

MARINWOOD COMMUNITY SERVICES DISTRICT

ORDINANCE 2011- 03

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE
MARINWOOD COMMUNITY SERVICES DISTRICT REGULATING
CONDUCT IN PARKS, PROVIDING FOR ENFORCEMENT, AND
PRESCRIBING PENALTIES FOR VIOLATION OF ITS PROVISIONS**

BE IT ORDAINED by the Board of Directors of the Marinwood Community Services District as follows:

SECTION 1. Definitions: For purposes of this chapter, the following terms, phrases, words, and their derivatives shall have the meaning given herein.

- (a) "District" shall mean the Marinwood Community Services District.
- (b) "Open Space" refers lands owned and maintained by the District in a natural, undeveloped state, and open to the public,
- (c) "Park" is a park, open space, reservation, playground, recreation center, or any other area in the District owned or used by the District, such as pedestrian walkways and multi-use trails, and devoted to active or passive recreation.
- (d) "Park and Recreation Commission" is that Commission created by the Marinwood Community Services District.
- (e) "Person" – prohibitions in this Ordinance shall not apply to employees of the District in the course of their maintenance and community recreation duties.
- (f) "Structure" – Any feature of natural or man-made materials other than those solely created by nature.
- (g) "Trails" - a path or track on land owned or leased by the District, the public or subject to an easement of the District or public and used for hiking, riding, or bicycling.
- (h) "Vehicle" - any wheeled conveyance, whether motor powered, animal drawn, or self-propelled. The term shall include any trailer in tow of any size, kind or description; provided, however, that vehicle shall not be construed to mean baby carriages or strollers, or vehicles in the service of the District or other in-service emergency vehicles.

SECTION 2. Prohibited Conduct: No person in a park, without express permission of the District, shall:

- (a) Willfully mark, deface, disfigure, injure, tamper with, or displace or remove any playground equipment, building, bridges, tables, benches, fireplaces, railing, paving material, waterlines, or other public utilities, or parts or appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts or other boundary markers, or other structures of equipment, facilities, or park property or appurtenances whatsoever, either real or personal.
- (b) Remove any tanbark, sand, whether submerged or not, or rock, soil, stones, trees, shrubs or plants, downed timber or other wood or materials, or make any excavation by tool, equipment, blasting or other means or agency.
- (c) Collect any plants, animals or minerals from the natural environment, except where authorized as an integral part of the land management program or for scientific study, damage, cut, carve, transplant or remove a tree or plant, or injure the bark, or pick any flowers or seeds of any tree or plant. Nor shall any person attach any rope, wire or other contrivance to any tree or plant. A person

shall not dig in or otherwise disturb grass areas, or in any other way injure or impair the natural beauty or usefulness of any area.

(d) Plant grass, shrubs, flowers, trees, and other plants except with written permission of the District Manager or Park Maintenance Manager.

(e) Hunt, molest, harm, frighten, kill, trap, chase, tease, shoot, or throw missiles at any animal, reptile, or bird, nor shall he remove or have in his possession the young of any wild animal, or the eggs or nest or young of any reptile or bird. Exception to the foregoing is made in that snakes known to be deadly may be killed if they pose an immediate threat.

(f) Use, carry, or possess weapons or firearms of any description, or air rifles, spring guns, bow and arrows, slings, bullwhips, or any other forms of weapons potentially harmful to wild life and dangerous to human safety, or any instrument that can be loaded with or fire blank or paintball cartridges, or pellets, and any kind of trapping device. Shooting into the park areas from beyond park boundaries is forbidden.

(g) Throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, bay or other body of water in or adjacent to any park or any tributaries, stream, storm sewer or any drain flowing into such waters, any substance, matter, or thing, liquid or solid, which will or may result in the pollution of said waters, or impair the natural drainage of said waters.

(h) Dump or leave any bottles, broken glass, ashes, cigarettes, paper, boxes, cans, dirt, rubbish, waste, garbage, or refuse or other trash. No such refuse or trash will be placed in any waters in or contiguous to any park or left anywhere on the grounds thereof but shall be placed in the proper receptacles where these are provided. No residential or commercial refuse or trash will be placed in any trash receptacles on District property, or receptacles owned or maintained by the District. Where receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere.

(i) Build, set or maintain any open fire in any park. For purposes of this section, open fires shall mean not only open fires built of wood or other inflammable material on the ground, but also fires built in any and all braziers, portable or otherwise, used for or intended to be used for cooking, lighting, or heating purposes, except in the permanent barbecue enclosures or other designated areas and then only after receiving permission of the Marinwood Fire Department and Marinwood Recreation Director.

(j) Disturb or aid in disturbing the peace of others by violent, tumultuous, offensive, or obstreperous conduct or language.

(k) Conduct commercial activities:

(i) Expose or offer for sale any articles or things, nor shall said person station or place any stand, cart or vehicle for the transportation, sale or display of any such article or thing, announce, advertise or call the public attention in any way to any article or service for sale or hire. Exception is hereby made as to any regularly licensed concessionaire acting by and under the authority and regulation of the District.

(ii) Photograph or film or record for commercial purposes, except under permit issued by the District.

(iii) Provide any service for pay, except under permit issued by the District.

(l) Bring or have in one's possession, or set off or otherwise cause to explode or discharge or burn, any firecrackers, torpedo, rocket or other fireworks or explosive or inflammable material, or discharge them or throw them into any such area from land or highway adjacent thereto. The foregoing prohibition shall be inapplicable to fireworks displays controlled by the District and or employees of the District acting within the scope of their employment.

(m) Appropriate, excavate, injure, destroy or remove any historic or pre-historic ruin or monument, or any object of antiquity.

- (n) Drink or be in possession of alcoholic beverages, except at Marinwood CSD-sponsored events.

SECTION 3. Animal Regulations: No person in a District Park, without express permission of the District, shall:

- (a) Allow a domestic animal to run at large in any park. All domestic animals in parks shall be restrained at all times on leashes not to exceed six feet in length and adequate to control the animal in accordance with the requirements of this section, and no more than three can be under the control of a single individual.
 - (i) An exception is made for Marinwood CSD open space lands, where dogs and other domestic animals are allowed off-leash when within the view of, and under the direct and immediate voice control of a responsible person. Up to three dogs per individual are allowed without leashes on designated fire protection roads, but the responsible person must possess leashes not to exceed six feet in length for each dog or animal so that they shall be prepared to restrain their animals, if necessary.
- (b) Allow any dog or other domestic animal to enter designated environmentally sensitive or restricted areas of District lands;
- (c) Allow any dog or other domestic animal to interfere with, bother or disturb others using District lands;
- (d) Allow any dog or other domestic animal to hunt, pursue or harass other animals or wildlife;
- (e) Bring or keep a noisy, vicious or dangerous dog or other animal;
- (f) Bring or keep a dog four months of age or more without proof that the dog has a valid rabies inoculation and a valid license;
- (g) Fail to promptly remove from District lands any dog or other domestic animal after being ordered by District personnel or law enforcement officers to do so;
- (h) Allow excrement from dogs under their control to remain on District land or trails;
- (i) Tie or hitch an animal to a tree or plant;
- (j) Ride or lead a horse except on designated bridle trails and fire roads or in areas otherwise permitted. Where permitted, horses shall be thoroughly broken and properly restrained and ridden with due care, and shall not be allowed to graze or go unattached, nor shall they be hitched to any rock, tree or shrub.

SECTION 4. Vehicular Regulations: No person in a District Park, without express permission of the District, shall:

- (a) Ride or drive a vehicle within the confines of said District Park or property without the express written consent of the District, except for authorized emergency or maintenance purposes.

Exception is made for:

- (i) Persons using paved parking areas and other specified areas.
- (ii) Persons performing construction or maintenance work under District direction.
- (iii) Persons having recorded easement rights to cross Marinwood CSD property within such recorded easement.
- (iv) Persons who have obtained permission of the Fire Chief or Recreation Director or Park and Open Space Manager to operate a vehicle on any existing driveway or roadway in the pursuit of a District-approved activity.
- (v) Persons riding a non-motorized bicycle on paved pathways, designated bike trails, or open space fire protection roads not signed against such use, provided that bicycles not be operated at speeds in excess of 15 miles per hour, or in excess of 5 miles per hour when passing others or in blind turns, or in any manner which may endanger the safety of others or compromise the protection of facilities and environmental resources.

SECTION 5. Group Activities: Group activities and use of parks - including camping and organized group picnics and other park activities appropriate to the park area for which a permit is required - are allowed subject to the conformity with regulations adopted by the District. A permit is required for organized group activities and use of parks, including camping and picnics and other park activities appropriate to the park area.

SECTION 6. Structures: No person shall erect or place any temporary or permanent obstruction, structure, monument, facility, equipment, physical improvement or encroachment on District lands other than those expressly permitted. Any such structure added without permission may be demolished by the

District and its contents impounded. Inflated bounce houses and other such recreational equipment may not be erected on District lands without express permission, and then only in designated areas.

SECTION 7. Closed Areas: No person shall enter any area posted closed due to work in progress by employees of the District or employees of an entity contracting with the District, or a dangerous condition, or due to potential fire danger.

SECTION 8. Admission Charges: Admission charges may be levied by the District in such amounts as may be deemed proper in order to gain entrance into any park or District facility.

SECTION 9. Permits: Permits required to be obtained from the District shall be issued only in conformity with the regulations adopted by the District and shall be issued only if in conformity with the standards adopted by said District.

SECTION 10. Notice and Appeal: Any person which is aggrieved by a decision relative to the issuance of a permit has a right to submit a written request for appeal within seven days. Decision of District staff shall be appealed to the respective Commission and heard at the next regular Commission meeting. Appeals from actions of the Park and Recreation Commission or Fire Commission shall be heard by the District Board of Directors at their next regular meeting.

SECTION 11. Permittee's Duties: A permittee shall be bound by all park rules and regulations and all applicable ordinances fully as though the same were inserted in said permits.

SECTION 12. Liability of Permittee: The person or persons to whom a permit is issued shall be liable for any loss, damage or injuries sustained by any person whatever by reason of the negligence of the person or persons to whom such permit shall have been issued.

SECTION 13. Permit fees: Fees may be adopted for such permits in accordance with the rules and regulations of the District.

SECTION 14. Revocation of Permits: The District shall have the authority to revoke a permit upon a finding of violation of any rule or ordinance or upon good cause shown.

SECTION 15. Enforcement: Directors, officers, and employees of the District, and any member of a duly constituted law enforcement agency of the County of Marin or the State of California,, including Marin Humane Society, shall have the authority to eject from any park any person acting in violation of this ordinance and shall have the authority to seize and confiscate any property, thing or device in the park, and used in violation of this ordinance.

SECTION 16. Severability: The provisions of this ordinance are severable and if any provision, sentence, clause, section or part thereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of the ordinance of their application to other persons and circumstances.

SECTION 17. Penalty: Any person violating any of the provisions of this Chapter shall be deemed guilty of an infraction, and upon conviction thereof shall be punished by a fine not exceeding Five Hundred Dollars (\$500.00) and in accordance with the Marin County Municipal Ordinances Bail Schedule. (Government Code Section 61064(a)(b)).

SECTION 18. Civil Penalties: Anyone violating the provisions of this ordinance and not criminally prosecuted for same shall pay a civil penalty of \$50.00 (fifty dollars) to the Marinwood Community Services District, irrespective of any other liabilities or duties that may exist. So long as any penalty or reimbursement is due to District, the person so owing shall not be permitted to use any facilities owned by the Marinwood Community Services District. The penalty set forth in this section shall be assessed by, and may be reduced or waived by, formal action of the Marinwood Community Services District Board of Directors.

SECTION 19. Park Hours: Except as otherwise provided by rules and regulations adopted by the District, District's Parks shall be opened to the public from 6:00 a.m. to 11:00 p.m. daily. Individuals shall not loiter in the Parks between one-half hour after sunset and 7:00 a.m. Use of the Parks between 11:00 p.m. and 6:00 a.m. shall be restricted as provided in the rules and regulations adopted by the District.

SECTION 20. This ordinance supersedes and replaces the provisions of Ordinance No. 3

SECTION 21. Effective Date: This ordinance shall be and is hereby declared to be in full force and effect as of December 1, 2011 and amended on February 9, 2016.

PASSED AND ADOPTED at a regular meeting of the Board of Directors of the Marinwood Community Services District on the 9th day of February, 2016 by the following vote:

AYES: Kai, Kleinman-Green, Perry

NOES: Naylor, Shea

ABSENT:

Justin Kai, President
Board of Directors
Marinwood Community Services District

ATTEST:

Carolyn Sullivan
Secretary to the Board of Directors

Sec. 2(p) as amended 5/25/77.
Sec. 18 as amended 9/22/81.
Revised 11/8/2011
Sec. 1(c), 15, 17 as amended 2/9/16