

Tamalpais Community Services District

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ORDINANCE NO. 94

AN ORDINANCE OF THE TAMALPAIS COMMUNITY SERVICES DISTRICT REGULATING THE USE OF PARKS, TRAILS, AND RECREATION FACILITIES

RECITALS

WHEREAS, Tamalpais Community Services District has the authority to manage and control its parks, trails, and recreational facilities and may enact and enforce such regulations and rules that are necessary or appropriate to promote park, trail, and recreation purposes and to ensure the public's health, safety and welfare in the usage of their parks, trails, and recreational facilities; and,

WHEREAS, the District's Board of Directors desires to set forth regulations governing the use of public parks, trails, and recreation facilities to ensure the safety and enjoyment of park, trail, and recreation facility users.

NOW, THEREFORE, the District Board of the Tamalpais Community Services District does hereby ordain as follows:

SECTION 1 The District Code is added as follows:

PARKS, TRAILS AND RECREATIONAL FACILITIES

General Provisions

The purpose of this chapter is to regulate the use of parks, trails, and recreational facilities of the District for the optimum use and enjoyment of the residents of the Tamalpais Community Services District; to establish standards to prevent the misuse and destruction of the facilities; and to establish regulations to promote the safety and comfort of users of the facilities as well as persons residing or owning property in the vicinity of the facilities.

Definitions

For the purpose of this chapter, the following terms, phrases, words, abbreviations and their derivations shall have the meaning given herein:

"Commission" means the Park and Recreation Advisory Commission of the Tamalpais Community Services District.

"District" means the Tamalpais Community Services District.

"General Manager" means the District's General Manager or his/her authorized representative.

"Park" means and includes all grounds, trails, buildings, improvements, and areas dedicated by the District for use by the public for outdoor recreation or open space purposes, and any part, portion, or area thereof whether developed or undeveloped or over which the District has acquired right of use for such purposes.

"Person" means any kind of person, firm, partnership, association, corporation, company, or organization of any kind.

"Trail and Recreational Facilities" means and includes all grounds, open space, buildings, improvements, and areas dedicated by the District for use by the public for indoor or outdoor recreation.

"TCSD" means the Tamalpais Community Services District.

"Vehicle" means 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. Exception is made for baby carriages, strollers, and wheelchairs, and for vehicles in the service of the District.

Posted Park Rules

The TCSD General Manager may post rules and regulations for specific parks, open spaces, or buildings in a conspicuous place where they apply. Such rules and regulations shall be consistent with this chapter, and for the purpose of protecting users of the District's parks, open spaces, trails, and properties and the public health, safety, and welfare. Violation of these posted rules and regulations is an infraction, provided that such rules and regulations have been approved by resolution of the TCSD Board of Directors.

Compliance with Rules Required

Any person entering, being in, or remaining in or upon any District park or recreation facility of the District shall comply with the provisions of this chapter, all other related provisions of this Code, and any posted park and trail rules.

Emergency Closures

The TCSD General Manager shall have the authority to close any part or portion of any park, trail or recreation facility and require the exit of all persons therein when it is determined that conditions exist in said park or trail or portion thereof which present hazards to the park or to public safety (i.e., flooded sites, damaged facilities).

Scheduling

The TCSD General Manager shall have authority to schedule and regulate the time, place, and manner of recreational, maintenance and/or construction activities in or upon a park, trail, or recreational facility in order to prevent congestion and to secure the maximum use thereof for the comfort and convenience of all.

USE PERMITS

Temporary Exclusive Use Permit - Applicable Conditions

Applies to Eastwood Park, Kay Park, the Recreational Cabin, and the Tamalpais Valley Community Center.

Designated Park and Recreation facilities shall be made available for the temporary exclusive use of persons subject to the completion and approval of a District application and are subject to any reasonable conditions relating to the use thereof and/or the payment of any reasonable fees therefore as may be hereafter adopted by the District. Exclusive use permits may take the form of rental agreements, special event permits, or reservations. Any user who has made a reservation has priority over a user who has not made a reservation.

Rental Agreements - Community Center Rules and Regulations

The Tamalpais Valley Community Center is a historic building available for rental events. Detailed rules and regulations for use of this facility are published on the District's website and are incorporated herein by reference, as they may be revised from time to time by resolution of the Park & Recreation Advisory Commission or the TCSD Board of Directors.

Temporary Exclusive Use Permit - Rules Compliance, Liability, Transferability

A permittee shall comply with all recreation, park and facility rules and regulations and all applicable ordinances and laws. A permittee shall be liable to the District for any and all damage to facilities owned and operated by TCSD that results from the activity of the permittee. No permit for temporary exclusive use of any facilities shall be transferred without District approval.

Temporary Exclusive Use Permit - Insurance

TCSD may require a permittee to provide public liability and property damage insurance and indemnification provisions as may be appropriate to protect the park and recreation facilities and the public using such areas and facilities in absence of this, the District may provide insurance at the users expense.

PROHIBITED ACTS

Merchandising, Advertising, and Signs - Prohibited Acts

Unless expressly authorized by the TCSD General Manager, no person, while in any park shall:

- A. Vend, peddle, offer for sale, teach, offer to instruct, sponsor a program or service for a fee, unless they are a permitted community organization, permitted vendor, regularly licensed concessionaire, or independent contractor acting by and under the authority and regulation of TCSD.
- B. Announce, advertise, or call the public attention in any way to any article or service for sale or hire; or
- C. Paste, glue, tack, or otherwise post any sign, placard, advertisement, or inscription whatever. An exception is made with respect to signs advertising the events of TCSD, which shall be allowed under the following guidelines:
 - 1. Signs must be professionally made;
 - 2. Signs may not be posted more than 4 weeks before the event;
 - 3. Signs must be removed within 24 hours after the event;
 - 4. Any signs not meeting the requirements of this section will be removed.

Hours

All parks and recreational facilities therein, including parking lots serving said areas, shall be closed to the public one (1) hour after sunset and shall remain closed until sunrise the following day with the following exceptions:

- A. Such areas may remain open during any program conducted or authorized by the District and for one (1) hour after the completion thereof;
- B. Lighted parking lots will be closed as posted.

Activities in Parks - Prohibited Acts

Unless expressly authorized by TCSD, no person, while in any park, shall:

- A. Practice, play, or in any way engage in the sport of archery;
- B. Play or engage in organized sports or games except on areas suitable and set apart for such use, and with suitable equipment and performed in a manner as to provide for reasonable protection to both the individuals and property;
- C. Operate powered or line-attached model crafts of any kind or description except in areas provided for such specific activities;

- D. Camp, lodge, or remain overnight;
- E. Bring, land, or descend any aircraft, ballon, parachute, hang glider, or other apparatus used for aviation purposes;
- F. Play, practice, or in any way engage in the game of golf;
- G. Interfere with the permitted use and enjoyment of a user who has a temporary exclusive use permit;
- H. Picnic or lunch in a place where notice has been placed prohibiting the consumption of food;
- I. Consume, possess, serve, or cause to be served, any alcoholic beverage of any kind in any park or trail area or facility without appropriate permission from TCSD (applies to groups of 12 or more);
- J. Give, present, or engage in any exhibition, show, play, performance, dance or concert for money, checks, credit, or representative of value that is redeemable in money without the appropriate permit fees paid to TCSD;
- K. Use electrical amplifying equipment. Authorized use shall be subject to the following conditions: the number of loudspeakers, their volume, location, direction, power output, and the hours during which they may be used shall be subject to written approval of TCSD;
- L. Operate a portable gas or solar-powered generator to power any electrical equipment unless as a condition attached to a temporary exclusive use permit issued. This includes any inflatable equipment which can only be used at the Recreational Cabin site;
- M. Use of any restroom or washroom not provided for his/her sex, other than a child under the age of six (6) year accompanied by a parent or a disabled person accompanied by an attendant;
- N. Fire, possess, sell, display, or discharge any firecracker, torpedo, or similar fireworks (including safe and sane fireworks);
- O. Possess, shoot, discharge, or otherwise operate any firearm, pellet gun, bb gun, paintball marker, or paint gun, airsoft gun, or any other weapon or projectile device that is propelled by explosives, spring, compressed air or gas, or electric device;
- P. Possesses other dangerous weapons potentially putting persons or animals at risk including, but not limited to, slingshots, hunting knives, machetes, daggers, swords, axes, hatchets, or martial arts weaponry;
- Q. Throw rocks or other projectiles likely to cause injury or damage to any person, animal or property;

- R. Climbing of trees on TCSD-owned parks, trails, or open space;
- S. Erect an inflatable jump house, inflatable slide, or other temporary play structure in an area or facility not already approved by TCSD;

Authorization by the TCSD General Manager shall not relieve any person so authorized from complying with all applicable ordinances and laws and securing all necessary permits and applications that are otherwise required.

Activities in Tennis Courts - Prohibited Acts

Courts are to be used for tennis only and are to be used on a first-come, first-served basis. Any other type of equipment is strictly prohibited. No person, while on the tennis courts of the District, shall:

- A. Wear footwear other than soft, rubber-soled shoes;
- B. Bring a bicycle, skates, skateboard, or other vehicle onto the courts;
- C. Occupy a court for longer than one (1) hour if others are waiting to play
- D. Hold a court while waiting for a partner to arrive if others are waiting to play; or
- E. Bring any animal onto the courts.

Injury or Misuse of Parks and Trails - Prohibited Acts

No person while in any park or on a District trail shall:

- A. Possess, use, dump, deposit, place or leave any glass containers, including bottles and broken glass;
- B. Dump, deposit, place, or leave any ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, dead animals, refuse, or other trash except in the proper receptacles where these are provided; where receptacles are not provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence;
- C. Throw, discharge, or otherwise deposit or cause or permit to be placed into the waters of any drinking fountain, storm sewer drain, sanitary sewer, or drain flowing into waters of the State, any substance, matter, or thing, liquid, solid or gas, which materially impairs the usefulness of such water for persons or the habitability of such water for any animal, bird, fish, or reptile that drinks, swims in or otherwise uses such water;
- D. Cut, trim, prune, break, dig up, pluck, remove, or take away or in any manner injure or destroy any plants;

- E. Destroy, deface, mark, or write upon, paint upon, or otherwise mar or injure any park property, including paved surfaces, buildings or structures;
- F. Make any campfire or bonfire other than designated BBQ structures;
- G. Use barbeque equipment in any place other than in areas provided for that purpose. Barbeques may not be left unattended. Used coals and ashes should be left in place and may not be disposed of anywhere else in parks;
- H. Use or attempt to use or interfere with the use of any table, place, or facility within said parks and facilities which at that time is reserved for any other person or group, which has received a permit from the District; or
- I. Spill, drop, or otherwise leave any paintballs, paint, or stain, even if temporary.

Animals in Parks.- Prohibited Acts

Unless expressly authorized by the General Manager, no person while in any park or trail shall:

- A. Capture, hunt, molest, injure, frighten, trap, kill, tease, or hurt, throw or otherwise project objects at any wild or domestic fowl, animal, reptile, fish, or bird;
- B. Except as provided within this document, let loose or permit to run at large, lead or otherwise bring any horse, dog or other animal, reptile, bird, or fowl of any kind; nor bring any living thing that constitutes a safety hazard or a public nuisance as defined in Section 3479 of the California Civil Code;
- C. Permit a dog in any park unless such dog is under complete voice control of its owner or custodian at all times, or led by a leash of suitable strength not more than six (6) feet in length. Dogs, even leashed dogs, are prohibited in all children's play areas. No more than three dogs per human supervisor;
- D. Leave any animal in any place without provision for its proper care;
- E. Abandon any animal, bird, fish, or reptile in any park; or
- F. Permit any animal to defecate upon a park or trail unless the person immediately removes the feces and properly disposes of it. Prevent dogs from digging or damaging lawn or planting areas.

Operation of Bicycles, Skates, Skateboards, Non-Motorized Scooters, and Motorized Vehicles - Prohibited Acts

To provide by reasonable protection to both individuals and property, no person while in any parks:

- A. Ride a bicycle dangerously, use skates or a skateboard or other vehicle in only designated areas or pathways. Notwithstanding the above, a bicyclist shall be permitted to wheel or push a bicycle by hand over any grassy area or paved area reserved by pedestrians. All bikers must abide by all safety rules and give pedestrians the right of way at all times;
- B. Leave a bicycle in a place other than a bicycle rack when such is provided and there is a space available;
- C. Park any motorized vehicle in a District park, trail, or recreational area or facility except in parking lots;
- D. Bring any motorized vehicle into a District park, trail, or recreational area or facility; or
- E. Bring a bicycle, skates, skateboard, or other vehicle onto the tennis courts.

Consumption of Alcoholic Beverages Prohibited - Exceptions

Unless expressly authorized by the TCSD, it shall be unlawful for any person to consume any alcoholic beverage in park and recreational facility without the approved TCSD permit (applies to groups of 12 or more).

ENFORCEMENT AND PENALTIES

Violation - Penalty

Violations of the requirements of this chapter, including terms of any permit issued pursuant thereof, will be deemed infractions; except that second and subsequent violations within a one-year period may be charged as misdemeanors. Infractions and misdemeanors may result in eviction or banishment from District properties and confiscation of unpermitted or illegal items, fines, or arrest.

Restitution

In addition to, and not in lieu of, any other penalties that may apply to violations of this chapter, the District may seek a court order of restitution in small claims court or pursuant to California Penal Code Section 1202.4 or other applicable law. Subject to applicable law, the District may seek restitution in an amount sufficient to fully reimburse the District for every economic loss incurred as a result of a violation of this chapter. Such amounts may include, but are not limited to, amounts necessary to cover the cost of replacing or repairing damage to District property including staff time, interest, and attorney's fees incurred to collect restitution.

Fines

A schedule of fines for various infractions has been published and is incorporated herein by reference, as it may be revised from time to time by decision of the Park and Recreation Advisory Commission and the TCSD Board of Directors.

Appeals

Any person aggrieved by a District staff determination of a violation may request consideration of this decision by the General Manager in accordance with the procedures set forth in this document. A person aggrieved by the final decision of the General Manager may further appeal to the District Board of Directors in the same manner.

Severability

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

Effective Date

Upon adoption, this Ordinance shall be entered into the minutes of the District Board of Directors meeting and a summary shall be published in the Marin Independent Journal within 15 days after adoption, and this Ordinance shall take effect and be in force and effect immediately after the following adoption.

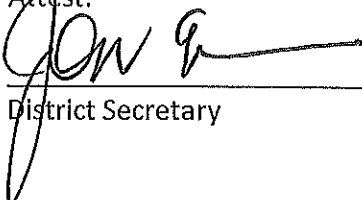
PASSED, APPROVED, AND ADOPTED THIS 12TH DAY OF MARCH, 2014

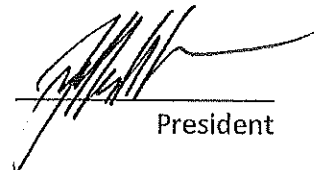
AYES: JEFF BROWN, STEFFEN BARTSCHAT, JIM JACOBS, GRETCHEN STAGG, STEVE LEVINE

NAYS: 0

ABSENT: 0

Attest:


District Secretary


President