Area.
- 503.2 Placing Anchors Prohibited. No person shall place any permanent anchors or bolts in rock, soil, trees or other natural or manmade features on District Lands in a designated climbing area unless specific prior written authorization has been granted by the General Manager or the General Manager's designee ~~District in advance.~~ Violation of this sub-section is punishable as a misdemeanor.
- 503.3 Possession of Tools. No person shall possess tools used for installing anchors, bolts or clearing vegetation from geologic formations, including but not limited to wire brushes, scrapers, drills, or rock hammers on District Lands. except in a designated parking area, or with prior written ~~permission~~ authorization by the General Manager or the General Manager's designee.

SECTION 504. TRESPASS ON DISTRICT LANDS: ~~Trespass on District Lands is unlawful under Section 602 of the Penal Code. As defined in the Penal Code trespass includes, but is not limited to, destruction of property and unauthorized entry on to District Lands or private property.~~ No person shall trespass or otherwise enter onto, over, or under District Lands in violation of this Ordinance or state law without prior written authorization of the General Manager or the General Manager's designee. Violation of this section is punishable as a misdemeanor.

SECTION 505. OFF TRAIL USE. No person shall enter or remain in an area off of a designated trail, when they are on District Lands in an area or preserve that has

been designated or posted to prohibit off trail use. Violation of this section is punishable as a misdemeanor. (*Moved from section 805.6*)

CHAPTER VI. PRESERVE USES - COMMERCIAL/REVENUE

SECTION 600. COMMERCIAL SOLICITING.

600.1 General. No person shall solicit, sell, hawk, or attempt to solicit, sell, or hawk, or otherwise peddle any goods, wares, merchandise, liquids, edibles for human consumption, or distribute commercial circulars, pamphlets, or flyers on District Lands except by ~~written permission~~ prior written authorization of the General Manager or the General Manager's designee. Violation of this sub-section is punishable as a misdemeanor.

SECTION 601. GRAZING.

601.1 General. No person shall allow cattle, sheep, goats, or any animal to graze, browse, or feed on District Lands except ~~with written permission~~ by prior written authorization of the General Manager or the General Manager's designee. Violation of this sub-section is punishable as a misdemeanor.

SECTION 602. HARVESTING AND PLANTING.

602.1 General. No person shall plant, cultivate, harvest, or attempt to plant, cultivate, or harvest any plant or agricultural crop on District Lands except ~~with written permission~~ prior written authorization of the General Manager or the General Manager's designee. Violation of this sub-section is punishable as a misdemeanor.

602.2 Possession of Tools. No person shall possess equipment, tools or supplies for the cultivation or removal of plant life including, but not limited to shovels, rakes, hoes, garden hoses, irrigation equipment, fertilizer, herbicides, insecticides, or wheelbarrows on District Lands except in a designated parking area, or with prior written authorization of the General Manager or the General Manager's designee ~~written permission.~~

SECTION 603. COMMERCIAL FILMING.

603.1 General. No person shall conduct a filming operation involving the use of film equipment, lighting, props, or other similar materials, except for a single still, motion picture, video, digital or other camera, for commercial purposes on District Lands except pursuant to a permit authorizing such activity. This section shall not apply to the commercial operation of cameras as part of the bona fide reporting of news. Violation of this sub-section is punishable as a misdemeanor.

SECTION 604. COMMERCIAL USES.

No person shall engage in commercial activities on District lands, without prior written authorization of the General Manager or the General Manager's designee. ~~prior written permission from the District.~~

CHAPTER VII. PRESERVE FEATURES - PROTECTION

SECTION 700. HUNTING, FISHING, COLLECTING AND FEEDING.

- 700.1 Hunting/Harassing. No person shall possess, hunt, pursue, molest, disturb, injure, trap, snare, take, net, poison, ~~introduce, release~~ or harm or attempt to hunt, pursue, molest, disturb, injure, trap, take, net, poison, ~~introduce, release~~ or harm any mammal or bird, or any other wild or domesticated animal living or dead. This section shall include taking of any part of the mammal or bird. Violation of this sub-section is punishable as a misdemeanor.
- 700.2 Fishing. No person shall possess, take, fish for, net, molest, disturb, injure, poison, collect, introduce, release or harm any or attempt to take, fish for, net, molest, disturb, injure, poison, collect introduce, release or harm any fish, living or dead, except by written permit in any District Water Area except in areas declared by the District to be permitted fishing areas, ~~where state laws regulate the taking of game fish~~ and only in compliance with applicable State laws.
- 700.3 Carry or Possess Fishing Equipment. ~~No~~ Except as specifically authorized pursuant to sub-section 700.2, no person shall carry, possess, set, leave or deposit any fishing equipment or similar devices in, on, or into any portion of District Lands or District managed body of water.
- 700.4 Collecting Reptiles, Amphibians or Mollusks. No person shall possess, take, fish for, net, molest, disturb, injure, poison, collect, ~~introduce, release~~ or harm or attempt to take, fish for, net, molest, disturb, injure, poison, collect, ~~introduce, release~~ or harm any reptiles, amphibians, or mollusks living or dead, except by written permit.
- 700.5 Collecting Invertebrates. ~~Insects.~~ No person possess, shall take, net, collect, ~~introduce, release,~~ poison or attempt to take, net, poison, collect, introduce, or release any invertebrates ~~insects or arthropods,~~ living or dead, except by written permit.
- 700.6 Feeding. No person shall feed any animal on District Lands or deposit any food, salt or edible material on any District Lands for that purpose ~~without written permission~~ except with prior written authorization of the General Manager or the General Manager's designee.
- 700.7 Collection of Animal, Bird, or Reptile Parts. Except by written permit, no person shall take, collect, possess any animal, bird, or reptile body parts including, but not limited to: antlers, skulls, fur, bones, skin, or feathers.

SECTION 701. ANIMALS.701.1 Dogs.

- a) No person shall have more than three dogs per person within areas where dogs are allowed on District Lands.
- b) No person shall allow or have a dog on District Lands except in those areas designated by the District. This subsection shall not apply to: service animals under physical control, specifically trained to assist persons with disabilities; or service animals in training to assist persons with disabilities, and are under physical control, and participating in a training program; or with prior written authorization of the General Manager or the General Manager's designee
 - ~~1) guide and service dogs under physical control, specifically trained to assist the blind, deaf, or disabled;~~
 - ~~2) guide and service dogs in training to assist the blind, deaf, or disabled, and under physical control, and participating in a training program;~~
 - ~~3) use authorized by written permit.~~
- c) Leash Required. No person shall allow or have a dog on District Lands, unless the dog is at all times under control, and on a leash not to exceed 6 feet, or on a self-retracting leash with a maximum extended length of 25 feet. The leash must be held by person responsible for the dog and must be made of material and construction sufficient to restrain the dog. Electronic or other "invisible leashes" do not meet the leash requirement. The self-retracting leash must have the capability of being retracted and locked in a position not to exceed 6 feet. ~~Within a designated area, no person shall have or allow a dog on a lead greater than 6 feet when:~~
 - d) Lead Length Restrictions. Within a designated area, no person shall have or allow a dog on a lead greater than 6 feet when: within 100 feet of any parking area, trailhead, picnic area, campground, horse stable, public roadway, restroom, visitor center, ranger station, or other place or structure of public assembly, within 50 feet of any person that is not the person or persons who entered District lands with the dog, or within 50 feet of any District Water Area, or when the dog is not visible to the owner.
 - ~~1) Within 100 feet of any parking area, trailhead, picnic area, campground, horse stable, public roadway, restroom, visitor center, ranger station, or other place or structure of public assembly;~~
 - ~~2) Within 50 feet of any person that is not the person or persons who entered District lands with the dog; or~~
 - ~~3) Within 50 feet of any District Water Area.~~
 - ~~4) When the dog is not visible to the owner.~~
 - e) Off-Leash Areas. Dogs shall be permitted off leash only in areas specifically designated and signed by the District as off-leash areas. No person shall allow or have a dog in an off-leash area unless the dog is at all

times under the verbal or radio collar control, and in sight of, its owner or person responsible for the dog. The owner or person responsible for the dog shall have a leash in his/her possession at all times.

~~f)e)~~ Nuisance Dogs. No person shall possess, allow or maintain have on District Lands a dog that is a nuisance to people, other animals, or property. This includes, but is not limited to: growling, excessive barking, scratching, jumping on any person or animal, or challenging in any manner, people, animals, or property.

~~f)g)~~ Dogs in Water Areas. No person responsible for a dog shall allow said dog to enter any District Water Area unless it is specifically designated to allow ed such entry by prior written authorization of the General Manager or the General Manager's designee.

h) Dangerous Dog. No person shall possess, allow or maintain have on District Lands a dog that exhibits dangerous behavior including, but is not limited to: attacking, biting or causing injury to any person or animal. Violation of this sub-section is a misdemeanor.

701.2 Disturbance or Injury to Wildlife. No person shall allow a dog, cat, or other domesticated animal, ~~even if~~ whether or not leashed, to disturb, chase, molest, injure, or take any kind of wildlife, whether living or dead, or remove, destroy, or in any manner disturb the natural habitat of any animal on District Lands. Violation of this sub-section is punishable as a misdemeanor.

701.3 Horses and Livestock. No person shall keep, raise, maintain, or allow cattle, horses, sheep, or other livestock on District Lands, unless pursuant to a lease, license, written permit, or other written entitlement of use granted by the District. Violation of this sub-section is punishable as a misdemeanor.

701.4 Other Pets. No person shall allow or have any pet, domesticated animal, or other animal on District Lands, ~~unless specifically permitted by another section of these regulations~~ except with prior written authorization of the General Manager or the General Manager's designee or as otherwise provided by this Ordinance.

701.5 Removal of Dog Excrement. No person responsible for a dog shall allow its excrement or feces to remain on District lands except in a designated receptacle.

701.6 Abandoned Animals. No person shall leave, abandon or release a dog, cat, fish, fowl, or any other living creature, wild or domestic, on District Lands ~~without written permission~~ except with prior written authorization of the General Manager or the General Manager's designee.

701.7 Depositing of Animal Remains. No person shall bury, leave, scatter or otherwise deposit animal remains on District lands, except for cremated animal remains as specified in Section 807.

701.8 Interference with Livestock. No person shall in any manner damage, destroy, leave open, or otherwise alter the pens, corrals, or pastures that contain livestock or release livestock from their pens, corrals, or pastures. (*ADD)

SECTION 702. NATURAL AND CULTURAL RESOURCES.

702.1 Plants. No person shall possess, damage, injure, take, place, plant, collect, or remove any plant, fungi, tree, or portion thereof, whether living or dead, including, but not limited to flowers, lichens, mosses, mushrooms, bushes, trees, tree limbs, tree branches, vines, grass, cones, seeds, leaves and deadwood located on District Lands.

~~702.2 Possession of Gathered Wood Prohibited. No person shall transport or possess a tree or unmilled wood on District Lands without satisfactory evidence of lawful acquisition, such as a sales receipt or written authorization from the owner of the land from which the tree or wood was acquired.~~

702.3 Geological Features. No person shall possess, damage, injure, take, collect, remove, or attempt to damage, injure, take, collect, any earth, rocks, sand, gravel, fossils, minerals, features of caves, or any object or artifact of geological or paleontological, interest located on District Lands. Violation of this sub-section is punishable as a misdemeanor.

702.4 Archeological Features. No person shall possess, damage, injure, take, collect, remove, or attempt to damage, injure, take collect, or remove any object of, archeological, or historical interest located on District Lands. Violation of this sub-section is punishable as a misdemeanor.

702.5 Special Permission. ~~Special~~Notwithstanding sub-sections 702.3, 702.4, and 702.6, special ~~written permission~~prior written authorization of the General Manager or the General Manager's designee may be granted to remove, treat, disturb, or otherwise affect plants, animals, or geological, historical, archeological, or paleontological materials solely for research, interpretive, educational, or operational purposes.

702.6 Destruction of Habitat. No person shall remove, destroy, or in any manner disturb the natural habitat of any animal, bird, or reptile including, but not limited to: mammal, bird, fish, mollusk, reptile, amphibian, except by written permit.

702.7 Unpermitted Diversion of Water. No person shall divert or take water from any surface water, ground water, or water storage facility on District Lands without the express written permission of the District.

SECTION 703. UNLAWFUL DEFACEMENT, CONSTRUCTION AND MAINTENANCE.

- 703.1 Unlawful Defacement. No person shall cut, carve, deface, write, paint, mark, or alter any natural or biological feature, or any fence, wall, building, sign, bench, table, monument, or other property on District Lands. Violation of this sub-section is punishable as a misdemeanor.
- 703.2 Unlawful Construction. No person shall encroach upon, erect, construct, install, or place or attempt to encroach upon, erect, construct, install, or place any structure, building, shed, fence, trail, road, culvert, drainage structure, bridge, jump, ramp, barricade, trench, barrier, fortification or wall, equipment, material, sign, banner, or apparatus of any type or for any purpose constructed of native or imported materials on, below, over, or across a preserve except by written permission, specifying in detail the work to be done and the conditions to be fulfilled pursuant to the terms of such authorization. Flagging, surveying, and marking conducted for the purpose of constructing or installing such features, shall be considered an attempt to erect, construct, install or place such features, and is prohibited. Violation of this sub-section is punishable as a misdemeanor.
- 703.3 Unlawful Maintenance. No person shall perform, or cause any mowing, trimming, cutting, grooming, spraying, grading, or moving of any soils on District Lands or perform any such grounds maintenance for any purpose except by written permission. Violation of this sub-section is punishable as a misdemeanor.
- 703.4 Possession o~~f~~ Construction o~~r~~ Maintenance Tools a~~n~~d Supplies. No person shall possess any tools used for construction or maintenance on District Lands, including but not limited to shovels, McCleods, Pulaskis, mattocks, rakes, saws, axes, chainsaws, wood, hammers, nails, drills, saws, or similar equipment or supplies for the purpose of unlawful construction, maintenance or encroachment on District Lands except in a designated parking area, or with written permission.
- 703.5 Surveillance Systems. Installation or maintenance of surveillance systems on District lands, including wildlife cameras, or other similar encroachments is prohibited except where authorized by permit.
- 703.6 Scientific Equipment. No person shall move, remove, disturb, alter, deface, paint, or otherwise effect any scientific research materials or equipment placed or installed in the field including but not limited to trail cameras, traffic counters, reptile boards, traps, or any other materials for research or operational purposes. *ADD

CHAPTER VIII.
DISTRICT LANDS OPERATIONS - GENERAL

SECTION 800. RESERVED FOR FUTURE USE

SECTION 801. PARKING.

801.1 Restrictions. No person shall park a motor vehicle, except an authorized emergency vehicle, or when in compliance with the directions of a peace officer, ranger, or authorized District employee, in any of the following places:

- a) In areas where prohibited by “NO PARKING,” or other posted signs;
- b) On or obstructing any fire road or fire lane;
- c) On or obstructing any trail;
- d) In such a place or manner as would block or obstruct any gate, entrance, or exit;
- e) In such a place or manner as to take up more than one marked parking space in any authorized parking area;
- f) In such a place or manner as to block or obstruct the free flow of traffic or to obstruct the ability to remove a parked vehicle;
- g) Within 15 feet of a fire hydrant;
- h) Adjacent to any curb painted red;
- i) On any District Lands after Official Hours as defined in Section 805.3 except pursuant to a written permit;
- j) In areas signed for permit parking on District Lands without a written permit;
- k) In any space designated for disabled parking in an unpaved parking lot, except when displaying a disabled placard as defined in California Vehicle Code.
- l) In any other place on District Lands not designated by the District as an authorized area.

SECTION 802. OPERATION OF MOTORIZED VEHICLES: OFF-ROAD VEHICLES

802.1 General. ~~No~~Except as otherwise provided, no person shall operate, propel, or leave standing a motorized vehicle on District Lands. Motor vehicle includes, but is not limited to, motorcycles, all-terrain vehicles, off-road vehicles, mopeds, “dirt-bikes,” gas powered bicycles, and similar vehicles. Violation of this sub-section is punishable as a misdemeanor.

802.2 Exceptions. This section shall not apply to:

- a) emergency vehicles operated within the scope of official use;
- b) roads, trails, or paths, which may from time to time be set aside and posted by the District for the use of specifically designated vehicles;
- c) roads and parking areas open to the public for motor vehicle use during regular open hours.

SECTION 803. SPEED LIMITS.

803.1 General. No person shall drive or operate a vehicle, motor vehicle, or bicycle on District Lands at a speed greater than the posted speed limit, or as otherwise specified in any District Ordinance, rule or regulation. No person shall drive or

operate a vehicle or motor vehicle, ride a horse, or ride a bicycle at a speed greater than reasonable given weather, visibility, traffic, presence of other users, surface and width of the trail or road, or which may damage natural or cultural resources or wildlife.

803.2 Reckless Driving. No person shall drive or operate any vehicle, motor vehicle, bicycle upon District Lands in willful or wanton disregard for the safety of persons, property, natural resources or wildlife. Such conduct shall constitute reckless driving. Violation of this sub-section is punishable as a misdemeanor.

803.3 Unsafe Driving. No person shall drive in an unsafe manner. This includes, but is not limited to: spinning of the vehicle, breaking traction and exhibition of speed.

SECTION 804. ABANDONED VEHICLES.

804.1 72 Hours. No person shall permit a vehicle to be parked or left standing on District Lands for 72 consecutive hours or more except in camping areas pursuant to a valid permit.

804.2 Removal. Any vehicle parked or left standing in violation of this Section may be removed as provided in the Vehicle Code of the State of California.

804.3 Abandonment. Whenever a District ranger has reasonable grounds to believe that a vehicle has been abandoned on District Lands, the vehicle may be removed as authorized by Vehicle Code Section 22669.

SECTION 805. PROHIBITED AREAS AND CLOSURES.

805.1 Authority for Closures. To ensure the safety and health of persons, to protect natural resources, to provide for proper planning of District Lands, to avoid interference with development, construction, and management, or to provide for security, safeguarding, and preservation of District Lands, the Board of Directors, General Manager or ~~his/her~~ the General Manager's designee or an authorized representative may declare an area, trail, road, or facility closed, prohibited, or limited to further entry by the general public.

805.2 Types of Closures

a) Temporary or Regular Closures. Authorized District employees may make temporary or regular closures of a portion of District Lands to the general public for public safety, or to deal with an immediate or ongoing management need. The closure declaration may ~~include such reasonable classes of persons~~ place restrictions on who may enter, in the conduct of authorized activities or official duties, as the General Manager or ~~his/her~~ the General Manager's designee or an authorized representative may prescribe. No person shall, without written permission issued by the

District, enter or remain in an area of District Lands or facility designated as a Temporary or Regular Closure area.

a)b) Sensitive or Hazardous Area Closures. No person shall, without a written permit issued by the District, enter or remain in an area of District Lands or facility designated as a Sensitive or Hazardous Area, and declared closed, prohibited, or limited by the General Manager or ~~his/her~~the General Manager's designee or an authorized agent. Sensitive areas may include those with cultural, historical or biological significance. Such designation may include, but is not limited to, specified areas of land, trails, geologic or cultural features, facilities or structures. Violation of this sub-section is punishable as a misdemeanor.

805.3 After Official Hours Use Prohibited. No person shall enter or remain on District Lands before or after "Official Hours," which are defined as the period of one-half hour before sunrise to one-half hours after sunset ~~after official Sunset to one-half hour before official Sunrise the following day~~ without a written permit. ~~The times for Sunrise and Sunset shall be determined by the U.S. Naval Observatory's official postings for Los Altos, California.~~

805.4 Bicycle Operation After Hours. No person shall possess or operate a bicycle, unicycle, or similar device on District lands after Official Hours, except with prior written authorization of the General Manager or the General Manager's designee.

~~805.5 Posting of Closures. An area shall be considered closed when notice is posted at trailheads and gates officially designated and maintained by the District.~~
Moved to section 119

805.~~5~~6 Failure to Vacate a Closed Area. No person shall fail or refuse to leave a Closed Area, when notified of the closure by a Peace Officer. Violation of this sub-section is punishable as a misdemeanor.

~~805.7 Off Trail Use. No person shall enter or remain in an area off of a designated trail, when they are on District Lands in an area or preserve that has been designated or signed to prohibit off trail use. Violation of this sub-section is punishable as a misdemeanor.~~ (Moved to section 505)

SECTION 806. USE FEES.

806.1 Nonpayment of Fees. No person shall use District Lands or facilities without payment of any prescribed fee or charge. Any fee or charge established by the Board for use of District Lands or facilities shall be paid in advance of such use, unless later payment has been authorized by the General Manager or ~~his/her~~the General Manager's designee or an authorized representative.

SECTION 807. SCATTERING OF CREMATED REMAINS

807.1 Regulations for the Scattering of Cremated Remains. No person shall scatter any cremated human or animal remains (cremains) without first having obtained a written permit from the District, ~~and shall abide by the permit conditions which shall include, but not be limited to, the following conditions:~~

- ~~a) The scattering of cremains is prohibited: within 1,000 feet of any residence or dwelling, within 500 feet of any creek, stream, or other body of water or within 50 feet of any road or trail.~~
- ~~b) Cremains must be scattered, must not be left in a pile, and must not be readily visible to the public.~~
- ~~c) No containers for the cremains, identification tags, vases, flower pots, or other associated non-organic materials, or non-native plants, may be left at the site.~~
- ~~d) No memorial, plaque, or other site marker may be left at the site.~~
- ~~e) Any person scattering cremains on District lands shall possess and present a valid District permit when scattering cremains.~~
- ~~f) The scattering of cremains for commercial purposes is prohibited.~~

SECTION 808. AIRCRAFT & HELICOPTER OPERATIONS.

808.1 Except in the case of emergency or for search and rescue, or fire-fighting or law enforcement operations no person shall land any aircraft including any airplane, helicopter, hot air balloon or any contrivance used or designed for flight in the air, excluding unpowered human flight as further authorized under these regulations, on District Lands except by written permit. Violation of this sub-section is punishable as a misdemeanor.

**Midpeninsula Regional Open Space District
Summary of Proposed 2020 Revisions to the Ordinance for use of
Midpeninsula Regional Open Space District Lands**

This document summarizes the proposed 2020 revisions to the Ordinance (formerly Regulations) for use of Midpeninsula Regional Open Space District Lands (District Ordinance). Each change proposed and/or made to the District Ordinance is listed below, and includes a reference to the Section/Title of the District Ordinance that the item pertains to, the type of change made and/or relevant feedback received from staff and legal counsel, and an explanation of the action taken, including any revisions. Each 'Type of Change' is categorized as follows:

General Clean-up	Clean up non-substantive language, including the addition of one or a few words to better clarify the intent of the regulation, to better define the regulation, or to correct grammar and remove reference to gender.
Addition	New regulations or definitions added to address the current business and operational practices of the District or to address current unwanted behavior that has become known in the field.
Removal	Section was removed as it was redundant to the California Penal Code or other statute and not needed in the document.
Section Moved to/from another Location	Sections were moved to more appropriate locations based on the content.
Comport with law	To address laws that have changed since the last review of this document.
Minor Change in Content	Section has a minor change, deletion, or addition to content to address current use patterns and reduce confusion.
Legal Counsel Recommendation	These changes were recommended by legal counsel to give the District more options or to broaden scope and definitions in order to facilitate enforcement of the Ordinance in the courts.

Section / Title	Type of Change	Summary of Change
Entire Document		
The title of the document was changed from Regulation to Ordinance.	Legal Counsel Recommendation	This change reinforces the District's ability to pursue the option of enacting an administrative enforcement program if the District chooses to do so in the future, instead of having all violations go through the courts.
Language change to include gender-neutral language	General Clean-up	"General Manager or his/her designee" was changed to "General Manager or the General Manager's designee" in several locations throughout the document.

Chapter I. Definitions	Type of Change	Summary of Change
Sections 100-199		
Section 100 <u>Title</u>	Legal Counsel Recommendation	Title of the document changed from Regulations to Ordinance.
Section 101 <u>Purpose</u>	Legal Counsel Recommendation	Title of the document changed from Regulations to Ordinance.
Section 102 <u>Headings and Divisions</u>	Section Moved to/from another Location	This section was moved from 114 to 102 to better group the definitions.
Section 103 <u>Definitions</u>	General Clean-up	Renumbered
Section 104 <u>District, District Lands Defined</u>	General Clean-up	Renumbered
Section 105 <u>Person Defined</u>	General Clean-up	Renumbered
Section 106 <u>Juvenile Defined</u>	General Clean-up	Renumbered
Section 107 <u>Saddle or Pack Animal Defined</u>	General Clean-up	Renumbered
Section 108 <u>Designated Trail Defined</u>	General Clean-up	Renumbered

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Section 109 <u>Designated Area Defined</u>	General Clean-up	Language included to both broaden and better define a <i>designated area</i> within the District as it applies to these ordinances.
Section 110 <u>Water Areas of the District Defined</u>	General Clean-up	Renumbered
Section 111 <u>Water-Contact Activity Defined</u>	Section Moved to/from another Location	This definition was in the 400 section of the ordinance. It is moved here where all the definitions are listed.
Section 112 <u>Permit or Permission Defined</u>	General Clean-up	Renumbered
Section 113 <u>Posted Defined</u>	Addition	The definition of "Posted" was added as it is referred to in several ordinances.
Section 114 <u>Climbing Defined</u>	General Clean-up	Renumbered
Section 115 <u>District Employee Defined</u>	General Clean-up	Renumbered
Section 116 <u>Board Defined</u>	General Clean-up	Renumbered
Section 117 <u>Public View Defined</u>	General Clean-up	Renumbered
Section 118 <u>Smoking Defined</u>	Addition	We did not previously have a definition of smoking. The definition of smoking has grown in the past few years and now, in California, includes electronic vaporizing devices.
Section 119 <u>Livestock Defined</u> .	Addition	We did not previously have a definition of livestock and this will support an ordinance we are adding that regards livestock.
Section 120 <u>Permit Defined</u>	Addition	We did not previously have a definition of a permit.
Section 121 <u>Organized Group Special Events and Activities Defined</u>	Section Moved to/from another Location / Minor Change in Content	This section was moved from section 408 to the definitions section. The stipulation of an advertised event was removed as many of these result in less than 20 people, so it conflicted with the 20-person requirement.
Chapter II. Regulations	Type of Change	Summary of Change
Sections 200-299		
Section 200 <u>General Regulations</u>	General Clean-up	Gender-neutral language was added.
Section 200.5 <u>Failure to Comply with a Permit</u>	Section Moved to/from another Location	Section was moved to section 408.2
Section 200.5 <u>Denying a Permit</u>	Section Moved to/from another Location / Minor Change in Content	This section was moved from 408.4 and includes gender-neutral language along with added content to specify that permits can be revoked without reimbursement, if the permit conditions are violated.
Section 201 <u>Special Regulations</u>	Removal	Section was removed as it was redundant to the California Penal Code or other state law and not needed in the Ordinance.
Chapter III. General Rules	Type of Change	Summary of Change
Section 300-399		
Section 301 <u>Violations of Ordinance, a Misdemeanor or Infraction</u>	Legal Counsel Recommendation	Additional language recommended by legal counsel to add further methods of enforcing the Ordinance.
Section 304 <u>Citations for Misdemeanor</u>	Removal	This section is duplicative of existing state law.
Section 305 <u>Willfully Violating Written Promise to Appear</u>	Removal	This section is duplicative of existing state law.
Section 306 <u>Arrest Warrant Following Failure to Appear</u>	Removal	This section is duplicative of existing state law.
Chapter IV. Preserve Uses - General	Type of Change	Summary of Change
Sections 400-499		
Section 400.2 <u>Camping - Juveniles</u>	General Clean-up	This section was put in paragraph format instead of bulleted with alphabetic designators. Alphabetic designators denote individual offenses in ordinances, and this is a single offense. Language was also added indicating a permit is required.
Section 401.2 <u>Swimming definition</u>	Section Moved to/from another Location	This is a definition and was moved to the definitions chapter under section 111.

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Sectrion403.2 <u>Firearms - exceptions</u>	Legal Counsel Recommendation	Legal counsel recommends we add a caveat to this section to provide for legally possessed firearms to be allowed in the preserves by peace officers and honorably retired peace officers who are authorized to carry a firearm.
Section 404.1 <u>Fires - General</u>	General Clean-up	The word “cause” was added to the list of how a fire can start as well as making this offense a misdemeanor due to the severity of the offense.
Section 405.1 <u>Disposal of Effluent</u>	General Clean-up	A spelling/grammar mistake was corrected.
Section 405.3 <u>Protection of Facilities</u>	General Clean-up	The word “fixture” is replaced with “toilet or sink.”
Section 406.1 <u>Metal Detectors - General</u>	General Clean-up	The word “magnet” is added to address a new trend of metal detection and collection.
Section 407.3 <u>Noise</u>	General Clean-up	Added the ability to exceed noise regulation by permission only.
Section 407.4 <u>Lawful Order</u>	General Clean-up	Removed the word “signal” in the list of lawful orders as it was too ambiguous.
Section 407.5 <u>Order to Vacate</u>	General Clean-up	Corrected grammar and simplified wording. Also moved this to a misdemeanor to fit with other like offenses.
Section 408.1 <u>Organized Group Permits</u>	Section Moved to/from another Location	This section is a definition and moved to the definitions section under section 121.
Section 408.2 (previous) <u>Failure to comply with a permit</u>	General Clean-up	Renumbered to section 408.1 as the previous was moved. Also combined the language of 408.2(a) into the body to make one offense.
Section 408.2 <u>Failure to comply with a permit</u>	Section Moved to/from another Location	This section was moved from section 200.5 as this is a permit violation offense and belongs with other permit violation offenses.
Section 408.4 <u>Permits - Deny</u>	Section Moved to/from another Location	This section was moved to section 200.5 as this is not an offense but a regulation.
Section 409.1 - <u>Fireworks</u>	General Clean-up	The word “place” was substituted for “deposit” to make the language easier to understand and the violation was moved to a misdemeanor to fit the severity of the offense.
Section 409.2 <u>Harmful Substances</u>	General Clean-up	The words “noxious or toxic” was added to further describe substances that cannot be on District Lands.
Section 409.4 <u>Model Craft</u>	General Clean-up	The word “possess” was added to address current issues with drone flyers to enforce the ordinance after a subject has landed their drone.
Section 409.6 <u>Skating, Scooters, Skateboards, and other Coasting, Sledding or Sliding Devices</u>	General Clean-up	Grammatical errors were fixed.
Section 409.7 <u>Reckless or Negligent Activity</u>	General Clean-up	Reduced redundant language.
Section 409.8 <u>Possession of a District Lock or Key</u>	General Clean-up	Grammar and gender-neutral language is addressed.
Section 410.2 <u>Alcoholic Beverages – Designated Areas</u>	General Clean-up	Gender-neutral language was added.
Chapter V. Preserve Uses – Riding / Hiking Trails	Type of Change	Summary of Change
Sections 500-599		
Section 500.2 <u>One Way Trails</u>	General Clean-up	Added all trail uses and corrected grammatical errors.
Section 502.1 <u>Operation of Bicycles</u>	Minor Change in Content	Section 502.1 was divided into two separate sections 502.1 for operation and 502.2 for possession. The title was changed in this section and grammatical errors corrected. This change clarifies that visitors can commute by bicycle/e-bike to a preserve closed to bicycles then hike on trails.
Section 502.2 Bicycles – Closed Areas	Addition	See above.
Section 502.3 <u>Bicycle – Unsafe Operation</u>	Section Moved to/from another Location	Was formerly 502.2
Section 502.4 <u>Helmet Violations</u>	Section Moved to/from another Location	Was formerly 502.3

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Section 502.5 <u>Walk only Zones</u>	Section Moved to/from another Location	Was formerly 502.4
Section 502.6 <u>Mechanical Operation</u>	Section Moved to/from another Location	Was formerly 502.5
Section 502.7 <u>Headsets and Earplugs</u>	Section Moved to/from another Location	Was formerly 502.6
Section 503.1 <u>Climb – Designated Areas</u>	General Clean-up	Corrected grammatical errors in title and added the words “facilities and structures” to address current preserve elements such as at Mount Umunhum.
Section 503.2 <u>anchors Prohibited</u>	General Clean-up	Clarified the exception of the section to be by prior written permission and added gender-neutral language.
Section 503.3 <u>Possession of Tools</u>	General Clean-up	Clarified the exception of the section to be by prior written permission and added gender-neutral language.
Section 504 <u>Trespass</u>	Legal Counsel Recommendation	Clarifies that trespassing is not simply a violation under state law; it is a violation of District Ordinance, unless the person has a permit to be in a location where they would otherwise be considered to be trespassing (such as a closed area). Also specifies that violation is a misdemeanor.
Section 505 <u>Off Trail Use</u>	Section Moved to/from another Location	This section belongs with other riding/hiking trails offenses. Was previously on the 800 sections which is District Lands Operations – General.
Chapter VI. Preserve Uses – Commercial/Revenue	Type of Change	Summary of Change
Sections 600-699		
Section 600.1 <u>Commercial Soliciting – General</u>	General Clean-up	Clarified “written permission” and added gender-neutral language.
Section 601.1 <u>Grazing- General</u>	General Clean-up	Clarified “written permission” and added gender-neutral language.
Section 602.1 <u>Harvesting and Planting- General</u>	General Clean-up	Clarified “written permission” and added gender-neutral language.
Section 602.2 <u>Possession of Tools</u>	General Clean-up	Clarified “written permission” and added gender-neutral language.
Section 604 <u>Commercial Uses</u>	General Clean-up	Clarified “written permission” and added gender-neutral language.
Chapter VII. Preserve Uses – Commercial/Revenue	Type of Change	Summary of Change
Sections 700-799		
Section 700.1 <u>Hunting/Harassing</u>	General Clean-up	The title was changed to better reflect the content of the offense. The words “introduce” and “release” were deleted as this is a hunting offense (meaning taking not giving) and the word “domesticated” was added for cattle grazing purposes.
Section 700.2 <u>Fishing</u>	General Clean-up	The words “living or dead” was added to address the dumping of dead animals in the Preserves. Language for exceptions was reworded to include any applicable laws.
Section 700.3 <u>Carry or Possess Fishing Equipment</u>	General Clean-up	Language added to reference Section 700.2 as it has exceptions to when fishing equipment can be possessed and used.
Section 700.4 <u>Collecting Reptiles, Amphibians, or Mollusks</u>	General Clean-up	The words “introduce” and “release” were removed as this is covered in section 701.6.
Section 700.5 <u>Collecting Insects</u>	General Clean-up	Title changed from “Insects” to “Invertebrates” to cover a wider range of organisms people might collect. The words “introduce” and “release” were removed as this is covered in section 701.6.
Section 700.6 <u>Feeding</u>	General Clean-up	Clarified “written permission” and added gender-neutral language.
Section 701.1(b) <u>Dog in Non-Designated Area</u>	General Clean-up	This was changed to paragraph format as “(1), (2), and (3)” used to differentiate between clauses indicate sub-sections for individual offenses. Paragraph format reduces this confusion.
Section 701.1(c) <u>Leash Required</u>	Minor Change in Content	Leash length restrictions were removed and placed in a new sub section, 701.1(d)

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Section 701.1(d) <u>Leash Length Restrictions</u>	Minor Change in Content	This was removed from section 701.1(c) and changed to paragraph format as “1), 2), and 3)” used to differentiate between clauses indicate sub-sections for individual offenses. Paragraph format reduces this confusion.
Section 701.1(e) <u>Off-Leash Areas</u>	Section Moved to/from another Location	Was formerly section 701.1(d).
Section 701.1(f) <u>Nuisance Dogs</u>	Section Moved to/from another Location	Was formerly section 701.1(e). Also cleaned up grammar and added the word “possess.”
Section 701.1(g) <u>Dogs in Water Area</u>	Section Moved to/from another Location	Was formerly section 701.1(f). Cleaned up the language regarding prior written authorization.
Section 701.1(h) <u>Dangerous Dog</u>	Section Moved to/from another Location	Was formerly Section 701.1(g). Also cleaned up grammar and added the word “possess.”
Section 701.2 <u>Disturbance or Injury to Wildlife</u>	General Clean-up	Cleaned language for clarity.
Section 701.3 <u>Horses and Livestock</u>	General Clean-up	Cleaned language for clarity.
Section 701.4 <u>Other Pets</u>	General Clean-up	Cleaned language for clarity.
Section 701.5 <u>Removal of Dog Excrement</u>	General Clean-up	Cleaned language for clarity.
Section 701.6 <u>Abandoned Animals</u>	General Clean-up	Cleaned language for clarity.
Section 701.8 <u>Interference with Livestock</u>	Addition	Ordinance added to better manage the business of the District as it relates to grazing operations.
Section 702.1 <u>Plants</u>	General Clean-up	Cleaned language for clarity by adding leaves to list of plant parts to address current enforcement issues including the collection of bay leaves.
Section 702.2 <u>Possession of Gathered Wood Prohibited</u>	Removal	This section is very difficult to enforce or unenforceable, and it is covered in section 702.1.
Section 702.5 <u>Special Permission</u>	General Clean-up	Added other ordinances that conflict with this one as exceptions.
Section 702.7 <u>Unpermitted Diversion of Water</u>	General Clean-up	Added language to include taking water and not just diverting it.
Section 703.1 <u>Unlawful Defacement</u>	General Clean-up	Added language to cover current District amenities.
Section 703.4 <u>Possession of Construction or Maintenance Tools and Supplies</u>	General Clean-up	Grammatical clean up in the title.
Section 703.6 <u>Scientific Equipment</u>	Addition	Added to manage the business of the District as it relates to scientific study of District land.
Chapter VIII. District Lands Operations – General	Type of Change	Summary of Change
Sections 800-899		
Section 801.1 <u>Parking Restrictions</u>	General Clean-up	Clarified that a District employee must be authorized to make exceptions to the offense.
Section 802.1 <u>Operation of Motorized Vehicles: Off-Road Vehicles-General</u>	General Clean-up	Added language to indicate possible exceptions.
Section 805.1 <u>Authority for Closures</u>	General Clean-up	Added gender-neutral language.
Section 805.2(a) <u>Temporary or Regular Closures</u>	General Clean-up	Indicated District employees must be authorized to temporarily close areas, language clarification, and added gender-neutral language.
Section 805.2(b) <u>Sensitive or Hazardous Area Closure</u>	General Clean-up	Added gender-neutral language.
Section 805.3 <u>After Official Hours Use Prohibited</u>	General Clean-up	Clarified official hours of Preserve operation.
Section 805.4 <u>Bicycle Operation After Hours</u>	General Clean-up	Added the exception of <i>with a permit</i> to language.

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Section 805.5 <u>Posting of Closures</u>	Section Moved to/from another Location	Section was moved to Section 119 as it is a definition.
Section 805.5 <u>Failure to Vacate a Closed Area</u>	Section Moved to/from another Location	Was formerly section 805.6 and added “refuse” to language.
Section 805.7 <u>Off Trail Use</u>	Section Moved to/from another Location	Section was moved to Section 505 as it belongs in the chapter regarding Riding / Hiking Trails.
Section 806.1 <u>Nonpayment of Fees</u>	General Clean-up	Added gender-neutral language.
Section 807.1 <u>Regulations for the Scattering of Cremated Remains</u>	Minor Change in Content	Deleted sections a-f. these were permit conditions and will be provided on the permit. These were not individual offenses.

Proposed 2020 Bail Schedule

ATTACHMENT 3

The Bail schedule is submitted to Santa Clara and San Mateo County Courts. This document provides the level of offense, infraction or misdemeanor, and the base fine for the offense. Other information in this document is the court division the offense will be heard in, either traffic or criminal, and if the offense needs to be reported to DOJ. Only changes to these specifics are shown in this document and not all changes to the ordinance will result in a change to this document.

New Ordinance in 2020	Changed or Deleted	SECTION	Regulation Title	2020 Bail Amount	Misdemeanor or Infraction	FILE DIV	RPT DOJ	Comment
	Y	200.5	Failure to comply with permit conditions	\$35	Infraction	Traffic	N	Move to 408.3
		400.1	Camping without permit	\$35	Infraction	Traffic	N	
		400.2	Juvenile camping without a permit	\$25	Infraction	Traffic	N	
		401.1	Swimming - undesignated area	\$35	Infraction	Traffic	N	
		402.1	Boating without permit	\$35	Infraction	Traffic	N	
		403.1(a)	Possession of/discharging weapon	\$150	Misdemeanor	Criminal	N	
		403.1(b)	Possession of/discharging paint ball gun, BB gun	\$35	Infraction	Traffic	N	
	Y	404.1	Outdoor Fire Without permit	\$150	Infraction Misdemeanor	Criminal	N	Upgrade to Misdemeanor and increase bail to \$150.00 to better align with the severity of the crime.
		404.2	Smoking - undesignated area	\$35	Infraction	Traffic	N	
		405.1	Dumping waste-water / effluent	\$100	Misdemeanor	Criminal	N	
		405.2	Improper use of sanitation facility	\$35	Infraction	Traffic	N	
		405.3	Protection of Facilities	\$35	Infraction	Traffic	N	
		405.4	Defecate in public view	\$35	Infraction	Traffic	N	
		405.5	Urinate in public view	\$35	Infraction	Traffic	N	
		406.1	Use of metal detector	\$25	Infraction	Traffic	N	
		407.1	Obstructing free passage	\$250	Misdemeanor	Criminal	N	
		407.2	Interference with use of District lands	\$100	Misdemeanor	Criminal	N	
		407.3	Noise/sound amplification devices	\$50	Infraction	Traffic	N	
		407.4	Compliance with a lawful order	\$150	Misdemeanor	Criminal	N	
	Y	407.5	Order to Vacate	\$75 \$150	Infraction Misdemeanor	Traffic Criminal	N	Upgrade to Misdemeanor and increase bail to \$150.00 to better align with the severity of the crime.
	Y	408.2-1	Permit Required Violations	\$35 / \$150	Infraction / Misdemeanor	Traffic / Criminal	N	Title changed as 408.2(a) was combined into this section and the option of making this a misdemeanor based on severity of offense.
	Y	408.2(a)	Unpermitted Large/Destructive Event	\$150	Misdemeanor	Criminal	N	Combined into section 408.1
	Y	408.2	Failure to comply with a permit	\$35	Infraction	Traffic	N	Moved from section 200.5
		408.3	Permit - Individual Participation	\$25	Infraction	Traffic	N	
	Y	409.1	Use of/ possession of fireworks or explosives	400 / \$150	Infraction / Misdemeanor	Criminal	N	Upgrade to Misdemeanor and increase bail to \$150.00 to better align with the severity of the crime.
		409.2	Harmful substance	\$250	Misdemeanor	Criminal	N	
		409.3	Golf	\$50	Infraction	Traffic	N	
		409.4	Operating model craft	\$50	Infraction	Traffic	N	
		409.5	Human flight without permit	\$100	Misdemeanor	Criminal	N	
		409.6	Skating, Scooters, Coasting, Sledding prohibited	\$50	Infraction	Traffic	N	
		409.7	Reckless activity	\$250	Misdemeanor	Criminal	N	
		409.8	Possession of District Lock or Key	\$100	Misdemeanor	Criminal	N	
		409.9	Segways and Electric Bicycles	\$35	Infraction	Traffic	N	
		410.1	Alcoholic beverages-beer/wine only	\$35	Infraction	Traffic	N	
		410.2	Alcoholic beverages prohibited area	\$35	Infraction	Traffic	N	
		411.1	Defacement of signs	\$150	Misdemeanor	Traffic	N	
		411.2	Place sign without permit	\$25	Infraction	Traffic	N	
		411.3	Obeying Signs	\$35	Infraction	Traffic	N	
		412	Nudity prohibited	\$25	Infraction	Traffic	N	
		500.1	Trail use speed limit	\$75	Infraction	Traffic	N	
		500.2	One-way trail	\$35	Infraction	Traffic	N	
		500.3	Failure to close gate	\$25	Infraction	Traffic	N	
		500.4	Dangerous trail use	\$50	Infraction	Traffic	N	
		501.1	Closed area- horses or pack animal	\$75	Infraction	Traffic	N	
		501.2	Unsafe use - horses	\$100	Misdemeanor	Criminal	N	
		501.3	Carts/wagons without permit	\$50	Infraction	Traffic	N	
	Y	502.1	Closed area - bicycle Operation of Bicycle	\$75	Infraction	Traffic	N	Title change only

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New Ordinance in 2020	Changed or Deleted	SECTION	Regulation Title	2020 Bail Amount	Misdemeanor or Infraction	FILE DIV	RPT DOJ	Comment
	Y	502.2	Closed Areas	\$75	Infraction	Traffic	N	Split from original 502.1 to allow for possession of bicycles in parking or staging areas of Preserves not designated for such use.
	Y	502.2 502.3	Unsafe operation - bicycle	\$150	Misdemeanor	Criminal	N	Renumbered
	Y	502.3(a)–502.4(a)	Helmets use required	\$25	Infraction	Traffic	N	Renumbered
	Y	502.3(a)–502.4(b)	Helmet possession required	\$25	Infraction	Traffic	N	Renumbered
	Y	502.4 502.5	Walk-only zone	\$35	Infraction	Traffic	N	Renumbered
	Y	502.5 502.6	Mechanical Operation	\$25	Infraction	Traffic	N	Renumbered
	Y	502.6 502.7	Bicycle Operation with headset/earplugs	\$25	Infraction	Traffic	N	Renumbered
	Y	503.1	Climb in Designated Areas only	\$50	Infraction	Criminal Traffic	N	Changed from an Infraction heard in Criminal Court to one heard in Traffic (per SCC Courts)
	Y	503.3	Possession of climbing tools prohibited	\$50	Infraction	Criminal Traffic	N	Changed from an Infraction heard in Criminal Court to one heard in Traffic (per SCC Courts)
Y		504	Trespass on District Lands	\$150	Misdemeanor	Criminal	N	New - recommended by outside counsel
	Y	505	Off Trail Use	\$150	Misdemeanor	Criminal	N	Moved from 805.7
		601.1	Allowing grazing without permission	\$150	Misdemeanor	Criminal	N	
		602.1	Harvesting / planting without permission	\$100	Misdemeanor	Criminal	N	
		602.2	Possession of cultivation tools prohibited	\$50	Infraction	Traffic	N	
		603.1	Commercial filming without permit	\$150	Misdemeanor	Criminal	N	
		604	Commercial Uses	\$35	Infraction	Traffic	No	
		700.1	Harming / taking animal Hunting/Harassing	\$150	Misdemeanor	Criminal	N	
		700.2	Harming / taking fish	\$50	Infraction	Traffic	N	
		700.3	Carry or possess fishing equipment	\$25	Infraction	Traffic	N	
		700.4	Collecting reptiles, amphibians or mollusks	\$50	Infraction	Traffic	N	
		700.5	Collecting insects	\$50	Infraction	Traffic	N	
		700.6	Feeding prohibited	\$50	Infraction	Traffic	N	
		700.7	Collection of Animal Parts	\$25	Infraction	Traffic	N	
		701.1(a)	3 dogs maximum allowed	\$50	Infraction	Traffic	N	
		701.1(b)	Dog in non-designated area	\$50	Infraction	Traffic	N	
		701.1(c)	Leash required	\$35	Infraction	Traffic	N	
	Y	701.1(d)	Extendable Leashes	\$35	Infraction	Traffic	N	New - recommended by outside counsel
	Y	701.1 (d) (e)	Off-leash area - Leash possession required	\$35	Infraction	Traffic	N	Renumbered
	Y	701.1(e) (f)	Nuisance dog prohibited	\$75	Infraction	Traffic	N	Renumbered
	Y	701.1 (f) (g)	Dog in water area	\$50	Infraction	Traffic	N	Renumbered
	Y	701.1 (g) (h)	Dangerous Dog	\$100	Misdemeanor	Criminal	N	Renumbered
		701.2	Disturbance or injury to wildlife	\$100	Misdemeanor	Criminal	N	
		701.3	Keep or raise livestock without permit	\$100	Misdemeanor	Criminal	N	
		701.4	Other pets prohibited	\$35	Infraction	Traffic	N	
		701.5	Removal of animal excrement	\$35	Infraction	Traffic	N	
	Y	701.6	Abandonment of animals	\$50	Infraction	Criminal Traffic	N	Changed from an Infraction heard in Criminal Court to one heard in Traffic (per SCC Courts)
Y		701.7	Depositing of Animal Remains	\$35	Infraction	Traffic	N	
		701.8	Interference with Livestock	\$35	Infraction	Traffic	N	New ordinance to address grazing and visitors in the same Preserves
	Y	702.2	Possession of gathered wood	\$50	Infraction	Traffic	N	Recommended to be removed by outside counsel
		702.3	Damaging / removing geological features	\$100	Misdemeanor	Criminal	N	
		702.4	Damaging archeological features	\$100	Misdemeanor	Criminal	N	
		702.6	Destruction of Habitat	\$100	Infraction	Traffic	N	
		702.7	Unpermitted Diversion of Water	\$100	Infraction	Traffic	N	
		703.1	Unlawful defacement	\$250	Misdemeanor	Criminal	N	
		703.2	Unlawful construction	\$250	Misdemeanor	Criminal	N	
		703.3	Unlawful maintenance	\$250	Misdemeanor	Criminal	N	
		703.4	Possession of Construction Tools Prohibited	\$50	Infraction	Traffic	N	
		703.5	Surveillance Systems	\$35	Infraction	Traffic	N	

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New Ordinance in 2020	Changed or Deleted	SECTION	Regulation Title	2020 Bail Amount	Misdemeanor or Infraction	FILE DIV	RPT DOJ	Comment
Y		703.6	Scientific Equipment	\$50	Infraction	Traffic	N	New Ordinance to address interference and collection of data from District installed equipment.
		802.1	Vehicles prohibited	\$100	Misdemeanor	Traffic	N	
		803.1	Speeding	\$75	Infraction	Traffic	N	
		803.2	Reckless Driving	\$150	Misdemeanor	Criminal	N	
		803.3	Unsafe Driving	\$75	Infraction	Traffic	N	
		804.1	72 Hour Vehicle Limit	\$50	Infraction	Traffic	N	
		805.2(a)	Enter temporary/regular closed area	\$50	Infraction	Traffic	N	
		805.2(b)	Enter sensitive/hazardous closed area	\$250	Misdemeanor	Criminal	N	
		805.3	After official hours use prohibited	\$35	Infraction	Traffic	N	
		805.4	Bicycle Operation After Hours	\$75	Infraction	Traffic	N	
		805.6	Failure to vacate a Closed Area	\$150	Misdemeanor	Criminal	N	
	Y	805.7	Off Trail Use	\$100	Misdemeanor	Traffic	N	Moved to 505
	Y	807.1(a-f)	Unauthorized scattering of cremains - commercial	\$50 \$35	Infraction	Traffic	N	Condense to a single code for violation of a cremation permit or failure to obtain one. Bail aligned with other permit violation fine amounts.
		808.1	Unauthorized Aircraft or Helicopter Landing	\$100	Misdemeanor	Criminal	N	

[https://openspace.sharepoint.com/GM/BoardMeetings/2020 Reports/20200909/Ordinance Review/Background Documents/Attachment 3 Bail Schedule Update 2020 .xlsm](https://openspace.sharepoint.com/GM/BoardMeetings/2020%20Reports/20200909/Ordinance%20Review/Background%20Documents/Attachment%203%20Bail%20Schedule%20Update%202020%20.xlsm)