



R-24-93  
Meeting 24-19  
July 10, 2024

**AGENDA ITEM 9**

**AGENDA ITEM**

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

**GENERAL MANAGER’S RECOMMENDATIONS**

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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 July 24, 2024.
2. Recommend proposed updates to the Bail Schedule for adoption at the next regular Board meeting of July 24, 2024.

**COMMITTEE**

**MEMBERS**

- Action Plan & Budget
- Legislative, Funding & Public Affairs
- Planning & Natural Resources
- Real Property
- Ad-Hoc Committee

- Ward 1 – Craig Gleason
- Ward 2 – Yoriko Kishimoto
- Ward 3 – Jed Cyr
- Ward 4 – Curt Riffle
- Ward 5 – Karen Holman
- Ward 6 – Margaret MacNiven
- Ward 7 – Zoe Kersteen-Tucker

**COMMITTEE ACTION**

Date: 05/16/2024  
Action: Committee approved with 2-0-0 vote (Director Cyr absent)  
Item: R-24-59

**COMMENTS**

Committee reviewed the proposed amendments to the Midpeninsula Regional Open Space District Ordinance for Land Use. All proposed updates were approved unanimously by the Committee.

**EXHIBITS**

- A. Proposed Amendments to the Midpeninsula Regional Open Space District Ordinance (R-24-59)
- B. Draft May 16, 2024 Legislative, Funding & Public Affairs Meeting Minutes

# EXHIBIT A

## LEGISLATIVE, FUNDING, AND PUBLIC AFFAIRS COMMITTEE

R-24-59  
May 16, 2024

### AGENDA ITEM 2

#### AGENDA ITEM

Proposed Amendments to the Midpeninsula Regional Open Space District Ordinance

#### GENERAL MANAGER'S RECOMMENDATION(S)



1. Forward the proposed Ordinance amendments to the full Board of Directors for a first reading.
2. Forward the proposed additions to the Bail Schedule to the full Board of Directors for consideration and approval.

#### SUMMARY

The Midpeninsula Regional Open Space District (District) Ordinance, which establishes Regulations for use of Midpeninsula Regional Open Space District Lands (“Ordinance”), was last reviewed by the Board of Directors (Board) in 2020. Staff has performed a comprehensive review of the Land Use Regulations and proposes certain revisions to address the recommendations from the District’s field staff based on their direct knowledge of field issues and changes in behavior within the Preserves that have emerged in the intervening four (4) years. As part of the Ordinance amendments, bail amounts are also suggested for new proposed regulations.

#### DISCUSSION

The Board 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, provide the framework for educating the public about acceptable uses of District lands, and provide regulations necessary for the 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 2024 Revisions to the Regulations for use of Midpeninsula Regional Open Space District Lands*.

The current Ordinance was adopted in September 2020 (Ordinance 20-01, see report [R-20-22](#)). Since the last adoption of the Ordinance, there has been an increase in the technology and availability of electric transportation devices. To better record violations of the use of these devices, a new section was created to address e-bikes separately, while several other provisions

# EXHIBIT A

were modified to separate other power-driven (e.g., electric) transportation devices from self-propelled transportation devices of the same type.

Staff recommend separately addressing e-bike violations from other power-driven transportation device violations and placing the violation in the bicycles section of the Ordinance. This new structure will allow the District to improve the accuracy of tracking e-bike violations.

Staff also suggest deleting one section of the Ordinance due to other changes in the Ordinance related to bicycle operation and possession in areas where the use is prohibited in the current Ordinance. Ordinance 502.5, Walk Only Zones, is now redundant to sections 502.1 and 502.2. The District has replaced all walk only zone signage on District lands with signage indicating that bicycle operation is not allowed.

Bail amounts for the proposed updated Ordinance are shown in Attachment 2. 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 District's Bail Schedule with that of Santa Clara County Parks to ensure a level of parity, taking into consideration that some of their issues and priorities are different from the District. Other changes in the bail schedule reflect renaming ordinances to better categorize electric transportation devices or to bring bail amounts in line with similar ordinances.

## **FISCAL IMPACT**

The District receives minimal revenue from the court fines. The recommended actions are not anticipated to have a notable fiscal impact.

## **PUBLIC NOTICE**

Public notice was provided as required by the Brown Act.

## **CEQA COMPLIANCE**

The Ordinance update is not a project under CEQA because it does not have the potential to cause foreseeable effects on the environment.

## **NEXT STEPS**

After the LFPAC Committee's initial review and the incorporation of any Committee-requested changes, the Ordinance will be forwarded to the full Board for a first reading. After the Board's initial review and incorporation of any Board-requested changes, the Ordinance will be adopted upon a second reading by the Board. The final Ordinance will be published in a newspaper of general circulation 30 days after adoption.

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

Attachments:

1. Proposed Amendments to the "Ordinance For Use Of Midpeninsula Regional Open Space District Lands."

# EXHIBIT A

2. Proposed Additions to the District's Bail Schedule
3. Sample Bail Amounts and Resulting Fine

Responsible Department Head:

Matthew Anderson, Chief Ranger/Visitor Services Manager

Prepared by:

Brad Pennington, Area Superintendent, Visitor Services

Contact person:

Brad Pennington, Area Superintendent, Visitor Services

### 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 23, 2020*  
*Revised and Adopted by Ordinance No. 24-XX, August XX, 2024*

#### CHAPTER I. DEFINITIONS

- SECTION 100. TITLE. The following regulations shall be known as “Ordinance for Use of MIDPENINSULA REGIONAL OPEN SPACE DISTRICT Lands” and may be referred to as “land use regulations.”
- SECTION 101. PURPOSE. This Ordinance is 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. 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.
- SECTION 103. DEFINITIONS. Unless the context otherwise requires, the following definitions shall govern the construction and interpretation of these regulations.
- SECTION 104. 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 105. 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.

# EXHIBIT A

## ATTACHMENT 1

- SECTION 106. JUVENILE DEFINED. A juvenile is defined as any person under the age of 18 years.
- SECTION 107. 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 108. 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 109. DESIGNATED AREA DEFINED. A “Designated Area,” is any location or trail on District lands where this Ordinance or a District rule, regulation, sign, or permit either allows a specific use or activity or prohibits or restricts a specific use or activity.
- SECTION 110. 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.
- SECTION 112. 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.
- SECTION 114. 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 115. 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 116. BOARD DEFINED. “Board” means the Board of Directors of MIDPENINSULA REGIONAL OPEN SPACE DISTRICT.
- SECTION 117. 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).
- SECTION 119. LIVESTOCK DEFINED. “Livestock” are horses, cattle, sheep, pigs, or other animals kept or raised for profit, agricultural, or educational purposes.
- 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. A permit is required in order to hold, conduct, organize, or take part in any of the following:
- a) Any use or activity for which a permit is specifically required by this Ordinance or a District rule, or regulation; or
  - b) Any use or activity that would restrict the use of any part of District Lands by members of the public or
  - c) Any use or activity by an organized group of twenty or more people; or
  - d) 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 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 there from, 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 The District may deny a request for a permit when the General Manager or 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.

### 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, 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.

#### 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.

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.

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
- 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, 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 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 toilet or sink in such a manner as would interfere with the normal operation of such toilet or sink.

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, 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 on District Lands 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 opening on the following day. Violation of this sub-section is punishable as a misdemeanor.

### SECTION 408. ACTIVITIES REQUIRING A PERMIT.

- 408.1 PERMIT VIOLATIONS. No person shall hold, conduct, or organize a use or activity on District Lands 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.
- 408.2 FAILURE TO COMPLY WITH A PERMIT. No person issued a permit shall violate the terms or conditions of the permit.
- 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.

### SECTION 409. MISCELLANEOUS ACTIVITIES.

- 409.1 FIREWORKS. No person shall possess, 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, SKATEBOARDS AND OTHER SELF-PROPELLED 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 skateboard, or similar device, or possess any of the listed foregoing or similar devices on District Lands, including off road versions of all of the the foregoing listed devices, except on trails or locations specifically designated for such use.
- 409.7 RECKLESS OR NEGLIGENT ACTIVITY. No person shall engage in any 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 person shall possess, make, duplicate, cause to be duplicated, use, or attempts to make, duplicate, cause to be duplicated, or use, or has in their 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 ELECTRIC POWER-DRIVEN TRANSPORTATION DEVICES POWERED TRANSPORTATION DEVICES SEGWAYS AND ELECTRIC BICYCLES. No person shall possess or use a Segway, or power-driven electric powered scooter bicycle, skateboard, single wheel, or similar device on District Lands, including off road versions of all the foregoing listed devices, except on trails or locations specifically designated for such use, or as may be provided under District Other Power--Driven Mobility Device policy.

### 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 designee 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.

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 direction of 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 OPERATION OF BICYCLES. No person shall 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
- ~~502.5 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.~~
- 502.6 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.
- 502.7 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.
- ~~502.8 Electric Bicycles~~ ELECTRIC BICYCLES. No person shall possess or operate an electric powered bicycle, or similar device on District Lands, except on trails or locations specifically designated for such use, or as may be provided under District Other Power-Driven Mobility Device policy.

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 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 authorization by the General Manager or the General Manager's designee.

SECTION 504. TRESPASS ON DISTRICT LANDS: 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.

### 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 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 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 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.

### 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.

## 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, or harm or attempt to hunt, pursue, molest, disturb, injure, trap, take, net, poison, 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 and only in compliance with applicable State laws.

- 700.3 CARRY OR POSSESS FISHING EQUIPMENT. 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, trap, molest, disturb, injure, poison, collect, or harm or attempt to ~~trap,~~ take, fish for, net, trap, molest, disturb, injure, poison, collect, -or harm any reptiles, amphibians, or mollusks living or dead, except by written permit.
- 700.5 COLLECTING INVERTEBRATES. No person possess, shall take, net, collect, poison or attempt to take, net, poison, collect, introduce, or release any invertebrates, 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 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
- 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.

- 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.
  - 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) NUISANCE DOGS. No person shall possess, allow or maintain 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.
  - g) DOGS IN WATER AREAS. No person responsible for a dog shall allow said dog to enter any District Water Area unless it is allowed 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 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, 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, 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

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.

### 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.
- 702.3 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. Notwithstanding sub-sections 702.3, 702.4, and 702.6, special 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, deconstruct, or alter any natural or biological feature, or any fence, wall, building, gate, 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 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, Mcleods, 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.

### 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. 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, drifting, 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. 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 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 place restrictions on who may enter, in the conduct of authorized activities or official duties, as the General Manager or 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.

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 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 without a written permit.

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

805.5 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.

### 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 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.

### SECTION 808. AIRCRAFT & HELICOPTER OPERATIONS.

808.1 Except in the case of emergency or for search and rescue, or firefighting 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.



**EXHIBIT A**  
**Midpeninsula Regional Open Space District**  
 Updated September 23, 2020

**Bail Schedule For**  
**Ordinance for Use of Midpeninsula Regional Open Space District Lands**

SECTION	Regulation Title	2020 Bail Amount	Misdemeanor or Infraction	FILE DIV	RPT DOJ
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
404.1	Outdoor Fire Without permit	\$150	Misdemeanor	Criminal	N
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
407.5	Order to Vacate	\$150	Misdemeanor	Criminal	N
408.1	Permit Violations	\$150	Misdemeanor	Criminal	N
408.2	Failure to comply with a permit	\$35	Infraction	Traffic	N
408.3	Permit - Individual Participation	\$25	Infraction	Traffic	N
409.1	Use of/ possession of fireworks or explosives	\$150	Misdemeanor	Criminal	N
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	<del>Segways and Electric Bicycles</del> Motorized Devices	<del>35</del> \$75	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

# EXHIBIT A Midpeninsula Regional Open Space District

Updated September 23, 2020

SECTION	Regulation Title	2020 Bail Amount	Misdemeanor or Infraction	FILE DIV	RPT DOJ
501.2	Unsafe use - horses	\$100	Misdemeanor	Criminal	N
501.3	Carts/wagons without permit	\$50	Infraction	Traffic	N
502.1	Operation of Bicycle	\$75	Infraction	Traffic	N
502.2	Closed Area Bicycle	\$75	Infraction	Traffic	N
502.3	Unsafe operation - bicycle	\$150	Misdemeanor	Criminal	N
502.4(a)	Helmets use required	\$25	Infraction	Traffic	N
502.4(b)	Helmet possession required	\$25	Infraction	Traffic	N
502.5	Walk-only zone	\$35	Infraction	Traffic	N
502.6	Mechanical Operation	\$25	Infraction	Traffic	N
502.7	Bicycle Operation with headset/earplugs	\$25	Infraction	Traffic	N
502.8	Electric Bicycles	\$75	Infraction	Traffic	N
503.1	Climb in Designated Areas only	\$50	Infraction	Traffic	N
503.3	Possession of climbing tools prohibited	\$50	Infraction	Traffic	N
504	Tresspass on District Lands	\$150	Misdemeanor	Criminal	N
505	Off Trail Use	\$150	Misdemeanor	Criminal	N
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	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
701.1(d)	Extendable Leashes	\$35	Infraction	Traffic	N
701.1(e)	Off-leash area - Leash possession required	\$35	Infraction	Traffic	N
701.1(f)	Nuisance dog prohibited	\$75	Infraction	Traffic	N
701.1(g)	Dog in water area	\$50	Infraction	Traffic	N
701.1(h)	Dangerous Dog	\$100	Misdemeanor	Criminal	N
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
701.6	Abandonment of animals	\$50	Infraction	Traffic	N
701.7	Depositing of Animal Remains	\$35	Infraction	Traffic	N
701.8	Interference with Livestock	\$35	Infraction	Traffic	N
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

# EXHIBIT A

## Midpeninsula Regional Open Space District

Updated September 23, 2020

SECTION	Regulation Title	2020 Bail Amount	Misdemeanor or Infraction	FILE DIV	RPT DOJ
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
703.6	Scientific Equipment	\$50	Infraction	Traffic	N
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	<del>75</del> <b>\$35</b>	Infraction	Traffic	N
805.6	Failure to vacate a Closed Area	\$150	Misdemeanor	Criminal	N
807.1	Unauthorized scattering of cremains - commercial	\$35	Infraction	Traffic	N
808.1	Unauthorized Aircraft or Helicopter Landing	\$100	Misdemeanor	Criminal	N

# EXHIBIT A

## Total Fine Estimates Based on Base Fine Amounts

The tables below give an estimate of the total fine (bail) amount for an infraction violation of District Ordinances. The fine, or bail, amounts are for reference only and not every fine amount is represented. A basic "leash required" violation of the District Ordinance is \$35 and so would result in a \$237 fine for the violator. These tables are intended to give you background information on the estimated true cost to those who violate the District Ordinance and also help in determining what an appropriate base fine, or base bail, amount should be for an offense.

Santa Clara County Criminal Court Penalty Assessment Schedule 2024	Basic Bail	\$25	\$35	\$50	\$75	\$100	\$150	\$250
Penalty Assessment	Amount							
State Penalty Assessment	\$10 for each \$10 Bail or part of	\$30	\$40	\$50	\$80	\$100	\$150	\$250
County Penalty Assessment	\$7 for each \$10 Bail or part of	\$21	\$28	\$35	\$56	\$70	\$105	\$175
20% Surcharge	20% added to all Bails	\$5	\$7	\$10	\$15	\$20	\$30	\$50
State Courthouse Funds	\$5 for each \$10 Bail or part of	\$15	\$20	\$25	\$40	\$50	\$75	\$125
Court Security Assessment	\$40 per citation	\$40	\$40	\$40	\$40	\$40	\$40	\$40
DNA Identification Fund (GC 76104.6 and GC 76104.7)	\$5 for each \$10 Bail or part of	\$15	\$20	\$25	\$40	\$50	\$75	\$125
Emergency Medical Services Penalty	\$2 for each \$10 Bail or part of	\$6	\$8	\$10	\$16	\$20	\$30	\$50
Emergency Air Medical Transport Penalty	\$4 per conviction	\$4	\$4	\$4	\$4	\$4	\$4	\$4
Conviction Fee	\$35 per citation	\$35	\$35	\$35	\$35	\$35	\$35	\$35
	Total of Penalties	\$171	\$202	\$234	\$326	\$389	\$544	\$854
	Total Fine, including Basic Bail	\$196	\$237	\$284	\$401	\$489	\$694	\$1,104
	Percentage of Base Bail	684%	577%	468%	435%	389%	363%	342%

San Mateo County Criminal Court Penalty Assessment Schedule 2024	Basic Bail	\$25	\$35	\$50	\$75	\$100	\$150	\$250
Penalty Assessment	Amount							
State Penalty Assessment	\$10 for each \$10 Bail	\$30	\$40	\$50	\$80	\$100	\$150	\$250
County Penalty Assessment	\$7 for each \$10 Bail	\$21	\$28	\$35	\$56	\$70	\$105	\$175
20% Surcharge	20% added to all Bails	\$5	\$7	\$10	\$15	\$20	\$30	\$50
State Courthouse Funds	\$5 for each \$10 Bail	\$15	\$20	\$25	\$40	\$50	\$75	\$125
Court Security Assessment	\$40 per citation	\$40	\$40	\$40	\$40	\$40	\$40	\$40
DNA Identification Fund (GC 76104.6 and GC 76104.7)	\$5 for each \$10 Bail or part of	\$15	\$20	\$25	\$40	\$50	\$75	\$125
Emergency Medical Services Penalty	\$2 for each \$10 Bail or part of	\$6	\$8	\$10	\$16	\$20	\$30	\$50
Emergency Air Medical Transport Penalty	\$4 per conviction	\$4	\$4	\$4	\$4	\$4	\$4	\$4
Conviction Fee	\$35 per citation	\$35	\$35	\$35	\$35	\$35	\$35	\$35
Night Court Fee	\$1 per citation	\$1	\$1	\$1	\$1	\$1	\$1	\$1
	Total of Penalties	\$172	\$203	\$235	\$327	\$390	\$545	\$855
	Total Fine, including Basic Bail	\$197	\$238	\$285	\$402	\$490	\$695	\$1,105
	Percentage of Base Bail	688%	580%	470%	436%	390%	363%	342%

# EXHIBIT B



Midpeninsula Regional  
Open Space District

## MIDPENINSULA REGIONAL OPEN SPACE DISTRICT LEGISLATIVE, FUNDING, AND PUBLIC AFFAIRS COMMITTEE

Administrative Office  
5050 El Camino Real  
Los Altos, CA 94022

**Thursday, May 16, 2024**

*The Board of Directors conducted this meeting in accordance with  
California Government Code section 54953*

### **DRAFT MINUTES**

#### **CALL TO ORDER**

Chair Gleason called the meeting of the Legislative, Funding, and Public Affairs Committee to order at 2:02 p.m.

#### **ROLL CALL**

Members present: Craig Gleason and Zoe Kersteen-Tucker

Members absent: Jed Cyr

Staff present: General Manager Ana M. Ruiz, General Counsel Hilary Stevenson, Assistant General Manager Susanna Chan, Assistant General Manager Brian Malone, Chief Financial Officer/Director of Administrative Services Stefan Jaskulak, District Clerk/Assistant to the General Manager Maria Soria, Executive Assistant/Deputy District Clerk Shaylynn Nelson, Area Superintendent Brad Pennington, Planner II Mattea Ottoboni, Planner III Tyler Smith

Chair Gleason announced that the public has the opportunity to comment on the agenda, and the opportunity to listen to this meeting through the internet or via telephone. This information can be found on the meeting agenda, which was physically posted at the District's Administrative Office, and on the District website.

#### **ADOPTION OF AGENDA**

**Motion:** Director Kersteen-Tucker moved, and Chair Gleason seconded the motion to adopt the agenda with agenda item three being addressed first.

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**ROLL CALL VOTE: 2-0-0 (Director Cyr – absent)**

### ORAL COMMUNICATIONS

Public comment opened at 2:04 p.m.

Deputy District Clerk Shaylynn Nelson reported there were no public speakers for this item.

Public comment closed at 2:04 p.m.

### COMMITTEE BUSINESS

**1. Approve the March 12, 2024 Legislative, Funding, and Public Affairs Committee Meeting Minutes.**

Public comment opened at 2:05 p.m.

Ms. Nelson reported there were no public speakers for this item.

Public comment closed at 2:05 p.m.

**Motion:** Director Kersteen-Tucker moved, and Chair Gleason seconded the motion to approve the March 12, 2024 Legislative, Funding, and Public Affairs Committee meeting minutes.

**ROLL CALL VOTE: 2-0-0 (Director Cyr absent)**

**2. Proposed Amendments to the Midpeninsula Regional Open Space District Ordinance (R-24-59)**

Area Superintendent Brad Pennington presented the proposed amendments to the Midpeninsula Regional Open Space District Ordinance. He provided a brief history of the Ordinance and explained it consists of both the Ordinance and the bail schedule. He reviewed the major changes and new additions to the Ordinance, including separately addressing in section 502.8 e-bike violations to allow the District to improve the accuracy of tracking e-bike violations, amending section 409.6 to include only non-electric transportation devices, amending section 409.9 to include electric transportation devices other than e-bikes, and deleting section 502.5 due to redundancy of Walk Only Zones. He also reviewed minor changes to sections 700.4, 703.1, 803.3 and changes to the bail schedule. He further explained that additional fees are added by the court which adds to the total fine.

Director Kersteen-Tucker inquired if a definition of e-bikes is needed since there are different types.

Mr. Pennington explained e-bikes are defined in the penal code. There are bikes which are marketed as e-bikes but are electric dirt bikes, which is a misdemeanor.

Director Kersteen inquired if section 805.4 of the bail schedule for bicycle operation after-hours included e-bikes.

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Mr. Pennington confirmed that e-bikes would likely fall under bicycle operation after-hours. 805.4 was added back when the District wanted to track bicycles present after-hours. He explained the citation for having an e-bike would be given first and there would be a second citation for being present after-hours.

Chair Cyr asked if it makes sense to have separate sections for after-hours citations and bicycle after-hours citations.

Mr. Pennington stated he considered not distinguishing between afterhours violations and noted there is not a separate citation for equestrian related after-hours violations. It will require further research to determine if differentiating between the type of use that keep patrons past hours is valuable. However, he noted distinguishing violations by use during the day is valuable.

Director Gleason inquired if the reason for differentiating between after-hours use is for tracking purposes and not to differentiate between users.

Mr. Pennington confirmed it is not to single out one type of user and adding a separate equestrian after-hours section is a possibility. He explained the after-hours for biking used to have a larger citation than regular after-hours since it was considered to be riskier.

Director Kersteen-Tucker asked if the District had a single citation category for after-hours use if equestrians could be added.

Mr. Pennington said the citation is really to reflect that a person was present after-hours and the use which kept them in the preserve is less important.

Director Kersteen-Tucker said it would simplify matters if there was only a single after-hours designation.

Director Gleason responded that it depends on if the data is helpful for tracking purposes.

Mr. Pennington replied that it depends on the historical data and how much the data has been used. He will review prior public safety reports to see if type of usage after-hours is specifically called out. He noted the last equestrian after-hours use was back when the ranch was still involved in Rancho San Antonio Open Space Preserve.

Chair Gleason requested additional information about the deconstruction.

Mr. Pennington explained there have been a few occasions when patrons in the Loma Prieta area would remove the split rail fence or gate mechanisms to gain access to closed areas.

Public comment opened at 2:43 p.m.

Ms. Nelson reported there were no public speakers for this item.

Public comment closed at 2:43 p.m.

**Motion:** Director Kersteen-Tucker moved, and Director Gleason seconded the motion to:

## EXHIBIT B

1. Forward the proposed Ordinance amendments to the full Board of Directors for a first reading.
2. Forward the proposed additions to the Bail Schedule to the full Board of Directors for consideration and approval.

### **ROLL CALL VOTE: 2-0-0 (Director Cyr absent)**

### **3. Selection of trail names for Phase II Trail Segments at Bear Creek Redwoods Open Space Preserve, renaming of the Alma Trail, and naming of the existing ADA-accessible path through the Alma Cultural Landscape Area (R-24-60)**

#### **This item was heard prior to Agenda Item #2**

Planner II Mattea Ottoboni and Planner III Tyler Smith provided the staff presentation for the Bear Creek Redwoods Open Space Preserve Phase II Trail Naming. Ms. Ottoboni explained staff approached the project by ensuring potential names were in alignment with the site naming directives outlined in Board Policy 5.01. Staff consulted with late Director Pete Siemens' family to select a suitable trail. Staff familiar with the site were engaged to provide suggestions and vote for names for trail segments 1-9 and the ADA-accessible pathway. The results were then presented to the Management Team. Ms. Ottoboni reviewed the project timeline and stated this agenda item will be presented to the Board of Directors (Board) at the July 10, 2024 meeting. If approved, staff will work to design, fabricate and install the new trail name signs in the summer of 2024 to be ready for the anticipated public trail openings in the fall of 2024. She explained there are many trail segments for the purpose of enhancing ease of patrol and safety.

Mr. Smith continued the presentation by reviewing the proposed trail names for segments 1, 3-7, and 9-10. He explained the reasoning for each proposed name and the approximate length of each segment. The existing Alma Trail and segment 1 are proposed to be Upper Pete Siemens Trail and Lower Pete Siemens Trail, respectively. The other proposed segment names are as follows: Segment 3) Toad Hollow Trail, Segment 4) Oak Knoll Trail, Segment 5) Myotis Trail, Segment 6) Beaver Trail, Segment 7) Salamander Springs Trail, Segment 9) Radio Hill Trail, Segment 10) Almadale Trail.

Ms. Ottoboni continued the presentation with trail segments 2 and 8 which are currently unnamed. Segment 2 is the equestrian bypass and is still in the process of being constructed. The first proposed name is Webb Mill Trail, reminiscent of the mill operated by the man with the last name of Webb on the ridge where Upper Lake is now. The second proposed name is Thimbleberry Trail named for the native species which can be found in Bear Creek Redwoods. The two proposed names for segment 8 are Aqueduct Trail or Big Eared Bat Trail. Segment 8 connects between the proposed Lower Pete Siemens Trail and the proposed Salamander Springs Trail. Aqueduct Trail refers to the aqueduct that can be seen from the trail connector and was installed during the Tevis era while Big Eared Bat Trail was suggested due to the Townsend's big-eared bats that roost in the garage near Alma Cultural Landscape. Ms. Ottoboni explained staff had also identified Brigg's Creek Trail and Eagle's Flight Trail as potential alternative names.

Director Kersteen-Tucker requested staff to address the public comment regarding the cost for changing trail names.



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Mr. Smith stated for all the trail signs it would be approximately \$3,000 - \$4,000.

Chair Gleason inquired about the story for the radio tower and if additional information is available on whether it is real.

Assistant General Manager Brian Malone confirmed there was a radio tower and there was equipment to receive transmissions. Members of Alma College told the story and it has been documented in a history resources report but the documentation is not definitive.

Chair Gleason inquired why some trail segments have two proposed names while others have only one proposed name.

Ms. Ottoboni said there was not a strong consensus from either staff during the voting process or from Management Team for the segments with two proposed names. Staff closely voted for three to four options which were narrowed to two by the Management Team.

Public comment opened at 2:22 p.m.

Ms. Nelson reported there were no public speakers for this item.

Public comment closed at 2:22 p.m.

Director Kersteen-Tucker expressed a preference for Thimbleberry Trail for segment 2.

Chair Gleason stated his preference was for nature-based naming. He appreciates the interpretive programs and the nature-based naming is a good opportunity to lead hikes and speak about nature. The trail naming according to plants and animals would be particularly well coordinated with docent led tours. He thanked Mr. Siemens family for being present at the meeting and expressed gratitude for the opportunity to name a trail after Mr. Siemens who contributed so much to the District and Los Gatos in general.

Director Kersteen-Tucker concurred it is a fitting tribute to Mr. Siemens and his legacy with the District and thanked Mr. Siemens' family for attending the meeting.

Director Kersteen-Tucker inquired and received confirmation that there will be a trail dedication. Staff will provide details on when it will take place.

**Motion:** Director Kersteen-Tucker moved, and Director Gleason seconded the motion to:

1. Review and affirm renaming the existing Alma Trail in western Bear Creek Redwoods Open Space Preserve as Upper Pete Siemens Trail
2. Review and affirm the following recommended trail names for Phase II Trail segments:
  - a. Segment 1 – Lower Pete Siemens Trail
  - b. Segment 3 – Toad Hollow Trail
  - c. Segment 4 – Oak Knoll Trail
  - d. Segment 5 – Myotis Trail
  - e. Segment 6 – Beaver Trail
  - f. Segment 7 – Salamander Springs Trail
  - g. Segment 9 – Radio Hill Trail
  - h. Existing ADA-accessible path – Almadale Trail

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3. Review and select a preferred trail name for the following Phase II Trail segments:
  - a. Segment 2 – Thimbleberry Trail
  - b. Segment 8 – Big Eared Bat Trail
4. Forward a recommendation to consider approval of all the proposed new trail names to the full Board of Directors.

**ROLL CALL VOTE: 2-0-0 (Cyr absent)**

### **ADJOURNMENT**

Chair Gleason adjourned the meeting of the Legislative, Funding, and Public Affairs Committee at 2:44 p.m.

Shaylynn Nelson  
Deputy District Clerk