



Midpeninsula Regional
Open Space District

R-14-06
Meeting 14-01
January 8, 2014

AGENDA ITEM 10

AGENDA ITEM

First reading of amendments to the “Regulations 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 Regulations for use of Midpeninsula Regional Open Space District Lands for adoption of the ordinance at the Board’s next regular meeting;
2. Introduce proposed additions to the District Bail Schedule for newly added Regulations for adoption at the Board’s next regular meeting.

SUMMARY

The District’s Regulations for use of Midpeninsula Regional Open Space District Lands were last reviewed by the Board of Directors in 2004. Staff has performed a comprehensive review of the Land Use Regulations and proposes certain revisions, to address the experience of District rangers in the field, changes in the law, and changes in vehicles and technologies that have emerged in the intervening 10 years. Bail amounts are suggested for new regulations, which are proposed as part of the amendment process.

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’s Land Use Regulations are utilized to implement the Board’s Basic Policy, to provide the framework for educating the public about acceptable uses of District lands, and to provide regulations necessary for the proper administration, governance, protection and use of District lands.

The current Ordinance was adopted in August, 2004 (Ordinance 04-01, see report R-04-80). Since the last adoption of the Ordinance there have been a number of changes in the law, which necessitates revisions to the District Land Use Regulations. For example, certain Land Use Regulations have been deleted because they are preempted by a State law, meaning that a State law which fully regulates certain conduct precludes a local agency from adopting the same law. Specifically, the former Land Use Regulation prohibiting littering is preempted by a section of

the California Penal Code. In instances of littering, District rangers are authorized to enforce the appropriate Penal Code section to deal with the violation.

Another reason for changes to the ordinance is that new vehicles and technologies such as Segways, and improvements in battery technology for vehicles, pose new challenges for resource protection and protection of visitor safety. The proposed changes to the ordinance reflect staff's recommendations to address these issues.

A total of twelve additional regulations are being proposed. The proposed revisions and additions to the ordinance, shown in highlights in Attachment 1, include recommendations from the District's field staff based on their direct knowledge of field issues. The proposed changes have been reviewed by outside legal counsel experienced in dealing with public agency law enforcement procedures and by the District's Office of General Counsel.

Bail amounts for newly proposed regulations are shown in Attachment 2. The bail amount proposed for each new regulation is based on staff's review of the amount charged for similar District violations. Staff also compared the District's Bail Schedule with that of Santa Clara County Parks to ensure some level of parity, taking into consideration that some of their issues and priorities are different from the District's.

In recent years there has been a considerable increase in State and County penalty assessments and processing fees, which are added to the basic bail amounts set by agencies such as the District. Currently, a bail of \$25 results in a fine of \$144 [source: 2013 Santa Clara County Criminal Court Bail Schedule]. By comparison, in 2004 a person charged with an offense with a \$25 bail would have paid only \$68. Attachment 3 shows the fines which result from various levels of bail amounts. Based on Santa Clara County's experience, staff believes these increases have resulted in an increase in the number of court hearings to contest the citation and thus an increase in the number of requests for ranger court appearances. Staff is currently undertaking a comprehensive review of the Bail Schedule to verify and identify any potential changes that could continue to achieve the compliance goals of the District but minimize the trend of increasing numbers of ranger court appearances.

COMMITTEE REVIEW

The Legislative, Funding and Public Affairs Committee reviewed the proposed changes at their meeting of December 3, 2013. During the review two issues were raised and further discussion with the full Board was requested.

The first issue was a question as to whether a regulation should be drafted to deal with water theft, i.e., unauthorized diversion of water. An example of where this might occur is when a marijuana garden is established, and water is diverted from a creek. Staff researched this question, and recommends adopting a new Section (702.7) prohibiting the diversion of water on District Lands without the express written permission of the District. The wording of this proposed section is being finalized, and will be presented during the Board meeting.

The second issue is the removal of dog waste. It was suggested during committee discussions that Section 701.5, which deals with animal excrement, be further modified so that removal of dog waste is required without the need for posting of signs specifically addressing this

requirement. Staff supports this additional change. Since all areas where dog access is currently allowed require dog excrement be picked up, it would not change current requirements. Information about this requirement will still be available on the District's website and in District publications.

FISCAL IMPACT

The District receives minimal revenue from the court fines. The newly added regulations are not anticipated to noticeably change revenues from court fines.

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 the Board's initial review and the incorporation of any changes requested by the Board, the ordinances will be adopted at an upcoming Board meeting. 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 "Regulations For Use Of Midpeninsula Regional Open Space District Lands."
2. Proposed Additions to the District's Bail Schedule
3. Sample Bail Amounts and Resulting Fine.

Responsible Department Head:

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Prepared by:

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**REGULATIONS 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, February XX, 2014*

**CHAPTER I.
DEFINITIONS**

- SECTION 100. **TITLE.** The following regulations shall be known as “Regulations for Use of MIDPENINSULA REGIONAL OPEN SPACE DISTRICT Lands” and may be referred to as “land use regulations.”
- SECTION 101. **PURPOSE.** These regulations 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 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. **DEFINITIONS.** Unless the context otherwise requires, the following definitions shall govern the construction and interpretation of these regulations.
- SECTION 103. **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 104. **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 105. **JUVENILE DEFINED.** A juvenile is defined as any person under the age of 18 years.

Comment [GB1]: Clarifying to include easements, etc.

- SECTION 106. 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 107. 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 108. DESIGNATED AREA DEFINED. A “Designated Area,” is any area or trail on District lands specifically designated for a specific use or activity or where a specific use or activity is prohibited or restricted by a District rule, regulation, Ordinance, sign, notice or permit.
- SECTION 109. 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 110. 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 111. 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 112. 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 113. 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.

SECTION 115. 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.

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 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 appointed by the Board, the laws of the State of California, any Federal law, and all applicable county and other local ordinances.

Comment [GB2]: Clarifies that this does not just refer to peace officers appointed by the Board, but to all peace officers.

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 official 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.

Comment [GB3]: This section was moved from 408.4 to cover permits which are issued for any activity, not just those in Section 408.

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.

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 305 WILLFULLY VIOLATING WRITTEN PROMISE TO APPEAR. Any person who willfully violates his/her or her written promise to appear or a lawfully granted continuance of his/her 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 when:

- 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.

Comment [GB4]: Deals with the problem of people camping outside of the period of time specified in their permit for camping.

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.

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.

SECTION 404. FIRES.

- 404.1 General. No person shall light, build, maintain, or attempt to light, build, or maintain, 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, fuse, 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.
- 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, 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. ~~Violation of this sub-section is punishable as a misdemeanor.~~
- 405.3 Protection of Facilities. No person shall place any bottle, can, cloth, rag, metal, wood, paper, stone, or other substances in any fixture in such a manner as would interfere with the normal operation of such fixture. ~~Violation of this sub-section is punishable as a misdemeanor.~~
- 405.4 Defecation. No person shall defecate in Public View or within twenty-five (25) feet of a Designated Trail. ~~Violation of this sub-section is punishable as a misdemeanor.~~
- 405.5 Urination. No person shall urinate in Public View.

Comment [GB5]: Unlikely to get the D.A. to support prosecution of this section as a misdemeanor.

Comment [GB6]: Unlikely to get the D.A. to prosecute this section as a misdemeanor.

Comment [GB7]: Unlikely to get the D.A. to prosecute this section as a misdemeanor.

SECTION 406. METAL DETECTORS.

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

Comment [GB8]: Since possession is likely to lead to use the addition of this prohibition seems reasonable.

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.
- 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 shall leave District lands upon request made by any Peace Officer. No person who has left such lands after such a request may reenter any District lands prior to official sunrise on the following day.

Comment [GB9]: Similar to ordinance which Santa Clara County Parks has. Note that this only applies if requested to leave by a Peace Officer, i.e. a disruptive person.

SECTION 408. ORGANIZED GROUP SPECIAL EVENTS AND ACTIVITIES.

- 408.1 Organized Group Special Events and Activities Defined.
An Organized Group Special Event or Activity is any event or activity which:
- a) is advertised or noticed in any publication, poster, electronic posting, social media, or flyer; and/or
 - b) requests or requires a fee be paid for participation; or
 - c) may be attended by twenty (20) or more people.
- 408.2 Permits. No person shall hold, conduct, organize, or take part in any Special Event or Activity as defined in section 408.1- on District Lands without written permission. Violation of this sub-section is punishable as an infraction.

Comment [GB10]: Existing language has been difficult to communicate requirements to the public.

- 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.

408.3 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 Failure to comply with a permit. No person issued a permit under this section shall violate the terms or conditions of the permit.~~

Comment [GB11]: This section has been moved to 200.5 to cover permits issued for any activity, not just those discussed in section 408.

~~408.5~~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.

SECTION 409. MISCELLANEOUS ACTIVITIES.

409.1 Fireworks. No person shall possess, deposit, 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.

409.2 Harmful Substances. No person shall possess, place, or apply any 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 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.

Comment [GB12]: Currently staff cannot enforce posted signs dealing with model aircraft.

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 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 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. Any person who possesses, makes, duplicates, causes to be duplicated, or uses, or attempts to make, duplicate, cause to be duplicated, or use, or has in 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.

Comment [GB13]: Per Lance's suggestion – Language mirrors PC 469.

409.5409.9 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.

Comment [GB14]: Segway requests and use have grown since the ordinances were last revised in 2004, and their addition is in keeping with the spirit of this ordinance.

Electric bicycle technology continues to grow, and they are becoming more popular and more powerful, with higher capacity batteries.

Comment [GB15]: We do not currently have any trails designated for this use, but this allows us the flexibility to add such designated trails in the future if it is desired to do so.

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 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 sub-section 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.

Comment [GB16]: Deals with signs for special events or other temporary situations.

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 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 in a direction or 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. No person shall possess or operate a bicycle, unicycle or similar device on District Lands ~~except on any trails or roadways designated by the District or signed to restrict bicycle for such use. Bicycles, unicycles or similar devices must stay on designated trails and roadways.~~

Comment [GB17]: Cleans up the language and clarifies that bicycles must remain on designated trails.

502.2 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.

502.3 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. of the United States Consumer Product Safety Commission Standard for bicycle helmets, American National Standards Institute (ANSI Z 90.4 bicycle helmet standard), the Snell Memorial Foundation's Standard for Protective Headgear for Use in Bicycling, or the American Society for Testing Materials (ASTM F 1447 standard).~~

Comment [GB18]: Persons under 18 are required to wear a helmet by California State Law.

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 the United States Consumer Product Safety Commission Standard for bicycle helmets, American National Standards Institute (ANSI Z 90.4 bicycle helmet standard), the Snell Memorial Foundation's Standard for Protective Headgear for Use in Bicycling, or the American Society for Testing Materials (ASTM F 1447 standard).~~

Comment [GB19]: Replace with language from CVC 21212.

A bicyclist contacted us to inform us that our language is out of date.

502.4 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.

Comment [GB20]: Replace with language from CVC 21212.

A bicyclist contacted us to inform us that our language is out of date.

502.5 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.

- 502.6 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, 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 written authorization has been granted by the 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 written permission.

- 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.

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. 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. 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. 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 written permission.

Comment [GB21]: Note: Possession of tools related to trail construction is handled under section 703.4.

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 permission from the District.

Comment [GB22]: Covers activities such as scattering of cremated animal remains by a commercial service, or other activities where a product is not being sold.

CHAPTER VII.
PRESERVE FEATURES - PROTECTION

SECTION 700. HUNTING, FISHING, COLLECTING AND FEEDING.

- 700.1 Hunting. 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 animal living or dead, or remove, destroy, or in any manner disturb the natural habitat of any such animal, except by written permit.~~ 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, ~~or remove, destroy, or in any manner disturb the natural habitat of any such animal,~~ 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.
- 700.3 Carry or Possess Fishing Equipment. 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, ~~or remove, destroy, or in any manner disturb the natural habitat of any such animal,~~ except by written permit.
- 700.5 Collecting Insects. No person possess, shall take, net, collect, introduce, release, poison or attempt to take, net, poison, collect, introduce, or release any insects ~~of or~~ arthropods living or dead, ~~or remove, destroy, or in any manner disturb the natural habitat of any such animal,~~ 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.
- 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:
 - 1) guide and service dogs under physical control, specifically trained to assist the blind, deaf, or disabled, ~~and wearing an identifying vest or tag;~~
 - 2) guide and service dogs in training to assist the blind, deaf, or disabled, and under physical control, and participating in a training program, ~~and wearing an identifying vest or tag.~~
 - 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:
 - 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.

Comment [GB23]: Language updated to meet current ADA requirements.
Identifying tags/vest are no longer legally required to be worn by service dogs.

Comment [GB24]: Deals with situation where dog goes around a corner of the trail, and obstructs bicyclist or other user while out of sight of the owner.

- d) 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.
- e) Nuisance Dogs. No person shall allow or have on District Lands a dog that is ~~threatening or~~ a nuisance to people, other animals, or property. This includes, but is not limited to: growling, excessive barking, ~~attacking, biting,~~ scratching, jumping on any person or animal, ~~baring of teeth,~~ or challenging in any manner, people, animals, or property.
- f) 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 such entry.
- g) Dangerous Dog. ~~No person shall allow or 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 section is a misdemeanor.~~

Comment [GB25]: Deals with out of control and dangerous dogs.

- 701.2 Disturbance or Injury to Wildlife. No person shall allow a dog, cat, or domesticated animal, even if 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 or allow cattle, horses, sheep, or other livestock on District Lands, unless pursuant to a lease, license, written permit, or other 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.
- 701.5 Removal of ~~Animal-Dog~~ Excrement. No person responsible for ~~an animal-dog~~ shall allow its excrement or feces to remain in an area if it poses a health hazard, a public nuisance, or is in an area posted requiring its removal.
- 701.6 Abandoned Animals. No person shall abandon or release a dog, cat, fish, fowl, or any other living creature, wild or domestic, on District Lands without written permission.

Comment [GB26]: Section is being limited to dogs, since cattle or horses may be grazed on District lands, subject to permit or lease.

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.

Comment [GB27]: Deals with problems where animal remains have been found and mistaken for remains of a human child.

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, 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 written permission 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.

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,

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 Of Construction Or Maintenance Tools And 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.

Comment [GB28]: Includes both temporary (i.e. temporary stages) and more permanent encroachments.

Comment [GB29]: New issue which has arisen in the last couple of years. Potential damage to trees where cameras are affixed, and also concerns for privacy of visitors.

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 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 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.

Comment [GB30]: Note: electric powered bicycles are covered under 409.9

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.

Comment [GB31]: This section deals with the situation where there is the possibility of injury to other visitors or more severe damage to property.

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.

Comment [GB32]: This section deals with the situation where other visitors are not present, but the person may damage a parking lot by spinning donuts, etc.

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 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. 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 declaration may include such reasonable classes of persons who may enter, in the conduct of authorized activities or official duties, as the General Manager or his/her 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.
- 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 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 after "Official Hours," which are defined as the period of one-half hour 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.

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.

805.6 Failure to Vacate a Closed Area. ~~No person~~ ~~Any person who~~ ~~shall~~ ~~fails~~ to leave a Closed Area, when notified of the closure by a ~~District Peace Officer~~ ~~staff~~ ~~member, or agent of the District.~~ Violation of this sub-section is punishable as shall be guilty of a misdemeanor.

Comment [GB33]: Clarifies that only Peace Officers may enforce this, i.e. not an administrative staff person.

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.

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 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.

Comment [GB34]: Increased to a misdemeanor given the danger to visitors and potential consequences of landing a helicopter without an established landing zone.

~~SECTION 809 — LITTERING. Littering or dumping on District Lands is prohibited by Section 374 of the Penal Code.~~

Comment [GB35]: Recommended for removal. Having this section listed has been confusing since it is already covered by the Penal Code.

Midpeninsula Regional Open Space District
Proposed Bail Schedule
For New Regulations

| SECTION | Regulation Title | Proposed 2013 Bail Amount | 2013 Estimated Violator's Fine Amount | Misdemeanor or Infraction | Comment |
|----------|--|---------------------------|---------------------------------------|---------------------------|---|
| 200.5 | Failure to comply with permit conditions | \$35 | \$184 | Infraction | Covers all forms of permits issued |
| 407.5 | Order to Vacate | \$75 | \$344 | Infraction | New regulation to deal with people who continue to be disruptive after having performed an additional offence. |
| 409.8 | Possession of District Lock or Key | \$100 | \$444 | Misdemeanor | New regulation to deal with people who use a District lock or key to gain illegal access to District lands or facilities. |
| 409.9 | Segways and Electric Bicycles | \$35 | \$184 | Infraction | New regulation deals with new technologies being used on District lands. |
| 411.3 | Obeying Signs | \$35 | \$184 | Infraction | New regulation requiring that posted signs be obeyed. |
| 604 | Commercial Uses | \$35 | \$184 | Infraction | New regulation which requires that all commercial activities occurring on District lands must obtain permit in advance. |
| 700.7 | Collection of Animal Parts | \$25 | \$144 | Infraction | New regulation dealing with collecting of antlers and other animal body parts. |
| 701.1(g) | Dangerous Dog | \$100 | \$444 | Misdemeanor | New regulation to deal with dogs which pose a danger to people and other animals. |
| 701.7 | Depositing of Animal Remains | \$35 | \$184 | Infraction | New regulation deals with problem of people who bury dead pets, which have been mistaken for human remains when animals dig them up. |
| 702.6 | Destruction of Habitat | \$100 | \$444 | Infraction | New regulation deals with problem of habitat destruction. |
| 703.5 | Surveillance Systems | \$35 | \$184 | Infraction | New regulation deals with people who have installed wildlife and other surveillance systems on District lands. |
| 803.3 | Unsafe Driving | \$75 | \$344 | Infraction | New regulation deals with lower level offence than 803.2, where there is no one else in the parking lot and damage is only to the surface of the parking lot. |

Impact of Fines and Penalty Assessments on District Bail Amounts

Santa Clara County Criminal Court
Penalty Assessment Schedule 2013

| | Basic Bail | \$25 | \$35 | \$50 | \$75 | \$100 | \$150 | \$250 |
|---|---------------------------|----------|----------|----------|----------|----------|----------|------------|
| Penalty Assessment | Amount | | | | | | | |
| State Penalty Assessment | \$10 for each \$10 Bail | \$25.00 | \$35.00 | \$50.00 | \$75.00 | \$100.00 | \$150.00 | \$250.00 |
| County Penalty Assessment | \$7 for each \$10 Bail | \$17.50 | \$24.50 | \$35.00 | \$52.50 | \$70.00 | \$105.00 | \$175.00 |
| 20% Surcharge | 20% added to all Bails | \$5.00 | \$7.00 | \$10.00 | \$15.00 | \$20.00 | \$30.00 | \$50.00 |
| State Courthouse Funds | \$5 for each \$10 Bail | \$12.50 | \$17.50 | \$25.00 | \$37.50 | \$50.00 | \$75.00 | \$125.00 |
| Court Security Assessment | \$40 per citation | \$40.00 | \$41.00 | \$42.00 | \$43.00 | \$44.00 | \$45.00 | \$46.00 |
| DNA Identification Fund (GC 76104.6) | \$1.00 for each \$10 Bail | \$2.50 | \$3.50 | \$5.00 | \$7.50 | \$10.00 | \$15.00 | \$25.00 |
| DNA Identification Fund - Additional (GC 76104.7) | \$3.00 for each \$10 Bail | \$7.50 | \$10.50 | \$15.00 | \$22.50 | \$30.00 | \$45.00 | \$75.00 |
| Emergency Medical Services Penalty | \$2.00 for each \$10 Bail | \$5.00 | \$7.00 | \$10.00 | \$15.00 | \$20.00 | \$30.00 | \$50.00 |
| Emergency Air Medical Transport Penalty | \$4 per conviction | \$4.00 | \$5.00 | \$6.00 | \$7.00 | \$8.00 | \$9.00 | \$10.00 |
| Total of Penalties | | \$119.00 | \$151.00 | \$198.00 | \$275.00 | \$352.00 | \$504.00 | \$806.00 |
| Total Fine, including Basic Bail | | \$144.00 | \$186.00 | \$248.00 | \$350.00 | \$452.00 | \$654.00 | \$1,056.00 |
| Percentage of Base Bail | | 476% | 431% | 396% | 367% | 352% | 336% | 322% |