

VI. DISTRICT ORDINANCES AND APPLICABLE STATE LAWS

Chapter I - Definitions

Section 100. Title. The rules and regulations contained herein shall be known as "Regulations of Use of Monterey Peninsula Regional Park District Lands" and may be referred to as such or as "land regulations".

Section 101. Purpose. In order to provide responsible stewardship for District lands, to establish orderly use and to maintain natural and quiet environment for persons on the lands, these regulations are adopted.

Section 102. Definitions. Unless the context otherwise requires, the definitions hereinafter set forth shall govern the construction of these regulations.

Section 103. District, Lands Defined. "District" means the Monterey Peninsula Regional Park District, and "District Lands" refers to all property owned by the District.

Section 104. Person Defined. "Person" means any individual, firm, corporation, club, municipality, district or persons whenever acting for themselves or by any agent, servant, or employee.

Section 105. Permit or Permissions Defined. Unless otherwise expressly provided herein "permit" or "permission" means permission, granted by the General Manager of the Monterey Peninsula Regional Park District or an authorized representative.

Section 106. Board Defined. "Board" means the Board of Directors of the Monterey Peninsula Regional Park District.

Section 107. 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.

Chapter II - Regulations

Section 200. General Regulations.

200.1 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 conditions of any permit, the lawful order or other instruction of any District employee or peace officer appointed by the Board, the laws of the State of California, and all applicable county and/or municipal ordinances.

200.2 The provisions of this ordinance shall not apply to employees of the District or to its lessees or their employees engaged in and acting within the scope of their authorized duties and landlord and tenant activities. However, District employees and tenants and their employees shall abide by the laws of the State of California and all applicable county and/or municipal ordinances.

Section 201. Special Regulations. Special regulations enacted for an area or an subject do not preclude the application of general regulations unless expressly so indicated.

Chapter III - General Rules

Section 300. Authority. All sections of this ordinance are adopted pursuant to Section 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. P.R.C. Section 5560.1 - In order to protect property, improvements, and facilities of parks under its management or belonging to the District and to preserve the peace within such parks, the District Board may confer, on uniformed park employees which it may designate, the authority to issue citations for misdemeanor and infraction violations of state law, city or county ordinances, or District regulations or ordinances, when the violation is committed within a District park and in the presence of the employee issuing the citation. The citations shall be issued in accordance with P.C. 853.5.

Section 301. Violations of Ordinance. Any violation of this ordinance or of any rule or regulation adopted by the District is an infraction except for those violations which are set forth in this ordinance, or any amendment thereof, as misdemeanors. Provided, further however, that the second offense of any violation which is an infraction shall be deemed a misdemeanor, and prosecuted accordingly.

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; and the Board of Directors declares that this ordinance, and each chapter, section, subsection, paragraph, sentence, and clause thereof would have been adopted irrespective of such possible finding of invalidity or unconstitutionality, and to this end, the provisions of this ordinance are hereby declared to be severable.

Section 303. Amendment of Repeal. Where a section herein or rule or regulation adopted pursuant thereto is amended or repealed, acts and commissions prior thereto may be prosecuted as though such section, rule or regulation had not been so amended or repealed.

Chapter IV - Park Uses: General

Section 400. Park Hours. The Board shall establish hours when District lands are open for public use. Park hours shall be posted at the entrance to District lands and other appropriate areas.

Section 401. Picnicking. No person shall engage in formal picnicking (table with barbecue) except in areas where such facilities are designated by the District for such use. Informal picnicking (without table/barbecue) may be enjoyed on District lands except in areas where such activity is expressly prohibited by the District.

Section 402. Camping. No person shall camp overnight or maintain a camp on District land without written permission from the District or its authorized representative.

Section 403. Swimming. No person shall swim or wade in any water area on District lands except in those areas designated for that purpose.

Section 404. Fires and Park Closures. No person shall smoke or build, light, or maintain any open or outdoor fire at any place on District lands, except in areas or at facilities provided and designated for this purpose. Upon the finding of extreme fire hazard by the District Manager or an authorized representative, and after consultation with the local fire agency, the District lands shall be closed to all public entry and use.

Section 405. Prohibited Area. To insure the safety and health of persons, to avoid interference in development, construction, and management, or to provide for the security, safeguarding, and preservation of District lands and facilities, the District Manager or an authorized representative may from time to time upon such finding declare an area closed, prohibited, or limited to further entry, and specify the period therefore. If the order is to limit the number of persons in an area, no person shall enter the area unless specifically authorized by the District Manager or an authorized representative.

When by order a prohibited or limited area has been so declared, no person so prohibited shall during the effective period therefore enter therein, and all prohibited persons within such area at the time it is so declared shall leave the same without any appreciable delay, and in so doing shall obey and abide by all instruction of the supervising District employee.

Section 406. Obstructions. No person shall continue to engage in any course of conduct on any District lands after he or she is advised by a Ranger or other District employee or agent having authority to regulate or manage the area, that such conduct unreasonably and unnecessarily impairs or limits the lawful use and enjoyment of such facility or area by other person, or impairs the ability of any District employee or agent to perform his or her authorized duties and activities, because such conduct is causing a

material, physical obstruction to (i) the normal lawful movement of other persons in or through the area, or (ii) the normal access of other persons to any District facility or area.

Section 407. Assembly. It shall be unlawful for any person or group to conduct a group meeting, rally, or similar gathering on District lands without first obtaining a permit from the District for the use of the specific area or facility involved. No such permit shall be granted if it is found that the time, place and/or size of the meeting, rally, etc., will disrupt or unreasonably interfere with the normal use, operation or management of the site or facility or have an adverse impact on the ecological characteristics thereof.

Section 408. Miscellaneous Dangerous Activities. No person shall engage in any of the following activities on District lands:

408.1 Use or possess fireworks of any kind.

408.2 Drive, chip, or in any other manner play or practice golf, or hit golf balls.

408.3 Operate self-propelled model airplanes, boats, automobiles, or other model craft of any kind or description.

408.4 Throw, release, or discharge missiles, rockets, or similar projectiles.

408.5 Hang-glide or parachute.

408.6 Engage in any activity or operate any device recklessly or negligently so as to endanger the life, limb or property of any person.

408.7 Carry in or possess any gun or firearm, spear, bow and arrow, cross bow, sling shot, air or gas weapon, or any other dangerous weapon.

Section 409. Alcoholic Beverages. Only beer and wine shall be possessed or consumed on District lands; other alcoholic beverages are prohibited. Alcoholic Beverage Control Law of the State of California shall apply.

Section 410. Removal of Signs. No person shall remove any sign duly erected or posted on District lands.

Chapter V - Park Uses

Motor Vehicles, Biking, Hiking and Equestrian Trails

Section 500. Motor Vehicles. No motor vehicle may be operated on District lands except on established roads that are so designated or unless a special permit or

permission is granted. Motor vehicle includes but is not limited to motorcycles, off-road vehicles, "dirt bikes", and similar vehicles.

Section 501. Parking. Parking of motorized vehicles shall be restricted to the parking area provided and for the parking of motorized vehicles only during hours when District lands are opened for public use.

Proposed Amendment. No person shall park a motor vehicle, except in compliance with the directions of a District employee, in any of the following places:

- 501(a) in areas posted by "no parking" signs
- 501(b) in any fire lane
- 501(c) within 15' of a fire hydrant
- 501(d) in such a manner as to block any gate, entrance, or exit
- 501(e) in such a manner as to obstruct the free flow of traffic
- 501(f) in areas posted for permit parking without a valid permit
- 501(g) adjacent to any red curb

Section 502. Equestrian Uses. No horse, saddle, or pack animal may be ridden on District lands except on established trails that are so designated or unless a special permit or permission is granted. No person shall ride, lead, or keep any saddle or pack animal in a reckless or negligent manner so as to endanger the life, limb, or property of any person or animal. No person shall allow his or her saddle or pack animal to stand unattended or insecurely tied.

Section 503. Gates. Any person opening a gate shall close the same after passing through it.

Section 504. Bicycles. No bicycle may be operated on District lands except on established trails that are so designated, or unless a special permit or permission is granted. No person shall operate a bicycle in a reckless or negligent manner so as to endanger the life, limb, or property of any person or animal. Bicycle includes, but is not limited to, mountain bicycles, cross country, street, and similar non-motorized vehicles.

Chapter VI - Park Uses Commercial Revenue

Section 600. Soliciting. No person shall solicit, sell, hawk, or otherwise peddle any goods, water, merchandise, liquids, or edibles for human consumption on District land except by concession or written permission granted by the District.

Section 601. Grazing. No person shall permit cattle, sheep, goats, or any animal to graze on any District lands except with written permission of the Board.

Section 602. Harvesting. No person shall plant, cultivate, or harvest any agricultural crops on District lands except with written permission of the Board.

Chapter VII - Park Features Protection

Section 700. Hunting. No person shall hunt, molest, disturb, injure, trap, take, net, poison or harm any animal, whether living or dead, or remove, destroy or in any manner disturb the natural habitat of any animal.

Section 701. Dogs, Animals. No person shall bring or allow any dog or other pet onto District lands unless said animal is on a leash not over seven (7) feet long, or under the immediate voice command of a person, or confined in a vehicle. No person who brings a dog or other pet onto District lands shall allow said animal to molest or annoy any park user or other animal or wildlife on District lands.

Section 702. Abandoned Animals. No person shall abandon a dog, cat, fish, fowl, or other animal on District lands.

Section 703. Geological Features. No person shall damage, injure, collect, or remove earth, rocks, sand, gravel, fossils, minerals, features of caves, or any article or artifact of geological interest or value located on District lands, without written permission from the District. Such permission shall be granted solely for research, interpretative, educational or operational purposes.

Section 704. Defacement of Property. No person shall cut, carve, paint, mark, paste, or fasten on any tree, fence, wall, building, monument, or other property on District lands, any bill, advertisement, directional or informational signs, or inscription whatsoever.

Section 705. Vegetation. No person shall pick, dig up, cut, destroy, injure, burn, or remove any tree or plant, including but not limited to, flowers, foliage, humus, shrubs, cones, deadwood, etc., without written permission from the District. Such permission shall be granted solely for research, interpretation, educational or operational purposes.

Section 706. Archaeological Features. No person shall remove, injure, disfigure, or destroy any object of archaeological or historical interest or value without written permission from the District.