

Tamalpais Community Services District

ORDINANCE NO. 64

AN ORDINANCE IMPOSING RULES AND REGULATIONS, AND IN CERTAIN CASES, IMPOSING FEES, FOR THE USE OF THE PARK AND RECREATION FACILITIES UNDER THE JURISDICTION OF THE TAMALPAIS COMMUNITY SERVICES DISTRICT

WHEREAS, the Tamalpais Community Services District (“TCSD” or “District”) is enabled under Cal. Gov. Code 61000 et seq. to develop, maintain and operate park and recreation facilities and programs within its boundaries; and,

WHEREAS, Cal. Gov. Code 61621.5(b) provides that the District may, by ordinance, adopt regulations pertaining to the use of its park and recreation facilities, including the imposition of reasonable fees for the use of such facilities; and,

WHEREAS, Cal. Gov. Code 61621.5(b) further provides that the violation of regulations pertaining to the use of TCSD park and recreation facilities is a misdemeanor; and,

WHEREAS, it is the intent of the Board of Directors of the TCSD that the District’s park and recreation facilities be operated and used in a responsible manner, for the enjoyment and benefit of all District residents and others; and,

WHEREAS, through written and oral communication, the District has been apprised by residents in the vicinity of certain TCSD parks that at times the intensity of use of such parks is detrimental to the tranquil character of the neighborhoods in which these parks are located; and,

WHEREAS, after review and consideration of the aforementioned communication, the TCSD Parks and Recreation Commission has recommended and the District Board of Directors have determined that in order to curtail unanticipated and unintended intense use of District park and recreation facilities, certain rules and regulations should be imposed, and furthermore, that reasonable fees should be imposed when warranted as a means of allocating available space at District park and recreation facilities; and,

WHEREAS, the District Board of Directors regards the imposition of reasonable fees for the use of the District's park and recreation facilities as those necessary to recover the costs of enforcing and administering park rules and regulations, and to recover maintenance and management costs attendant to the uses for which such fees might be imposed; NOW, THEREFORE, BE IT

ORDAINED by the Board of Directors of the Tamalpais Community Services District that the following rules, regulations, procedures and fees are enacted:

Section I. General Regulations

From time to time, the TCSD Board may promulgate rules and regulations pertaining to the Parks, and, by resolution, adopt such policies as it sees fit to ensure appropriate management and administration of the District land and facilities. All persons entering upon lands or using facilities managed by the District shall comply with applicable federal, state, county and local laws and regulations and with posted signs.

Section II. Enforcement

Any District employee, or designee or any peace officer shall have the authority to enforce these regulations and to eject any person acting in violation of these regulations from the lands or facilities managed by the District or otherwise revoke their permission to use such lands or facilities.

Section III. Closure of Lands and Facilities

Lands and facilities managed by the District may be closed to the public or have public uses restricted during an emergency or for health, safety, maintenance or management purposes.

Section IV. Permits, Licenses and Fees

The District may issue permits and licenses and may charge fees for use of lands and facilities managed by the District. Charges for permits, licenses and fees shall be determined by resolution of the Board from time to time and may include admission fees, parking fees, park use fees, facility use fees, reservation fees and charges for expenses incurred by the District, such as labor, equipment costs, disposal costs, overhead, etc. The District manager has the authority to condition any permit with requirements that he or she deems necessary to protect the District or the Public. Permits are not transferable and may be revoked for failure to comply with any provision of the permit or applicable portions of these regulations. When issued, permits must be carried as directed at all times when using lands or facilities managed by the District.

Section V. Group Use

No group, gathering, school, club or similar organization, whether formerly organized or not, shall hold or conduct any activity on lands or facilities managed by the District with twelve (12) or more participants without prior written approval from the District and securing of all required permits. Group use of lands or facilities managed by the District is subject to conditions, prior reservations, charges and any requirements of permits.

Section VI. Non-permitted Activities

No person, group, gathering, school, club or similar organization, using lands or facilities managed by the District shall engage in activities which endanger property, public safety or environmental resources, or violate any federal, state, county or District law, or regulation on posted signs. No person shall make or cause to be made any loud, unnecessary or unusual noise which causes discomfort or annoyance to any reasonable person of normal sensitivity. Non-permitted activities include, but are not limited to:

- (a) use of the park between dusk and dawn;
- (b) use of any amplified sound;
- (c) use of park without all required permits;
- (d) participating in any activity which endangers property, public safety or environmental resources, or violates any federal, state, county or District law, or regulation on posted signs.

Section VII. Penalty

The violation of this ordinance shall be deemed an infraction punishable upon a first conviction by a fine of not more than fifty dollars (\$50.00) for the first offense, and for a second conviction within a period of one year by a fine of not more than one hundred dollars (\$100.00), and for a third or any subsequent conviction within a period of one year by a fine of not more than two hundred fifty dollars (\$250.00).

Section VIII. Severability Clause

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The District hereby declares that it would have adopted the ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section IX. Effective Date

Upon adoption of this ordinance, it shall be entered in full in the minutes of the Tamalpais Community Service District Board meeting, be posted within fifteen (15) days after passage in three (3) public places within the District, there being no newspaper of general circulation printed and published in the District, and shall take effect thirty (30) days after passage.

The foregoing ordinance was introduced, adopted and ordered posted at a regular meeting of the Board of Directors of the Tamalpais Community Service District, held on March 11, 1997, by the following vote:

AYES: President Judith Chapman, Directors John Walker, Alan Eliot
and John Eliot

NAYS: Sheila Whittle

ABSENT: None



President, Board of Directors

ATTEST:



Secretary